

# COMMISSIONERS HANDBOOK



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## TABLE OF CONTENTS

### Chapter I. INTRODUCTION

The Commissioner's Role and Authority	3
City of Commerce Government Structure	4
Commissioner's Roles and Functions	6
Current Commissions and Committees	9

### Chapter II. SERVING ON A COMMISSION

Application	13
Membership and Appointments	13
Residency Requirements	14
Attendance Policies and Quorum	14

### Chapter III. RELATIONSHIPS

Relationships with Council	16
Relationships with Staff	17
Interaction with Public	18
Outside Agencies	20

### Chapter IV. OPERATING PROCEDURES

Commission Organization	21
Regular, Adjourned, and Special Meetings	22
The Ralph M. Brown Act	22
Temporary Subcommittees	24
Meeting Procedures	24
The Political Reform Act	28

### Chapter V. TRAVEL POLICY

Before your Trip	30
While on your Trip	32
After your Trip	34

## CHAPTER I. INTRODUCTION

### 1. The Commissioner's Role and Authority

Individuals who serve on City boards, commissions, committees, and similar bodies are public officials and carry out duties of government. The primary role of these government bodies is to encourage increased public input and citizen participation in the determination of City policies and procedures and to provide a way for residents who have special experience or interests to participate in the City's decision-making process by advising the City Council on numerous issues. The City Council has the final decision-making authority for any issue dealing with obtaining services on behalf of the City and the expenditure of City funds. As advisors to the City Council, commissioners must be continually aware that the decisions formed by the City Council, even after receiving and evaluating commission recommendations, are not easily made. The Council has the ultimate political and legal responsibility for the conduct of local government and the welfare of the entire community.

The City believes it is not only the right but also the duty of the citizens to participate in planning for their future, and that the City has a responsibility to provide commissioners with the tools to carry out their charge. That responsibility includes skills training and useful written procedures. This handbook is intended to be used as a reference for public officers serving on commissions to ensure that actions taken in their official capacity are above reproach and in compliance with the laws. Hence, this handbook contains basic laws and legal procedures that apply to public officers while serving on City commissions.

While commissioners are generally appointed by the City Councilmembers or the City Council as a whole, it is important that they ensure that a wide variety of viewpoints from the rest of the community are considered when commissions make recommendations to the Council. Commissioners should treat these widely varying viewpoints of other commissioners and members of the public with respect so that all citizens are encouraged to participate in the government.

Participation on a commission can be a satisfying and challenging experience, as well as a responsibility. It provides an opportunity to become intimately aware of the operating policies and issues of municipal government in general, and of specific departmental units. Commissioners have an opportunity to play a vital role in the communication process between citizens and elected representatives.

Please note that in this handbook the term "commissions" is inclusive of authorities, committees, boards, and "commissioners" is inclusive of the members of such agencies.

## **2. City of Commerce Government Structure**

The City of Commerce operates with the City Council–City Administrator form of government. This is the most widely used type of government for cities in the United States. It is popular because it is successful in bringing together the combination of full-time professional staff in city administration with the finest talents the community has to offer in its locally elected and appointed officials. This form of government can be described as a partnership between elected officials, appointed staff and community volunteers, with each group having distinct roles and responsibilities.

### **City Council**

The City Council is the governing body of the City of Commerce. The residents elect five of their fellow citizens to the City Council for four-year terms. The City Council is the legislative body that makes all policy determinations for the City through enactment of ordinances and resolutions. The City Council also adopts an annual budget to determine how the City will obtain and spend its funds. City Council members are not full-time City officials and they do not manage the day-to-day activities of the City; the City Administrator serves that function.

The City Council meetings are held the first and third Tuesday of each month at 6:30 p.m. in the Council Chambers. The Council meetings are broadcast live and also available on Live Streaming/Granicus through the City's website.

### **City Administrator**

The City Administrator is appointed by the City Council and is the chief administrative officer of the City. It is City Administrator's responsibility to manage, direct, and coordinate the municipal services and business affairs of the City. The City Administrator is responsible for carrying out the policies of the City Council, the enforcement of all ordinances passed by the City Council, and directing and managing various City departments in the execution of Council policies. The City Administrator is also responsible for the preparation and presentation of the annual budget to the City Council, and keeping the City Council apprised of the financial condition of the City.

### **City Attorney**

The City Attorney is appointed on a contractual basis by the City Council. The City Attorney acts as legal advisor to the City Council, City Administrator, the various City Departments and all City Commissions. The City Attorney prepares and approves for legality all proposed City ordinances, resolutions, contracts and other legal documents.

## **City Clerk**

The City Clerk is appointed by the City Administrator with the consent of the City Council. The City Clerk administers the citywide records management program and is responsible for the care and custody of all official records and documents of the City. Those records include all City and agency deeds, contracts, leases, ordinances, resolutions, minutes, and the Municipal Code. The office publishes public notices and ordinances as required by law and assists staff and the public in researching information. The City Clerk is the local official who administers democratic process, such as elections, access to City records, and all legislative actions, ensuring transparency to the public. The City Clerk acts as the compliance officer for federal, state and local statutes, including the Political Reform Act, the Brown Act, and the Public Records Act.

### **3. Roles and Responsibilities of Commissioners**

#### **Commissioners' Responsibilities**

While specific duties of each commission vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all members the respective commission on which they serve. The following is a summary of those responsibilities:

- Understand the role and scope of responsibility of your commission, as well as limitations of your individual authority. As a member of a commission you will, among other things, be asked to provide recommendations to the City Council about specific issues.
- Be careful not to represent the views of your commission regarding a particular action prior the commission voting on that action. Members expressing views not approved by the majority of the board or commission should indicate their opinions are viewed as “private citizens.” Individual opinions must be identified as such.

Public statements should not include promises that may be construed as binding on the respective commission, City Council, or City staff. When making a public statement, members should indicate that commission actions are recommendations and that the City Council will take final action.

- Commissioners should represent the public interest and not the interests of special interest groups.
- Commissioners are in the unique position of serving as a liaison between the City and its citizens. They can help to reconcile contradictory viewpoints and build a consensus around common goals and objectives. Commissioners also serve as a communication link between the community, City staff, and the City Council, presenting City program recommendations and providing a channel for citizen expression.
- Supportive relationships with the City Council and City staff are essential for successful operation of any commission. The proper channel to contact City personnel on items of consideration is through the designated City staff liaison providing staff support for your group.
- Establish a good working relationship with fellow Commissioners – respect individual viewpoints, be open and honest, welcome new members, and strive to minimize political action on issues.

- Council appointments to Commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities. However, members may not use or involve their membership on their respective commission in the conduct of political activities.

Planning Commissioners should not express any views on projects that will come before the Planning Commission. The Planning Commission must provide due process for the applicants, and its Commissioners may not express any bias or views on a particular project until all of the information on such a project is presented to the Planning Commission at the public hearing and the applicant and the public have expressed their views on the project.

### **A Commissioner's Role Does Not Include:**

- Directing staff to initiate programs or conduct studies.
- Establishing departmental work programs or determining departmental priorities.
- Taking unilateral action as a City representative, such as attempting to resolve a resident's complaint.
- Serving as an advocate for departmental budgets, programs or policies.
- Discussing or considering City personnel matters dealing with hiring, transfers, terminations or discipline.
- Becoming involved in the administrative or operational matters of City departments.

Any Commissioner who violates the Commissioner responsibilities or who engages in prohibited conduct is subject to removal.

### **Tenure and Function of Commissions**

A commission may be created a number of ways, as follows:

#### **Indefinite Tenure**

The overwhelming majority of commissions are created to perform defined duties within a sphere of interest for an indefinite period of time, as set forth by resolution or ordinance. From time to time, the City Council, perceiving the need for a new and specialized body, may create a new commission.

**Limited Tenure**

The City Council occasionally establishes a commission or task force for a specific purpose and a limited period of time. The Council may thereafter extend the tenure of a commission or task force.

**Vote Initiative**

One body (Measure AA Advisory Committee) derives its authority from an ordinance which resulted from a measure adopted by the voters. This commission is exempt from attendance rules cited in Chapter II and is bound by the rules contained in the ordinance that formed it and its respective resolutions.

**Commission Functions**

Commissions, Committees and Boards are created by the City Council to obtain increased public input and citizen participation into the determination of City programs and policies. Commission activities are varied but can generally fall be considered “Advisory to Council.”

**Advisory to Council**

All commissions advise the City Council concerning policies and programs, focusing attention on important program areas of the City. The role of City commissions is to make recommendations to the City Council on matters within the advisory body’s scope of responsibility. For example, the Parks and Recreation Commission advises the Council regarding public parks and recreation facilities’ needs and programs.

**Quasi-Judicial**

Certain commissions have the authority to make binding decisions which require or restrict the action of individuals. Aggrieved parties have the right to appeal such decisions to the City Council. Commissions with quasi-judicial powers are the Traffic Commission and the Planning Commission.



## **COMMISSIONS, COMMITTEES AND BOARDS**

### **As of August, 2016**

Most commissions are comprised of five members who serve on the Commission for a two-year term expiring at the next General Municipal Election. There is no term limit for commissioners.

#### **PUBLIC SAFETY & COMMUNITY SERVICES COMMISSION**

The Public Safety & Community Services Commission meets on the second Thursday of each month. The meeting is held at 6:00 p.m. in the Council Chambers at City Hall.

This commission receives presentations and updates on a variety of public safety topics, with commissioners offering their observations and thoughts; enlists and represents the community interests to support the work of law enforcement, crime prevention, and other public safety issues, as well as social services programs and other related services for the City of Commerce.

**Staff Liaison:** Director of Public Safety & Community Services

#### **EDUCATION COMMISSION**

The Education Commission meets on the second Monday of each month. The meeting is held at 6:00 p.m. in the Council Chambers at City Hall.

The overall purpose of the Education Commission is to advise the City Council in the direction, encouragement and support of the opportunities for education, self-improvement, and lifelong learning within the City of Commerce. The Commission acts as a clearinghouse and information center on all aspects of educational programs and services offered by the City, making this information available to the public.

**Staff Liaison:** Director of Library Services

#### **LIBRARY COMMISSION**

The Library Commission meets on the fourth Tuesday of each month. The meeting is held at 5:30 p.m. in the Council Chambers at City Hall.

The overall purpose of the Library Commission is to formulate policies for the purpose of making recommendations for submission to the City Council with respect to the creation, establishment and maintenance of an adequate library system for the City of Commerce. Commissioners review comments and complaints from the public

concerning library policies and practices, and propose a schedule of fines and fees for borrowing privileges.

**Staff Liaison:** Director of Library Services

## **PARKS AND RECREATION COMMISSION**

The Parks and Recreation Commission meets on the first Thursday of each month. The meeting is held at 6:00 p.m. in the Council Chambers at City Hall.

The overall purpose of the Parks and Recreation Commission is to formulate policies and recommendations for submission to the City Council with respect to maintaining adequate parks and recreation programs for the City of Commerce, including needs for additional parks and recreation facilities and programs, the use of existing parks and recreation facilities, and acquisition of parks equipment and facilities.

**Staff Liaison:** Director of Parks and Recreation

## **PLANNING COMMISSION**

The Planning Commission meets on the fourth Wednesday of each month. The meeting is held at 6:30 p.m. in the Council Chambers at City Hall.

The overall purpose of the Planning Commission is to make recommendations to the City Council regarding the future growth, development and beautification of the City of Commerce with respect to its public and private buildings, streets, parks, grounds and vacant lots. Commissioners develop, revise and implement the City's General Plan; conduct hearings and make decisions and/or recommendations on a variety of land use applications, including conditional use permits, variances, rezoning, subdivision maps and General Plan amendments.

**Staff Liaison:** Deputy Director of Development Services

## **SENIOR CITIZENS COMMISSION**

The Senior Citizens Commission meets on the first Wednesday of each month. The meeting is held at 12:30 p.m. in the Council Chambers at City Hall.

The Senior Citizens Commission reviews plans and programs for all activities relating to senior citizens, and makes recommendations to the City Council on appropriate policies and programs to involve and to benefit senior citizens throughout the community.

**Staff Liaison:** Director of Parks and Recreation

## **TRAFFIC COMMISSION**

The Traffic Commission meets on the second Wednesday of each month. The meeting is held at 6:30 p.m. in the Council Chambers at City Hall.

The overall purpose of the Traffic Commission is to formulate recommendations for submission to the City Council and other City officials regarding ways and means for improving traffic circulation and traffic safety within the City of Commerce, make recommendations regarding administration and enforcement of traffic regulations, and review complaints dealing with traffic matters.

**Staff Liaison:** Deputy Director of Engineering Services

## **YOUTH ADVISORY COMMISSION**

The Youth Advisory Commission meets on the first Monday of each month. The meeting is held at 7:00 p.m. in the Teen Center. Commissioners may not be less than 13 or more than 19 years of age.

The overall purpose of the Youth Advisory Commission is to act in an advisory capacity to the City Council in all matters pertaining to youth and community interests in the City of Commerce, including leisure time activities and recreational programs, development of part-time employment opportunities for teens, and involvement of youth in community activities.

**Staff Liaison:** Teen Center Supervisor, Parks & Recreation Department

## **I-710 LOCAL ADVISORY COMMITTEE (AD HOC)**

### **Overall Purpose**

The overall purpose of the I-710 Local Advisory Committee is to ensure community participation and input on the issues related to the I-710 Freeway and I-5 Freeway Improvement Projects and their current and future impacts on the City of Commerce and provide relevant information on the projects and make recommendations to the City Council on all aspects of the projects that will assist in protecting the City, its residents and business community from the potential negative effects that may result therefrom.

The I-710 Local Advisory Committee consists of 14 members as follows: five (5) residents of the City, two (2) members of the Commerce business community two (2) members of City's community based organizations, one (1) member from the Planning Commission and one (1) member from the Traffic Commission, two (2) two members at-large, and one (1) City Councilmember, who serves as Chairperson and in an ex-officio capacity.

**Staff Liaison:** Director of Public Works and Development Services

## **ENVIRONMENTAL JUSTICE ADVISORY TASK FORCE**

The overall purpose of the Environmental Justice Advisory Task Force is to make recommendations to the City Council regarding issues of environmental health and quality of life for the residents of the City of Commerce, ensuring that all of its residents receive equal protection under the law, enjoy a healthy environment and are provided opportunities for consistent input into governmental decision-making.

The Task Force meets quarterly and consists of nine members, as follows: five (5) residents of the City, two (2) professional members from academic public health, regional environmental, civil rights and public health organizations, and two (2) members from the business community, including large and small businesses, industry, and organized labor active in the City.

**Staff Liaison:** Deputy Director of Public Works Operations

## **PAGEANT STEERING COMMITTEE**

Pageant Steering Committee meets on an as-needed basis. Representative must be female, 22 years of age or older, and a Commerce resident. It is permissible for a married male Councilmember to appoint his wife as his representative.

The overall purpose of the Pageant Steering Committee is to act in an advisory capacity to the City Council on Miss Commerce Pageant projects and issues including the advancement of the Annual Miss Commerce Pageant.

## **II. SERVING ON A COMMISSION**

### **1. Application**

Commission appointments are made in most cases by individual Councilmembers and sometimes by the Council as a whole. A comprehensive list of current commissions and the applications to apply are available in the Department of the City Clerk or on the City's website.

Applications are maintained by the City Clerk's Office in an active status for one year, after which they become inactive and new applications must be submitted if the applicant still wishes to be considered for appointment. The application can be obtained through the City's web site at [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us). Completed application forms should be returned to the City Clerk. The City Clerk will forward the applications to each member of the City Council. Councilmembers will contact applicants in whom they are interested to discuss appointment or other participation opportunities.

### **2. Membership and Appointments**

Where a Commission has five members, each member of the City Council appoints one member with the consent of the City Council. If there are more than five members, the City Council appoints the additional members by majority vote.

The term of office of each appointee shall be for a period not to exceed two years, expiring at the next General Municipal Election. Thus, a person who is appointed right after the election could have up to a two-year term. On the other hand, a person appointed one year after the election would have a one-year term. However, members whose term has expired and for whom a successor has not been appointed and qualified, continue to serve until the appointment and qualification of their successors.

Individuals may not serve on more than one Advisory Body at the same time, unless otherwise permitted by the City Council. (This does not apply to City Council subcommittees which also include members of the public, e.g., the Pageant Steering Committee and Measure AA Advisory Committee)

It should be noted that appointment to a City commission is recognition of expertise and interest in a specific area as well as an honor bestowed upon a resident. Members of an advisory body serve at the pleasure of the City Council and may be removed from their appointment at the Council's sole discretion or by violating the Commissioner responsibilities or engaging in prohibited conduct. Each vacancy on a commission is to

be filled through appointment or reappointment by the Councilmember to whom the vacancy is credited.

**Residency Requirements:** Individuals appointed to City commissions must be residents of the City of Commerce at the time of appointment, and must maintain residence within the City at all times during their service on the commission. In some cases residency requirements do not apply to commission members representing a specific organization, agency, group, profession or other permissible category.

**Fingerprinting:** Individuals who have been convicted of a felony are disqualified from serving on any commission. All applicants must submit to fingerprinting by the Human Resources Department for the purpose of allowing the City to obtain a criminal background report from the California Department of Justice (“DOJ”). All information obtained by the City from the DOJ shall remain confidential.

**Oath of Office:** Any individual appointed to serve on a Commission must take the required oath of office, complete the application for appointment and provide the required fingerprints within 12 weeks of appointment or reappointment. Failure to comply will result in automatic termination from the respective commission, committee, board, or task force. The City Council may reappoint the individual on a case-by-case basis after considering the circumstances of noncompliance.

### **3. Attendance Policies & Quorum**

Members are expected to attend all scheduled meetings and should make every effort to do so. The City Council wants the collective benefit of each member’s participation and judgment on every issue.

Commission, committee, and board members who cannot attend a meeting should contact the Chairperson or Staff Liaison prior to the meeting. Any member who misses **three meetings within one calendar year** is automatically removed from membership. This provision applies regardless of the reasons for the absence, with the exception of an absence resulting from a procedural error or irregularity not within the control of the member. While there are no “excused absences” allowed, the City Council may determine whether reappointment is necessary on a case-by-case basis, considering the circumstances of the absences. Meetings cancelled due to the lack of agenda items are not counted as absences.

**Resignation:** A Commissioner wishing to resign shall submit a letter of resignation to the appointing City Councilmember or the City Clerk who in turn would notify the Councilmember. The resignation may also be submitted via email.

Once submitted, a letter of resignation cannot be withdrawn. The effective date of resignation is the date it is received by the City Clerk or Councilmember unless a future date is indicated.

### **Automatic Terminations:**

The following are reasons why members are automatically terminated:

- Absence from three meetings within a calendar year
- Non-residency
- Failure to meet any eligibility requirements of the ordinance, resolution or other law establishing the particular commission or regulating its membership.

### **Quorum**

The commission, committee or board may only transact business when a quorum is present at the meeting. A majority of the members constitutes a quorum. For example:

Commission/Committee/Board Size:	Quorum:
Three Members	Two
Five Members	Three
Seven Members	Four

If a quorum is not present, the meeting should be adjourned by the members present. If no members are present, the meeting may be adjourned by the staff.

### **No Quorum – Meeting Cancelled**

Where it appears that there will be sufficient members to hold a meeting but at the actual time of the meeting a quorum cannot be assembled and the meeting is canceled, those members who are absent will have an absence counted against them. Commissions may adopt a rule establishing a maximum time those present will wait for a quorum, prior to cancelling the meeting.

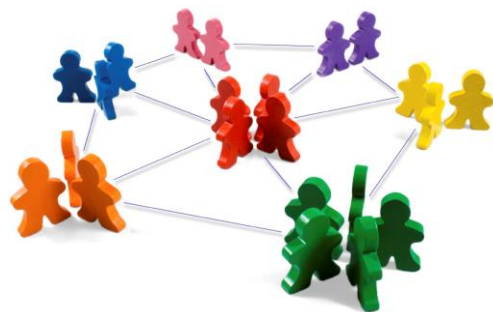
Commissioners should inform the secretary as far in advance as possible if they cannot attend the meeting. If it is known that a quorum will not be achieved, the secretaries should notify all members that the meeting is cancelled. No absence will be recorded against any member.

### III RELATIONSHIPS

In public statement or interactions, individual commissioners should present views and recommendations representing the commission to which he or she belongs, as a body – not personal views. Members expressing views not approved by the majority of a commission should clearly express that their opinions reflect personal perspective as “private citizen.” Individual opinions must be identified as such. Public statements should not include promises that may be construed to be binding on the respective commission, City Council or staff. When making a public statement, if applicable, members should indicate that commission actions are recommendations and that final action will be taken by the City Council. Commission members may be selected on the basis of representing defined groups; however, each member should represent the overall “public good,” not an exclusive group or special interest.

#### 1. Relationship to Council

The primary responsibility of commissions is to advise and make recommendations to the City Council, including quasi-judicial commissions. It is the Council’s role to entertain the advice and recommendations offered by numerous sources and to make decisions to the best of its ability. Because the City Council is in such a position to see the broader context of issues, is aware of other concerns, and possesses ultimate political and legal responsibility for the conduct of the local government, it may not always follow the recommendation offered by individual commission, which does not imply a lack of confidence or disinterest in the advisory bodies’ decisions.



Although there may be disagreement with the City Council on an issue, once the Council has established its position, a commission or its individual members should not act contrary to the established policies and programs adopted by the City Council.

Commission members are expected to recognize the following items:

- Every commission should assist the Council in developing public trust in the advisory commission system; and
- Every commission should be sensitive to the City’s priorities and know when to take a stand.



Business transacted with the City Council should be in writing from the body as a whole and forwarded through City staff to the City Administrator's Office. The City Administrator will then review all reports, findings, and recommendations and forward to the Council those matters within its province.

## **2. Relationship with Staff**

The City's staff works for and is responsible to the City Administrator. The City Administrator is responsible for allocating the staff time and efforts. Commissioners should not attempt to direct or decide the priority of work for the respective department or an individual staff person. These bodies should, however, set priorities for their own agendas so that staff may best use the time available for commission business.

Staff members are not considered members of a commission and have no power to vote on commission matters. Because of their support position, staff does not respond to questions from the public at the meeting unless requested to do so by the Chairperson.

City staff serves commissions in an advisory capacity – much the same as commissions serve the Council. Staff members are selected on the basis of their technical and professional abilities and are expected to provide commissions with recommendations based upon their professional analysis of the situation regardless of personal opinion or consideration of political consequence. It is not expected that commissions will follow every staff recommendation; however, because of staff's technical expertise, commissions should give full consideration to staff recommendations. Commissions may choose to agree or disagree with a staff recommendation. In the latter case, staff has the option of including his/her recommendations in the staff report to the City Council. Any differences in opinion will be discussed at the Council meeting.

In contacting City personnel on official business, the proper channel is through the staff liaison assigned to the particular commission. If a commission desires information, initiates a project or a report which will require in-depth staff involvement and significant amount of staff time, it is necessary for the project to be placed on the commission agenda for discussion and recommendation to the City Council for authorization. The Council may then consider the request in the context of the citywide work plan and determine the urgency and priority of the request. Following this procedure will prevent staff from being diverted from priority projects.

The City expects staff personnel and commissions to maintain a mutually respectful and professional relationship. The effectiveness of an advisory body is hampered by internal tension and personality conflicts. In the event a conflict does arise between an individual member and the staff, the member should approach the Chair who will, in turn, try to mediate the conflict. If the problem cannot be solved at this level, the Chair will

approach the Department Director to which that commission is related, and as a last resort the matter will be brought to the attention of the City Administrator. However, commissioners should make every effort to maintain a respectful and professional relationship with staff in order to facilitate and enhance the body's operation and effectiveness.

Commissions are comprised of diverse groups of people and it is inevitable that not everyone will agree on every issue all of the time. However, individual members should strive to maintain amicable relations amongst themselves. Personality conflicts only hamper an organization's effectiveness.

### **3. Interaction with Public**

The purpose of a commission meeting is to permit open discussion on specific topics in a setting that is more informal than a City Council meeting, to hear public expression on issues and to inform the public of what the commission is doing. During public meetings, commissioners should conduct themselves in a manner that is fair and understanding, demonstrating fairness and professionalism. Commissioners should be considerate of all interests, attitudes, and differences of opinion. They should also take care to observe the appearances as well as the principle of impartiality.



It is important to recognize that as a Commissioner your actions and comments are often interpreted to be that of the entire commission, the staff, and/or the City. A commissioner's comments to the press or other public utterances are sometimes misinterpreted even though you state that you are speaking for yourself. They may be at odds with the commission's goals, objectives or overall policy. It is very important that an individual be clear when stating a personal opinion.

Public Appearance of Members: When a commissioner appears in non-official, non-representative capacity before any public or private body, the member shall not identify or disclose his/her membership on a commission. If a questions of membership arise, the member shall indicate that he/she is appealing or speaking only as an individual.

Commission meetings must be conducted in a manner that is conducive to a productive exchange of ideas and perspectives. A non-threatening atmosphere should be prevalent and steps should be taken to ensure that members of the public are free to express their views without fear of ridicule or belittlement by anyone with an opposing viewpoint.

Members of the public are also expected to conform to an acceptable standard of conduct. Any person who willfully interrupts a public meeting or acts so as to render the

orderly conduct of the meeting infeasible, may be barred from further attendance at the meeting by the Chair.

The following guidelines are offered:

- Commissioners should not make any promises to the public that are binding on the commission, staff, or the City Council.
- A commissioner's comments to the public and the press must be factual.
- Commissioners have an obligation to listen to comments or complaints of the public.

All communications from a commission to members of the public are transmitted through the commission liaison. Similarly, arriving communications are received by the liaison and relayed to the commission through the agenda packet. Official responses to citizen inquiries must be approved by the full commission and sent via the commission liaison.

#### **4. Outside agencies**

Unless specifically authorized by the City Council, commissions may not represent policy to outside agencies whether on their own behalf or on behalf of the City. Commissions function in an advisory capacity and in the absence of an explicit delegation of the role to act on the City's behalf by the Council on a particular issue, they may not directly communicate with outside agencies.

If a commission wishes to support or object to a particular policy or program, it should frame its action as a motion and a recommendation to the City Council on whose behalf the letter will actually be sent.

#### **5. Order and Decorum**

In order to conduct its business, a commission has the authority to limit discussion and public participation on any subject.

Persons attending the meeting should observe the rules and procedures of the commission and should not disrupt commission business. Members of the public that do not follow the rules of decorum may be asked to leave the meeting. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner towards another member of the public, staff, or commission, law enforcement personnel may be called to remove the individual from the premises.

***Although not required***, each person addressing a commission may give his/her name for the record and fill out a speaker card if provided. They are not, however, required to provide their name, address or complete a speaker card. All remarks should be addressed to the commission as a body and not to any specific member. No one other than the commission and the person having the floor may enter into any discussion, either directly or through a member of the commission, without the permission of the Chair. After being recognized for this purpose by the Chair, any commission member may briefly respond to comments made during the public comment period or may pose a question to the person speaking at public comment or during a public hearing but may not discuss the matter, especially if the subject matter is not on the agenda for action. A commissioner may, however, refer a subject to staff or other resources for factual information or for action, if appropriate.

All remarks should be delivered in a respectful manner.

## **IV. OPERATING PROCEDURES**

### **1. Commission Organization**

#### *Election of Officer and Term of Office*

Unless otherwise provided by resolution or ordinance, the Chairperson and Vice Chairperson are elected by majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. There is no term limits for chairperson or vice-chair. The annual election of commission officers and results of the vote should be publicly announced and the vote recorded in the minutes.

#### *Duties of Officers*

The Chair exists to encourage the input of ideas, to guide discussion on a logical and orderly fashion, and overall to facilitate the decision-making process. He or she should clarify ideas as they are discussed and repeat motions made in order that all members fully understand the wording of the item on which they are voting.

The Chair may debate and may make or second motions. The Chair is subject to the limitation of debates that are imposed on all members and shall not be deprived of any of the rights and privileges of a member.

The Chairperson, or in her/his absence, the Vice Chairperson, performs also the following duties:

- Presides at all meetings of a commission and ensures that the work of a commission is accomplished. To this end the chairperson must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time a Chairperson must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Signs correspondence on behalf of his or her respective commission
- The Chair or a quorum of the commission may call a special meeting. The Chair may also cancel a regular meeting.

The Chairperson must balance being strong enough to move the meeting along and democratic enough to involve all members in the meeting. An effective chairperson also prevents dominate members from having a disproportionate influence, attempts to obtain consensus and moves meeting along and does not allow members to drift off the subject at hand.

### *Transfer of Chair*

In the absence of the Chairperson or his/her inability to act, the Vice Chairperson presides in his or her place. In the event of the absence or the inability to act of both the Chairperson and the Vice Chairperson, the remaining members elect one of their members to act as temporary chairperson.

### *Commission Members*

Every commissioner desiring to speak shall address the Chair. Upon recognition by the Chair, the member shall confine comments to the questions under debate, avoiding all undignified language and references to personalities and abiding by following rules of civil debate. A member, once recognized, shall not be interrupted. Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- We may disagree, but we will be respectful of one another
- All comments will be directed to the issue at hand
- Personal attacks shall be avoided.

## **2. Regular, Adjourned, and Special meetings**

Regular meeting: Commission will have established meeting schedule for each year. Such meetings are considered regular meetings.

If for any reason the business to be considered at the regular meeting cannot be completed, the body may then adjourn to a specified time and location. A notice announcing the adjournment must be posted in the standard location within 24 hours of the adjournment. This type of meeting is referred to as an adjourned meeting.

Special meetings are those called by a commission in order to discuss an important issue that needs to be addressed outside of the regular meeting date and time by delivering personal notice to each member, the public and the press (if requested) and posted in City Hall at least 24 hours in advance of such special meeting.

## **3. Ralph M. Brown Act**

The Brown Act is a state law enacted in 1953 that requires all local government business to be conducted in an open and public meeting, with the exception of a limited number of defined subjects that may be discussed in a closed session of a local government body. Those exceptions to open and public meetings include, but are not limited to, discussions of personnel matters, details regarding ongoing negotiations, and

discussion with the City Attorney regarding pending, proposed or anticipated litigation, where open discussion would be detrimental to the City's interests.

The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of democratic process by secret legislation by public bodies.

The Brown Act applies to the legislative body, including but not limited to the City Council, commissions, committees, and includes any board, commission, committee or other body on which officers of a local agency serve in their official capacity as members.

A commission shall provide a description of the issues to be considered, the way in which business will be conducted, and the time and place for holding regular or adjourned meetings. The agenda for the meeting must be posted in a public place in public view a minimum 72 hours before a regular meeting and 24 hours prior to a special meeting. Furthermore, no discussion or action may be taken on items which are not listed on the meeting agenda. No action may be taken on an item at any meeting without a quorum.

The Brown Act expressly prohibits "serial meeting." Typically a serial meeting is a series of communications each of which involve less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. This would also include situations in which technological devices are used to connect people at the same time. Commissioners are also required to disclose any communication they have had regarding an agenda item.

Some of the requirements of the Brown Act are:

- Minutes of the proceeding must be taken to be entered into the public record.
- The Brown Act does not apply to subcommittees of the Advisory Body composed solely of its members which are less than a quorum.
- The agenda must make provision for the public to speak on issues within the jurisdiction of the commission.
- Members of the public have the right to record the meeting.
- Members of the public may **not be required to give their names** as a precondition of attendance at a meeting held under the Brown Act.

#### **4. Temporary Subcommittees**

From time to time a commission or its Chairperson, with the confirmation of the commission, may appoint several of its members but fewer than the existing quorum of the present body to serve as a temporary subcommittee. Only commission members may become members of the subcommittee. However, the subcommittee shall seek input and advice from the residents, related commission(s), and other groups.

Upon creation of the subcommittee, the parent body shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the parent body.
2. A target date must be established for a report back to the parent body.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extensions by the parent body. After the completion of the particular study and presentation of recommendation to the commission, the subcommittee should be disbanded.

Subcommittee shall conduct their meetings in public and in accessible locations that are open to the public.

The secretary is not required to attend or take minutes at meeting of subcommittees. City staff may attend and participate in subcommittee meetings. Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. Otherwise, a quorum is required.

#### **5. Meeting Procedures**

Each commission may establish additional rules and limit debate. It is the responsibility of the chairperson to control the debate among commissioners so that everyone has a chance to speak before others speak for a second time, and to expedite the business at hand. To this end, commissioners may establish rules to limit debate.

##### ***Notice of Meetings***

In order to protect the right of the public to know when meetings are held, a commission must provide adequate notice. In the case of regular meetings whose time and place is set forth in a formal document (bylaws, ordinance, resolution, etc.), the required agenda serves as notice – no additional notice is needed. The agenda must be physically posted 72 hours in advance of the meeting. Posting the agenda on the web is helpful to the public; however, it does not satisfy the official noticing requirements.



A Chairperson or commission majority may call a special meeting if each member receives written notice at least twenty-four hours in advance of the meeting.

### ***Cancellation of Meetings***

#### When the meeting is cancelled prior to the meeting date:

General practice is to post a notice of cancellation, stating that the meeting has been cancelled, in all locations that the notice and agenda are regularly posted (bulletin board, and on the City's website). This should be done as soon as it is known that the meeting will be cancelled.

#### When the meeting must be cancelled due to lack of quorum:

When less than a quorum of a body appears at a noticed meeting, the body must adjourn to a future date. If no members of the legislative body appear at a noticed meeting, the secretary may adjourn the meeting to a future date and provide notice to commissioners.

#### When a meeting is adjourned to a subsequent date:

Notice of the adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.

### ***Preparing Motions***

Commission, committee and board meetings are usually conducted according to parliamentary procedure. The Chairperson directs the meeting, and the commission must follow his/her rulings.

When a member wishes to propose an idea for a commission or committee to consider, the member must make a motion. A motion goes through the following steps:

1. The member asks to be recognized by the Chairperson.
2. After being recognized, the member makes the motion (e.g., "I move ...").
3. Another member seconds the motion.
4. The Chairperson states the motion and asks for discussion.
5. When the Chairperson feels that there has been enough discussion, the debate will be closed (e.g., "Is there any further discussion?").
6. If no one asks for permission to speak, the Chairperson then puts the question to vote.
7. After the vote, the Chairperson announces the decision (e.g., "The motion is carried" or "The motion fails," as the case may be).

Motions may be adopted by the "no objection" method unless any member prefers voice or roll call vote. There is no legal requirement for roll call voting unless a member

demands it. While this method of expediting a long agenda is common practice, a roll call vote may be preferable to provide greater clarity and understanding on commission proceedings for the members, the secretary and public in attendance.

### ***Phrasing and Amending a Motion***

In some situations corrections may be necessary before a motion is acted upon. Until the Chairperson states the motion (step 4, above) the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. It is particularly important when a motion is amended that the Chairperson restates the motion in order for the members to be clear as to what they are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the Chair to divide the motion. If other members do not object, the Chair may proceed to treat each proposal as a distinct motion to be acted upon separately.

### ***Reconsideration of a Vote***

A commission may reconsider their action in a vote taken previously. This is limited to actions taken at the meetings currently in session. In order to reconsider a vote, the motion to reconsider must be made by a commissioner from the prevailing side of the original vote. The motion must be made prior to adjournments of the meeting.

### ***Agenda***

Any time that a member wishes to include an item on a future agenda, the respective commission must first agree upon that inclusion by a consensus.

In accordance with the Ralph M. Brown Act, no action may be taken on an item that has not been placed on the noticed agenda, except when it has been determined by majority vote that the matter in question constitutes an emergency or there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting, and that the need to take action arose subsequent to the agenda being posed.

### ***Minutes***

The staff liaison is responsible for the preparation of minutes of all commission meetings. Written minutes, upon approval by the commission, constitute the official record of the actions taken and a summary of the important topics raised in the discussion.

Additions and corrections of the minutes may be made only in public meetings, with the approval of the body, and not by the private request of individual members. Minutes are not deemed official until approved by the respective commission. Corrected minutes may be approved with the corrections noted, or if changes are significant, they may be included in the agenda packet at the next regular meeting.

It is the policy of the City Council that minutes are not verbatim. They are, instead, action minutes, recording the essence of the decisions made and significant action taken. Comments by all members on every agenda item cannot practically be included in the minutes. Minutes are typically approved at a subsequent meeting and then become part of the City's official records and retained permanently in accordance with the City's Records Retention Schedule.

For the convenience of the recording secretaries, meetings may be recorded in order to facilitate the preparation of minutes. However, tapes of meetings do not become part of the official records and can be destroyed at any time if the purpose for which it was made and retained was solely to facilitate the preparation of the minutes of the meeting.

Members not present at a meeting may vote on the approval of minutes from the meeting at which they were absent if they believe they are informed and able to consider the item.

### ***Agenda packets***

Agenda packets detailing the items of the business to be discussed and any communications to be presented generally will be prepared by staff and delivered to the members of the body within a reasonable amount of time before the meeting, and not later than 72 hours prior to the meeting. In order to be prepared for meeting, members should read these packets and contact the Chair or staff if there are any questions regarding information presented in the staff reports.

### ***Preparation for Meetings***

- Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials before the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your constant attention. In agreeing to serve on an advisory body, you make a commitment to dedicate the time required to prepare fully for each meeting.
- Understand what action you are being asked to take regarding each particular agenda item.

- If you have questions regarding the agenda or agenda report, contact the staff liaison before the meeting to clarify questions or request further information.
- Keep an open mind. An objective, balanced, and receptive approach will help to assess the facets of given issues and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgement or take a position.
- Strive to appreciate differences in approach and point of view. Likewise, take care to articulate your own ideas; remember that your individual choice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interests. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
- If you are unsure about something during the meeting, ask for clarification. On behalf of the public, your understanding of the issue is important. Each commission has a City staff liaison to provide information to assist the members throughout the decision-making process.
- E-mail communications can ultimately lead to exchange of information intended to create collective concurrence among a quorum of advisory body members in violation of the Ralph M. Brown Act. Therefore, e-mail communications between advisory body members relative to commission business should be avoided. For example, while less than a quorum, a commissioner may appropriately communicate with another commissioner by way of e-mail, but the “forwarding” of such an e-mail message on to an additional member would result in a Brown Act violation.
- The applicant has the right to an efficient process. Unreasonable delay or lack of action is unacceptable. If necessary, make a recommendation and move along.

## **6. Political Reform Act**

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their financial interest or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

In Accordance with State law, city officials, Planning Commissioners, Measure AA Advisory Board, and certain designated employees are required to annually disclose all

financial interests that may be affected by decisions made in their official capacity, including investments, real property and income. Disclosure is made by filing Conflict of Interest Statements with the City Clerk or the Fair Political Practices Commission upon assuming office, on an annual basis, and when leaving office. Filed forms are public documents and must be made available upon request.

Councilmembers and Planning Commissioners must also disqualify themselves from making or participating in making or influencing any governmental decisions that will have a foreseeable material financial effect on any economic interest of the Councilmember, Planning Commissioner, or certain family members. A commissioner shall not seek any personal interest or benefit from their participation or service as a commissioner. In addition, commissioners are not to seek influence of other commissioners or the City staff to obtain any personal interest or benefit for themselves, family, friends or associates.

**Conflict of Interest:** Prior to a meeting, each official should review the agenda to evaluate potential financial conflicts of interest on actions to be taken.

If you have a conflict of interest, you should not directly or indirectly influence the proceedings or the vote. Probably the safest way to deal with this is to state the basis for your conflict of interest prior to debate on the issue, immediately after the chairperson announces the item for consideration. For example, “Mr. Chairperson, I have a conflict of interest on this item because ... (state reason) ... and I will not be participating in the deliberations.” At this point, simply leave the room until the item is decided. A staff member will then come and get you after the item has been voted upon. The minutes will reflect that you stated the conflict and did not participate in any way in the proceedings and that you, in fact, left the room.

The penalties for violating the conflict of interest laws are serious and may include fines and a prohibition against serving in public office. If you have any questions regarding a potential conflict of interest, you are urged to discuss the matter with the City Attorney.

### **Commissioner Running for Elective Office**

Members of a commission shall be permitted to retain membership on such appointive bodies while seeking any elective office. Members of a commission shall not, however, use the meetings, functions or activities of the respective commission for purposes of campaigning for elective office. There are also significant conflict of interest rules relating to campaign contributions to a commissioner who is running for any elective office.



## **V. TRAVEL POLICY**

### **VALUE OF CONTINUING EDUCATION**

A well organized and methodically pursued continuing education program for members should be standard operating procedure for all commissions, committees and boards. Members are encouraged to attend conferences and workshops which relate to the advisory board's function. Your staff liaison can advise you of budgeted training opportunities. Members can also advance their education by attending City Council and other advisory board meetings, visiting other cities to see how their boards operate and review books and materials relevant to their area of inquiry. Staff can also suggest sources for continuing education.

### **TRAVEL POLICIES AND PROCEDURES**

Commissioners are allowed their actual and necessary expenses when traveling on official City business consistent with this travel policy.

#### **1 Before Your Trip:**

##### **Authorized Budget and Limitations for Commissioner Travel**

Travel is subject to the dollar limitations set forth in the City's Annual Operating Budget. During a fiscal year, two (2) commissioners out of each commission may attend a conference/training/seminars related to their scope of responsibility. A Chairperson may choose a method to determine the two attending commissioners. For the following year, the two that were not able to go the previous year will automatically have the opportunity to attend.

##### **Authorized Functions (i.e., Where can I go?)**

Expenses incurred in connection with the performance of official duties at functions described below are eligible for reimbursement:

- a) Meetings of the City Council, Successor Agency, and any other government body or ad hoc committee established by formal action of the City of Commerce City Council.
- b) Educational seminars, conferences or activities designed to improve a commissioner's skill and knowledge related to the commissioner's scope of responsibility held in the State of California. Attending a conference with a State focus helps to ensure that commissioners are aware of trends and any legislation, proposed or passed, that is

relevant to the City of Commerce.

- c) Attendance at training sessions required by Federal, State, or local law.
- d) Appearances before, or attending meetings of, State legislative committees, State regulatory bodies, State commissions, and other government entities, on behalf of the City of Commerce.

### **Advances**

Advance of funds for the Commissioners may be \$55.00 per day to cover the following expenses while at the event.

- a. Meals
- b. Travel (bus, gas, parking, etc.)
- c. Gratuities (hotel, porter, restaurant, etc.)
- d. Miscellaneous (telephone, etc.).

### **Reservations/Registrations**

Officials attending meetings or traveling on official business may request staff assistance in arranging conference registration, hotel, and other travel reservations for authorized functions as listed in this policy.

### **Airline & Train Reservations**

The City will purchase airline tickets for travel to functions listed in Section 1.2 (b &c) on an official's behalf **no later than fourteen (14) days in advance of travel**. Tickets for functions listed in Section 1.2 requested thirteen days or less in advance of travel must be purchased directly by the traveling official. Eligibility for reimbursement of airline tickets is outlined in Section II of this policy.

### **Cancellations**

In the event an official is unable to travel according to pre-arranged and/or pre-paid itineraries, the official shall cancel his or her reservations prior to the cancellation deadline established by the vendor (i.e. hotel, airline, etc.) so as not to incur charges or in order to receive a refund or credit. In the event an official does not cancel his or her reservations and the City is charged a fee or unable to receive a credit or refund, the official shall reimburse the City the full cost of the fee or non-cancelled charges within thirty (30) days of the cancelled travel.

## **2 While on Your Trip:**

### **Traveling to Your Destination**

Officials shall use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo requirements, and the most direct and time-efficient route.

### **Air and Train Travel**

Airfare shall be reimbursed at the actual ticket cost as stated on the receipt. Baggage handling fees up to \$25 per bag are reimbursable. Long-term parking shall be used for travel exceeding 24 hours.

### **Personal Automobile**

Automobile mileage is reimbursable at the Internal Revenue Service (IRS) rate in effect at the time of the trip. The reimbursable amount shall be based on the actual mileage traveled for the purposes of the Traveler's official duties. In no case shall the amount of the reimbursement exceed the cost an airline ticket to the same destination purchased fourteen (14) days in advance of travel and, if applicable, the cost of a standard-size rental car.

### **Ground Transportation**

Taxi, bus, train, shuttle or other similar fares, including associated gratuities of up to 20 percent, are reimbursable.

### **Meals and Incidental Expenses (M&IE)**

The City maximum full day meal and incidental expenses rate shall be not greater than \$55.00, which includes taxes and gratuities. Official must provide receipts for all meals and will be reimbursed at the lower of the appropriate per diem amount or the actual expense.

### **Meal Gratuities**

Meal gratuities of up to 20 percent are reimbursable.

### **Alcoholic Beverages**

There shall be no reimbursement for alcoholic beverages.

### **Meals Provided as Part of Functions**

An Official may not request reimbursement for any meal which is provided or otherwise available to the official at a function, whether or not there is an actual charge for the meal. For example, if lunch is provided at a function, the traveler may not request reimbursement for eating elsewhere.



## **Lodging**

Actual lodging costs will be reimbursed when an official's travel on official City business reasonably requires an overnight stay due to distance or an official's need for sleep or rest to properly and safely perform their duties. The official shall use lodging that is offered by a provider of lodging that is consistent with the per diem rates for lodging as established: (1) in IRS Publication 1542, as amended, or any successor publication; or (2) as a governmental rate offered by the provider of lodging.

## **Lodging for Conferences or Other Educational Activities**

Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that the lodging at the group rate is available to the official at the time of booking. If the group rate is not available, then the official shall use comparable lodging that is consistent with the per diem rates for lodging as established: (1) in IRS Publication 1542, as amended, or any successor publication; or (2) as a governmental rate offered by a provider of lodging.

## **Miscellaneous Expenses**

Bridge, toll roads, housekeeping tips, parking fees and other similar miscellaneous expenses are reimbursable.

## **Unauthorized Expenses**

Expenses the City will not reimburse include, but are not limited to:

- a) The personal portion of any trip.
- b) Political or charitable contributions or events.
- c) Family expenses, including a partner's expense when accompanying an official on City-related business, as well as children or pet-related expenses.
- d) Entertainment expenses, including theater, movies (including in-room), sporting events (including but not limited to gym, massage and golf-related expenses), or other cultural events.
- e) Non-mileage personal automobile expenses, including traffic citations.
- f) Personal losses incurred while on City business.
- g) "Pre-boarding," "upgrade" or "change" fees charged for the convenience of the traveling official.

### **3 After Your Trip:**

#### **Documentation of Expenses/ Expense Reports**

Officials shall submit expense report forms, as provided by the City, to the City Administrator, or the City Administrator's designee within ten (10) days of incurring the expense. The expense report is to be signed, under penalty of perjury, and must state that all expenses listed were necessary, reasonable and incurred in connection with City business and in conformity with this Policy. If an official does not submit expense report forms within thirty (30) days of incurring the expense, the official will be ineligible for any future City-paid travel arrangements.

#### **Expense Documentation**

To qualify for reimbursement, expense reports must be accompanied by documentary evidence, such as a receipt, canceled check, or bill for each expense. The documentary evidence should show the amount, date, place, and essential character of the expense.

- a) If the evidence submitted is a bill, it must be itemized so as to sufficiently indicate which costs the Official claims are in connection with City-approved travel and for what purpose such costs were incurred (e.g., an itemized hotel bill would indicate cost for room, parking fee, meals, and room tax, with the respective cost of each listed on the bill).
- b) Any evidence submitted must be attached to a written statement signed by the official attesting the evidence is an accurate depiction of the expense and that the charges are appropriate and incurred in connection with City business and in conformity with this Policy.

## **Conclusion**

There is no desire on the part of the City Council or City staff to control a member's independent thought or judgement. The City Council appoints only those persons who have knowledge, ability and interest in the Commission's purposes so that their contributions will be of assistance. All suggestions and ideas are most welcome, whether presented as citizen, a commissioner, or as a majority vote of a commission.

Commissions are created, as a policy decision, to advise the City Council. Each commission has been charged with responsibilities in specific areas. It may be that a member may disagree with an established policy. This is part of the democratic process, as is the expression of that disagreement in a minority vote, in spite of conflicting viewpoints; however, it is the process of addressing the issues that is served by commissions.

The City is proud of its citizen participation and extends a hearty welcome to all commission appointees.