CORRESPONDENCE

Description of Attached: Correspondence received after publishing the Agenda.

For the Meeting of: Tuesday, August 23, 2022, at 5:00 p.m.

Agenda Item: Discussion Item 20

20. Ordinance Adding Chapter 1.14 to the Sacramento City Code, Relating to Procedure for Mayor or Councilmember Vacancies, and Amending Chapter 2.40 of the Sacramento City Code, Relating to Boards and Commissions Generally (Passed for Publication 07/19/2022; Published 07/22/2022) [Two-Thirds Vote Required] [Continued from 08/09/2022]

File ID: 2022-01191

Location: Citywide

Recommendation: 1) Pass a Motion to waive Rule 7, section K.1 of the Council Rules of Procedure which requires ordinances to be referred to the Law and Legislation Committee before coming to council; and 2) adopt an Ordinance adding Chapter 1.14 to the Sacramento City Code, relating to the procedure for Mayor or Councilmember vacancies, and amending Chapter 2.40 of the Sacramento City Code, relating to boards and commissions generally.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Wendy Klock-Johnson, Chief Assistant City Clerk, (916) 808-7509, wklock-johnson@cityofsacramento.org, Office of the City Clerk
Good evening Mindy,

Attached is the letter in response to Item #20 on tomorrow’s 5pm agenda from the Chairs and Vice Chairs serving on the following commissions and boards:

Sacramento Community Police Review Commission
Measure U Community Advisory Committee
Planning and Design Commission
Disabilities Advisory Commission
Active Transportation Commission
Utilities Rate Advisory Commission
Sacramento Ethics Commission

Please let me know if you have any questions.

Thank you,

Keyan Bliss
District 4 Commissioner (Vice Chair)
Sacramento Community Police Review Commission
707-295-3064
Pronouns: he/him/they
August 22, 2022

Mayor and City Council, City of Sacramento
915 I Street, 1st Floor,
Sacramento, CA 95814

RE: An Ordinance amending Chapter 2.40 of the Sacramento City Code, Relating Boards and Commissions Generally

Dear Mayor and Councilmembers,

As the chairs and vice-chairs of the City of Sacramento boards, committees and commissions, we are supportive of having a written policy that standardizes our procedures. However, we believe additional clarifying amendments are needed to ensure this policy does not inadvertently hinder the ability of boards and commissions to do the important work they were created to do. Thus, we write to respectfully request that the City Council make three clarifying amendments to the proposed ordinance amending Chapter 2.40 of the Sacramento City Code as outlined below:

Request #1: Eliminate Section 2.40.160 to allow boards and commissions to continue meeting in Brown Act-compliant standing or ad hoc committees.

**Background Information:** The current section in the ordinance prohibits boards and commissions from creating standing or ad hoc committees. As this section would undoubtedly impact the work of volunteers serving on all commissions and boards to meet our respective mandates, it is crucial that City Council clarify in the ordinance that working groups that do not violate the Brown Act are allowed to continue to exist or eliminate this section entirely to allow standing and ad hoc committees to exist in compliance with the Brown Act.

Most of our boards, committees and commissions meet publicly at a maximum about 10 times a year. Our members routinely work in small workgroups to do research, analyze complex policy, and meet privately with city staff and community stakeholders to solicit their input and feedback as we draft recommendations. These working groups are less than a quorum, produce detailed meeting minutes, and have no authority to make any decisions or move without explicit approval during a meeting of the full body with public notice and participation. Members of the public have long been invited to provide comments within our workgroups and even support workgroup members; information gathered is routinely shared in agendized updates during board, commission and committee meetings. Furthermore, with the exception of the Planning Commission, the city boards, committees and commissions are advisory to the Council and have no formal decision-making authority. Prohibiting the mayor and city council from creating Ad Hoc groups may make sense because it precludes the public from participating in policy discussions. But as unpaid volunteers without formal authority, allowing working groups will not limit transparency, it will increase efficiency.

Based on the comments made by the members of the Personnel and Public Employees Committee on May 24, 2022, when the item was discussed, and a subsequent meeting with City Clerk Mindy Cuppy, the stated intent behind this language is to enhance transparency and community participation. It is our understanding that the Brown Act does not preclude these small working groups from existing, as long as these consist of less than a quorum, are composed solely of members, do not have some “continuing subject matter jurisdiction,” and do not have a meeting schedule fixed by formal action of a larger body.

The City Clerk and staff from the City Attorney’s office have assured us we will still be able to perform the same functions we do in our current Ad Hoc Committees. However, we remain concerned that the
lack of written clarification within the proposed ordinance will not guarantee these assurances and could be interpreted by future council members or staff to be a prohibition on creating Brown Act compliant working groups. Furthermore, it raises the question of how transparent or participatory such working groups would ultimately be even if they were permitted.

According to the City Clerk, we would no longer be required to establish these working groups in public meetings, could invite any members of the public to participate, and would no longer need to report updates on their work or discussions at public meetings. By this understanding, a working group could essentially meet without notice with less than a quorum before any public meeting is held to discuss it, and without any requirement to disclose this discussion during public meetings. Most concerning is how this action increases the likelihood of Brown Act violations by eliminating the formal mechanism of Ad Hocs which allows members to know who is discussing what topics and ensure that fewer than a quorum of members participate in discussions outside of a public meeting. Such working groups would not only create less transparency, but such conditions would be an unethical violation of basic principles of democracy and actually damage trust between our commissions and the community members we are appointed to serve.

**Request #2:** Add a new Section to the ordinance that will standardize the process for how board or commission recommendations are submitted to the City Council.

**Background Information:** One of the frustrations that we have experienced is due to the lack of a standard process for handling recommendations submitted to the City Council. This ordinance provides a perfect opportunity for the City Council to establish a standardized process to ensure the time and effort of volunteers is respected and that the work they produce is considered in a timely manner. To that end we recommend that, whenever a board or commission submits a policy recommendation for City Council consideration, it be agendized for review and evaluation by either the Budget Committee or the Law and Legislation Committee.

We recommend the following language be added to the ordinance:

2.40.210. Whenever a board or commission submits policy recommendations to the City Council, these recommendations shall be agendized first for consideration by either the Budget Committee and/or the Law and Legislation Committee within 90 days of submission. The board or commission shall be invited to send a representative to present the recommendations.

**Request #3:** Add a new Section to establish a clear process for direct communications between city staff and members of boards or commissions.

**Background Information:** Standard practice for boards or commissions is to funnel any formal request, presentations, or reports to any city department through the Board’s or Commission’s assigned staff. While this allows for formal tracking of requests and workload management, it has also created situations where city staff are unable or unwilling to respond directly to inquiries made by board members or commissioners. This can be avoided by creating a standard process that allows direct communication between the appointed bodies and city departments such as the Sacramento Police Department or the City Manager’s Office.

We recommend the following language be added to the ordinance:

2.40.211. Members of city boards or commissions may communicate directly in writing with city staff as long as the assigned staff for the board or commission is included in any correspondence.
Request #4: Amend Section 2.40.170 to allow Chairpersons and Vice-Chairpersons to serve no less than two consecutive terms and provide continuity contingencies for commissions and boards.

Background Information: The current section of this ordinance prohibits Chairpersons and Vice-Chairpersons from serving more than one consecutive one-year term. We request the City Council to change this section to allow Chairpersons and Vice-chairpersons to serve at least two consecutive terms and create a clause that will allow the current Chair or Vice-chair to serve beyond this term limit if there are no volunteers who accept these positions.

Board, Commission and Committee leadership roles require a great deal of time and orientation to effectively serve in these roles. They are also essential to maintaining the continuity and direction of our work, which often includes reviewing and researching policy, conducting analyses, and producing reports or recommendations which often extends beyond a single calendar year. As many of us have learned first-hand, it can take as much as 6-8 months before we fully orient to our roles as Chairs and Vice-chairs, meaning most of each year would be spent orienting to new leadership. Furthermore, while many people are interested in serving on a Board, Commission or Committee, assuming the role of Chair or Vice Chair is time consuming and requires a higher level of time commitment. Significantly limiting the eligibility of willing members to serve could result in vacancies in these essential positions or pressuring members to serve beyond their interest and capacity. For example, the Measure U Advisory Committee’s current chair and vice chair have served 4 consecutive terms because no other members nominated themselves for the roles, despite repeatedly encouraging members to take on the roles and offering mentorship for them.

We appreciate the work that is being done to create a standardized process that will improve the operations of boards and commissions in our city. The requested changes will not only bring clarity to the ordinance, but will also validate the work that is being done by the volunteers serving on these important bodies. We await your respectful response.

Sincerely,

Graciela Castillo-Krings, Chair - Sacramento Community Police Review Commission
Keyan Bliss, Vice Chair - Sacramento Community Police Review Commission
Flojaune Cofer, Chair - Measure U Community Advisory Committee
Kim Williams, Vice Chair - Measure U Community Advisory Committee
Brandy Tuzon Boyd, Chair - Disabilities Advisory Commission
Alan McMillan, Vice Chair - Disabilities Advisory Commission
Ali Doer Westbrook, Chair - Active Transportation Commission
Curtis Paullins, Vice Chair - Active Transportation Commission
Rae Vander Werf, Vice Chair - Utility Rate Advisory Commission
Linda Ng, Vice Chair - Sacramento Ethics Commission
Nicolina Hernandez, Chair - Planning and Design Commission

Cc:
Mayor Darrell Steinberg
Vice Mayor Angelique Ashby, District 1
Mayor Pro Tem, Eric Guerra, District 6
Councilmember Sean Loloee, District 2
Councilmember Jeff Harris, District 3
Councilmember Katie Valenzuela, District 4
Councilmember Jay Schenirer, District 5
Councilmember Rick Jennings, District 7
Councilmember Mai Vang, District 8
City Manager Howard Chan, City of Sacramento
City Clerk Mindy Cuppy, City of Sacramento