

TO: City Council

FROM: James L. App, City Manager

SUBJECT: Council Advisory Body, Board & Commission Bylaws:
Membership Residency Requirement

DATE: May 20, 2003

NEEDS: For the City Council to consider City residency as a condition of membership in a City Advisory Body, Board, or Commission.

- FACTS:**
1. Late 2001, the City Council adopted policies to govern Council-related activities.
 2. The Policies include provisions affecting the formation, organization, membership, and conduct of City Advisory Bodies, Boards & Commissions.
 3. Council Policy requires that appointees to City advisory bodies be residents of the City (Exhibit A).
 4. Subsequent to adoption of the Council Policies, development of standardized bylaws for all such bodies was requested.
 5. A Council subcommittee (F. Mecham & G. Finigan) presented draft standardized bylaws on March 18, 2003 for consideration (Exhibit B).
 6. The draft bylaws included residency requirements, but expanded the definition of residency to include those who either own businesses, or represent non-profit associations headquartered, in town.
 7. The City Council approved the draft with one modification: the requirement for City "residency" was to be amended to allow that only a majority of the members need be residents.
 8. The proposed modification is not consistent with adopted Council Policy.
 9. Revisions to the bylaws consistent with the Council's 3/18/03 directive are attached for consideration (Exhibit C). Should the Council approve the revised language, Council Policy Section 3.2.2 shall also require revision – revised language is presented for consideration (Exhibit D).

**ANALYSIS &
CONCLUSION:**

Council Policy provisions regarding committee membership – residency, term limits, etc. – were established to facilitate and encourage citizen involvement and interaction. It was discussed at the time that the population of the City is adequate to assure an ample supply of interested persons, and that City business is principally a concern and responsibility of City residents.

Additionally, as the standardized bylaws were being developed, considerable discussion focused upon inclusion not only of those who reside in town, but those who own businesses and/or are appointed as representatives of nonprofit associations headquartered in town. The definition of residency was broadened to include such business and association interests.

As a result of the broad residency definition, many who do not reside in town would be eligible to formally participate in City affairs.

The March 18 Council request to modify membership requirements so that only a majority of members need be residents can certainly be accommodated. However, given the broad definition of residency as detailed above (and in Exhibit B), it is possible that City bodies could have a majority of members that reside outside of town.

**POLICY
REFERENCE:**

Council Policy Section 3.2.2; Standardized Bylaws Section 3a.

**FISCAL
IMPACT:**

None

OPTIONS:

- A. Approve Revised Residency Requirements as Presented in Exhibits C & D.**
- B. Approve/Retain Residency Requirements as Presented in Exhibits A & B.**
- C. Amend, Modify or Reject the Options Above.**

Exhibits: A – Council Policy Section 3.2.2
B – 3/18/03 Draft Standard Bylaws
C – Draft Revisions to Standard Bylaws Section 3a.
D – Draft Revisions to Council Policy Section 3.2.2

~ CHAPTER 3 ~

COMMISSIONS, BOARDS, & ADVISORY COMMITTEES

3.1 Committees Generally

- 3.1.1 The City Council may establish standing or ad hoc Commissions, Boards, and Advisory Committees (referred to collectively herein as "committees") as a means of gathering community input.
- 3.1.2 Citizens who are appointed to Council committees serve in an advisory capacity to the City Council (except that the Planning Commission, Library Board, & Redevelopment Agency Project Area Committee may be vested with additional responsibilities as prescribed in State law).

3.2 Committee Organization & Conduct

- 3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.
- 3.2.2 Appointees shall be residents of the City. However, when exceptions are warranted, the reasons shall be so stated in that committee's by-laws.
- 3.2.3 Standing committees and standing committee members shall comply with all applicable open meeting and conflict of interest laws of the State.
- 3.2.4 Committee members are expected to adhere to the Council's Code of Ethics.

3.3 Committee Appointments

- 3.3.1 The City Clerk shall maintain a list of all committee appointive terms.
- 3.3.2 The City Clerk shall solicit applications for vacancies in accordance with State law or City procedures, whichever is applicable.
- 3.3.3 The Council shall determine a selection methodology as needed or desired.
- 3.3.4 No person shall be eligible for appointment to one standing committee for more than three full consecutive terms, exclusive of prior appointment to fill an unexpired term.
- 3.3.5 Persons who have served three full consecutive terms may be reappointed following a one term absence.
- 3.3.6 Appointees shall serve on only one standing committee at a time.
[Note: See Chapter 1.5 & 4.5 for more regarding Boards & Commissions]

DRAFT

EXHIBIT B

BYLAWS

COMMITTEE

ARTICLE I - THE COMMITTEE

Section 1: Name of Committee

The name of the Committee shall be the "_____ Committee" (hereinafter referred to as the "_____").

Section 2: Purpose

The _____ serves at the pleasure of the City Council as a means to aid the City Council in gathering public input by providing a forum through which private citizens may advise the City Council of the City of Paso Robles ("Agency") on matters relating to _____ in the City of Paso Robles. In order to accomplish that purpose, the _____ may consult with and advise the Agency on those matters which deal with:

- a. _____;
- b. _____;
- c. _____; And
- d. _____.

The _____ shall be and remain established following the adoption of these Bylaws unless otherwise abolished by an affirmative vote of the majority of the City Council.

Section 3: Membership

a. Membership Categories and Qualifications

To be eligible for membership on the _____, a person must be either a:

- (1) Resident: To qualify under this category, the person must either own or occupy a residential dwelling located within the City.
- (2) Business Owner: To qualify under this category, the person or the legal entity, which the person represents, must present satisfactory evidence of ownership and operation of a business within the City.

*

- (3) Representative of Existing Community Organization: To qualify under this category, the person must be appointed to serve as a representative member by an existing nonprofit corporation or association of persons and/or entities which has its headquarters or a site office within the City or has a substantial number of constituents who are persons and/or entities who reside or conduct business in the City formed for the purpose of serving the community and generally recognized by persons within the City as a Paso Robles community organization.

b. Open Membership

Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, national or ethnic origin, or any other classification protected by law.

c. Total Membership & Term Of Appointment

The total membership of the ___ shall be _____. (). A member's regular term of appointment shall be ___ years.

- (1) No person shall be eligible for appointment for more than three consecutive terms, exclusive of prior appointment to fill an unexpired term of office.
- (2) Persons who have served three full consecutive terms may be reappointed following a one-term absence.
- (3) Appointees shall serve on only one Council Advisory Body/Commission at a time.

d. Member Code of Ethics

Committee members shall adhere to the City Council's Code of Ethics (Appendix).

Section 4: Conflict of Interest

- a. No member shall participate in any decision which directly or indirectly affects his or her property or economic interests in a manner which is distinguishable from the effect on the City as a whole or his or her interests in common with others similarly situated.
- b. Committee members shall not engage in any ex parte* communication with any member of the City Council, commission, board or committee regarding any quasi-judicial** matter pending, or reasonably expected to come, before such a body.

* Ex parte communication - any oral or written communication that is intended, or is reasonably calculated, to influence decisions. ** Quasi-judicial matter - the appeal of any employee discipline or grievance, or a proceeding to approve or revoke any license, permit or project.

Section 5: Termination of Membership

Membership in the ___ shall terminate in the event that:

- a. The member is no longer a Resident, Paso Robles Business Owner, or a representative of an existing Paso Robles Community Organization; or
- b. The member shall not be, or shall no longer be, a member of that membership category from and for which he or she was elected or appointed; or
- c. The member shall have acted in violation of Section 9 of Article III of these Bylaws.
- d. The member shall have served three consecutive full terms.

Section 6: Removal of Members

A member may be removed by an affirmative vote of a majority of the City Council, if, after a hearing, it is found and determined that any one of the grounds for termination specified in Section 5 of this Article I exists.

Section 7: Resignation

Any ___ member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the ___ and the Agency. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 8: Filling of Vacancies

In the event of a vacancy on the ___, the City Council shall select an individual to fill such vacancy as soon as reasonably practicable. New members must meet the qualifications set forth in Section 3 of Article I.

Section 9: Remuneration

Members shall serve without pay except for reimbursement for travel expenses to meetings outside of the City.

ARTICLE II - OFFICERS

Section 1: Officers

The officers of the ___ shall consist of a Chairperson and a Vice Chairperson, who shall be elected in the manner set forth in this Article II.

Section 2: Chairperson

The Chairperson shall preside at all meetings of the ___, and may submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the ___. The Chairperson may sign documents necessary to carry out the business of the ___.

Section 3: Vice-Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the ___ shall elect a new Chairperson.

Section 4: Additional Duties

The officers of the ___ shall perform such other duties and functions as may from time to time be required by the ___, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 5: Election

The Chairperson and Vice Chairperson shall initially be elected from among the members of the ___ at the ___'s first regular meeting. Thereafter, the Chairperson and Vice Chairperson shall be elected from among the members of the ___ annually. Such officers of the ___ shall hold office for one year following their election and until their successors are elected and in office. Any such officer shall not be prohibited from succeeding him or herself, but no person shall be elected as an officer for more than three consecutive terms.

Section 6: Removal of Officers

Upon an affirmative vote by a majority of the members of the ___ present at a regular or special meeting of the ___ at which a quorum is present, any officer may be removed from office, and a successor elected pursuant to Section 7 of this Article II.

Section 7: Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the ___ shall elect a successor from among the ___ members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III - MEETINGS

Section 1: Regular Meetings

The ___ shall meet regularly on the [_____] of each month, at the hour of _____ p.m., at _____ Paso Robles, California. In the event that the

regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next business day thereafter ensuing that is not a legal holiday. A notice, agenda and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two (72) hours prior to the meeting.

Section 2: Special Meetings

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the ___ present at a regular or special meeting of the ___ at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members of the ___ by written notice personally delivered or by mail at least twenty-four (24) hours before the time specified notice for a special meeting. At such special meeting, no business other than that designated in the call shall be considered.

Section 3: Adjourned Meetings

Any meeting of the ___ may be adjourned to an adjourned meeting without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. ___ members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4: All Meetings to be Open and Public

All meetings of the ___ shall be open and public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law.

Section 5: Posting Agendas/Notices

The City Staff member assigned to the ___, or his or her authorized representative, shall post an agenda for each regular ___ meeting or a notice for each special ___ meeting containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at the Paso Robles City Library and Police Department at least seventy-two hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting. The Staff Member shall maintain a record of such posting.

Section 6: Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the ___ on matters within the ___'s subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the ___ may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

Section 7: Non-Agenda Items

Matters brought before the ___ at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the ___ at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code §54950 et seq.). Those non-agenda items brought before the ___ that the ___ determines will require ___ consideration and action and where ___ action at that meeting is not so authorized shall be placed on the agenda for a future meeting once a City staff report concerning the matter is prepared.

Section 8: Quorum

The powers of the ___ shall be vested in the members thereof in office from time to time. ___ of the ___ members then in office shall constitute a quorum for the purpose of conducting the ___'s business, exercising its powers and for all other purposes, but less than that number may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the ___ present at a regular or special meeting of the ___ at which a quorum is present shall be required for approval of any questions brought before the ___.

Section 9: Unexcused Absences

If a member shall be absent without the consent of the ___ from three (3) meetings, whether regular or special, within six (6) consecutive calendar months, such absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson of his or her intent to be absent and the reasons therefore; provided, however, that a member shall be entitled to only two (2) excused absences within twelve (12) consecutive calendar months. At each meeting, after the roll has been called, the Chairperson shall report to the ___ the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence.

Section 10: Order of Business

All business and matters before the ___ shall be transacted in conformance with the City Council's established practice.

Section 11: Minutes (Action)

Minutes of the ___ shall be prepared in writing by the City staff member assigned to the ___. Copies of the minutes of each ___ meeting shall be made available to each member of the ___ and the Agency. Approved minutes shall be filed in the official book of minutes of the ___ and forwarded to the City Council for information.

Section 12: Recommendations to City Council

Recommendations of the ____ to the City Council shall be prepared in writing by the City staff member assigned to the _____. Recommendations may be presented to the City Council during a public meeting once the assigned staff prepares a staff report summarizing key facts, analysis, cost/benefit consideration, fiscal impact, and policy implications and options, and the report has been reviewed by the City Manager. The official minutes of the ____ documenting the ____ recommendation(s) shall be attached to the staff report.

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES

The Chairperson, the Vice-Chairperson in the Chairperson's absence or a member of the ____ may make official representations on behalf of the ____ before the Agency and/or the City Council if so specifically designated by the _____. The ____ may present information to other public bodies with the affirmative vote of a majority of the City Council.

ARTICLE V - COMMITTEES

The ____ may establish any standing and/or special committees it deems necessary consistent with, and to fulfill, its stated purpose as established in Section 2 of these Bylaws.

ARTICLE VI - AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the City Council.

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- (4) Other: Non-residents may be considered/appointed so long as a majority of the Advisory Body are residents as provided in Section 3.a.(1,2, & 3) above.

b. Open Membership

Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, national or ethnic origin, or any other classification protected by law.

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