



Procedures Manual for  
City of Winters  
Board & Commission Members

May 21, 2012

Welcome!

Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Over the years the services and programs provided by the City have expanded. The various boards and commissions provide the City Council with good advice and guidance on many complex and significant matters. The detailed studies and considered recommendations of boards and commissions are often catalysts for innovative programs and improved services.

Making local government effective and responsive is everybody's responsibility. Serving on a board or commission can be a rewarding experience for involved residents. It is an excellent way to participate in local government and to make a personal contribution to the improvement of our community.

On behalf of the City Council, thank you for your service and commitment. Please feel free to call the City Clerk's office at 530-794-6701 with any questions you may have.

Nanci Mills  
City Clerk

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## **Purpose**

This manual has been prepared to help you understand your role in the governmental structure. The information has been committed to give you a greater appreciation of how local government functions and what your responsibilities are as a member of a City advisory group.

Each commission/committee serves as an advisory body to the City Council and assists the Council in seeing the “big-picture” perspective on community goals, problems, and possibilities for improvement. Commissioners represent a merger of lay and professional talents in the community by coming together with interests, skills, and experience to guide and ensure effective community planning and organization.

A commission’s plan of work is based on an objective review of data and information from a wide variety of sources. A commission must maintain an effective working relationship with all sectors of the community to help promote effective community-wide involvement for effective integration of resources.

The role of the commissioner is that of an evaluator of key trends and developments in their subject area. The commissioner’s task is to identify the most critical concerns that need to be addressed and develop specific recommended actions. The final, and perhaps most important, role of commissioners is to serve as an advisor to the Council on matters that will be coming before them.

All commissioners/board members are encouraged to attend a City Council meeting to observe the legislative body in action and get a sense of various matters coming before them.

## **General City Information**

The City of Winters incorporated in February 9, 1898.

This specific form of government is referred to as Council/Manager. The City Manager manages the administrative functions of government, is responsible for the effective and efficient municipal operation, and ensures that Council policies are implemented.

The City Council is responsible for setting policies and providing overall direction for the City operation. The Mayor serves as the Chairperson and general spokesperson for the Council. As elected representative, Council members provide a direct link with residents and, consequently ensure the responsiveness of municipal activities. In order to gain a greater awareness of the sentiments of residents, the Council also appoints advisory groups (boards and commissions) composed of local residents familiar with the community and its needs. These groups further expand the opportunity for resident participation in City government.

## **Appointment of Commissioners**

Following a recruitment process by the City Clerk's Office, applicants are interviewed by a committee of two members of the City Council. The committee makes a recommendation to the full Council at a regularly scheduled meeting, which is subject to approval by the City Council.

Each commission/board receives staff support from their designated department. Such staff will provide technical information, administrative support, and research capability for the group.

## **Scope of Authority**

With the exception of certain Planning Commission roles, the function of City commissions is strictly advisory to the City Council. The commissions recommend to the Council the action they think should be taken on specific issues. Again, except for specified actions of the Planning Commission, commissioners have no authority to act on their own without City Council concurrence. They can neither commit City resources nor establish policy for the City without Council authorization.

Commission recommendations are essential for effective allocation of the resources. Commissions provide the following important services:

1. Identify and develop alternative recommendations regarding issues of a policy nature.
2. Assure the adequate consideration of community values and goals in the commission's area of specialization.
3. Provide a "sounding board" to blend technical solutions to problems with community needs.
4. Enable consideration of various policy recommendations and alternative solutions to problems.

## **Relations with the Public**

An important part of your role as a Commissioner is to know how the public feels about City services related to your commission. You are encouraged to talk to as many residents as possible about matters that pertain to your own commission.

At public meetings you should conduct yourself in a manner that is fair, understanding, and as gracious as circumstances permit. Be considerate of all interests, attitudes, and differences of opinion.

Citizen comments at commission meetings are always welcome and, in fact, state law (Brown Act) requires a public comment period at all meetings.

## **Staff Liaisons**

City staff members are assigned to help each commission handle the required administrative duties. These duties include providing an agenda to guide the formal meetings, preparing staff reports, providing the analysis and technical data needed to develop recommendations for the City Council, and taking and maintaining minutes to serve as the official record of the commission's activities.

The staff role is to provide limited support and advice as well as to motivate and guide the commission. City staff members are not voting members of the commission and do not participate in the decision-making process. Because their role is purely support, they will not respond to questions from the public unless requested to do so by the chair. Staff members serve the commission in an advisory capacity, much the same as the commissions serve the Council. They are selected on the basis of their technical abilities and are expected to guide the commissions with recommendations based upon technical analysis of the situation, regardless of personal opinion.

Commissioners should be award of staff's responsibilities to provide technical advice to the commission and the City Council. When staff members disagree with commission recommendations, they are obligated to advise the City Council, through the City Manager, of the staff recommendations as well as the commissions. In making a final decision, the City Council will consider the advice of the commission and the staff members, as well as other interested individuals.

## **City Attorney**

The City Attorney is responsible for advising the City Council and staff on legal matters. Your staff liaison will obtain any required advice from the City Attorney prior to meetings requiring legal review. The Planning Commission may or may not have the City Attorney present at their meeting.

## **Attendance**

Attendance at commission meetings is vital. Members who have three absences may be considered for removal.

On a regular basis, designated commission staff submits an attendance report to the City Clerk summarizing the attendance record of commissioners. The reports will be forwarded with recommendations to the City Council to remove individuals from office for non-attendance and to replace commissioners who are otherwise not adequately fulfilling their responsibilities.

When less than a majority of the commissioners attend a regular meeting, the only action that may be taken is to adjourn for lack of quorum. Unless otherwise directed by

the chair or majority of the commission, the meeting is automatically adjourned until the next regularly scheduled meeting.

Most commission meetings are held in the Council Chambers located at 318 First Street. Your staff liaison will notify you of any change in meeting location.

## **Ethics Training**

State law requires that all appointees to any City board, commission, or designated committees will be required to complete an ethics training within three months of their appointment date and again every other year for those continuing service. The course is provided free of charge by the City and is available on-line and compliance is tracked by the City Clerk's office. Appointees not fulfilling this requirement will be dismissed from service.

## **Meetings**

There are three categories of commission meetings: regular, adjourned regular, and special meetings. All meetings are geared to the public and must be conducted in accordance with established procedures and the Brown Act.

Regular meetings: are those that by ordinance or resolution are scheduled on a regular basis. There is no action required to set up a regular meeting. To enable adequate public discussion, an agenda is prepared showing the items planned for discussion. All items for discussion should be included on the agenda. If for any reason it is not possible to hold a regular meeting, a notice of cancellation of the meeting must be posted.

An adjourned regular meeting is one that is adjourned by the chair to another date for lack of quorum, or for additional need of a meeting and rescheduled to a later date. Meetings may not be adjourned to a time beyond the next regular meeting. Although the secretary can adjourn a meeting for lack of quorum, a date for an adjourned regular meeting can only be set with the direction of the chair or a majority of the commissioners. A notice announcing the date, time, and place of the adjourned meeting must be posted. An adjourned meeting is considered a regular meeting for the purposes of transacting business.

## **Conduct of Meetings**

It is the goal of the City to have all meetings conducted professionally and consistently. These guidelines are intended to provide guidance in this area.

### *Public Meetings*

Commission meetings must comply with the Brown Act. All regular adjourned and special meeting must be open to the public. A 72-hour notice must be given when a regular meeting is called. A 24-hour notice must be given when a special meeting is called.

### *Agenda Preparation*

To facilitate the conduct of a meeting and provide advance notice of the business scheduled for discussion, an agenda is prepared for each meeting. The agenda provided for the commission prior to the meeting includes staff reports and material necessary for the decision-making process. Additional copies of the agenda, without the backup material, are available for interested members of the public. State law requires that the agenda be posted at the meeting location at least 72 hours before a regular meeting. In addition to posting the agenda a copy must be sent to the City Clerk prior to the date of the meeting.

The agenda is prepared by the staff liaison of the commission. Items included in the agenda are: approval of minutes from prior meetings, items where staff is in need of direction from the commission, City Council referral items for commission review and direction, and Presentations by the Public on Matters not on the Agenda. Commissioners who want to have an item included on the printed agenda should contact the staff liaison at least ten (10) days prior to the meetings.

### *Order of Business*

Routine items, such as approval of minutes or other non-discussion items may be listed together on the agenda under the "consent" portion. The consent agenda may contain several items that can be approved all together with one vote.

When introducing a discussion item at a meeting, the chair should, prior to any discussion on the matter, request that the staff liaison orally provide any background information or staff report. Usually the staff liaison will summarize the written report (if any) provided in the agenda. Any changes to the agenda shall be noted after approval of the minutes.

### *Meeting Minutes*

The staff liaison is responsible for preparing minutes of all commission meetings. These minutes provide an official record of the actions taken and a summary of the important topics raised in the discussion. They are not intended as a verbatim transcript. The template for preparation of the minutes will be the same as that of the City Council meeting minutes.



At each meeting commissioners will be given the opportunity to review minutes of previous meetings as they will be placed on the next agenda for commission approval. Prior to the vote, the minutes may be ordered corrected at the request of the commission to ensure that they accurately reflect the prior proceeding.

Minutes become the official record of a meeting only after the commission has approved them. Copies of meeting minutes must be sent to the City Clerk after the commission approval of each.

### *Presiding Officer*

The chair, selected annually by the members of the commission, serves as the presiding officer of all commission meetings. In the chair's absence, the vice-chair, also elected annually by the commissioners, assumes this role. If both the chair and the vice-chair are absent, the staff liaison will call the meeting to order and the commissioners will select a temporary chair to serve until adjournment or the arrival of the chair or vice-chair.

The presiding officer retains the right to make and second motions, participate in debate, and vote on all commission matters.

The commission chair is responsible for maintaining order and decorum throughout the meeting. This includes directing discussion and limiting debate if and when it ceases to be productive. In the event that a commissioner disagrees with the chair's decision or ruling, the member may appeal it. In this case, the chair must call for a roll call to see if the decision is upheld. The majority vote to see if the comment should be allowed.

*For example, if the opportunity for public comment on a particular item has already passed, and a member of the public wishes to revisit the matter, the Chair would typically not allow the comment. However, if another commissioner feels that the public comment is valuable and should be heard, he/she could request a roll call vote to see if the comment should be allowed.*

### *Right to Address the Commission*

Subject to the provisions listed below, any member of the public has the right to address the commission during that portion of the meeting allocated for such comments. In addition, any interested person may request permission for the presiding officer to address the commission regarding the subject under consideration or any other subject within the commission's jurisdiction. Speaker slips, a form requesting to speak, must be submitted prior to beginning discussion on the subject.

When granting permission to speak, the presiding officer should request that the speaker state his or her name for the record. Comments from the audience should be directed to the commission and not to the staff members present. If a response is

needed from the staff, the chair will direct the question to the appropriate person who will then respond to the chair.

The presiding officer may place a time limit on individual speakers from the audience and may request that they avoid reiterating arguments previously presented. Typically a 3-minute time limit is set for public comment. Any established procedures for limiting or guiding debate should be explained at the beginning of the meeting and applied uniformly by the chair.

Any person making impertinent, slanderous or profane remarks or who becomes boisterous while addressing the commission may be called to order by the presiding officer and ordered barred from further discussion if the conduct continues.

### *Debate and Decorum*

A commission wishing to speak must first gain recognition by the presiding officer and then confine comments to the question under debate. Once he or she has the floor, a commissioner shall not be interrupted unless called to order by the presiding officer or by yielding to another member. After recognition by the presiding officer, members of the public and city staff will likewise hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

### *Motions*

A motion is the formal statement of a proposal or question to the commission for consideration or action. Each member of the commission has the right to present motions. Motions may only be voted on if they receive a second.

### *Voting*

After a motion has been made and seconded, all members of the commission have the opportunity to vote unless: 1) they have a conflict of interest on the proposed matter; 2) they have not read the associated documentation; or 3) did not participate in the hearing if one was involved. Only those motions that receive a majority vote of the present and voting members become official actions of the commission. If you are not present at the dais you may not cast a vote.

### *Abstain from Voting*

Members may abstain from voting but in doing so must explain for the record why they wish to abstain and leave the room during discussion and voting. The most common reason for abstentions is that a potential conflict of interest exists. No commissioner can be forced to vote on an issue, although abstentions that will result in a tie vote should be avoided. Commissioners who abstain are, in effect, permitting the majority to act for them. Tie votes are lost motions that may be reconsidered.

If you have a conflict of interest for any reason, you must abstain and it will be noted in the minutes that you were recused. This means that not only you may not vote but you must leave the dais AND the room, when the discussion and vote are taken.

## **Reports to the City Council**

Normally, the commission recommendation is included in a staff report from the staff liaison to the City Council through the City Manager. In the report, the staff liaison summarizes the recommendation as well as the pertinent discussion that led to the recommendation for the action.

Based on this report and copies of the commission minutes, which are routinely sent to the members of the City Council, an ultimate decision is made or the item is referred back to the originating commission or another related commission for additional study.

## **Brown Act**

The Brown Act, described as the strictest open meeting law in the United States, is designed to ensure that meetings of organizations supported with public funds are conducted openly without restrictions on the right of the public to attend. As members of a public body, city commissioners must comply with the provisions of this law.

As it applies to commissions, the law requires that meetings at which a majority of the commission members are in attendance must be open to the public. Members of a commission subject to the provisions of the Brown Act are in violation of the law and subject to criminal penalties if they knowingly take action at a meeting held in violation of the Act. For purposes of the Act, and “action” is:

1. A collective decision made by a majority of the members.
2. A collective commitment by the majority of the members to make a specific decision.
3. An actual vote by a majority of the members when they act as a body.

If meetings are scheduled, publicized and held pursuant to City policies and procedures as outlined in this manual, the Brown Act requirements for public discussion will have been met.

### *Committees and the Brown Act*

There are two types of sub-committees – standing and ad hoc. Standing and ad hoc committee membership shall be comprised of less than a quorum of the full board/commission. Board members who are not members of a standing or ad hoc committee shall not typically attend those meetings.

A standing committee is a permanent committee established to consider subjects of a particular topic with regularly scheduled meeting dates and times. Standing committees are subject to the Brown Act. Agendas will be prepared, posted and distributed in accordance with the Brown Act stating the time and place of the meeting and the subject matter to be discussed.

An ad hoc committee is a temporary committee established for a special purpose and limited duration. The board/commission chair together with City staff will determine the scope and approximate length of time the ad hoc committee will be needed. City staff shall work with the City Attorney's Office to review creation of an ad hoc committee to ensure that the committee's purpose is truly ad hoc in nature. While ad hoc committees are not technically subject to the Brown Act, the City has historically noticed all meetings in accordance with the Brown Act whenever possible.

#### *E-Mail Communications Between Advisory Body Members*

Because e-mail communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members, e-mail communications between advisory body members relative to advisory body business, should be avoided. While two members of a five-member body, for example, may appropriately communicate with one another by way of e-mail, the 'forwarding' of such an e-mail message on to a third or subsequent member would result in a Brown Act violation.

#### **Conflicts of Interest**

The State has enacted laws that address conflicts of interest which may arise when a public official (including City Council appointed commissioner) make recommendations or votes on matters in which they have a direct or indirect financial interest. The Planning Commission is required to file statements of economic interest with the Fair Political Practices Commission. Other commissioners have been included in the City's Conflict of Interest Code and therefore, those members are also required to file statements of economic interest with the City Clerk. These statements are filed once upon appointment (Assuming), and (Annual) and upon departing from service (Leaving). Non-compliance with this requirement is enforceable by the Fair Political Practices Commission.

Due to their role in property-related decisions, members of the Planning Commission will be provided with "Sphere of Influence" maps identifying any property conflict each individual member may have. The information will be based on the member's annual statement of economic interest.

If it is determined a conflict exists that would prevent a commissioner from participating in discussion or voting on a matter, the commissioner must excuse him or herself from the meeting explaining a potential conflict exists. The commissioner may rejoin the meeting once the matter is no longer before the commission.

## Characteristics of an Effective Commission

A commission's success can be compared to the success of a team. Success is dependent upon how well that team maintains the following key character traits.

1. *Clear Purpose.* The commission team will have clear vision, mission, and goals. These will be defined, understood, and accepted by all members.
2. *Clear Roles and Work Assignments.* Each member of the commission team has clear expectations about the roles played by each member of the commission. When action is taken, clear assignments are made, accepted, and carried out. Work is fairly distributed to all members of the commission team.
3. *A Climate of Trust, Openness, and Respect.* Commission team members are open and honest with one another and feel free to openly express their feelings, attitudes, values, and beliefs regarding the tasks and functions of the team. Commission team members listen attentively to one another and offer constructive comments and criticism. Commission team members do not withhold relevant or significant information from one another.
4. *Conflict.* Disagreement occurs, but the commission team is comfortable with this and shows no signs of avoiding, smoothing over, or suppressing conflict.
5. *Consensus Decision Making and Higher-Quality Decisions.* Commission team members make decisions together, and the entire commission team supports these decisions. Because every commission team member has accepted the decision of the group, decisions of higher quality result.
6. *Diversity is a Valued Asset.* Commission team members appreciate differences of opinions, ideas, and experiences; they discourage viewing differences as deviations from the norm. Commission team members are viewed as unique individuals with valuable knowledge and skills. Sensitivity toward others' feelings is critical.
7. *Informality.* The climate of a successful commission team tends to be informal, comfortable, and relaxed, with no obvious tensions.
8. *Participation.* There should be a lot of discussion. Commission team members should actively take part in discussions, speak up freely and frequently, and contribute points of view and information.
9. *Participative Leadership and Effective Use of Resources.* Commission team members use each other's skills and knowledge to produce results that no one could produce alone. Everyone is a resource, even if the group has no designated leader or if leadership shifts among members.

10. *Shared Leadership.* Each commission team member is responsible for helping the team to operate. Leadership functions may shift from time to time depending upon the circumstances, the needs of the group, and the skills of the members.