



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Unfinished Business
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<b>Title:</b>	Recommendation to request City Attorney to draft an ordinance amending Chapter 2.18 of the Long Beach Municipal Code relating to Advisory Boards, Commissions and Committees, to clarify the role and procedures of the various City of Long Beach advisory bodies. (Citywide)				
<b>Sponsors:</b>	City Manager				
<b>Indexes:</b>	Ordinance request				
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Date	Ver.	Action By	Action	Result
7/10/2018	1	City Council	laid over	Pass

Recommendation to request City Attorney to draft an ordinance amending Chapter 2.18 of the Long Beach Municipal Code relating to Advisory Boards, Commissions and Committees, to clarify the role and procedures of the various City of Long Beach advisory bodies. (Citywide)

City Council approval is recommended to request the City Attorney prepare an Ordinance amending Chapter 2.18 - Advisory Boards, Commissions and Committees of the Long Beach Municipal Code (LBMC), intended to clarify the roles, responsibilities, and administrative procedures of the City of Long Beach's (City) advisory bodies.

The City's Advisory Boards, Commissions and Committees (bodies) serve an important role in the City's policy-making and engagement efforts. The advisory bodies afford the City Council and staff various sounding boards to gather valuable community input, provide a formal structure for reviewing various policies, and allow the City to benefit from engaged individuals who bring ideas, experience, and creativity to the City's policy-making process.

The valuable input and recommendations by the various bodies to the City Council on a wide range of local issues highlight the importance of community engagement and sound governance. However, both the bodies and the City Council have recently expressed some confusion about the bodies' roles and responsibilities, including best practices for how bodies should operate, transmit ideas to the City Council, and set agendas. Moreover, a lack of clearly identifiable roles and guidelines have prevented the bodies from operating in an effective and efficient manner. In response, the Offices of the Mayor, City Manager, and the City Attorney have discussed various options to enhance the delivery of services by the bodies, and determined that amending key sections of the LBMC pertaining to the bodies would significantly improve how the bodies operate with the City Council and City staff.

The proposed changes will enable members of the bodies to better understand their roles and responsibilities, allow City staff to better support the bodies through defined operating procedures, and provide guidelines for communicating input to the Mayor and the City Council. Specific changes will clearly address defining the duties and functions of advisory bodies, identifying the City staff responsible for setting the advisory bodies' agendas, clarifying the permissible uses of City staff resources, and clarifying authority over City officers and employees. The intention is to strengthen the impact and effectiveness of the City's advisory bodies, and make the work more efficient and productive.

Attached for your reference is a list of the advisory bodies that currently exist in the City, which was provided by the City Clerk's Office (Attachment A). Also attached is a reference guide, entitled Authorities, Boards, Commissions, and Committees Handbook (Handbook), issued by the City Clerk and approved by the City Council on February 19, 2008, and last revised on August 17, 2016 (Attachment B). This Handbook will be concurrently updated with the proposed amendments to the LBMC, if approved. Changes to the Handbook will include updated language clarifying use of business cards, identification badges, and use of electronic communications.

The following sections broadly describe recommended changes to the LBMC:

### **Advisory Body Agenda**

The LBMC is currently silent on naming the City staff position charged with setting the agendas for the advisory bodies, and also charged with controlling what items can be placed on the agenda. This missing designation in the LBMC can become a source of confusion when an advisory body member attempts to place an item on an agenda that is either not within the advisory body's jurisdiction, or concerns a subject matter that is within the purview of another body or even the City Council. It is recommended that Chapter 2.18 be amended to designate the City Manager, through his/her designated staff, as the person delegated with the authority to control the agenda. The Mayor and City Council will retain the right to provide direction to the advisory body through formal City Council action; however, revision of Chapter 2.18 would greatly reduce confusion about who can place an item on the agenda, what that process is, and any conflicts or redundancies between the work of the advisory bodies.

### **Access to City Staff**

To further clarify the permissible uses of City staff resources, it is recommended that advisory bodies not direct City staff to initiate programs or major studies. This change will not affect routine requests for information or clarification.

### **Authority Over City Officers and Employees**

The LBMC is also currently silent on the advisory bodies' authority over City staff. It is

recommended that language be added to Chapter 2.18 articulating that advisory bodies will not have any control over City officers or employees.

## **City Council Agenda**

Chapter 2.18 does not specify in detail the way advisory bodies may provide input to the Mayor and City Council on items not specifically referred to such bodies. To clarify this role, it is recommended that a section related to duties and functions be added to the LBMC, which would include a description of advisory bodies' functions that follows the general language outlined in the Handbook. Moreover, because advisory recommendations are more structured when processed through the City Manager, language should be added defining the role of the City Manager and designee for placing advisory bodies' items onto the City Council agenda.

## **Conflicts of Interest**

Additional language pertaining to conflicts of interest should be added to the general regulations of Chapter 2.18 that is consistent with the California Political Reform Act.

## **Membership by City Employees**

The LBMC does not indicate whether a City employee may serve on an advisory body. Other cities have prohibited this duality because of potential conflict of interest issues. It is recommended that language be added to address this issue.

## **Removal of Members**

To ensure efficiency, staff is recommending that the LBMC be amended to eliminate the requirement to show cause, and simply make advisory members removal become automatic (that is, occurring without the need for City Council action) when a member has had unexcused absences from three meetings within a six-month period or no longer lives in the City. The LBMC should also follow City Charter Section 510 concerning the process for removing members for other reasons; however, requiring a majority, instead of two-thirds, vote of the City Council.

## **Annual Reports**

The annual reporting requirements for advisory bodies are set forth in LBMC Section 2.18.090. This section could be simplified to only require annual reports to be submitted to the City Clerk for public review and inspection, and that at any time, the Mayor and City Council could request an annual report from any advisory body to be placed on a City Council agenda for discussion. As a result, this change would also require updates to the City Council duties listed in other areas of Chapter 2.18, including eliminating evaluations of advisory bodies' annual reports, and broadly stating that each advisory body's existence is subject to City Council review at any time.

## **Brown Act and Robert's Rules of Order**

Chapter 2.18 of the LBMC should be amended to clarify and require compliance with both the Brown Act and Robert's Rules of Order.

This matter was reviewed by Deputy City Attorney Linda T. Vu on May 15, 2018 and by Budget Analysis Officer Julissa José-Murray on May 21, 2018.

City Council action is requested on July 10, 2018, so the LBMC can be amended expeditiously. If approved, the City Attorney's Office will provide a detailed report at a future City Council meeting itemizing each amendment to the LBMC.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

PATRICK H. WEST  
CITY MANAGER