RESOLUTION NO. 2021-R 040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CITY COUNCIL POLICY STAEMENT NO. 3002, *CITY COMMISSIONS, BOARDS AND COMMITTEES; APPOINTED REPRESENTATIVES TO OUTSIDE AGENCIES AND BOARDS*.

WHEREAS, on September 25, 2017, the City Council adopted Resolution No. 2017-R086, adopting an updated comprehensive City Council Policy entitled *City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards* ("CBC Policy"); and

WHEREAS, on January 27, 2020, the City Council adopted Resolution No. 2020-R004 amending the CBC Policy to include provisions (1) offering childcare at all Commission, Board and Committee meetings; and (2) requiring all elected and appointed officials to participate in ongoing training related to diversity, equity and inclusion; and

WHEREAS, the City Council desires to further amend the CBC Policy to clarify that non-residency requirements may be established by Board or Committee bylaws or other operating documents, include language encouraging diversity in appointments, and make an additional clean-up revision relating to the process for agendizing items.

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

1. The City Council hereby amends City Council Policy Statement 3002, *City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards*, which amended Policy is attached hereto as Exhibit "A" to this Resolution ("CBC Policy"). The amended CBC Policy shall supersede and replace the CBC Policy

adopted on January 27, 2020 and all other previously adopted policies regarding the subject matter therein.

2. The City Manager is hereby authorized to format the attached, amended CBC Policy in a format consistent with other City Council adopted policies and shall include the final version of this adopted, amended CBC Policy with other adopted policies.

3. The City Manager shall distribute the attached, amended CBC Policy to interested parties, which include, but are not limited to, City Staff, Commissions, Boards, Committees, and appointed representatives to outside agencies and boards.

APPROVED and ADOPTED this 10th day of May 2021.

ALEX FISCH, Mayor
City of Culver City, California

ATTEST:

JEREMY GREEN, City Clerk

APPROVED AS TO FORM:

for CAROL A. SCHWAB, City Attorney

A21-00059

CITY OF CULVER CITY
COUNCIL POLICY STATEMENT **Policy Number: 3002**

General Subject:	City Council and Administration	Date Issued: 05/10/2020
Specific Subject:	City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards	Effective Date: 05/10/2020 Resolution No: 2021-R040

I. PURPOSE:

The purpose of this Policy is to provide general guidelines, consistent with the City Charter, Culver City Municipal Code and other applicable laws, on topics related to the City's Commissions, Board and Committees, as well as to representatives appointed to outside agencies and boards.

At the time of the adoption of this Policy, the following Commissions, Boards and Committees exist:

Commissions:
- Civil Service Commission
- Cultural Affairs Commission
- Parks, Recreation and Community Services Commission
- Planning Commission

Boards:
- Landlord Tenant Mediation Board

Committees:
Existing Committees are identified in Attachment No. 1 to this Policy, which attachment may be updated from time to time, as Committees are dissolved and/or created, without further action of the City Council.

Except as specifically noted, this Policy shall apply to all Commissions, Boards and Committees that exist at the time of the adoption of this Policy and are established subsequent to the adoption of this Policy.

II. ELIGIBILITY:

Appointees to all Commissions, Boards and Committees shall be residents of the City, none of whom shall hold any paid office or employment in the City Government, unless

the vacant seat, bylaws or other operating documents specifically allow for the appointment of non-residents to a Board or Committee.

It is the intent of the City Council to achieve and maintain a diverse composition of City Commissions, Boards and Committees, with respect to race, color, religion, national origin, ethnicity, sex, sexual orientation, actual or perceived gender identity, disability and age.

Minors, age 16 or older, are eligible to apply with the consent of their parent or legal guardian.

No person may serve on more than one Commission, Board or Committee at the same time, unless authorized and approved by City Council.

III. BACKGROUND:

The City Charter provides the City Council with the authority, by ordinance, to 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. The Culver City Municipal Code establishes the Civil Service, Cultural Affairs, Planning and Parks, Recreation and Community Services Commissions, and the Landlord-Tenant Mediation Board, and their respective powers and duties. The Charter further gives the City Council the authority, by ordinance, resolution or other action, to establish and abolish committees for a specified purpose.

Each Commission, Board and Committee (CBC) acts in an advisory capacity, providing findings and recommendations, to the City Council on matters pertaining to policies, procedures, rules and regulations within the subject matter jurisdiction of that CBC. The City Council gives great weight to a CBC's advice and recommendations when making policy decisions for the governance of the City.

As a result of the different objectives of an advisory body versus a policy-making body, the Council may periodically override a CBC. This does not reflect negatively on the capabilities or integrity of any CBC or any individual Commissioner or Board or Committee Member (CBC Member). Rather, it is the natural course of the City Council's overall responsibilities.

Each CBC Member has a role in the evaluation and analysis of issues, contributing to the overall mission of providing quality public services and being responsive to community needs and sensitivities. Once appointed, however, a CBC Member no longer acts solely as a private citizen, but a representative of the City. His/her conduct must be consistent with the obligations of public office.

IV. GENERAL ROLE OF THE CITY'S COMMISSIONS, BOARDS AND COMMITTEES:

The City of Culver City prides itself on the participatory nature of its local government and encourages civic engagement by members of the public. The City's CBC play an important role in the efficient governance of the City, and provides interested community members with the opportunity to serve the public.

As advisory bodies to the City Council, the CBCs' 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, CBCs make recommendations concerning City policy, and administer policies adopted by the City Council. From time to time, CBCs may be asked to interpret and enforce City Council adopted policy. However, unless expressly authorized to do so by the City Council, CBCs shall not make policy.

Each Commission's and Board's specific powers and duties are set forth in the CCMC. A Committee's specific powers and duties may be established by resolution or other action of the City Council. Each CBC may establish its own bylaws, which must be approved by the City Council. To the extent any CBCs' bylaws are in conflict with this Policy, this Policy shall control.

V. CODE OF CONDUCT:

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

Preparation for Meetings

It is necessary for CBC Members to be prepared to discuss the items on the Agenda. Therefore, CBC Members 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

The City Council views CBC Members as professionals in their respective areas. This, coupled with the public nature of CBC meetings, makes it important for CBC Members to begin meetings on time. Further, when attending official City events, including monthly CBC meetings, CBC Members 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," CBCs can only take action on items that appear on the Agenda. CBC Members wishing to have an item agendized for discussion must obtain a majority of the CBC Members' support to place an item on a future agenda. A majority of the CBC Members' votes to place an item on a future agenda does not indicate an implicit approval or denial of the agenda item itself.

CBC Members who believe they may have a concern related to Brown Act compliance shall consult with the City Attorney.

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

Robert's Rules of Order, or similar procedures (i.e. Rosenberg's Rules of Order), shall be the parliamentary standard and guide for the conduct of meetings, but no action of the CBC shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said rules.

Each CBC Member shall be cautious in expressing views which might be considered views of the entire CBC. Until an issue has been fully considered and a decision or recommendation rendered by the full CBC, no individual CBC Member should purport to represent the collective opinion of other CBC Members.

Fair and Unbiased Consideration of Issues

Pursuant to the letter and spirit of the Brown Act and appropriate ethical standards, CBC Members shall approach items before the CBC in a fair and unbiased manner. It is the responsibility of each CBC Member to ensure that the programs, policies and activities it oversees provide equal access and opportunities to all persons without regard to race, religion, gender, gender identity, gender expression, sex, sexual orientation, age, disability, immigration status, citizenship, color, ethnicity, or national origin, ancestry, socioeconomic status, income or other protected categories or personal characteristics.

While each member is entitled to his/her viewpoint, the quality of CBC recommendations relies on consideration of all viewpoints; therefore, individual CBC Members shall be cautious of creating the appearance of predetermined bias. Consistent with this requirement, CBC Members 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 CBC 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 CBC Members and the public and is allowed to speak without undue or inappropriate interruption, and that all individuals are treated with due respect.

During certain proceedings, such as an official Public Hearing conducted by some Commissions, 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.

Issuance and Use of Official City Identification

Each Commissioner shall be provided with a City identification card which states the name of the office held and other pertinent data identifying the individual. Business cards shall also be provided to each Commissioner.

All City Identification (including identification cards, business cards, etc.) shall only be used in the conduct of related City business. If City Identification is lost and replacement requested, the Commissioner may be required to pay for the cost of replacement.

Upon vacating office, Commissioners shall return all City Identification to the City Manager or designee.

Inappropriate use of Cty Identification items shall be classified as Major Misconduct, as defined below, with significant consequences.

Member Misconduct

As appointees of the City Council, CBC Members serve at the pleasure of the City Council. Violations of this Policy 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 CBC. The Department Head shall then attempt to resolve the issue with the City Manager and Member.

(2) *Major Misconduct*: Issues of this level will involve the City Manager's and City Attorney's Offices and may lead to a recommendation to the City Council to remove the Member from his or her seat.

The City Manager shall report Member misconduct to the City Council. Following are examples of misconduct which may subject Commissioners to disciplinary action(s):

(1) *Minor misconduct*: Lack of preparation for a meeting; late arrival at meetings; failure to complete mandatory training; discourteous behavior in relations with fellow CBC Members, staff, and/or members of the public.

(2) *Major misconduct*: repeated instances of minor misconduct; misuse of official City identification; violation of City Council Policies (including, but not limited to, the City Council Policies addressing violence in the workplace; acceptance of gifts or gratuities; drug free workplace; drugs and alcohol in the workplace; discrimination and harassment in the workplace; smoking in the workplace; and other policies as may be adopted by the City Council from time to time).

While the above items are presented as examples, the determination of what (if any) discipline to impose, up to and including removal from a CBC, shall be at the sole discretion of the City Council.

Discipline of CBC Members by the City Council

In accordance with the CCMC, should the City Council determine, in its sole discretion, that a CBC Member may have allegedly acted in a manner inconsistent with law or this Policy, the City Council may determine to impose any or all of the following:

(1) Provide direction to the City Manager to meet with the CBC Member(s) to informally investigate alleged misconduct and provide counseling to the CBC Member(s) to indicate behavior consistent with law and this Policy.

(2) Provide direction to the City Manager to formally investigate CBC Member misconduct and report findings to the City Council.

(3) Require the CBC Member to appear before the City Council at a public meeting to hear charges of misconduct

(4) Determine, in the City Council's sole discretion and with or without cause, to remove a CBC Member from his/her seat. Such removal shall only be effective upon a four-fifths vote of the City Council.

CBC Member Attendance and Forfeiture of Seat

Annually, in May, the City Clerk shall provide the City Council with a summary of attendance by Members at their respective CBC meetings.

Any Member who is absent from three consecutive meetings of their respective CBC or a total of five meetings in any six-month period shall automatically forfeit his or her membership on said CBC, provided, however, that there shall be no such forfeiture in the event of any of the following:

(1) When a Member is unable to attend due to illness or physical incapacity.
(2) When the City Council has determined before forfeiture that an absence is justified.

For purposes of this Policy, attendance at a meeting shall be established when a Member is present for a minimum of 50% of the duration of the meeting. Duration of the meeting shall be the total time period elapsed from the convening of the meeting until the adjournment of the meeting, including any recesses.

VI. COMMISSION, BOARD AND COMMITTEE INTERACTION WITH THE CITY COUNCIL

In an effort to facilitate regular communications between the City Council and its Commissions, joint meetings between the City Council and each of the Commissions shall be scheduled on an annual basis.

Periodically, but no less than biannually, each CBC shall submit to the City Council a written report on their respective activities.

Nothing in this Policy shall preclude the City Council from requesting a report from any CBC at any time.

VII. COMMISSION, BOARD AND COMMITTEE INTERACTION WITH THE CITY STAFF

As part of maintaining proper decorum and respect, CBC Members shall interact with staff with proper politeness and courtesy. Issues and concerns of CBC Members and/or City Staff shall be addressed to the Department Head of the department that provides staff support to the CBC. Should resolution not be reached after consultation with the Department Head, Members may consult with the City Manager's Office.

No City staff members are assigned to be full-time assistants to CBC Members. Rather, staff serve and support CBC Members as part of their overall responsibilities. The priority of duties and responsibilities are established by the City Council and administered by the City Manager and the respective Department Head.

CBCs, as bodies, and individual Members may make routine informational requests to staff that do not require significant research or other allocation of staff resources. Neither CBCs nor individual CBC Members shall provide direction to 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.

Department Work Plans are approved by the City Council each year, as part of the City's budget process. CBCs wishing to consider agenda items that are not part of the Department's approved Work Plans, which would require significant research or other allocation of staff resources, must receive prior City Council approval, prior to being placed on a CBC agenda. Such requests that require City Council approval shall be made through the Department Head, who shall vet the matter and may provide additional information/comments to the City Council, along with the CBC's request.

VIII. ORIENTATION/TRAINING:

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

New Member Orientation/Training

To ensure newly appointed Members are best prepared for their important advisory roles, CBC appointees are required to attend an orientation within 90 days of their appointment. Failure to attend such orientation may result in forfeiture of the appointment. The orientation program will provide new Members with information in the following basic areas, including, but not limited to:

- General City Operations
- The State Open Meetings Law (The Brown Act)
- General Parliamentary Procedure (Roberts Rules) and Etiquette
- Ethics, Including Conflicts of Interest Regulations and mandatory filings
- Public Records Act
- Electronic Voting System
- City Email Registration
- Sexual Harassment Prevention and Education Training
- Diversity, Equity and Inclusion

Existing Member Training and Ongoing Training

The City Council shall consider funding that would provide ongoing training to Members during each fiscal year as necessary. Members are encouraged to recommend applicable training for consideration in future year budgets. This training should include training specific to the area of responsibility of the Member. Requests to participate in training opportunities shall be subject to the prior approval of the respective Department Head and the City Manager.

IX. MEETINGS OF COMMISSIONS, BOARDS AND COMMITTEES:

Frequency of Meetings

CBCs shall meet on a regular, but as needed basis. For the purpose of increasing efficiency and conserving staff and financial resources, the City Manager shall have the authority to make the final determination as to whether there is sufficient business to be conducted during any given period to warrant a CBC meeting being convened. This determination shall be based upon input from the respective Department Head and the CBC Chair.

Meeting Minutes

Meeting minutes are an important summary of the actions taken by the CBC on items that appear on the CBC 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 CBCs shall approve Action Minutes similar to those produced for the City Council meetings. Where there is a dissenting opinion, a one sentence description of the nature of the opinion may be included. CBC Members or members of the public interested in additional information may seek a copy of the audio/video recording of the meeting from the City staff.

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

Compensation

In accordance with Culver City Municipal Code Section 3.03.005, compensation of Commissioners, if any, may be established by resolution of the City Council.

Members of the Commissions and Landlord-Tenant Mediation Board shall be entitled to annual compensation in the amounts set forth in Attachment No. 2 to this Policy, which attachment may be updated from time to time upon approval of the City Council.

The Chief Financial Officer shall pay such compensation upon the filing of a requisition by the Staff liaison to the respective body, certifying the member of that body is entitled to such compensation pursuant to the terms of this Policy.

Payments shall be suspended during any extended absence by a Commissioner or Landlord-Tenant Mediation Board Member of three months or longer. Compensation may also be withheld until such time as the Commissioner or Landlord-Tenant Mediation Board Member has fully completed and submitted all documentation as required by the City Clerk.

Compensation shall be considered annually by the City Council as part of the City's fiscal year budget.

X. APPOINTED REPRESENTATIVES TO OUTSIDE AGENCIES AND BODIES:

Representatives appointed by City Council to an outside agency or board shall report to City Council as needed, but not less than every six months. The appointed representative shall contact the City Clerk to request an item be placed on a City Council agenda for this purpose.

The appointed representative shall not take a position on behalf of the City, at their respective agency or board meeting, which has not been previously authorized or directed by the City Council.

As issues arise that need immediate attention, appointed representatives may communicate with their respective liaison. The City Council Subcommittee that has subject matter jurisdiction consistent with the subject matter of the outside agency/board shall be the liaison for the appointed representative (i.e. the LAX Ad Hoc Subcommittee shall be the liaison for the representative of the LAX Advisory Committee). If no City Council Subcommittee exists related to the subject matter of the outside agency/board, then the Mayor shall serve as the liaison for the appointed representative.

This Policy supersedes the following City Council Polices:

- ***Policy No. 3002 issued on May 29, 2007 by Resolution No. 2007-R029***
- ***Policy No. 3101 issued on January 23, 1995 by Resolution No. 95-R005***
- ***Policy No. 3102 issued on October 25, 1999 by Resolution No. 99-R086***
- ***Policy No. 3302 issued on January 23, 1995 by Resolution No. 95-R005***
- ***Policy No. 3303 issued on January 23, 1995 by Resolution No. 95-R005***
- ***Policy No. 3304 issued on January 23, 1995 by Resolution No. 95-R005 and revised on June 13, 2011 by Resolution No. 2011-R065***
- ***Policy No. 2007-01 issued on May 29, 2007 by Resolution No. 2007-R029, revised on June 27, 2011 by Resolution No. 2011-R063, and revised on September 25, 2017 by Resolution No. 2017-R086.***
- ***Policy No. 3002 issued on January 27, 2020 by Resolution No. 2020-R004***

ATTACHMENT NO.1
TO
CITY COUNCIL POLICY 3002
CITY COMMISSIONS, BOARDS AND COMMITTEES; APPOINTED REPRESENTATIVES TO OUTSIDE AGENCIES AND BOARDS

List of Current City Committees

- Advisory Committee on Housing and Homelessness
- Bicycle and Pedestrian Advisory Committee
- Disability Advisory Committee
- Equity and Human Relations Advisory Committee
- Fiesta La Ballona Committee
- Finance Advisory Committee
- General Plan Advisory Committee

ATTACHMENT 2
TO
CITY COUNCIL POLICY 3002
CITY COMMISSIONS, BOARDS AND COMMITTEES; APPOINTED REPRESENTATIVES TO OUTSIDE AGENCIES AND BOARDS

The City Council hereby establishes the following annual compensation for its City Commissions and Landlord-Tenant Mediation Board, which shall be dispersed in accordance with a payment schedule determined by the City's Chief Financial Officer:

Civil Service Commission	$599
Cultural Affairs Commission	$599
Parks, Recreations and Community Services Commission	$599
Planning Commission	$599
Landlord-Tenant Mediation Board	$25 per meeting; $25 per mediation

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

Certification of Resolution No. 2021-R040

I, Jeremy Green, City Clerk of the City of Culver City, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted at a regular meeting of the City Council, which was held on the 10th day of May 2021, at the Mike Balkman Council Chambers by the following vote:

AYES: Eriksson, McMorrin, Vera, Lee, Fisch

NOES: None

ABSENT: None

ABSTAIN: None

Certified on this 10th day of May 2021, at the City of Culver City.

Jeremy Green, CMC, City Clerk
Ex-Officio Clerk of the City Council
City of Culver City, State of California