

MEETING DATE: July 8, 2010

AGENDA ITEM: Discussion Regarding Designating Commission Representative(s) to Attend the July 26, 2010 City Council Meeting to Be Present For the Council Discussion on the Role of City Commissions.

ATTACHMENTS

	<u>Pages</u>
A. Sections of the Culver City Municipal Code Relating to the Parks, Recreation and Community Services Commission	1 - 2
B. Resolution Number 2007-R029 adopting City Council Policy 2007-01: "City Commissions"	3 - 10
C. Summary of Previous PRCS Commission and Commission/Council Subcommittee Discussions on the Commission's Duties and Responsibilities	11 - 16
D. April 5, 2010 Council Agenda Item A-2, " <i>A Report from the City Manager Related to the Council/Commission Subcommittee regarding the Role of Commissions,</i> " with (unduplicated) Attachments	17 - 30

PARKS AND RECREATION COMMISSION

§ 3.03.100 TITLE.

The Park Commission, as provided for in the Charter of the City, shall be known as the Parks and Recreation Commission.

('65 Code, § 2-74) (Ord. No. CS-290 § 1; Ord. No. CS-705 § 1; Ord. No. CS-942 § 2; Ord. No. 2002-005 § 3 (part))

Cross-reference:

Parks, public buildings and property. see Ch. 9.10

§ 3.03.105 MEMBERSHIP; TERM; EXPENSES.

Members shall receive no compensation for their services as such, but may be reimbursed if the City Council so directs, in an amount to be fixed by the Council for out-of-pocket expenses and costs imposed on them in serving on such Commission. Members of said Commission shall serve for a term of four (4) years and until their respective successors are appointed and qualified. The City Council shall so arrange the terms of said members so that the term of at least one member and not more than two members shall expire in each succeeding year, and unexpired terms shall be filled by appointment only for the unexpired period of the appointee whose term was not completed. The Commission shall, following the first day of July of each year, organize, appoint a secretary, and adopt rules and regulations for the conduct of its meetings and proceedings, as provided in § 1102 of the City Charter.

('65 Code, § 2-75) (Ord. No. CS-290 § 1)

§ 3.03.110 ABSENCE FROM MEETINGS.

Any Commissioner who is absent from three (3) consecutive meetings of the Commission or a total of five (5) meetings in any six (6) month period shall thereby automatically forfeit his membership in said Commission, provided, however that there shall be no such forfeiture in the event of any of the following:

- A. When a Commissioner is unable to attend due to illness or physical incapacity;
- B. When a Commissioner is unable to attend because of business or vacation;
- C. When the City Council had determined before forfeiture that an absence is justified.

('65 Code, § 2-75.1) (Ord. No. CS-607 § 1)

§ 3.03.115 POWERS AND DUTIES.

The Commission shall have the following powers and duties:

- A. To act in an advisory capacity to the City Council in all matters pertaining to public recreation, parks, playgrounds, music and entertainment;

B. To recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life without regard to race, religion, sex, color or national origin and to receive, hear and investigate complaints of discrimination based on race, religion, sex, color or national origin;

C. To investigate the requirements of the City as to park, playground and recreation facilities and after such investigation formulate a practical program for the development of such facilities and make such recommendations to the City Council for the adoption of said program as it may deem proper;

D. To investigate the possibilities of parkway beautification and tree planting, develop plans for the general beautification of public property through the planting of flowers, grass, shrubs and trees and recommend to the City Council for adoption such program or programs related to said beautification plans as it may deem practical and proper;

E. To study and, from time to time, make recommendations to the City Council for the proper care and maintenance of parks, playgrounds, parkways, and the like, and use its best efforts to promote a general City-wide program of beautification and park and playground development.

F. Subject to the approval of the City Council, to determine the variety of trees, shrubs and plants that may be planted in, upon or along any street, or any portion thereof, and the distance apart at which such trees, shrubs and plants shall be planted.

(65 Code, § 2-76) (Ord. No. CS-290 §§ 1.2.111.2; Ord. No. CS-942 § 3)

§ 3.03.120 TERM LIMITS.

A. No person shall serve more than two (2) consecutive full terms as Commissioner. If a person serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

B. All consecutive Commission terms shall be counted for appointment upon April 17, 1996, the effective date of this section.

C. Nothing in this provision shall act as a bar to service as a Commissioner after at least two (2) years have elapsed from the last full term as Commissioner.

(Ord. No. 95-015 § 1)

RESOLUTION NO. 2007-R 029

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CULVER CITY, CALIFORNIA, AND ADOPTING CITY
COUNCIL POLICY STATEMENT 2007-01 RELATED TO
CITY COMMISSIONS**

WHEREAS, on May 29, 2007 at a regularly scheduled meeting of the City Council, the City Council discussed a proposed policy related to the City's Commissions; and

WHEREAS, the proposed policy reflects items which surfaced during a Special City Council Meeting held on February 24, 2007 which involved participation from the City Council, members of the City's Commissions, members of the City's Executive Management team, and members of the public; and

WHEREAS, through adoption of the policy attached hereto as Exhibit "A," the City Council desires to address the important issues discussed at the facilitated meeting on February 24, 2007 and provide consistent guidance to Commissions, their members and City Staff related to the operations of the City's Commissions and the standard of conduct for Commission appointees.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES RESOLVE as follows:

1. The City Council hereby adopts City Council Policy Statement No. 2007-001, entitled, "City Commissions," which City Council Policy Statement is attached hereto as Exhibit "A" to this resolution.

2. City Council Policy Statement No. 2007-01 shall be effective on July 1, 2007.

1 3. The City Manager is hereby authorized to format this policy statement in a
2 format consistent with other City Council Policy Statements and shall include the final
3 version of this City Council Policy Statement with other adopted City Council Policy
4 Statements.

5 4. The City Manager shall distribute this City Council Policy Statement to
6 interested parties, which include, but are not limited to: the City's Commissions and City
7 Staff.
8

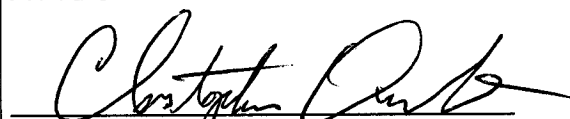
9 APPROVED and ADOPTED this 29th day of May 2007.

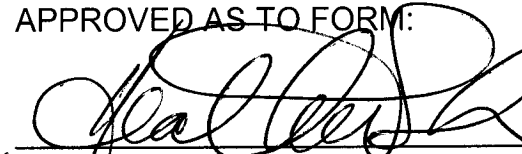
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12 ALAN CORLIN, MAYOR
City of Culver City, California

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14 ATTEST:

15 APPROVED AS TO FORM:

16 
CHRISTOPHER ARMENTA, City Clerk

17 
CAROL A. SCHWAB, City Attorney
18 for

City Council Adopted Policy 2007-01
Adopted by Resolution No. 2007-R029 on May 29, 2007
Subject Matter: City Commissions

PURPOSE

The purpose of this policy is to provide general guidelines on topics related to the City's Commissions. At the time of this policy's adoption by the City Council, the following four Commissions existed:

- Parks and Recreation Commission
- Planning Commission
- Civil Service Commission
- Cultural Affairs Commission

This Policy shall apply to all Commissions, both existing at the time of the adoption of this Policy and subsequent thereto and shall be consistent with the City Charter and other applicable laws.

BACKGROUND

This policy is a result of the facilitated meetings held in February, 2007 during which the City Council met with members of the City's Commissions and Executive Management. This policy addresses various issues raised during these meetings by City Councilmembers, City Commissioners, and Executive Management.

GENERAL ROLE OF THE CITY'S COMMISSIONS

The City of Culver City prides itself on the participatory nature of its local government. The City's Commissions play an important role in the efficient governance of the City, and provides interested community members with the opportunity to serve their fellow citizens.

As advisory bodies to the City Council, the Commissions' advice on topics within their purview, combined with factual research performed by City Staff, provide the City Council with a more complete picture of many issues. In the role of advisors to the City Council, Commissions administer policies adopted by the City Council. From time to time, Commissions may be asked to interpret and enforce City Council adopted policy. However, unless expressly provided the authority to do so by the City Council, Commissions shall not make policy.

COMMISSIONER CODE OF CONDUCT

As representatives of the City Council and the City, it is important that Commissioners set an example of conduct appropriate for their key roles. Therefore, Commissioners are required to adhere to the following:

Preparation for Meetings

It is necessary for Commissioners to be prepared to discuss the items on the Agenda. Therefore, Commissioners should, whenever possible, be provided with agenda packets at least three business days prior to the meeting date. Questions should be posed to staff prior to the meeting to allow staff the time necessary to prepare and provide responses.

Punctuality/Attire

As part of making the City's government as open and accessible to the public as possible, the City Council has directed that meetings of all Commissions shall generally be televised. This, coupled with the public nature of the Commission meetings, makes it important for Commissioners to begin meetings on time. Further, when attending official City events, including monthly Commission meetings, Commissioners shall be appropriately attired. Business casual shall be the generally acceptable mode of attire.

Conduct at Meetings

In compliance with the State's Open Meetings Law, commonly known as "The Brown Act," Commissions can only take action on items that appear on the Agenda. Commissioners wishing to have an item agendaized for discussion must obtain a majority of Commissioners' support to place an item on a future agenda. Commissioners who believe they may have a concern related to Brown Act compliance shall consult with the City Attorney.

While considering items at Commission meetings, disagreements may arise which is normal and part of the process in a participatory government. However, it is important that Commissioners conduct meetings with proper decorum and respect.

To facilitate proper decorum, Roberts Rules of Order shall be the parliamentary standard when conducting meetings.

Fair and Unbiased Consideration of Issues

Pursuant to the letter and spirit of the Brown Act and appropriate ethical standards, Commissioners shall approach items before the Commission in a fair and unbiased manner. Consistent with this requirement, Commissioners shall conduct themselves in an appropriate manner at all times, including prior to and during meetings and while in contact with the press and members of the public.

Role of the Chair

The Chair is the presiding officer of the Commission meeting. In that role, the Chair is responsible for maintaining order and decorum. The Chair calls the meetings to order, recognizes speakers, and manages the agenda. It is also the Chair's responsibility to ensure the person who has the floor is given the attention of other members and the public and is allowed to speak without undue or inappropriate interruption and members of the Commission, those addressing the Commission, and members of the Public are treated with due respect.

During certain proceedings, such as an official Public Hearing, legal procedures are in place to ensure all persons are able to address a Commission during consideration of an Agenda Item. The Chair is responsible for guiding the Commission's discussion in accordance with the procedures either contained in the staff report or reported by staff.

Meeting Minutes

Meeting minutes are an important summary of the actions taken by the Commission on items that appear on the Commission Agenda (Action Minutes). They are not meant to capture each word (Verbatim Minutes). To facilitate more rapid production and transmittal of the minutes, Staff shall prepare and Commissions shall approve Action Minutes similar to those produced for the City Council meetings. Commissioners or members of the public interested in additional information may seek a copy of the audio/video recording of the meeting.

With the adoption of this standardized form of minutes, it shall be the goal of each Commission to consider approval of their minutes at the next regularly scheduled meeting of their Commission.

Commissioner Misconduct

As appointees of the City Council, Commissioners serve at the pleasure of the City Council. Violations of this Code of Conduct shall be handled in the following manners:

- (1) Minor Misconduct: Issues will be reported to the Department Head of the department that provides staff support to the Commission. The Department Head shall then attempt to resolve the issue with the City Council Liaison, Commission Chair, and Commissioner.
- (2) Major Misconduct: Issues of this level will involve the City Council Liaison, Commission Chair, and the City Manager's Office.

In the case misconduct involves the Commission Chair, the Commission Vice Chair shall act in-lieu of the Chair

Additionally, the City Manager shall report Commissioner misconduct to the City Council.

Commissioner Attendance and Forfeiture of Commission Seat

Annually, in May, the City Manager shall provide the City Council with a summary of attendance by Commissioners at Commission meetings.

The Municipal Code provides for the following:

"Any Commissioner who is absent from three (3) consecutive meetings of the Commission or a total of five (5) meetings in any six (6) month period shall thereby automatically forfeit his membership in said Commission, provided, however, that there shall be no such forfeiture in the event of any of the following:

A. When a Commissioner is unable to attend due to illness or physical incapacity.

B. When a Commissioner is unable to attend because of business or vacation.

C. When the City Council has determined before forfeiture that an absence is justified.”

COMMISSION INTERACTION WITH THE CITY COUNCIL

One common theme discussed at the facilitated meetings was the importance of having regular interaction between the City Council and Commissioners. Therefore, the following shall be scheduled:

- Annual Joint Meeting of all Commissions with the City Council (at the regularly scheduled Commission meetings in September of each year); and
- Designation of a Council Liaison to each Commission in April of each year (with the Mayor functioning as an alternate).

Appeal to City Council of Commission Decisions

The various appeal schedules are mentioned in various sections of the City Code and currently vary from Commission to Commission. The City Manager is directed to prepare a proposed unified appeal process for consideration by the City Council within 60 days of the date of the adoption of this Policy.

COMMISSION INTERACTION WITH THE CITY STAFF

One of City Staff's many roles is to provide information to the Commissions. As part of maintaining proper decorum and respect, Commissioners shall interact with staff with proper politeness and courtesy. Whenever possible, issues and concerns of Commission Members and/or City Staff shall be addressed to the Department Head of the department that provides staff support to the Commission. Should resolution not be reached after consultation with the Department Head, Commission Members may consult with the City Manager's Office.

Commissions, as bodies, and individual Commissioners may make routine informational requests to City Staff that do not require significant research or other allocation of staff resources. Neither Commissions nor individual Commissioners shall provide direction to City Staff (other than to place items on future Agendas). Agenda item requests which require the dedication of significant time resources shall not be undertaken without the approval of the Department Head and/or the City Manager. Major policy items may also be presented to the City Council for consideration and direction prior to allocation of staff resources by the City Manager.

COMMISSIONER TRAINING/ORIENTATION

Commissioner Training/Orientation is important to prepare new commissioners for the key role they play. Ongoing training for Commissioners is also important to keep Commissioners abreast of the latest developments in their field(s).

New Commissioner Training

The City Manager and City Attorney are hereby directed to immediately develop and implement a New Commissioner Training Program which will provide new commissioners with training in the following basic areas:

- General City Operations
- The State Open Meetings Law (The Brown Act)
- General Parliamentary Procedure (Roberts Rules) and Etiquette
- Ethics (AB 1234) – Including proper use of Commissioner Title and Business Cards
- Electronic Voting System

Existing Commissioner Training and Ongoing Training

The City Council shall consider funding that would provide ongoing training to Commissioners during the fiscal year. Commissioners are encouraged to recommend applicable training for inclusion in future year budgets. This training should include training specific to the area of responsibility of the Commission. One source of important and credible training is the League of California Cities.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No. 2007-R029 was duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 29th May, 2007, by the following Councilmember vote:

AYES: Gross, Rose, Malsin, Silbiger, Corlin
NOES: None
ABSTAIN: None
ABSENT: None

Dated this 23rd day of July, 2007

Glen Vallejos

Ela Valladares
Deputy City Clerk and Ex-Officio Clerk of the City Council
City of Culver City, State of California

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

PARKS, RECREATION & COMMUNITY SERVICES COMMISSION MEETING DISCUSSIONS

April 6, 2010 PRCS Commission Meeting

The PRCS Commission discussed the issue and reached consensus that this Agenda Item should be removed from the Commission Agenda until such time that discussions between the City Council and the PRCS Council/Commission Subcommittee resumed.

March 2, 2010 PRCS Commission Meeting

Mark Scott, City Manager, discussed changes to the City ordinance for Commissions related to changes in the Charter with the conversion to a Council/Manager form of government, defining community service, and being cognizant of budget considerations. Discussion between Staff and the Commission included: the addition of "sexual orientation" under "powers and duties," item B; defining open space programs, a credible process for tree issues, and the inclusion of Blair Hills.

January 5, 2010 PRCS Commission Meeting

Mark Scott, City Manager, provided his thoughts on the duties and responsibilities of the Commission and he discussed: upcoming items; the General Plan process; liaison committees; and roles of the City Council and City Manager.

December 1, 2009 PRCS Commission Meeting

Staff provided a summary of the material of record. Chair Daly Redholtz questioned when the item would be agendaized, what the next procedures were, and she requested information from the City Manager as to what the plan is.

November 5, 2009 PRCS Commission Meeting

Bill La Pointe, Director of Parks, Recreation and Community Services, reported that discussions would take place in December.

October 6, 2009 PRCS Commission Meeting

Discussion between staff and the Commission included: scheduling the next Council/Commission subcommittee meeting; confirmation that the requested letter was sent to the City Manager; and procedures for letters sent by staff.

September 1, 2009 PRCS Commission Meeting

At the September 1, 2009 PRCS Commission meeting, the following action was taken:

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

MOVED BY COMMISSIONER STUART, SECONDED BY COMMISSIONER GREENE, AND UNANIMOUSLY CARRIED THAT THE PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION REQUEST STAFF TO SEND A COMMUNICATION TO THE CITY MANAGER TO REQUEST THE CITY COUNCIL TO RESOLVE THE ISSUES OF THE COMMISSION'S DUTIES AND RESPONSIBILITIES AND ADD IN CONSIDERATION OF COMMENDATIONS AND CERTIFICATES OF APPRECIATION.

August 4, 2009 PRCS Commission Meeting

At the August 4, 2009 PRCS Commission meeting Chair Daly Redholtz clarified that the references to proper "business casual" attire in the attached policy statement are specific to Commission meetings and that casual attire is acceptable for scheduled park tours.

July 7, 2009 PRCS Commission Meeting

At the July 7, 2009 PRCS Commission meeting Chair Daly Redholtz clarified for newly-seated Commissioners Stuart and Greene that this report will be on each month's Commission agenda because the Commission's Council/Commission Subcommittee is engaged in an ongoing dialogue with the City Council's Council/Commission Subcommittee and staff.

June 2, 2009 PRCS Commission Meeting

At the June 2, 2009 PRCS Commission meeting Vice Chair Daly Redholtz reported on the May 12, 2009 Council/Commission Subcommittee meeting, noting that the Commission would not be directly involved with the development of PRCS Department fees and charges, as that is currently the role of the City Council. She also stated that there would be nothing to report on regarding the ongoing discussions between the Council/Commission Subcommittees until after a meeting with the new City Manager.

March 3, 2009 PRCS Commission Meeting

At the March 3, 2009 meeting, the Commission received a (brief) summary of the points discussed at the Council/Commission Subcommittee meetings held on September 23, October 21 and October 29, 2008 was provided to the Commission (Attachment C). During the discussion, Council/Commission Subcommittee members stated, and received consensus from the Commission, that this dialogue between the subcommittees of the City Council and the PRCS Commission should be ongoing. It was agreed that the process of clarifying the Commission's "Powers and Duties" had just begun and the Commission's role needed to be more fully developed and further defined.

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

February 3, 2009 PRCS Commission Meeting

At the February 3, 2009 meeting, the sections of the Culver City Municipal Code relating to the Parks, Recreation and Community Services Commission were provided to the Commission for review and discussion (Attachment B).

January 6, 2009 PRCS Commission Meeting

At the January 6, 2009 Parks, Recreation and Community Services Commission, meeting there was Commission consensus that the duties and responsibilities of the PRCS Commission (formerly the "Parks and Recreation Commission"), as stated in the Culver City Municipal Code, be brought before the Commission for discussion.

October 7, 2008 PRCS Commission Meeting

At the October 7, 2008 PRCS Commission meeting, the members of the Commission's Council/Commission Subcommittee more fully informed the rest of the Commission regarding the issues that were discussed at the September 23, 2008 Council/Commission Subcommittee Meeting including:

- o Communication
- o Sensitivity
- o Role of the Commission
- o Responsiveness in getting recommendations back to staff and/or City Council
- o Format of the meeting minutes
- o The provision of water at the Commission meetings for Commissioners

COUNCIL/COMMISSION SUBCOMMITTEE MEETING DISCUSSIONS

May 12, 2009 Council/Commission Subcommittee Meeting

At the May 12, 2009 meeting, Council/Commission Subcommittee members from the City Council and PRCS Commission met with City staff, including City Attorneys Heather Baker and Roland Miranda, Assistant City Manager Martin Cole and PRCS Director Bill La Pointe.

Vice Chair Daly-Redholtz and Commissioner Cooper raised the above noted concerns discussed at the Commission Subcommittee meeting of April 10, 2009 for consideration by the Council Subcommittee and eventually the City Council. The Commissioners gave particular emphasis to the following:

- That the Commission be more involved in the development of PRCS fees and charges; and
- That the Commission should be more involved in the recommendation to City Council and approval of large-scale special events happening in PRCS facilities and parks.

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

April 10, 2009 PRCS Commission – Council/Commission Subcommittee Meeting

At the April 10, 2009 meeting of the Commission's Council/Commission Subcommittee, Vice Chair Daly Redholtz and Commissioner Cooper reviewed the following points which had been brought forward at the March 3rd Commission meeting. It was the consensus of the Commission at that time that these items relating to the "Powers and Duties" of the Commission should be brought to the attention of the Council's Council/Commission Subcommittee and the full City Council:

- **Sex and Age Discrimination:** Age and sexual orientation should be added to the Commission's "Powers and Duties" under the programs and plans designed to promote full acceptance of all citizens.
- **Playground Maintenance:** Under "E" in the current "Powers and Duties," the phrase "to study and, from time to time, make recommendations for the proper care and maintenance of playgrounds..." is too vague; this needs to be clarified.
- **Trees:** It is important that the appeals process for citizens who want to plant different types of trees and/or remove trees on City property or the public right-of-way continues to be within the Commission's purview.
- **Fees:** The Commission would like more consistency with regard to when policies regarding fees should be considered by the Commission before being recommended to the City Council. Perhaps the Commission's "Powers and Duties" should be revised to include a section regarding to the Commission's role in recommending fees and fee policies to the City Council.
- **Commissioner Attendance:** The process to relieve someone from service on the Commission due to poor attendance should be outlined in the Municipal Code.
- **Parking decals:** The members of the Commission would like to have parking decals that permit them to park at City facilities.
- **Human Relations/Community Services:** Clarification is needed as to what the Commission should be looking at in terms of issues/complaints/policies.

April 7, 2009 PRCS Commission Meeting

At the April 7, 2009 meeting, Council/Commission Subcommittee members indicated that the minutes of the March 3rd meeting relating to this item did not reflect important details of the discussion. As requested by the Commission, the meeting minutes were revised and have been re-submitted for approval at this evening's meeting.

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

September 23 and October 21 & 29, 2008 Council/Commission Subcommittee Meetings

Role:

- The Commission's duties are quite diverse and broad.
- Advise on policy matters relating to parks, recreation and community services, and in other specific matters as directed by the Council.
- Commission is eyes and ears of the community.
- Commission subcommittee believes it should continue to handle the requests for tree removal in the public right-of-way.
- Commission feels it is being asked to "rubber stamp" items.
- Commission feels it has been "bypassed" on several issues that fall within its purview.
- Suggestion that Commission be utilized earlier in the process.
- Commission believes music and entertainment in the parks that is part of a City-wide event is within Commission's purview.
- Language in CCMC relating to the "human relations" role of the Commission should include age and sexual orientation and should encourage involvement of the diverse community in PRCS programs.

Communication:

- Commissioners would like to have clear and specific communication from Council as to what is expected of them regarding specific issues on which the Council would like advice and recommendations.
- Commission would like to see the PRCS related Committees (i.e. Fiesta and MLK) give reports to the Commission and not only the Council. Would like to see the public receive more education on the role of the Commission.
- Commission would like the Council to be more informed about the dates of all of the Commission meetings.
- Council should receive status reports as to what the Commission is doing.
- Communication with Council as to a realistic timeframe to get issues/items through the Commission process before returning to Council.

Responsiveness:

- Suggestion that the Commission move its items along in good time and not unnecessarily push items to a future time or deliberate too long on items, thereby causing the Council to wait for them longer than necessary.
- Commission feels challenged in trying to get the reports and information it needs to be able to give input to the Council in a timely manner.
- Commission concerned about artificial deadlines.
- Commission Subcommittee would like to see a policy setting forth the length of time to respond to Commission emails.

Summary of Previous PRCS Commission and Council/ Commission Subcommittee Discussions on the Commission's Duties and Responsibilities

Minutes:

- Commission is not satisfied with "action" minute format.
- Suggests that the minutes reflect something of the reasoning of the Commission in arriving at a decision and not just the vote. (This has been summarily handled through the recently established Commission process of delegating comment to Council by two appointed Commissioners on items that have already been discussed and decided upon.)

Other:

- Commissioners should have bottled water provided for them at meetings.
- Absence from meetings needs to be addressed.
- Commission subcommittee does not believe parking decals should be taken away.

City of Culver City, California
Agenda Item Report

ATTACHMENT D

Meeting Date: 04/05/2010		Item Number: <u>A-2</u>	
CITY COUNCIL AGENDA ITEM: A Report from the City Manager Related to the Council/Commission Subcommittee regarding the Role of Commissions.			
Contact Person/Dept.: Mark Scott		Phone Number:	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☐	Attachments: ☒
Commission Action Required: Yes ☐ No ☐		Date: _____	
Public Notification: Agendas and Meetings – City Council (04/01/10); Civil Service Commission, Cultural Affairs Commission, Parks, Recreation and Community Services Commission and Planning Commission (04/01/10)			
Department Approval: Mark Scott (04/01/10)		City Attorney Approval: Carol Schwab (by H. Baker) (04/01/10)	
Chief Financial Officer Approval: Mark Scott (04/01/10)		City Manager Approval: Mark Scott (04/01/10)	

RECOMMENDATION:

Staff recommends that the City Council receive this report from the City Manager related to the Council/Commission Subcommittee regarding the role of Commissions. Staff further recommends 1) that the City Council direct staff to prepare amendments to the Culver City Municipal Code (CCMC) as it relates to “duties” of the Parks, Recreation and Community Services Commission, and to update the ordinances establishing other commissions to provide for a common format; and 2) that the City Council move forward with discussions with the Civil Service Commission to bring their duties into conformance with the City Charter sections relating to the City Manager’s administrative authorities.

BACKGROUND:

Following voter approval of the Charter of 2006 (New Charter), the City Council established a Council Subcommittee on Commissions (the “Council Subcommittee”). The Council Subcommittee’s task was to meet with subcommittees from the various City Commissions (collectively, the “Commissions”) to discuss their operations, staff/commission working relationships, and better define the Commissions’ roles and duties. In particular, there was an interest in bringing the provisions of the CCMC relating to the various commissions into conformance with the Council-Manager form of government as established by the New Charter.

Mayor Weissman and Councilmember Silbiger have served on the Council Subcommittee for the past two years, after assuming the role from a different subcommittee assigned by the previous City Council. Over that time period, numerous discussions have been held among the Council Subcommittee,

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Agenda Item Report

Commission subcommittees and staff. Some of the discussions related to maximizing the working relationships. Many of the ideas from those discussions have already been implemented and other improvements are a work in progress.

The effort to get conformance between the defined role and duties of the Commissions in the CCMC with the provisions of the New Charter (specifically, the Council-Manager form of government) has been ongoing. In December 2009, the City Manager was asked for input on how to make the language more appropriate. Following discussion by the Council Subcommittee, the City Manager was asked to meet with two of the commissions – Parks, Recreation & Community Services (PRCS) and Civil Service – to seek consensus on new language. In particular, the City Manager and Council Subcommittee members felt that the CCMC still reflected the former Council-CAO organization and granted duties and authorities to commissions that are in direct conflict with those of the City Manager. The City Manager made presentations at regularly scheduled meetings of the two Commissions for the purpose of seeking new language.

Parks, Recreation & Community Services – The City Manager met with the PRCS Commission in January and March during the Commission's regularly scheduled meetings. After considerable discussion, there was mutual agreement to adopt new language, as shown in Attachment 1. The PRCS Commission voted unanimously to support this new language.

Civil Service Commission – The City Manager was unable to schedule a date with the Civil Service Commission until March. At that meeting, the Commissioners listened to a presentation, but took no action. The members expressed a desire to talk to the City Council and to the new City Manager before proceeding. Attachment 2 is a discussion sheet provided by the City Manager to the Civil Service Commission on that date.

DISCUSSION:

Because there is agreement on the statement of duties with the PRCS Commission, it would be appropriate to move forward with directing staff to return to the City Council with an ordinance to amend the CCMC in this regard.

The overall format of the various enabling sections of the CCMC relating to Commissions (Sections 3.03.005 thru 3.03.420) are inconsistent, given that various Commissions have been established at different times. Thus, it would be appropriate for staff to also update the CCMC, as to form, so as to provide consistency and clarity to these provisions. Such amendments can be done concurrently.

With regard to the Civil Service Commission, it is important to address the inconsistencies between the New Charter and CCMC. As indicated in the City

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Agenda Item Report

Manager's handout (Attachment 2), the current CCMC language needs more clarity with regard to personnel issues. Many of the current practices put the City Manager in a sometimes untenable position, and the process is slow and cumbersome. There are very few cities in California that still have a Civil Service Commission that handles anything nearly as comprehensive as Culver City's Civil Service Commission.

Staff recommends, therefore, that the dialogue between the City Council and Civil Service Commission be actively pursued, with the intention of clarifying roles. Please note that the City Manager's recommendations to the Commission do not affect the ongoing use of the Civil Service Commission as a disciplinary appeal hearing body.

FISCAL ANALYSIS:

There are no financial costs inherent in the recommended action.

ATTACHMENTS:

1. Discussion topics prepared by the City Manager for the Parks, Recreation and Community Services Commission (March, 2010)
2. Discussion topics prepared by the City Manager for the Civil Service Commission (March, 2010)
3. CCMC Chapter 3.03 (Commissions and Agencies)
4. City Charter Sections relating to the duties of the City Manager and City Commissions

MOTION:

That the City Council:

1. Receive this report from the City Manager related to the Council/Commission Subcommittee regarding the role of Commissions; and
2. Direct staff to prepare amendments to the CCMC relating to the duties of the Parks, Recreation & Community Services Commission, and update the ordinances establishing other commissions to provide for a common format (Sections 3.03.005 through 3.03.420); and
3. Continue discussions with the Civil Service Commission to bring their duties into conformance with the City Charter sections relating to the City Manager's administrative authorities.

MEETING DATE: April 5, 2010

AGENDA ITEM : A Report from the City Manager Related to the Council/Commission Subcommittee.

ATTACHMENTS

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Attachment 1 – Discussion topics prepared by the City Manager for the Parks, Recreation and Community Services Commission (March, 2010)	1
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Attachment 1
Discussion Topics - Parks, Recreation &
Community Services Commission
March, 2010

Assumptions

Assumptions implicit in the recommended language:

- Statement of duties in the Municipal Code needs to be made consistent with the City Charter.
- Under the Charter, the City Manager is uniquely accountable to the City Council for the implementation of all City Council policy.
- With few exceptions, City Commissions are appointed as advisory bodies to assist the City Council and City Manager.
- The management and oversight of the paid staff is the function of the City Manager.
- Each Commission is entitled to enthusiastic staff support from the City Manager's departmental staff, the extent of which needs to be realistic in scope and scale.
- While the system will work best when participants maintain their proper roles, all of us have the same goals of serving the needs of our citizens, doing so as efficiently as possible, and in as even-handed a manner as possible.
- We all deserve to have some fun in this endeavor!

Recommended Language

"The Commission shall have the following powers and duties:

- A. To act in an advisory capacity to the City Council and City Manager relating to parks, recreation, recreation/community center, playground, open space and tree programs.
- B. To assist staff assigned to investigate the requirements of the City for facilities relating to the above functions, and to make recommendations relating to the adoption and updating of City master plans relating to parks, recreation and open space.
- C. To recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life without regard to race, religion, gender, sexual orientation, age, or national origin.
- D. To recommend and support program policy relating to various "community service" functions of the City, including but not limited to programs for youth, teens, seniors and people with special needs.
- E. To balance program and project recommendations by applying realistic expectations of budgetary and staffing resources, environmental sustainability, neighborhood compatibility and other relevant factors."

Possible addition:

- F. To assist staff assigned to select varieties of trees and other plantings along any streets and public right-of-way.

Attachment 2
Discussion Topics — Civil Service
Commission (March, 2010)

Assumptions

- For all City Commissions, the statement of duties in the Municipal Code needs to be made consistent with the City Charter to reflect change to the Council-Manager form of government.
- Under the Charter, the City Council adopts policy. The City Manager is uniquely accountable to the City Council for the implementation of all City Council policy and for administration of the personnel system, purchasing system, election administration, etc.
- The City Manager is responsible for the hiring, management and oversight of all City employees except the City Attorney, Police Chief and Fire Chief.
- Role of any City Council-appointed City Advisory Commission should be limited to items within the proper scope of the City Council.
- Within its proper role, each Commission is entitled to enthusiastic staff support from the City Manager's departmental staff, the extent of which needs to be realistic in scope and scale.
- While the system will work best when participants maintain their proper roles, all of us have the same goals of serving the needs of our citizens, doing so as efficiently as possible, and in as even-handed a manner as possible.
- We all deserve to have some fun in this endeavor!

Council-Manager Form of Government

- Evolved during the Progressive Movement, borne of the same concerns (patronage, favoritism, abuse in the workplace) that led to creation of Civil Service systems and the labor movement.
- During the decades since that time, many protections have been established for employees, and the profession of City Manager has also advanced to support high standards of behavior.
- Members of the International City Management Association (ICMA) are pledged to follow an explicit code of ethics in the conduct of their work, requiring professionalism, non-partisanship, and even-handed administration of personnel and purchasing systems.
- Under the Council-Manager form of government, the Culver City Charter prohibits the City Council (or any of its members) from "interfering" with the City Manager's administration of personnel, purchasing, elections, etc. It is inconsistent that a City Council appointed citizen commission would be charged by the City Council with authority to direct, evaluate or otherwise participate in the day-to-day administration of the City's personnel system.
- Civil Service systems are common in Council-Manager governments. Civil Service Commission roles, if any, typically are limited to employee appeal cases.
- City Managers are typically held accountable for administering Civil Service rules.

Implications for Civil Service Commission Duties

- Commission would be advisory to the City Council and City Manager
- Existing Civil Service Rules reference role of Civil Service Commission, some of which are inconsistent with the new Charter definitions of role.
- Some changes may require consultation with bargaining units.
- Staff wishes to retain Civil Service Commission role regarding employee disciplinary appeals. Staff would prefer that the threshold for appeal to the Commission be (a) suspensions of more than 3 days, (b) demotions, or (c) terminations.
- Commission role would not include routine personnel administrative practices (job classifications, recruitment flyers, merit recognitions, etc.) that relate to administration/implementation of City Council policy.
- Subject of employee grievances needs discussion. Recommendations cannot properly be made to the City Council.

Next Steps

- Status report to the City Council
- Further input by the Commission, City Attorney's Office, new City Manager
- Input by Employees and Bargaining Unit representatives
- Possible retention of labor law firm to address the Charter, Ordinances and Civil Service Rules to make them consistent.

3/3/10

**NOTE: ATTACHMENT 3 OF THIS
REPORT HAS BEEN PROVIDED
TO THE PRCS COMMISSION AS
ATTACHMENT A.**

The City Council shall designate one newspaper circulated in the City for the publication of all notices and other matters required to be published in a newspaper. When possible, a change to another newspaper shall not be made until a notice of the intention to change is published in the previously designated newspaper.

The charges for such publications in the designated newspaper shall not exceed the rates charged to the general public for similar publications.

All legal notices or other matters required to be published shall also be posted in at least three public places within the City.

Posting of legal notices in three public places shall be sufficient, without publication if the designated newspaper is unavailable and a suitable replacement cannot be designated.

ARTICLE VII. CITY ADMINISTRATION

SECTION 700. POWERS AND DUTIES OF CITY MANAGER.

The City Council shall appoint the City Manager who shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter, by ordinance, resolution or other action of the City Council. The City Manager, or his or her designee, shall:

(a) Appoint, suspend and remove all City employees, including Department Heads, the City Clerk and the City Treasurer, except as otherwise provided by State law or this Charter;

(b) Direct and supervise the administration of all City departments, except as otherwise provided by this Charter;

(c) Attend all City Council meetings, at which the City Manager shall have the right to take part in discussion, but shall not vote;

(d) Prepare and submit to the City Council an annual budget pursuant to this Charter, and implement the final budget approved by the City Council; and

(e) Perform such other duties as are specified in this Charter, or by ordinance, resolution or other action of the City Council.

SECTION 701. NON-INTERFERENCE BY CITY COUNCIL.

Neither the City Council, nor any Council Member shall:

- (a) Order or direct the City Manager to appoint or remove any person to or from any position of employment with the City;
- (b) Except as otherwise permitted by this Charter or by ordinance, order or direct the City Manager to enter into a municipal contract or make a purchase of supplies from any particular person or entity;
- (c) Interfere in any way with the performance of the duties of any City employee; or
- (d) Interfere in any way with the duties of the City's elections official in the conduct of elections.

Nothing in this section shall prevent the City Council, or any of its members, from advising the City Manager of any information which might assist the City Manager in the discharge of the City Manager's duties; or contacting City employees for the purpose of inquiry, obtaining information or advising employees of citizen complaints.

ARTICLE VIII. ANNUAL BUDGET

SECTION 800. BUDGET PREPARATION.

All Department Heads shall, upon request, provide the City Manager with estimates of revenues and expenditures for their departments, detailed in the manner prescribed by the City Manager. The City Manager shall review the estimates, hold conferences with department personnel, and prepare a proposed budget.

SECTION 801. SUBMISSION TO CITY COUNCIL.

At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit a proposed budget to the City Council. After reviewing the proposed budget, the City Council shall set the date and time for a public hearing on the proposed budget and, at least 10 days prior to its scheduled date, shall cause notice of such public hearing to be published in a newspaper circulated in the City and designated by the City Council.

(c) The Board Member ceases to be a resident and lawfully registered voter of the School District.

After the occurrence of any of the foregoing events, the office of the Board Member shall be declared vacant by the Board of Education, by a vote of at least three of its members. At the request of the affected Board Member, the Board of Education shall hold a public hearing before declaring the office vacant.

SECTION 1004. ORGANIZATION OF THE BOARD OF EDUCATION.

At the annual organizational meeting of the Board of Education, the members shall elect a president, vice-president and clerk. No Board Member shall serve more than two consecutive years in such office.

SECTION 1005. SPECIAL ELECTIONS.

The Board of Education may, at its discretion, call an election for any reason sanctioned by law at any time it deems appropriate.

ARTICLE XI. COMMISSIONS, BOARDS AND COMMITTEES

SECTION 1100. IN GENERAL.

The City Council may, by ordinance, establish and abolish such commissions and boards as it may determine, from time to time, to be necessary for the effective and efficient governance of the City, to encourage citizen participation in local government and maintain positive human relations in the community.

SECTION 1101. APPROPRIATIONS.

The City Council shall appropriate sufficient funds for the efficient and proper functioning of all City commissions and boards.

SECTION 1102. CHAIRPERSON AND VICE CHAIRPERSON.

As soon as practicable, following the first day of July of every year, each commission or board of the City shall organize by electing one of its members to serve as its presiding officer, with the title of Chairperson, and electing one of its

members as Vice Chairperson. The Chairperson and Vice Chairperson shall each serve at the pleasure of the commission or board.

The Chairperson shall have a voice and vote in all proceedings of the commission or board, shall be the official head of the commission or board for all ceremonial purposes, and shall perform such other duties as may be prescribed by this Charter or by ordinance. The Vice Chairperson shall perform the duties of the Chairperson during the absence or incapacity of the Chairperson.

SECTION 1103. PROCEDURES.

The City Manager shall designate City staff, as necessary, to assist each commission or board, and to keep a record of its proceedings and transactions. Each commission or board may prescribe its own rules and regulations, which shall be consistent with this Charter and applicable ordinances, resolutions and other City Council actions. Such rules and regulations shall be subject to the approval of the City Council and shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 1104. OATHS AND AFFIRMATIONS.

Any commission or board, and the designated City staff, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the commission or board.

SECTION 1105. COMMITTEES.

The City Council, by ordinance, resolution or other action, may establish and abolish committees for a specified purpose, and shall appropriate sufficient funds for the efficient and proper functioning of such committees.

ARTICLE XII. CIVIL SERVICE

SECTION 1200. MERIT PRINCIPLE.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

The Civil Service System adopted by the City Council pursuant to State law and in effect prior to the effective date of this Charter, shall continue in full

force and effect unless changed by ordinance of the City Council or by amendment to the rules and regulations approved by the City Council. As provided in the State enabling act referred to above, the City Council shall not have the authority to withdraw any departments or employees, including Department Heads, placed in Classified Service, from the operation of such system, either by outright repeal of the Civil Service ordinance or otherwise, unless and until its withdrawal shall have been submitted to the voters of the City at a regular or special municipal election held in the City and shall have been approved by majority vote at a City election.

SECTION 1201. CLASSIFICATION.

All Department Heads shall be in the Unclassified Service.

The City Manager, City Attorney, City Clerk and City Treasurer shall be in the Unclassified Service.

SECTION 1202. APPOINTMENTS FROM CIVIL SERVICE POSITIONS.

In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and within two years is removed or resigns from that position, the employee shall revert to his or her former position in the Classified Service upon the same terms and conditions as if he or she had continuously remained in that position.

SECTION 1203. PROHIBITIONS.

No person shall willfully make any false statements, certificate, mark, rating or report in regard to any application, test certification or appointment held or made under the Civil Service System or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service System or its rules and regulations.

ARTICLE XIII. RETIREMENT SYSTEM

SECTION 1300. PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees, to do and perform any act or exercise any authority granted, permitted or required under the provisions of the Public Employees' Retirement Law, as it now exists or hereafter may be

SECTION 2003. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.

Except as specifically provided, nothing in this Charter shall affect or impair the civil service, pension and retirement rights or privileges of officers or employees of the City, or of any City department existing at the time this Charter takes effect.

SECTION 2004. CONTINUANCE OF CITY COUNCIL AND BOARD OF EDUCATION.

The members of the City Council and of the Board of Education of the Culver City Unified School District in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and certified.

SECTION 2005. EXISTING COMMISSIONS, BOARDS AND COMMITTEES.

Commissions, boards and committees previously established by the City Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the City Council may abolish any or all of said commissions, boards or committees and may alter their structure, membership and duties.

The members of the commissions and boards holding office when this Charter takes effect shall continue to hold office until their respective terms of office shall expire and until their successors shall be appointed, or until such time as the body is abolished by action of the City Council.

The members of Committees existing when this Charter takes effect shall continue to remain members until they are replaced or removed by the City Council or until the Committee is abolished.

SECTION 2006. EXISTING EMPLOYEES OF THE CITY.

The present employees of the City shall continue to perform their duties without interruption, subject to this Charter and all applicable provisions of any existing or future ordinance, resolution, rule or law relating to the removal, duties or control of such employees.