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CONSENT CALENDAR

January 23, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington and Cheryl Davila & Mayor Arreguin
Subject: Amend the Council rules and procedures to address the unintended consequences regarding the operations of Ad-hoc Committees.

RECOMMENDATION: Adopt a Resolution revising the City Council Rules of Procedure and Order regarding subcommittees to ensure the following changes:

1. The Ad-hoc Committee meetings must be open to public.
2. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair.
3. Agenda and the minutes of the meeting must be maintained and made available upon request.

BACKGROUND: The mission of Ad-hoc Committees is to acknowledge and focus on specific needs of the City of Berkeley, to seek and consider input from members, and to ultimately make recommendations to the City Council. Over the course of time, the City of Berkeley has created multiple Ad-hoc Committees designed to serve as advisory bodies to the City Council. Under the “Rules of Procedure and Order” of the City of Berkeley, most meetings must be open to the public and “time shall be provided for public comment” unless it is a confidential closed session. Adoption of this recommendation to standardize the operations of Ad-hoc Committees will improve the accountability of our local government.

FISCAL IMPACTS OF RECOMMENDATION:

Minimal

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RESOLUTION NO. #####

OPEN GOVERNMENT: AMENDING THE COUNCIL RULES TO ADD SECTION 2H,
TITLED SUBCOMMITTEES

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order ~~attached hereto and~~hereby incorporated by reference shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, excepting that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

BE IT FURTHER RESOLVED that ~~a section 2H is added~~a new section, titled Ad Hoc Subcommittees, ~~amending is hereby added as Chapter II, Section H of~~ the City Council Rules and Procedure and Order.

BE IT FURTHER RESOLVED that Resolution No. 67,500-N.S. is hereby rescinded.

EXHIBITS

A: ~~City Council Rules of Procedure and Order~~Chapter II, Section H Ad Hoc Subcommittees

2H. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc temporary subcommittee. Only Council members may become members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from the residents, related commissions, and other groups. Ad Hoc Subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue. ~~Please consult Chapter IV for noticing and agenda requirements applicable to subcommittees. All City of Berkeley Council subcommittees are considered ad hoc single purpose committees.~~

Upon creation of ~~the an ad hoc~~ subcommittee, the parent body Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the parent body Council.
2. A target date must be established for a report back to the parent body Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the parent body Council.

Subcommittees shall conduct their meetings in public and in accessible locations that are open to the public. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice

~~The secretary is not required to attend or take minutes at meetings of subcommittees.~~ City staff may attend and participate in subcommittee meetings. Depending on the desires of the subcommittee members, City staff may participate the same as members of the public, or may be called upon to offer insights or provide information during discussion.

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. In other words, the quorum for a two-member subcommittee is always two. ~~A temporary appointment does not assume the subcommittee membership(s) of the Council member for which they are substituting on the full commission.~~

Certain requirements listed above may not apply to ad hoc subcommittees seeking legal advice and assistance from the City Attorney or meeting with the City Manager or his/her designees for purposes of real estate or labor negotiations.