

Advisory Bodies Handbook



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Welcome!

Thank you for your interest in serving on one of our citizen advisory bodies, and congratulations for volunteering your time and skills to help us improve your community.

Serving on one of the City commissions, committees, or boards can be a fascinating and rewarding experience. These advisory bodies are charged with formulating new ideas, information gathering, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy – all toward helping the City Council make better-informed decisions.

The City Council Members and Staff look forward to your contributions as we work in partnership to provide efficient municipal services responsive to local needs. The City Council hopes your experience will be stimulating, enjoyable and fulfilling.

Much of the information in this handbook comes from a variety of City policy documents, such as the Municipal Code and Budget. In addition, State Law governs certain responsibilities of advisory body members.

The material presented is intended to:

- 1) Give interested persons an understanding of why the City's advisory bodies have been established and how they function within the overall governmental framework and,
- 2) Summarize the roles, relationships and responsibilities of each advisory body member.

Again, thank you for participating in our democratic process. The volunteer spirit and community participation we cultivate in Pismo Beach makes this an outstanding place to live, work and play.

Your Government

The City of Pismo Beach is a General-Law City operating under a Council/Manager form of government with the City Council acting as the legislative body of the City. The City Council is comprised of five elected positions: the Mayor and four Councilmembers. Elections are staggered every two years with each Councilmember serving a four-year term and the Mayor serving a two-year term. After each election, the Council appoints the Mayor Pro Tempore.

OPERATIONAL DEPARTMENTS

The City Council appoints the **City Manager** who is responsible for the day-to-day operations of the City. The City Manager's duties include appointing Department Heads who are responsible for the day-to-day operation of their departments. The City Manager also acts as the Personnel Officer, supervising the recruitment, testing, classifying, evaluating and training of employees.

The City Council also appoints a **City Attorney** responsible for ensuring that City business is conducted in conformance with appropriate laws and statutes.

The **City Clerk** prepares Council agendas and records the minutes, conducts City elections, maintains City records, administers the advisory body appointment process, codifies Ordinances, receives claims against the City, coordinates legal publications posting and advertising, administers oaths and serves as secretary to the Council.

The **Administrative Services Director/City Treasurer** is the City's fiscal agent who collects money, pays bills, controls assets and financial operations, supervises cash management, provides centralized accounting and provides the framework for financial planning, as well as the risk manager. The Department does the billing and collection of charges for water and sewer, administers business licenses and the Transient Occupancy Tax levied on hotel/motel room rentals, and manages the Information Systems.

The **Community Development Director** is charged with managing three divisions:

The **Planning Division** is responsible for the creation and implementation of long-range plans for the city's growth and development, consistent with approved planning principles and state law. The division reviews development projects to ensure consistency with City policies and local, state, and federal law, including environmental review. Finally, the division is charged with managing special projects that are related to the planning function; including oversight of parks and open space planning, grant writing, and assisting in redevelopment agency administration.

The **Recreation Division** is responsible for providing recreation and leisure opportunities to residents of all ages. These programs are offered with the hope that they not only meet the community's interests, but also inspire residents to try something new.

The **Building Division** provides plan checking, permitting, and inspection services for new construction, additions, and remodels within the City of Pismo Beach.

The **Public Works Director/City Engineer** manages the Public Works and Engineering Divisions. The Department is responsible for the design, construction and maintenance of City facilities and infrastructure including streets, public buildings, the pier, promenades, beach access stairways, beach, parks, public parking lots, vehicles, the water system, and wastewater system.

The **Police Chief** oversees 34 employees, 23 of which are sworn police officers. The Department is divided into two service divisions, Operations and Support Services, with a Police Commander overseeing each division.

The **Fire Department** is contracted with the California Department of Fire and Forestry to provide improved emergency and fire protection services to the citizens of Pismo Beach. This agreement was the culmination of an extensive study commissioned by council to find the most cost efficient and comprehensive way to provide these enhanced fire and emergency medical response and other fire protection services.

CDF/Pismo Beach Fire has accomplished a variety of key programs during our first three years.

A *dv*isory *B*ody 101

CITY COUNCIL PHILOSOPHY ON CITIZEN ADVISORY BODIES

Policy for the City is determined by the City Council. However, City decision-making benefits from the advice and counsel of its citizens. For these reasons, the City Council has established a number of ongoing boards and commissions, as well as issue specific committees and task forces to provide input and recommendations to the City Council. Because of the nature of these advisory bodies, they can serve as the eyes and ears of the Council for issues and matters that otherwise might not receive the attention they deserve.

These advisory bodies have been created by either the adoption of Resolutions (policy) or Ordinance (law). Some bodies are considered permanent and others may be temporary, remaining in effect until their particular task is completed. These bodies are also considered “legislative bodies” as that term is defined in the State’s open meeting law, the Ralph M. Brown Act.

For the purpose of this document, the term “advisory body” will be used to represent City boards, commissions, committees or task forces whether permanent or temporary, decision-making or advisory, created by City Ordinance, Resolution of formal action of the City Council.

OPPORTUNITIES FOR SERVICE

Interested individuals may apply for appointment to any of the following City advisory bodies:

- Planning Commission
- Conference and Visitors Bureau (CVB)
- Parks, Recreation and Beautification Commission (PRBC)
- Parking Advisory Committee (PAC)
- Special Events Committee (SEC) Ad Hoc

MEMBERSHIP QUALIFICATION

The City of Pismo Beach encourages participation of a wide variety of its citizens through service on an advisory body. Unless specified, there is no special education, training or background required for appointment.

The following minimum criteria shall be met by any person wishing to be considered for appointment to an advisory body:

- Applicants for the PRBC and Planning Commission must be a resident and registered voter of the City at the time and during the entire term of the appointment unless accepted by state law or special circumstances.¹ One such exception is in regards to the Conference and Visitors Bureau, which allows a non-resident to serve on the board as long as they have a business interest, such as a hotel or shop, within the City limits.

¹ Municipal Code Section 2.20

- Applicant must be at least 18 years of age at time of appointment.
- Applicant shall pledge to meet the minimum attendance requirements.

APPOINTMENT PROCESS

Each person seeking appointment or reappointment to an advisory body needs to obtain and file an application in the Office of the City Clerk. Application may be made for a vacancy that currently exists or which may occur in the future.

Applicant should read and become familiar with the contents of this handbook and attend at least one meeting of the advisory body prior to interviewing with the Council.

The Council will interview applicants for appointment or reappointment at a Regular or Special meeting. At the same meeting at which applicants are interviewed or at a subsequent Regular or Special City Council meeting, the City Council makes appointments by having each Councilmember cast a vote for the persons favored for membership. The applicants with the most votes will be appointed.²

Applicants not appointed will be so advised and their applications held for no less than one year for consideration in the event of a future vacancy.

As a general policy, an applicant shall not be appointed to serve on more than one advisory body except that a member may also serve on one technical, or special purpose, or ad hoc committee (SEC, TSAC) at the same time. If appointed to another advisory body, he/she must immediately resign from one body upon being appointed to another.

Council liaison subcommittee appointments to advisory bodies are selected bi-annually, after the Election, by the full Council - usually in January. The Mayor submits recommendations to the full Council and rotates nominations for Council Member Subcommittees to provide an opportunity for each member to serve as a liaison at least once on each advisory body when possible. Automatic rotation for the technical and regional committees is not always followed, allowing Council Members to develop a higher level of expertise for some of the more complex committees, as well as continuity where appropriate.

ORIENTATION

After the Council makes the appointments, the department serving as staff support to a particular advisory body will coordinate and conduct an orientation with new appointees. Before or during that orientation, support staff will provide relevant documentation and background information about the specific advisory body upon which the new appointee shall serve.

OATH OF OFFICE

Following appointment and usually at the next meeting of the advisory body, the City Clerk will administer the Oath of Office (except SEC and TSAC). The Oath may also be administered in the City Clerk's Office.

² Resolution No. R-96-74

TERMS OF OFFICE³

The term of office for each appointee to an advisory body shall be from two years to a maximum of four years. The terms are staggered to encourage a mix of policy continuity and history while allowing time for new members, with new and different points of view, to be integrated into the activities of the Board or Commission.

Annual appointments commence on February 1st; appointments to un-expired terms begin the day the appointment is made by the Council.

A mid-term appointment to a vacant seat on an advisory body will fill that seat until the expiration of the seat's term.

REMOVAL FROM OFFICE

Members of advisory bodies serve at the pleasure of the Council and may be removed without cause by Council action in an open session meeting.

If any board or commission member acquires three or more consecutive absences from regular meetings of the advisory body without giving prior notice to the Chair, the member shall be immediately removed from office.⁴ An exception to this is in the case of Ad-Hoc committees such as the SEC or TSAC.

VACANCIES

Seats become vacant in three ways:

- 1) Expiration of term
- 2) Resignation prior to end of term
- 3) Removal by Council

The City Clerk's Office will post and publish a notice of vacancy and the appointment shall be made consistent with the appointment process.

COMPENSATION

Planning Commission ⁵	\$25/meeting not to exceed \$50/month
Conference and Visitors Bureau ⁶	\$25/meeting not to exceed \$50/month
Parks, Recreation and Beautification Commission ⁷	\$25/meeting
Special Events Committee	Not compensated

³ Resolution No. R-96-74

⁴ Resolution No. R-96-74

⁵ Resolution No. R-89-03

⁶ Resolution No. R-01-78

⁷ Resolution No. R-05-007

Traffic Advisory Committee

Not compensated

Parking Committee

Not compensated

AWARDS AND RECOGNITION

The City Council values and appreciates each citizen who volunteers his/her time and energy to serving the City on an advisory body. An annual appreciation event hosted by the City Council is one way in which appreciation is expressed for new, ongoing and departing advisory body members. When a member terminates service on an advisory body, the Council will recognize that member's contribution to the City through an appropriate expression of appreciation.

A *dvvisory Boards*

PLANNING COMMISSION

Purpose

The Planning Commission is a body of citizens created by Ordinance No. O-9 in 1946 to advise the City's Community Development Department and the Council.

The Commission works closely with the Community Development Department.

Members – Terms

The Planning Commission consists of five members. Members serve a term of two (2) years. Members are eligible for reappointment. No term limits apply to the Planning Commission. Chairperson and Vice Chair are chosen in February.

Functions⁸

The Planning Commission performs all of the following functions:

1. Prepare, periodically review, and revise, as necessary, the general plan.
2. Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
3. Annual review the capital improvement program of the city for their consistency with the general plan.
4. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
5. Counsel and advice with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally concerning implementation of the general plan.
6. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
7. Perform other functions as the Council provides, including conducting studies and preparing plans other than those required.

Meetings

Meetings are held the second and fourth Tuesday of the month at 6:30 p.m. in the City Council Chambers located at 760 Mattie Road.

⁸ Government Code Section 65103

PARKS, RECREATION AND BEAUTIFICATION COMMISSION

Purpose

The Parks, Recreation and Beautification Commission was established by Ordinance No. 285 in 1981 as a body of citizens appointed to advise the City Council in all matters pertaining to parks, public recreation, access, open space and trails and to cooperate with other governmental agencies and civic groups for the advancement of sound parks and recreation planning and programming.

The Commission works closely with the Recreation staff, the Parks Maintenance Division of the Public Works Department and the Planning Department.

Members – Terms⁹

The Parks, Recreation and Beautification Commission consist of five members. Members of the Committee serve a term of four (4) years. Members are eligible for reappointment. No term limits apply to the PRBC. The Chair and Vice Chair are selected in April.

Functions¹⁰

The Commission advises and makes recommendations on all aspects of the City's parks and recreation programs. The Commission is expected to:

1. Recommend policies and fees for park and recreation services for approval by City Council and interpret these policies and fees to the public.
2. Encourage individuals and citizen groups to give manpower, property and funds for the development and operation of recreation and park facilities and should at all times generally enlist community interest in recreation and parks.
3. Recommend to City Council the development of recreation areas, parks, facilities, programs, and improved recreation services.
4. Recommend to the City Council the adoption of standards concerning parks, recreation, access, open space and trails with respect to area, facilities, programs and financial support.
5. Advise the recreation and parks staff in the preparation of the annual parks maintenance, park improvement and recreation program budgets and shall recommend long range park and recreation facilities improvements.
6. Recommend to City Council rules and regulations governing the use of recreation areas and facilities.
7. Identify and recognize the efforts of residents to improve the visual quality of the community through beautification of private residences.
8. Review and make recommendations on landscape plans for public right-of-ways, parks, major subdivisions, public properties and other projects on referral from the City Council or the Planning Commission.

Meetings

Meetings are held the first Thursday of the month at 6:00 p.m. in the City Council Chambers located at 760 Mattie Road.

⁹ Municipal Code 2.24.020

¹⁰ Municipal Code 2.24.060

CONFERENCE & VISITORS BUREAU

Purpose

The mission statement of the Conference and Visitors Bureau is:

“To increase overnight visitorship and visitor expenditures while establishing Pismo Beach as a preferred California tourist destination, thereby enhancing city revenues and improving the quality of life for Pismo Beach Residents.

This is to be accomplished by a consistent, identifiable promotional message and an effective, ongoing, and cost effective marketing program, which coordinates the CVB outreach campaign in partnership with the diverse activities of the Chamber of Commerce, the Business Improvement Group, and the City and the community at large.”

The CVB was created by Resolutions R-94-51 and R-95-19, which were rescinded by R-96-70 now governing the Bureau.

Functions

1. Reviews and makes recommendations to the City Council concerning the hiring of professional services, contracts, budgets, policies and operating guidelines that relate to the overall CVB work effort. The work effort is to attract tourists, tour groups, and conference groups to come to Pismo Beach, to market and advertise Pismo Beach, and provide public relations, trade show and marketing services that will effectively promote Pismo Beach tourism for the specific purpose of generating increased transient occupancy and retail sales within the City of Pismo Beach.
2. Reviews, at least annually, the status and the effectiveness of the CVB work effort and make recommendations to Council.

Members¹¹ - Term

The Board of Directors of the Bureau shall consist of five (5) members, none of whom shall be an employee of the City of Pismo Beach, who are residents of Pismo Beach or commercial property owners or business owners or agents of the same. One (1) member from the City Council may be appointed and five (5) members appointed from the community who shall have direct experience and professional interest in increasing local business by promoting Pismo Beach to leisure travelers, guiding marketing efforts directed towards consumer and tour operators, coordinating public relations, visitor information and developing marketing and advertising programs. Board Members of said Bureau shall be appointed by the City Council.

Members of the Board serve a term of two (2) years. Members are eligible for reappointment. No term limits apply to the CVB.

Chairperson and Vice Chair are appointed during the first meeting in July of each year.

Meetings

Meetings are held the first Wednesday every other month¹² at 3:00 p.m. in the City Council Chambers located at 760 Mattie Road.

¹¹ Resolution No. R-2005-003

¹² Resolution No. R-2005-002

SPECIAL EVENTS COMMITTEE

Purpose

To establish a process for permitting special events conducted by the private sector to use city streets, facilities or services. It is recognized that these special events enhance the Pismo Beach lifestyle and provide benefits to the citizens through the creation of unique venues from and entertainment that are not normally provided as a part of governmental services.

The Committee was created by Ordinance No. O-03-01.

Functions

By recognizing special event venues, the council intends to supplement land use regulations, to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with special events, to ensure the health and safety of patrons of special events, to prohibit illegal activity from occurring within special event venues, and to protect the rights and interests granted a special event permit holder. To create a mechanism for cost recovery and revenue sharing for commercial special events and to ensure that the planning and scheduling of such events are consistent to the legitimate financial interests of the City of Pismo Beach, its residents and businesses, while limiting the potential adverse effect on those events that contribute to the community. It is also intends to protect the rights of its citizens to engage in protected free speech and expressive activities, while allowing for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating commercial special events that have an impact upon public facilities and services.

Members

The SEC is an advisory committee (Ad Hoc), and is not under the Brown Act rules, consisting of one mid-manager and/or supervisor from the City's Police, Fire and Public Works departments as well as the Community Development Director (or his/her designee) and one representative of the CVB and the Pismo Beach Chamber of Commerce.

At the June 17, 2003 City Council meeting, Council approved to add two members to the SEC. (One business and one resident.)

Terms/Limits

No term or term limits apply to the SEC.

Meetings

Meetings are held the fourth Tuesday of the month at 9:00 a.m. in the Conference Room at the Police Department. Date, time and place are the decision of the SEC.

TRAFFIC SAFETY ADVISORY COMMITTEE

Purpose

The Parking Committee is an advisory board to the Traffic Safety Committee. The TSAC evaluates traffic and roadway complaints and concerns within the City limits of Pismo Beach.

Functions

The TSAC's major objective is to discuss solutions and respond to traffic safety complaints and concerns.

Members

The TSAC consists of four mid-managers representing the Police, Fire, Planning and Engineering departments.

At the June 17, 2003 City Council meeting, Council approved to add one resident member to the TSAC. No minimum qualification of resident members.

Terms/Limits

Two-year term beginning in February of every other year starting 2008. At the January 15, 2008 meeting, the City Council by unanimous vote changed this appointment to a two year term.

Vacancies

If a vacancy shall occur, it shall be filled by appointment of the City Council.

Compensation

Resident members of the TSAC are not compensated monetarily.

Meetings

Meetings are held on an as-needed basis at City Hall.

PARKING COMMITTEE

Purpose

The Parking Committee (Resolution #R-2007-015) is an advisory board to the City Council. The Parking Committee is to advise the City Council on parking related issues within the City Limits.

Functions and responsibilities

The Parking Committees major objective is to:

1. Act as an advisory committee to the City Council with respect to implementation of an overall Parking Management Program.
2. Act as an advisory committee to the City Council with respect to parking issues within Pismo Beach.
3. Act as a community forum to hear requests from the public regarding the operation and maintenance of downtown parking lots and programs.
4. Maintain adequate liaison with other committees, agencies and districts.
5. Advise Council as to other matter upon the Council's request.

Members

The Parking Committee consists of the following:

1. The Committee shall have five (5) members who shall all be residents of either the County of San Luis Obispo or the County of Santa Barbara and shall have demonstrated interest in, and knowledge of, Pismo Beach parking issues.
2. No less than three of the members of the Parking Advisory Committee shall be residents of the City of Pismo Beach; and
3. No more than two (2) of the Committee's members may be non-residents of the City of Pismo Beach provided they are owners/operators of businesses within the City limits of Pismo Beach.
4. The City Council, will appoint four (4) Parking Advisory Committee members who will each serve two-year terms.
5. The Chamber of Commerce shall appoint a member of their Board of Directors to serve a two-year term beginning February 2008 and every two years after.

Terms/Limits

Appointments are for two-year terms.

Initially two of the members' terms will run through January 31, 2008 and the other three members' terms will run through January 31, 2009. All subsequent parking Committee member terms will be two-year terms (City Council meeting of March 20, 2007).

Committee members serve at the pleasure of the Council and may be removed at any time upon a majority vote of the Council.

Vacancies

If a vacancy shall occur, it shall be filled by appointment of the City Council.

Compensation

Resident members of the Parking Committee are not compensated monetarily.

Meetings

Meetings are held the fourth Wednesday of the month at 10:00 a.m. in the City Council Chambers located at 760 Mattie Road.

Guidelines¹³

RESPONSIBILITY OF BOARD, COMMISSION AND COMMITTEE MEMBERS

One of the first and most important responsibilities of a board, commission or committee member is to learn about the group's scope of responsibility and general operating procedures. This knowledge base provides each individual board, commission and committee member with the ability to understand the issues at hand and exercise good judgment in giving advice to the City Council. New board, commission and committee members are encouraged to schedule an appointment with the appropriate city staff member so they can learn some of the basic information and ask questions prior to attending their first meeting.

Each board, commission and committee member is responsible for considering the issues as they relate to and impact the Pismo Beach community as a whole. It is important that members be able to set aside personal biases in an effort to understand how policies will affect all segments of the City.

CONFLICT OF INTEREST PROHIBITIONS

Members of Pismo Beach's boards, commissions and committees should be aware of the need to avoid instances of conflict of interests. Conflict of interest standards, as included in common law, statute and local policy, are generally applicable to all boards, commissions and committees. Additionally, certain boards and commissions are subject to filing requirements regarding economic interests.

The Political Reform Act of 1974 (California Government Code Sections 87100 et. seq.), which was enacted by the voters of California by initiative, prohibits financial conflicts of interest on the part of public officials. The Act provides that no local official, including board, commission and committee members, shall make, participate in making, or in any way attempt to use his or her official position to influence a City decision if the official knows, or has reason to know, that the decision will have a material financial effect on his or her interests or those of his or her family. The state Fair Political Practices Commission (FPPC) enforces the State conflict of interest regulations. Pismo Beach board, commission and committee members may seek the advice of the FPPC regarding conflict of interest issues and concerns; however, only a formal advice letter from the FPPC will insulate individuals from FPPC enforcement actions.

The Political Reform Act of 1974 includes requirements for filing of periodic statements of economic interests for members of the Planning Commission. Members of the PRBC and CVB are subject to City filing requirements. The City Clerk routinely advises the members of the Boards and Commissions of filing requirements and deadlines and will inform other advisory body members of any changes that would affect them.

Government Code Section 1090, which is a separate law from the Political Reform Act provisions, states that any city officer or employee (which includes appointees of the City) shall not be financially interested in any contract made by any body or board of which they are a member.

¹³ Resolution No. R-01-08

A conflict of interest may also exist under common law doctrines. The common law doctrine against conflict of interest prohibits public officials from placing themselves in a position where their private/personal interest may conflict with their official duties. The Political Reform Act focuses on financial conflicts of interest. The common law conflict of interest extends to non-economic conflicts of interest. Decisions which your committee, commission or body makes are expected to be the result of disinterested and unbiased decision makers.

Additional information regarding conflict of interest prohibitions and regulations, including the full text of both State and local laws, is available from the Pismo Beach City Clerk.

CODE OF ETHICS

The Pismo Beach City Council has established this code of Ethics to guide board, commission and committee members regarding the City Council's expectations of conduct.

1. City Policies.

Stand behind the board, commission or committee's spokesperson and leadership. Diversity of viewpoints and backgrounds should be respected. Individuals may speak or write individually, but should note that they are speaking or writing on their own behalf.

2. Build Teamwork.

Be open with ideas, feelings and attitudes. Seek and gain an honest evaluation of your ideas and recruit assistance in implementing them.

3. Show Respect, Effective Communication and Leadership.

Respect your colleagues. For criticism to be effective, it is best to be constructive. Embarrassing a colleague or staff in public will likely be counter-productive. Follow legitimate channels of communications with the staff. Remember that staff performance is a reflection of your leadership abilities; work together. Treat staff with respect. Do not criticize staff at public meetings.

4. Try to Reach Decisions by Consensus.

Better decisions can be made by a level of consensus. Openly voice your individual goals and work to draft a solution to meet the largest number of goals.

5. Value Your Vote.

You were appointed to express your opinions by voting on matters. Vote with the Pismo Beach community and your conscience in mind. If there are conflicting goals, vote for the higher purpose. If you have a conflict of interest abstains from voting. Because of the value of your vote, abstentions in the absence of a conflict of interest are discouraged. Except where an abstention is due to a declared conflict of interest, failure of a board, commission or committee member to vote shall be recorded with the prevailing vote on the matter.

6. Give Political Assent; Do Not Misrepresent the Group.

Accept the results of a board, commission or committee vote. Respect the decision of the group. Do not use your official capacity, unless specifically designated and authorized by your advisory board, to represent yourself as speaking or writing on behalf of the board, commission, or committee. Do not suggest you represent the group (such as using the name of the board, commission, or committee) or use your appointed status as a means of attempting to create an impression or influence others.

For members of the Planning Commission, do not take an advocacy position before the City Council or before any other public body on development projects that have come before the Commission. Planning Commission members must refrain from such action because: (1) the matter may be referred by the City Council back to the Commission for comment, recommendation and/or action, and such advocacy creates a serious procedural due process conflict and (2) it is inappropriate for a Council appointee to take a public advocacy position contrary to the decision of the City Council.

7. Respect Non-Partisanship.

The strength of local government in California is that it is non-partisan; be dedicated to the preservation of this system.

8. Brown Act.

Be forthright in support and adherence to the Brown Act.¹⁴

9. Conflict of Interest.

If disqualified because of any conflict of interest in any matter, do not, in your official capacity, participate in any discussion in any way or comment on any matter in any way to any person, including any other commission member, council member or staff and do not vote on such a matter.

REPRESENTING THE BOARD, COMMISSION OR COMMITTEE

When commenting on matters relating to your official capacity as a board, commission or committee member, you should make every effort to interpret and represent the view of the whole group. You should not represent your personal views or recommendations as those of the entire group unless a majority of the board, commission or committee has voted to approve the recommendation. As noted above, if you express views that have not been approved by a majority of the group, you should make it clear that you are representing yourself as an individual and not the board, commission or committee on which you serve.

As an individual board, commission or committee member, you have the right to speak and write publicly on issues unrelated to your official appointment. However, you should recognize that, as an appointee, you are in a highly visible position in the community. You should avoid referring to your official role when addressing the public as a citizen on an unrelated issue. If a question is raised, you should clarify that your comments are made as an individual citizen and not as a board, commission or committee member.

RELATIONSHIPS WITH CITY COUNCIL, STAFF AND OTHERS

As volunteer participants in Pismo Beach's municipal government, board commission and committee members interact with a variety of people, including elected officials, City staff, the media and the general public. Following are some of the guidelines regarding relationships with these different groups of people:

¹⁴ The next section will give a detailed explanation of the Brown Act.

1. Relationships with the City Council.

The City Council is the elected legislative body of the City and is responsible for making all policy decisions. The City Council relies on the input of boards, commissions and committees to increase the variety of viewpoints and talents brought to bear on City issues. However, it is the City Council's role to consider the broader context and weigh the trade-offs involved in a particular policy decisions. Consequently, the City Council may accept, reject or modify recommendations made by City advisory bodies. As a board, commission or committee member, you should remember that your role is advisory only that, even in situations where your recommendations are not followed, your participation and input into the process is valuable. The role of the advisory body in providing additional public input to the City Council is especially important.

2. Relationships with the City Staff.

The staff liaisons to City boards, commissions and committees assist the advisory body in accomplishing its functions. Staff representatives conduct research and provide relevant information that enhances the work products and recommendations of the particular advisory body. City staff members are eager to work with City advisory body members in exploring issues and evaluating solutions to City problems, as advisory bodies provide staff with excellent resources for obtaining community input and ideas.

As an advisory body member, you should be aware of the staff time involved in preparing reports and studies and should make sure that all requests made of the staff are consistent with the charge of your particular board, commission or committee. Advisory body members should not ask staff for individual reports, favors or special consideration.

It is also important to remember that while the staff is charged with assisting advisory bodies in accomplishing their functions, City staff members are responsible to the City Manager and City Council, and are not employees of the particular board, commission or committee. There may be occasions when staff recommendations will vary from the recommendation of the board, commission or committee.

3. Relationships with Fellow Board, Commission or Committee Members.

Cooperation among members plays an important role in the success of City boards, commissions and committees. To build consensus around common goals and objectives, members should define the issues and work to reconcile differing viewpoints. When advisory body members interact positively, the group as a whole will be more effective. Important points to keep in mind when working with other group members are as follows:

- Always respect the other individual's viewpoint, even though it may be different from your own; and
- Be courteous by allowing other members adequate time to present their views fully before making comments; and
- Build integrity in all decisions by being open and honest at all times; and
- Welcome new members and help them to become acquainted with the board, commission or committee; and

- Accept responsibility, voice opinions, and be fair and factual; and
- Don't allow differences of opinion on prior decisions bias decisions on current issues.

4. Relationships with the General Public.

The fundamental purposes of advisory body meetings are to provide a forum for open discussion on specific issues in a setting that is more informal than a City Council meeting and to inform the public of what the group is doing. Good relations with the public are vital to accomplishing these goals. Boards, commissions and committees should welcome citizen input as a valuable resource to the group, to understanding community concerns, and to gauge community reaction to alternative courses of action under consideration. This builds public trust and credibility.

5. Relationships with the Media.

In most situations, the board, commission or committee chair is designated as the group's official spokesperson. However, reporters may seek out other advisory body members for comment. If you are contacted, please recognize the important role the press plays in informing the public and remember that most reporters do want to write accurate balanced stories and that they usually face rigid deadlines.

When making statements to the press, you should remember the following:

- Indicate if board, commission or committee actions are recommendations and, if so, that final action will be taken by the City Council;
- Keep your comments factual and try to avoid giving "opinions". If given, you should identify them as such;
- Never volunteer or release information affecting the City Council before the Council hears the information first from the City staff;
- If you cannot answer a question, say so and refer the reporter to another group member or to staff for an answer. There is nothing wrong with not knowing something; however, real damage can be done by giving inaccurate information;
- Be honest;
- Be positive in your comments and keep in mind your group's goals;
- Go over your comments with the reporters to ensure an accurate story. If the article is printed with serious errors, call the reporter so that a correction can be printed. If the article is fair and accurate, make a special effort to thank the reporter; and
- Remember that you do not have to talk if you do not want to and that there is no such thing as "off the record".

ATTENDANCE

Attendance at scheduled meetings is critical to the overall performance of the boards, commissions and committees. Excessive absenteeism becomes an impediment to the overall success of the City in servicing the community. In addition to the automatic removal procedures for consecutive unexcused absences provided in Resolution R-96-74, dismissal may occur because of any circumstance where excessive absenteeism is demonstrated.

FIVE GOLDEN RULES TO HELP YOU BECOME AN EFFECTIVE BOARD, COMMISSION OR COMMITTEE MEMBER

1. Represent the Whole City.

As a board, commission or committee member, you have been appointed to represent the public interest and not a special group or interest. The question, "What is best for the entire Pismo Beach community?" should take precedence over "What is best for my special interest group?"

2. Keep the Lines of Communication Open.

As a board, commission or committee member, you are in the unique position of serving as a liaison between the City and its citizens. You are encouraged to explain and promote policies and programs established by the City Council within the scope of interest of your group. It is equally important for you to transmit back to the City Council the reactions and opinions of the citizens as they relate to these policies and programs. In doing so, it is very important that you do not substitute your own opinions for those of the general public.

3. Do Your Homework and Be Thorough in Making Recommendations.

As a board, commission or committee member, you should be prepared to discuss the issues that are on the meeting agenda. In addition to reading the agenda packet and materials, your preparation may include discussions with staff, visiting the location of a proposed project or reviewing prior City Council actions. You should make every effort to remain objective during the fact-finding phase and to thoroughly evaluate all aspects of an issue before making a recommendation.

4. Be Conscious of the Relationship with the City Council and City Staff.

Successful relationships with the City Council and City Staff are basic for the successful operation of any advisory body. It is important that you respect the authority of those who, in the end, will be charged with the responsibility for actions taken by the City. Further guidance on these relationships is provided in detail in the previous section of this handbook.

5. Establish a Good Working Relationship with Other Commission Members.

As described in detail in the previous sections, a positive relationship among all of the members of a board, commission or committee will help to ensure the success of the group.

Brown Act

The State Legislature has declared that the actions of public bodies be taken openly and that their deliberations be conducted openly. California's Ralph M. Brown Act (found in the Government Code Section 54950 through 54961), also known as the "open meeting law," applies to all advisory bodies (except SEC and TAC) and requires that they:

1. Meet within the jurisdictional limits of the City.
2. Post the agenda 72 hours before a regular meeting containing a brief general description of each item of business to be transacted or discussed.
3. Hold open and public meetings.
4. Give notice of the meeting to any requesting party at least 24 hours prior to the meeting.
5. Provide in bylaws or rules for time and place of regular meetings, if regular meetings are to be held.

A meeting is defined as a gathering of a majority (quorum) of the advisory body for the purpose of discussing items before the body or conducting other business of the body. It is important to understand that the Brown Act generally prohibits any action or discussion of items not on the posted agenda.

There are Special posting requirements for advisory body agendas:

- ◆ Regular Meetings – 72 hours in advance
- ◆ Special Meetings – 24 hours in advance
- ◆ Adjourned Meetings – a regular or special meeting may be adjourned to a specific time and place (usually to continue a public hearing or other business). A special notice is required and should be posted within 24 hours of adjournment.

BROWN ACT PROVIDES FOR PUBLIC COMMENTS

The Brown Act mandates that regular meeting agendas allow for two types of public comment periods. The first is a general audience comment period, where the public can comment on any item of interest that is within subject matter jurisdiction of the local agency and that is not listed on the posted agenda. The general audience comment period may come at any time during a meeting (§54954.3), including consent calendar items.

1. Public Comments at Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to speak about any item listed on the agenda prior to the advisory body's consideration of that item (§54954.3). Therefore, for special meetings, advisory bodies must allow public comment for items on the agenda, however (unlike regular meetings); the public comment period for items not on the agenda is not required.

2. Limitations on Length and Content of Public's Comments

The Brown Act allows a legislative body to adopt reasonable regulations limiting total amount of time allocated for public testimony. In Pismo Beach, the typical time limit for speakers is three (3) minutes.

It is not permissible to prohibit public criticism of policies, procedures, programs or services of the City or acts or omissions of the City (§54954.3(c)). This does not mean that a member of the public may speak on "anything". If the topic is not within the subject matter jurisdiction of the advisory body, the Chair should remind the speaker to direct his/her comments to only those subjects within the advisory body's purview.

COMMON QUESTIONS ABOUT THE BROWN ACT

The following is intended to give advisory body members a broad understanding of the Brown Act. Please consult with the staff liaison, the City Clerk or the City Attorney for more specifics.

1. What are serial meetings?

A serial meeting is any direct communication amongst a majority of the members, outside of a meeting, to develop a collective concurrence as to action to be taken on an item by the members. The Brown Act strictly prohibits serial meetings.

Even though a majority of members never gathers in a room at the same time, a Brown Act violation may occur if ideas are exchanged among the majority by going through any person acting as an intermediary (including staff), and/or through the use of a technological devices, e.g. telephone answering machine, computer email or voice mail.

2. What are some examples of serial meetings?

The most common example of a serial meeting is when "Member A" calls "Member B" and then "Member C", and so on to share ideas among a majority of the advisory body.

3. What's a Quorum?

A quorum is the majority (more than half) of the total number of established members of the committee. A quorum must be present for any business discussion or action to take place. A quorum must be present for the duration of a meeting. If a member leaves during the meeting, resulting in the lack of a quorum, no further business may be conducted and the meeting must be adjourned.

If vacancies exist on the advisory body, those vacant positions still count towards the quorum. For example, if one seat is vacant on a five-member body, and two members are absent there is not a quorum.

4. If a member is absent, can he/she still vote?

No, only members physically present at a meeting may participate and vote when a quorum is present. Voting shall not occur by proxy or by telephone.

5. What are some exceptions to the Brown Act?

Advisory body members may attend and/or participate in the following as long as a majority of the members does not discuss amongst themselves matters that are within the subject jurisdiction of the advisory body:

- Informational or educational workshops or conferences
- Community meetings, such as town hall meetings, workshops, forums, etc. not sponsored by the advisory body
- A meeting of another body of the local agency
- Social or ceremonial events.

6. Can an advisory body conduct a retreat?

“Team Building” or “Goal Setting” retreats may be held, but they must be held within the City, be properly noticed and be open to the public.



CITY OF PISMO BEACH APPLICATION FOR ADVISORY BODY

Please mark all commissions/committees interested in:

- Planning Commission Park, Recreation, Beautification Conference Visitors Bureau
- Special Event Committee Traffic Safety Committee Parking Advisory Committee
- Other: _____

Name: _____

Home Address: _____

Mailing Address: _____
(If different from home.)

Home Phone: _____

Work Phone: _____

Email _____

May we contact you at work? Yes No

Years lived in Pismo: _____

Are you a registered voter of the City? Yes No

[Required for Planning Commission per Muni Code Section 2.20 and Parks Recreation and Beautification Commission per Muni Code 2.24.]

MEMBERSHIP IN ORGANIZATIONS

ADVISORY BODY/COMMITTEE/COMMISSION APPOINTMENTS

TERM

Current: _____

From _____ To _____

Previous: _____

From _____ To _____

Previous: _____

From _____ To _____

Previous: _____

From _____ To _____

EMPLOYMENT EXPERIENCE (IF APPLICABLE):

OTHER INFORMATION:

The Pismo Beach City Council would like some information about your interest in serving on a City Advisory Body; specifically, please indicate your comments and views relative to the role and responsibilities of the Planning Commission; Parks, Recreation & Beautification Commission; Conference and Visitors Bureau; or other City Committee for which you are applying:

Signature: _____ Date: _____

Please feel free to attach any other pertinent information that might be useful to the City Council in their consideration of your application.

Thank you for your interest in serving our community!

READ CAREFULLY – SIGN ONLY ONE

1) This is a public document. I understand that all information contained within it will be provided to the public upon request. If appointed to a City committee, commission or other advisory body, I authorize the City to post the following (check applicable) on its Web site. I understand that other Web sites not controlled by the City may provide links to a City Web page that has my personal information on it. I also authorize the City to update my personal contact information on its Web site if my contact information changes.

- Cell Phone Personal E-mail address Business e-mail address
- Home phone Business phone Home Fax number Business fax number

Further, if my home address and telephone number are otherwise non-discloseable under the California Public Records Act (California Government Code §6250 et seq.), I understand that by agreeing to the release of the information above, this information may be provided by the City in response to a request made under the Pubic Records Act.

Signature: _____

2) If appointed to a City committee, commission or other advisory body, I **DO NOT** authorize the City to post my contact information on its Web site or to release such information to a third party who may post the information on their Web site. The City may, however, disclose on the Internet and in all other appropriate places that I serve on a City committee, commission or other advisory body.

Signature: _____

For Office Use Only

Applicant's Name: _____		Advisory Body: _____	
Interview Date: _____		Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Term Begins: _____	Term Ends: _____	<input type="checkbox"/> Unexpired Term	<input type="checkbox"/> Full Term
<input type="checkbox"/> Letter Sent		<input type="checkbox"/> Registered to Vote	<input type="checkbox"/> Ethic Training
<input type="checkbox"/> Reapplication Letter Sent (1 Year or Expiration of Term)			Date: _____
<input type="checkbox"/> 700 Form (Assuming Office) Sent		<input type="checkbox"/> 700 Form (Leaving Office) Sent	
<input type="checkbox"/> Code of Ethics (Commitment signed)			