

**Comments Re:
Board and Commission Staff Liaison Resource Guide**

The following are my edits in response to Councilmember McCarthy's comments.

Page 2, under Subcommittees, 2nd paragraph, third sentence, (QUORUM)

“... a quorum would be half plus on ...”

So, if there are seven members, half would be 3.5, plus one would be 4.5 persons. Since you can not have half a person, that would be five.

How about “a quorum would be half of the number of members, increased to the next full number.” So, half of 7 would be 3.5, rounded up to 4 persons.

Also see Page 10, first sentence. And Page 11.

On page 11, it is not clear what “regardless of vacancies” means. If you have a 7-member commission, with two vacancies, does that mean 3 makes a quorum, or 4? I can guess, but it should be stated unambiguously.

Proposed new language: (page 2)

The number of members should be set by the commission, and a quorum would be ~~half plus one of the total members of the subcommittee~~ **a majority of the total membership which includes any vacant seats.**

Proposed new language: (page 10)

It is always preferable to have full attendance as compared to a ~~bare~~ **minimum** quorum (~~half the membership plus one~~)-(see Quorum Section).

Proposed new language: (page 11)

What is a Quorum?

A quorum is the number of members of the public body required to be in attendance at meetings in order for the meeting to be held. **Quorum is defined as a majority of the members of the public body which includes any vacant seats, unless otherwise provided for by law.**

~~The city defines majority as one more than half of the full voting membership of a commission, regardless of vacancies.~~ **Most commissions consist of seven members with a quorum requirement of a minimum of four members in attendance. For most commissions this is four members. For example, if there are seven authorized members of your commission, then you would need to have four members present to have a quorum.** Please contact the City Clerk's Office with any vacancy or quorum related questions or issues.

Page 2, third paragraph, this sentence is strange; the subcommittee member participation should be well defined when the subcommittee is defined by the committee, i.e. when the committee formally makes subcommittee appointments.

Proposed new language: (page 2)

Delete the 3rd paragraph under Subcommittees (begins with All subcommittee members...) and add the following sentence to the end of paragraph 2:

Other commission members should refrain from attending and participating in subcommittee meetings to avoid potential violations of Open Meeting Law (which is discussed in more detail in its own Section).

Page 5, second paragraph, in the underlined sentence, the work SECOND should be ANOTHER, to be consistent with the first sentence. Same comment for next sentence. No need for bold in last sentence.

I changed “second” to “another.” I believe that the last two sentences should remain as they are; the bolding should remain as we are trying to highlight the issues that continue to be of concern or question.

Page 7, City Council, There is redundancy between statements made under the Roles, and Responsibilities, of City Council.

Proposed edits (page 7)

The Role of City Council

After the 3rd sentence add “Your Council Representative may attend meetings in person, stream meetings on the City website, review agendas and minutes, and/or reach out to meet with you and the Chairperson of your commission.” The Council Representative is not a voting member of the commission.

Responsibilities of City Council

The Council Representative is responsible for gathering sharing information and reporting back to the City Council. ~~Your Council Representative may attend meetings in person, stream meetings on the City website, review agendas and minutes, and/or reach out to meet with you and the Chairperson of your commission.~~ Information that is collected will be shared with the rest of the City Council during the Council Liaison Reports portion of the Council Meetings.

Page 8, Role of Board and Commission Members, it should be clarified that advise and recommendations come from the commission, not the commission members. The members work in the commission so that the commission as a whole advises and recommends.

Proposed edits (page 8)

The primary role of most commissions ~~members~~ is to advise and make recommendations to the City Council.

Page 9, first full sentence ("Discussing commission business outside a public meeting could lead City Councilmembers into violations of the Open Meeting Law if the item is forthcoming on a City Council meeting agenda."). I have asked the city attorney if this is a true statement.

Proposed edits (page 9)

Discussing commission business outside a public meeting could lead **to serial communications potentially causing** City Councilmembers **to violate** ~~into violations of the~~ Open Meeting Law if the item is forthcoming on a City Council meeting agenda, particularly if a commissioner conveys information from one councilmember to another.

Page 12, Bottom Line (actually on the spill over words on Page 13), states: "Anyone involved in sending messages back and forth which even discuss possible action or propose a formal action are breaking the law; ..." That is not a true statement. Although inadvisable, under the law, members may talk about any subject, as long as the total number of people involved is less than a quorum.

Proposed edits (page 12).

Anyone involved in sending messages back and forth which even discuss possible action or propose a formal action ~~are breaking the law;~~ **could be considered serial communications which potentially violates Open Meeting Law;** it is the same as if the members had met together in a private meeting. Therefore, based on these reasons, **it is best that commission members communicate at public meetings about business and not through other methods.** **If you have any questions about Open Meeting Law or any of the provisions above, please contact the City Clerk's Office at (928) 213-2077.**

Page 13, Types of Agendas: If a commission member asks for an agenda item, does that mean that it shall be on the agenda, or does it take approval of the chair, vote of the members, or something else?

Proposed edits (page 13)

The meeting agenda is normally set by the commission chair, with input from members and yourself. ~~Agenda~~ Items can be placed on agendas in a variety of ways **and commissions may establish their own process for setting their agenda. The following are examples of how agenda items may be placed on agendas:**

Page 14, under Important Note: If just one, or maybe two, commission members are going on a tour, would the city have to provide transportation to the event for any and all members of the public that might like to go? This seems unworkable.

Proposed edits (page 14)

If a **quorum** of your commission is going on a tour of a location related to an upcoming agenda item, you would post a tour notice noting that information may be provided, but any discussion and/or action on the agenda item will occur at a publicly posted meeting.

Important note: ~~For a tour,~~ If you provide transportation (for example in a bus or van) for ~~the~~ a **quorum** of the commission members, you must also make this transportation available to the public upon a reasonable request.

Page 14, E-Sessions: the way that third sentence reads, an employee may attend an e-session even if they have no reasonable necessity to be at the e-session. This is not appropriate.

Employees refers to the staff liaison and other staff who may be involved in the issue. I can see how the sentence may be interpreted differently.

Proposed edits (page 14)

In addition to the members of the commission, ~~officers, appointees and employees,~~ only individuals whose presence is reasonably necessary in order for the commission to carry out its executive session responsibilities may attend the executive session.

Page 15, Meeting Locations: When I was on the Water Commission, we had a meeting that would have overwhelmed city hall, so we had it at a local high school auditorium. Is that now disallowed? Maybe it should be allowed with special approvals.

It is currently allowed and is covered under all persons desiring to attend and listen must be accommodated.

Proposed edits (page 15)

On occasion, conflicts **may** arise **such as** ~~with~~ a need for Council Chambers by the City Council or City Manager's Office, **or a larger space is needed to accommodate the public.** In those instances an alternate location may be used. Arrangements must be made with the IT Help Desk to arrange for video recording at the alternate location.

Under Meeting Locations, paragraph 5, it makes an ABSOLUTE statement: All persons desiring to attend and listen to meetings must be accommodated. This absolute statement is unrealistic. What if someone need a translator from English to Bengali or Arabic; we can not practically

provide that service. The absolute statement needs a qualifier, something like “reasonable effort.”

Proposed edits (page 15)

All persons desiring to attend and listen to meetings must be accommodated **to the extent reasonably possible.**

Page 17, paragraph 3, how would changing the order on the agenda circumvent the Open Meeting Law? It might be good to add such an example to promote understanding and to let people know that the example is unacceptable.

Proposed edits (page 17)

Added the following to the end of that paragraph:

The chair may, at their discretion, or shall, upon the majority vote of members present, change the order of the agenda. However, caution should be given to not changing the order to circumvent the Open Meeting Law. **For example, moving a controversial item that was posted on the agenda as the last item of the meeting to the beginning of the meeting to avoid public attendance or participation would likely violate Open Meeting Law.**

Page 18, last paragraph, the first sentence applies to public comment, not for agenda items. That should be made clear in that sentence.

Proposed edits (page 18)

During public participation, Commission members cannot express agreement or disagreement with a person’s comment, discuss it, or take action.

Board and Commission Members’ Rules and Operations Manual

There is a lot of overlap in the two documents. This seems unnecessary to me. Some of the comments for the staff manual apply to this manual as well. In the spirit of this paragraph, I will not repeat them.

Where relevant, I will make the same adjustments noted above.

Page 14, parking, can a commission member park in the east side of Wheeler Park at any time, or just during commission meetings, or when doing commission work? Please clarify.

Their parking permits are only good for one of the seven spaces on the west side of the Wheeler Lot.

Proposed language (page 14)

You are permitted to park free of charge through Park Flag in one of the seven designated spaces on the west side of the Wheeler Park parking lot **during commission meetings**. The City Clerk's Office will notify Park Flag of your appointment and Park Flag will contact you directly with instructions on how to obtain the appropriate permit. If you do not hear from Park Flag prior to your first meeting, please contact your staff liaison or the City Clerk's Office.

Should you need to conduct commission business outside your normal commission meeting time please contact your staff liaison for temporary parking information.

File: Commission handbook