



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 24-363, **Version:** 1

Item #: C-5.

CC - CONSENT ITEM: Recommendations from the Ad Hoc City Council Policies Subcommittee, Including: (1) Adoption of a Resolution Amending Council Policy Statement No. 3002 (City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards); (2) Adoption of a Resolution Rescinding Council Policy Statement No. 4001 (Anti-Nepotism) Due to Redundancy with Culver City Municipal Code Section 3.05.070; and (3) Adoption of a Resolution Rescinding City Council Policy No. 4201 (Employee Education and Training) and Transitioning Such Policy into Amended Administrative Policy II-08 (Employee Training, Education and Tuition Reimbursement Program).

Meeting Date: October 23, 2023

Contact Person/Dept: Heather Baker/City Attorney's Office
Jeremy Bocchino/City Clerk's Office

Phone Number: 310-253-5660
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Fiscal Impact: Yes [] No [X]

General Fund: Yes [] No [X]

Attachments: Yes [X] No []

Commission Action Required: Yes [] No [X]

Public Notification: (E-Mail) Meetings and Agendas - City Council (10/17/2023)

Department Approval: Heather Baker, City Attorney (10/17/2023); John M. Nachbar, City Manager (10/17/2023)

RECOMMENDATION

Staff and the Ad Hoc City Council Policies Subcommittee recommend the City Council (1) adopt a Resolution amending Council Policy Statement No. 3002 (City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards); (2) adopt a Resolution rescinding Council Policy Statement No. 4001 (Anti-Nepotism) due to redundancy with Culver City Municipal Code (CCMC) Section 3.05.070; and (3) adopt a Resolution rescinding City Council Policy No. 4201 (Employee Education and Training) and transitioning such policy into amended Administrative Policy II-08 (Employee Training, Education and Tuition Reimbursement Program).

BACKGROUND

The Ad Hoc City Council Policies Subcommittee was created for the purpose of working with staff to conduct a comprehensive review of existing City Council policies and make recommendations to City Council as appropriate. The current Subcommittee consists of Mayor Vera and Vice Mayor McMorrin (“Subcommittee”).

Over the course of the City Council Policies review project (“Project”), a total of 21 policies have been considered by the City Council. Of these policies, some have been updated, some have been rescinded after being combined with other policies, some have been rescinded and transitioned to administrative policies due to their administrative nature, and there have been two newly adopted policies (see Attachment 1 for a list of policies considered by the City Council thus far during this Project).

This Project has been delayed on multiple occasions due to other Council-directed priority work plans, as well as the unexpected and significant operational workload created by the COVID-19 pandemic, particularly during 2020-2021.

City staff, after working with the Subcommittee, is presenting three additional City Council policies for recommended action by the City Council at this time. Additional policies are currently in review and targeted for completion over the next few months with the goal of bringing them to City Council for consideration in January or February 2024.

DISCUSSION

Commissions, Boards and Committees (“CBC”) Policy 3002

During the course of this Project, various City Council policies pertaining to the City’s commissions, boards and committees (CBC) were combined into an updated City Council Policy Statement No. 3002 (Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards) (referred to as the “CBC Policy”), which was adopted by the City Council on September 25, 2017.

The CBC Policy was subsequently updated by the City Council on May 10, 2021 to remove residency requirements for certain committees and to add equity and diversity language with respect to representation among CBC members.

Since 2021, various issues have arisen that necessitated additional review of the CBC Policy. In addition to various general clarifying and “clean up” edits, the proposed revisions to the CBC Policy address the following areas (listed in the order they appear in the revised Policy):

- Differences between commissions and boards versus committees;
- Varying roles among CBCs (i.e., “advisory” versus “quasi-judicial”);
- City Council’s role to retain jurisdiction on all matters in its discretion;
- Importance of compliance with the Brown Act;
- Procedural clarifications for CBC members when speaking at Council meetings, other

- meetings, or to members of the public;
- Updates regarding the issuance of City identification for CBC members;
 - Clarifying revisions related to CBC Member misconduct, removal, and seat forfeitures;
 - Procedures for CBC reports to City Council, collaboration among CBCs, and CBC work plans and events; and
 - Additional section to the Policy on what constitutes a quorum of the body.

Attachment 2 to this report reflects the proposed Policy revisions in track changes. The Resolution adopting the final amended CBC Policy is included with this report as Attachment 3. The Subcommittee concurs with this recommendation*, except as follows: There was a split recommendation of the Subcommittee with regard to removal of a CBC Member by simple majority. Mayor Vera is in support of changing the requirement for removal of a CBC Member to a simple majority; Vice Mayor McMorrin objects to this change and desires that a 4/5 vote be required to remove a CBC Member.

[*NOTE: Since the time of the Subcommittee recommendation, staff has recalled that there have been questions from CBC staff liaisons regarding the number of CBC Members that constitute a quorum for each body. Staff is recommending an addition to the CBC Policy to explain that a quorum is a majority of the positions of a CBC, whether filled or vacant. CBC bodies with bylaws describe quorums in different ways, which are not entirely clear. This revision to the Policy will provide clarity and consistency among CBCs, as Section IV of the Policy provides that the Policy overrides any conflicting provisions in any CBCs' bylaws.]

Anti-Nepotism Policy 4001

Current City Council Policy 4001 (Attachment 4), adopted in 1995, established a policy regarding the employment of members of the immediate family of elected officials, commissioners and exempt City employees in certain positions. Policy 4001 is redundant of CCMC Section 3.05.070 (Attachment 5), which was adopted in 1965 and updated in 1988 and 2006, and prohibits the employment of immediate family members in the direct line of supervision of one another. The CCMC controls over any adopted policy; therefore, the utility of Council Policy 4001 is redundant and has become obsolete.

For this reason, staff recommends the City Council adopt the proposed Resolution rescinding City Council Policy 4001 (Attachment 6). The Subcommittee concurs with this recommendation.

Employee Education and Training Policy 4201

The Employee Education and Training Policy of the City Council, Policy No. 4201 (Attachment 7), was last approved on January 23, 1995, through City Council Resolution No. 95-R005. This Policy outlines the training efforts and criteria for determining allowable expenses for employee education and training. As per the Policy, the City Manager was given authority to create and maintain an administrative policy. The administrative policy for the Employee Training, Education, and Tuition Reimbursement Program (Policy No. II-08) was last updated on December 1, 2005 (Attachment 8).

After review of both policies, staff has determined that both policies serve the same purpose of administering employee training, education, and tuition reimbursements. Additionally, there are

numerous redundancies in the provisions of each policy, which would require both policies to be updated at the same time if any changes were made. Staff is proposing to rescind City Council Policy and replace it with an amended Administrative Policy II-08, as the nature of this policy is strictly administrative and related to operations and employees. Staff recommends City Council adopt the proposed Resolution rescinding Policy 4201 (Attachment 9). The Subcommittee concurs with this recommendation.

Finance, Human Resources, and the City Attorney's Office are currently revising Administrative Policy II-08. Revisions to Policy II-08 include transitioning provisions from Council Policy 4201 into the administrative policy, clarifying definitions of courses eligible for tuition reimbursement, updating eligible course expenses to include book rental and eBooks, and updating other criteria, restrictions and procedures relating to the tuition reimbursement program. The City Manager has authority to review and approve changes to the Administrative Policies.

Next Policies In Review

As mentioned earlier in this report, additional City Council policies are currently in review and targeted for completion over the next few months with the goal of bringing them to City Council for consideration in January or February 2024, including:

- Policy 2401 (Public Records)
- Policy 3402 (Council Recognition)
- Policy 3405 (Public Notification/Community Involvement)
- Policy 3406 (Significant Donor/Contributor Naming)
- New Policy (relating to Council, Commission, Board and Committee Member use of electronic devices during meetings)

FISCAL ANALYSIS

There is no fiscal impact associated with this Agenda Item.

ATTACHMENTS

1. 2023-10-23_ATT 1_List of Council Policies Reviewed to Date
2. 2023-10-23_ATT 2_Proposed Revisions to Council Policy 3002 (CBC Policy) (in track changes)
3. 2023-10-23_ATT 3_Proposed Resolution Adopting Amended Policy 3002
4. 2023-10-23_ATT 4_Council Policy 4001 (Anti-Nepotism)
5. 2023-10-23_ATT 5_CCMC Section 3.05.070 (Anti-Nepotism)
6. 2023-10-23_ATT 6_Proposed Resolution Rescinding Policy 4001
7. 2023-10-23_ATT 7_Council Policy 4201 (Employee Education and Training)
8. 2023-10-23_ATT 8_Administrative Policy II-08 (Employee Training, Education and Tuition Reimbursement Program) (current policy)
9. 2023-10-23_ATT 9_Proposed Resolution Rescinding Policy 4201

MOTIONS

That the City Council:

1. Adopt a Resolution amending Council Policy Statement No. 3002 (City Commissions, Boards and Committees; Appointed Representatives to Outside Agencies and Boards);
2. Adopt a Resolution rescinding Council Policy Statement No. 4001 (Anti-Nepotism) due to redundancy with Culver City Municipal Code (CCMC) Section 3.05.070; and
3. Adopt a Resolution rescinding City Council Policy No. 4201 (Employee Education and Training) and incorporating said policies into amended Administrative Policy II-08 (Employee Training, Education and Tuition Reimbursement Program).