

Sheila Cobian

From: Brian Conrey <brian@conreys.net>
Sent: Saturday, November 11, 2017 10:31 AM
To: City Clerk
Subject: Feedback on Chapter 1.20

All Receive - Agenda Item # 3
For the information of the:
CITY COUNCIL
ACM CA CC
Date 11/13/17 City Manager

Ms. Engleson,

City Staff have done a great job in updating 1.20, modernizing the intent, and extending it to also cover other types of meetings.

The process of incorporating other types of meetings has created additional ambiguity and gaps, which you'll note in some of my observations below. To be clear, I agree with the intent but as currently written many of the Council practices are applied/expected at the other meetings, including participation by the Mayor, City Attorney, and so forth.

My review was not comprehensive, but I share the following constructive observations:

1.20.010 – With a heading of “policies applicable to all meetings” you risk bringing every municipal meeting within the scope of this document. While I concur this should apply to more than just Council meetings, the current alternative is too broad. Applying this protocol to every meeting would introduce overhead without adding value.

1.20.010.A – you may want to consider defining “other legislative bodies” with particular emphasis on what they are not, so the broad interpretation does not assume that most/all city decision-making is subject to 1.20

1.20.010.B – ‘council members’ is referenced but the document is intended to apply to all meetings. You may want to select a more general identifier of the meeting members versus participants/observers, and review the entire document to confirm all occurrences of ‘council members’ are reviewed and addressed as needed

1.20.120.C.6 – how might this apply to law enforcement who are from other agencies and not city personnel?

1.20.070.A – you may want to replace the Wednesday 5:00pm deadline with a dynamic deadline (eg “6 days prior to the regular meeting”) similar to the redline in 1.20.060.C In the future if the regular meetings are moved to another day, you'll only have to update that date and not all the related deadlines.

1.20.070.C/D – same comment as immediately above

1.20.090.C – Require more than 24 hours' notice for a recording preservation request, particularly in the case of a preceding holiday where the city offices are closed

1.20.100.A – update the first line to be “The presiding officer of the city council...” – as written, this presiding officer is the same for all legislative and advisory meetings as well

1.20.110 – similar to my earlier comments, this needs clarification as to whether it applies only to council or to all meetings, and if all meetings, participants/roles need to be generalized

1.20.320 – does this apply to electronic communications, including email and voice mail?

Please let me know if you have questions or need clarification on any of my comments. Thanks for your role in helping keep our City and Council running so smoothly!

Best,
Brian Conrey

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For the Information of the:
CITY COUNCIL
ACM ✓ CA ✓ CC ✓
Date "11/13/17" City Manager ✓

From: Dan Hentschke
To: Sheila Coblan
Cc: Flora Walte; Celia Brewer
Subject: Re: FW: Feedback on Chapter 1.20
Date: Monday, November 13, 2017 2:19:12 PM

Dear all,

Please see my responses to the comments. I have put my comments in boldface type simply to distinguish the response from the comment. Please let me know if you have any questions or need me to comment further.

Dan

1.20.010 – With a heading of “policies applicable to all meetings” you risk bringing every municipal meeting within the scope of this document. While I concur this should apply to more than just Council meetings, the current alternative is too broad. Applying this protocol to every meeting would introduce overhead without adding value. The commenter appears to misread section 1.20.010 as applying then entire chapter 1.20 to meetings of all city agencies. Section 1.20.010 does establish policies applicable to all city meetings (e.g. general rules of decorum, compliance with the Brown Act), but it is the only section in chapter 1.20 that applies to the other bodies. This section is needed to assure that the general policies relating to public participation apply to all meetings of all the city bodies. Staff did not include a section mandating that the entire chapter 1.20 apply to all city boards and commissions. Those agencies are permitted to adopt operating rules should they choose to do so long as they are consistent with the policies in section 1.20.010, the Brown Act, and due process.

1.20.010.A – you may want to consider defining “other legislative bodies” with particular emphasis on what they are not, so the broad interpretation does not assume that most/all city decision-making is subject to 1.20. Again, the commenter appears to misread the scope of section 1.20. 010. The definition of "legislative body" is set by the Brown Act.

1.20.010.B – ‘council members’ is referenced but the document is intended to apply to all meetings. You may want to select a more general identifier of the meeting members versus participants/observers, and review the entire document to confirm all occurrences of ‘council members’ are reviewed and addressed as needed. Section 1.20.010 B includes "council members" to make it clear the members of the city's highest governing body, as well as all city officials, employees and others are subject to the same general rules set forth in section 1.20.010 Members of other legislative bodies (e.g. planning commissioners, parks and rec. commissioners, etc.) are included within the broad scope of "city officers." However, if this is not clear, then the solution is to add "members of city boards, commissions, and other legislative bodies.

1.20.120.C.6 – how might this apply to law enforcement who are from other agencies and not city personnel? I believe the commenter means section 1.20.010 C.6. If the person is attending in an official law enforcement capacity, possession of the weapon would be permitted. However, merely because a person is a law enforcement officer would not exempt the person from the rule when attending the meeting in a private capacity.

1.20.070.A – you may want to replace the Wednesday 5:00pm deadline with a dynamic deadline (eg “6 days prior to the regular meeting”) similar to the redline in 1.20.060.C In the future if the regular meetings are moved to another day, you’ll only have to update that date and not all the related deadlines.

1.20.070.C/D – same comment as immediately above **This is an issue for staff. The commenter has a reasonable point, but often it is difficult for members of the public to figure out deadlines when they are written in the manner the commenter suggests. Having a fixed day is easy to understand.**

1.20.090.C – Require more than 24 hours’ notice for a recording preservation request, particularly in the case of a preceding holiday where the city offices are closed **This provision does not change existing city practice.**

1.20.100.A – update the first line to be “The presiding officer of the city council...” – as written, this presiding officer is the same for all legislative and advisory meetings as well. **The commenter misconstrues the effect of section 1.20.010 as applying the entirety of chapter 1.20 to other city board and commissions.**

1.20.110 – similar to my earlier comments, this needs clarification as to whether it applies only to council or to all meetings, and if all meetings, participants/roles need to be generalized **As stated previously, the only provision of chapter 1.20 that applies to meeting other than city council meetings is section 1.20.010.**

1.20.320 – does this apply to electronic communications, including email and voice mail? **This section restates existing city practice. As written, it would apply to emails, which are written communications. It would not apply to voice mail.**

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