

MEETING DATE: July 7, 2009

AGENDA ITEM: Update on Discussions Regarding the Duties and Responsibilities of the Parks, Recreation and Community Services Commission.

ATTACHMENTS

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A. City Council Adopted Policy 2007-01, entitled "City Commissions"	1 - 5
B. Sections of the Culver City Municipal Code Relating to the Parks, Recreation and Community Services Commission	6 - 7
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ATTACHMENT A

City Council Adopted Policy 2007-01 Adopted by Resolution 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.

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)

BULLET NOTES FROM THE COUNCIL/PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION
SUBCOMMITTEE MEETINGS OF SEPTEMBER 23, OCTOBER 21 AND OCTOBER 29, 2008:

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 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 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.

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.