



**Procedures Manual for
City of Winters
Board & Commission Members**

August 2021

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, and some committees and commissions have evolved into working groups that supplement limited staff resources in particular areas of municipal interest. 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 530-794-6702 with any questions you may have.

Thank you for your service!

Ashley Bussart
City Clerk

C O N T E N T S

Title	Page
Purpose	4
General City Information	4
Appointment of Commissioners	5
Scope of Authority	5
Relations with the Public	6
Staff Liaisons	6
City Attorney	6
Attendance	6
Ethics Training	7
Meetings	7
Conduct of Meetings	8
- Public Meetings	8
- Agenda Preparation	8
- Order of Business	8
- Meeting Minutes	8
- Presiding Officer	9
- Right to Address the Commission	9
- Debate and Decorum	10
- Motions	10
- Voting	10
- Abstain from Voting	10
- Reports to the City Council	10
Brown Act	11
E-mail Communication	11
Conflicts of Interest	12
Characteristics of an Effective Commission	12

Purpose

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

In general commissions and committees' primary purpose is to serve as advisory bodies to the City Council, which establishes overall policy direction for the organization, determines priorities, and allocates resources consistent with those priorities. Advisory bodies assist the Council see the "big-picture" perspective on community goals, problems, and policy and program opportunities. Advisory bodies often represent a merger of lay and professional talents in the community and by coming together with interests, skills, and experience, they assist with engaging the community and providing recommendations related to their particular program areas.

In Winters, some commissions and committees have evolved to take on working roles rather than primarily advisory roles in a particular municipal program area. Rather than staff bringing work before the commission, these commissions and committees create work plans consistent with Council policy direction and resource allocation to further an area of interest, for example in senior community affairs or environmental sustainability. These commissioners and committee members take more active roles in volunteering their time and expertise to work on projects. As a result the time commitment to serve on an advisory body may vary depending on the commission or committee.

In all cases, advisory body members are expected to understand the work or report before the committee or commission, to remain open to community input, and to offer recommendations based on furthering the goals, priorities, and policies established by the City Council.

General City Information

The City of Winters incorporated on February 9, 1898.

This specific form of government is referred to as Council/Manager.

The City Council establishes policies and priorities and provides overall direction for the City operation. The Mayor serves as the chairperson for Council meetings and is the general spokesperson for the Council. As elected representatives, 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.

The City Manager is appointed by the City Council and leads the organization in service to the community, consistent with Council policy direction within resources allocated by the Council. The City Manager manages the administrative functions of the City of Winters, except for the City Attorney, who is also directly appointed by the City Council.

Appointment of Commissioners

Except for the Planning Commission, which is required under State law, the City Council determines which commissions or committees are necessary to assist with program support or policy development. The Council passes an enabling resolution that establishes the advisory body and its primary role or mission, and commissioner composition and terms. 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. The City Clerk then monitors commission rosters and manages recruitments and the reappointment process for the City Council.

Each commission/committee has an assigned staff member to assist with the commission's work. Staff members ensure agendas and minutes are posted and meetings are conducted consistent with the Brown Act. Depending on the role and purpose of the commission, staff may provide technical information and support within available workload. Working committees and commissions are expected to carry more of the research and administrative support for their commission.

Scope of Authority

With the exception of certain Planning Commission roles, the function of City commissions and committees is strictly advisory to the City Council and / or to provide program support within a municipal area. 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 and understanding. Be considerate of all interests, attitudes, and differences of opinion.

Public 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 for the Planning Commission taking and maintaining minutes to serve as the official record of the commission's activities.

The staff role is to assist with guiding the commission's work consistent with Council policy direction and organizational norms. City staff members are not voting members of the commission. 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 commission with recommendations based upon technical expertise, regardless of personal opinion.

Commissioners should be aware of staff's responsibilities to provide technical advice to the commission and the City Council. When staff members don't agree with commission recommendations, they are obligated to advise the City Council, through the City Manager, of the staff recommendations as well as the commission's. 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 its meeting. The City Attorney or designee will not attend other commission meetings.

Attendance

Attendance at commission meetings is vital. Members who have three absences may

be considered for removal.

Staff will monitor commissioner attendance, and forward any 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.

Traditionally, commission meetings are held in the Council Chambers located at 318 First Street unless otherwise notified by staff. As a result of the pandemic, meetings are conducted via a platform for remote participation, consistent with the Governor's executive order.

Ethics Training

State law requires that appointees to a City board, commission, or designated committees that have a potential financial interest in work before the commission may 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 will be notified by the City Clerk if they are required to participate in ethics training.

Meetings

There are three categories of commission meetings: regular, adjourned regular, and special meetings. All meetings are conducted in 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 notification, 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 will 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 packet will include staff reports and material necessary for the decision-making process. State law requires that the agenda be posted at the meeting location at least 72 hours before a regular meeting. The City Clerk will also post the agenda packet on the City's website.

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 commission secretary, if one is appointed, or the staff liaison is responsible for preparing minutes for 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 minutes follow the agenda's order of business and are similar to City Council meeting minutes.

At each meeting commissioners will have the opportunity to review minutes of the previous meeting. Prior to the vote, commissioners may request amendments to the minutes 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 approved meeting minutes must be sent to the City Clerk after the meeting.

Presiding Officer

The chair is typically selected annually by the members of the commission, and serves as the presiding officer for the meeting. In the chair's absence, the vice-chair, who is 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 discussions 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. The speaker may state his or her name for the record or remain anonymous. It is not required for speakers to share their address. Comments from the audience should be directed to the commission and not to staff members present or members of the audience. If a response is needed from staff, the chair will direct the question to the appropriate person for a response.

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 may be set for individual 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 profane remarks or who becomes disruptive 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 commissioner 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. To make a motion, a commissioner would state "I move", followed by the proposed action.

Voting

After a motion has been made and seconded, all members of the commission have the opportunity to vote unless they have a conflict of interest on the proposed matter, which should be established prior to the agenda item is discussed. Only those motions that receive a majority vote become official actions of the commission. If you are not present at the dais or in the remote meeting, you may not cast a vote.

Abstain from Voting

Members may abstain from voting if there is a conflict of interest but must explain for the record why they wish to abstain. The most common reason for abstentions is that a potential conflict of interest exists. If a financial conflict of interest has been disclosed for a particular item, the commissioner must recuse themselves and leave the meeting. 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 result in a motion failing, and 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 / meeting AND the room, when the discussion and vote are taken.

Reports to the City Council

Any items that are presented to commission and then to the City Council typically include the commission recommendation in a staff report to the City Council. In the report, the staff liaison summarizes the recommendation as well as the pertinent discussion that led to the recommendation for the action. The Council will consider the commission recommendation as well as staff information as part of the item's discussion. The Council will ultimately make its own decision, which could also include referring the item back to

commission for more information or to another commission for additional input.

Brown Act

The California Brown Act 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 business meetings during 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 if they knowingly discuss business items related to the Commission outside of a public meeting, particularly if those discussions related to an action before the Commission.

If meetings are scheduled, noticed and conducted 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 commission or committee.

A standing committee is a permanent sub-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, usually for no more than a year. Ad hoc committees are not subject to the Brown Act; however, given the goal of transparency, ad hoc work is typically reported to the full commission during a regular meeting.

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 related 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.

It may be appropriate from time to time for email communication to commissioners. To avoid a “reply all” response from a commissioner, such communication should be coordinated with the staff liaison and transmitted via blind copy to commissioners.

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) makes 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 may have been included in the City’s Conflict of Interest Code and if so, 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. *Disagreement.* Commissioners do not need to agree; however, when there isn’t

agreement, an effective commission will ensure respectful dialogue remains the priority and the team is comfortable with expressing personal opinions and accepting the majority opinion expressed through the final vote.

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.* Effective commissions 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. *Participation.* Healthy, respectful discussion leads to better decision-making. Commission team members should actively take part in discussions, speak up freely and frequently, and contribute points of view and information.
8. *Shared Leadership.* Each commission team member is responsible for helping the team be successful.