

REPLACEMENT

RULES AGENDA: 10/06/10
ITEM: H.3



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE
FROM: Norberto Duenas
Leslye Krutko
Lee Price

SUBJECT: IMPLEMENTATION OF
MBA #16: CHANGES TO BOARDS
AND COMMISSIONS
(Council Referral #09-25-07-5.2)
DATE: October 4, 2010

RECOMMENDATION

Approve next steps in the implementation of Manager's Budget Addendum (MBA) #16 and direct staff to forward this information to the City's advisory Boards/Commissions/Committees for greater understanding and consistent application.

BACKGROUND

On June 19, 2010, the City Council adopted the Manager's Budget Addendum (MBA) #16, as part of the FY 2010-11 Budget. MBA #16 recommended that the City Council endorse recommendations to reduce the number of meetings per year for all advisory boards/commissions/committees (quasi-judicial boards/commissions were excluded). In addition, Staff recommended the approval of standardized templates for the development of workplans and annual reports. (A complete copy of MBA #16 is attached as Exhibit A).

At the Rules and Open Government meeting of September 29, 2010, the Committee considered a letter in the Public Record from Martha O'Connell asking for a clear directive on the implementation of MBA #16, specifically as it relates to the frequency of Board/Commission/Committee *subcommittee* meetings. The Committee referred this matter to staff with a request to return to Committee with clarification.

ANALYSIS

Recommendations outlined in MBA #16 and approved by the Council were intended to help meet reduction targets, reduce costs and provide new tools to address workload concerns in a difficult budget climate. Reducing the number of meetings will result in cost savings. Standardizing workplans and annual reports will ensure that requirements of the Municipal Code are met, that advisory boards/commissions/committees effectively achieve their primary missions and that staff workload is efficiently managed. Although MBA #16 did not specifically address subcommittees, the intention was to reduce the total number overall of meetings annually, including meetings of subcommittees.

Memo to Rules and Open Government
October 4, 2010
Implementation of MBA #16: Boards/Commissions

Not all City Boards/Commissions/Committees have standing subcommittees, however ad hoc committees are often utilized for short-term, specialized research and analysis. Standing committees are subject to the Brown Act. This means meetings are open to the public and agendas must be prepared and posted. Ad hoc committees are those temporarily formed or used for a specific purpose and meet no more than six months. Ad hoc committees are not subject to the Brown Act, nor are their meetings open to the public.

IMPLEMENTATION NEXT STEPS:

In August, the Rules and Open Government Committee workplan was expanded to add a standing agenda item for the review and approval of workplans and annual reports. Several boards/commissions/committees are ready to bring their workplans to the Rules Committee. These should provide good models for those still to come. Meanwhile, information regarding the implementation of MBA #16 has been disseminated to the organization internally and training for directors and support staff is scheduled for mid-October. As we continue our work to update governing policies for the City's boards/commissions/committees, we will incorporate new procedures and guidelines for the development of uniform workplans, bylaws and annual reports, as well address issues regarding conducting business in an open and transparent manner consistent with the City's Open Government requirements.

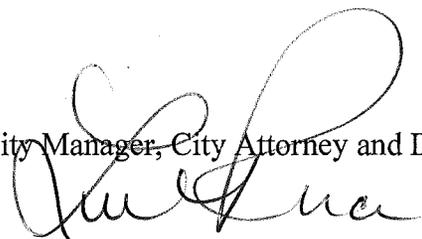
To ensure consistency, we recommend that all boards/commissions/committees complete their workplans and, as part of that process, examine the need and purpose for subcommittees. The workplan should establish any need for a standing or ad hoc committee. Those boards/commissions/committees that have long-standing subcommittees should review whether those subcommittees are necessary and determine if the subcommittees exist to further the primary scope and mission of the boards/commissions/committees. Forming new subcommittees (standing or ad hoc) before the workplan has been approved is not consistent with the intent and spirit of MBA #16 and is not recommended. In addition, direction should include a caution that subcommittees (new or long-standing) *not* meet more often than the "committee as a whole", except and unless there is an objective identified in the workplan that demands more frequent meetings to accomplish that objective. Each Commission should identify, in the workplan, the subcommittees they have formed that will work on the actions identified.

CONCLUSION:

We recognize that implementation of new practices and procedures Citywide takes time and effort. These recommendations are not intended to frustrate or restrict the great work of our advisory boards/commissions/committees, but rather ensure that the goals of MBA #16 are achieved.

COORDINATION:

This memorandum has been coordinated with the City Manager, City Attorney and Director of Housing.



LEE PRICE, MMC
CITY CLERK



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Leslye Krutko
Lee Price
Norberto Duenas

SUBJECT: PROPOSED CHANGES TO
BOARDS AND COMMISSIONS
Council Referral # 9-25-07-5.2

DATE: May 26, 2010

Approved

Date

5/26/10

RECOMMENDATION

It is recommended that the City Council endorse the recommendation to reduce the number of Boards/Commission meetings per year (Attachment A), and incorporate standard Workplan (Attachment B) and Annual Report (Attachment C) templates for each Board/Commission.

BACKGROUND

In September 2007, staff was directed to return with an analysis on all existing boards and commissions, and costs to staff each, looking at redundancies and opportunities for consolidation, efficiency, and elimination. Since that time, several important actions have been taken including:

- Conducting an in-depth assessment of the workload associated with the existing boards/commissions, which included examining costs of non-salaried staff and salaried staff and non-personal costs, as well as collecting data on member composition, scope, and authority;
- Held staff and commission member forums to solicit input;
- City Clerk and Attorney's Office staff initiated training for several boards/commissions;
- Enhanced the City's website to include membership rosters, agenda and minutes for all boards/commissions;
- Held an annual recognition event that was well attended and is a cost effective way to recognize the volunteer efforts by citizens who serve; and
- Began the process of revising the governing documents, which will include a comprehensive rewrite of Council Policy 0-4 and consolidating others relating to boards/commissions.

ANALYSIS

With the current budget climate, and the need to reduce resources and meet reduction targets, staff has explored reducing the number of board and commission meetings per year. It is estimated that

HONORABLE MAYOR AND CITY COUNCIL

May 26, 2010

Subject: Proposed Changes to Boards and Commissions

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the reduction in meetings as shown in the attached chart would result in a cost savings of approximately \$141,086 and 6,858 hours of staff time. In addition to the cost savings that would be realized from such a reduction in meetings, we have received feedback that recruitment efforts may be more successful. For some bodies, community members may be more willing to volunteer if the time they need to commit is lessened.

With the Council's endorsement, we will work with the boards/commissions support staff to explore reducing the number of meetings, with a report back to the City Council in early FY 2010-11. Some boards and commissions have already met to discuss reducing the number of meetings. For those that have not yet addressed this issue, staff will agendize this as a topic of conversation at upcoming meetings.

Our mutual goal is to implement new approaches that address the workload concerns of the organization while preserving the Council's goals of open government and process transparency. Using the new workplan template, each Board/Commission will be able to focus on specific priorities, allowing direct and concise direction to the members of the bodies, while managing the time of the City support staff. The new workplan template and annual report will provide the City Council with clear detail about board and commission activity. We expect to roll out the new workplan/ annual report process beginning early in the fiscal year.



LESLYE KRUTKO
Director of Housing



LEE PRICE
City Clerk



NORBERTO DUENAS
Deputy City Manager

Attachment

- Proposed Reduction in Frequency of Meetings (Attachment A)
- Sample Workplan (Attachment B)
- Sample Annual Report (Attachment C)

Boards & Commissions – Proposed Reduction in Frequency of Meetings

Board, Commission, Committee	Authority	Frequency of Meeting Currently	Proposed Number of Meetings	Meeting Reduction
Advisory Boards				
Advisory Commission on Rents	As established by Municipal Code 2.08.200 (Ord. 25209), the Advisory Commission on Rents oversees the operation of the Rental Dispute Mediation and Arbitration hearing process.	Six times per year	Quarterly	33%
Airport Commission	As established in Municipal Code 2.08.400 (Ord. 25209), members of the Airport Commission serve in an advisory capacity to the City Council and to the Director of Aviation on issues relating to the Norman Y. Mineta San Jose International Airport.	Monthly	Quarterly	66%
Airport Noise Advisory Committee	As required by State Title 21, the Airport Noise Advisory Committee (ANAC) serves as an advisory body to the City Council and the Director of Aviation regarding Airport noise related issues and provides a public forum for Airport noise related issues, policies and decisions. ANAC meets both the State Title 21 regulatory requirement to monitor/mitigate and report incompatible land uses and the additional local Municipal Code requirement to track the local Curfew Program and communicate proactively with the community.	Quarterly	No Change	—
Arts Commission	As established by Municipal Code 2.08.800 (Ord. 25209) the Arts Commission advises and recommends City policies and programs and all matters relating to the arts and cultural life that affect public access to a wide variety of arts opportunities in San Jose.	Monthly	10 times per year	20%
Bicycle and Pedestrian Advisory Committee	As authorized in Resolution 69543, the Bicycle and Pedestrian Advisory Committee (BPAC) provides the Transportation Director and the City Council, advice and suggestions on accommodating bicyclists and pedestrians throughout San Jose.	9-10 times per year	4 – 6 times per year	Approx. 50%
Council Salary Setting Commission	As established by the City Charter – Section 1001.1, the City Council Salary Setting Commission meets from January through April in odd-numbered years to make recommendations to the Mayor and City Council on proposed salaries for the Mayor and the City Council Members.	As needed, every other year	No Change	—
Disability Advisory Commission	As established in Municipal Code 2.08.2400 (Ord. 25209), the Commission concentrates on the delivery of services city-wide, and the promotion of equal access for people who have disabilities and make recommendations to the City Council on matters relating to persons with disabilities.	Monthly	Quarterly	66%
Downtown Parking Board	As established in Municipal Code 2.08.3600 (Ords. 25209), the Downtown Parking Board serves as a public forum for the discussion of Downtown parking issues. The Board's Mission Statement is to "Create and maintain a downtown public parking system that provides available and accessible parking.	Monthly	4 – 6 times per year	Approx. 50%
Early Care and Education Commission	As established in Municipal Code 2.08.2500 (Ord. 25209), the Early Care and Education Commission studies, evaluates, reviews and provides advice to the City Council, the City Manager and department heads designated by the City Manager on all matters and issues related to childcare, early childhood education, child development, and other issues concerning young children ages 0- 5 years and their families. Its goal is to streamline and deregulate the process for implementing the growth of early care and education programs in the City.	Monthly	8 times per year	33%

This list does not include Decision-Making Bodies/Quasi-Judicial

Board, Commission, Committee	Authority	Frequency of Meeting Currently	Proposed Number of Meetings	Meeting reduction
Family/Domestic Violence Advisory Board	Approved by the City Council in August 1997, the purpose of the Family/Domestic Violence Advisory Board is to promote a collaborative, community effort to reduce and prevent incidents of violence in our families and communities.	Monthly (9+ per year)	Possibly 6 times per year.	33%
Healthy Neighborhoods Leadership Committee <small>(previously Healthy Neighborhoods Venture Fund Advisory Committee)</small>	Approved by City Council in March 2000, the Healthy Neighborhoods Leadership Committee makes recommendations to the City Council regarding the City's use of tobacco settlement funds for youth and senior programs with an anti-tobacco component.	Seasonal	No Change	--
Historic Landmarks Commission	As established by Municipal Code 2.08.2800 (Ord. 25209), the Historic Landmarks Commission advises and makes recommendations to the City Council on the designation, acquisition and preservation of historic landmarks and sites, artifacts and other property of historic significance and value including items housed at the History San Jose Historical Museum.	Monthly	Quarterly	66%
Housing & Community Development Advisory Commission	As established in Municipal Code 2.08.2800 (Ord. 25209), the Housing & Community Development Advisory Commission (HCDC) studies, reviews, evaluates and makes recommendations to the City Council and the Department of Housing regarding the City's existing housing programs and policies, and new programs and policies that would further the City's housing goals. The Commission also advises the City Council and City Administration regarding the Community Development Block Grant (CDBG) program.	Monthly	10 times per year	20%
Human Rights Commission	As established in Municipal Code 2.08.3000 (Ord. 25209), the Human Rights Commission was established to implement the San Jose Human Rights Policy and to develop programs promoting the fulfillment of human rights in the City.	Monthly	Quarterly	66%
Library Commission	As established in Municipal Code 2.08.3200 (Ord. 25209), the Library Commission studies, reviews, evaluates and makes recommendations to the City Council regarding existing or proposed library facilities, programs, operations, services and financing.	Monthly	9-10 times per year	Approx. 20%
Mayor's Gang Prevention Task Force - Policy Team (MGPTF)	Established in 1997 under Mayor Susan Hammer's leadership, the Mayor's Gang Prevention Task Force - Policy Team (MGPTF) is a highly collaborative network organized to prevent intervene, and suppress gangs in San Jose.	Six times per year	No Change	--
Mobilehome Advisory Commission (MAC)	As established in Municipal Code 2.08.3400 (Ord. 25209), the Mobilehome Advisory Commission makes recommendations to the City Council regarding rules, regulations, amendments and/or changes which may be deemed necessary to insure the successful operation and administration of the Mobile Home Rent Ordinance.	Six times per year	Quarterly	33%
Neighborhoods Commission	The concept of the Neighborhoods Commission was approved by City Council in September 2007 and the Commission shall integrate the voice of neighborhoods into the City's decision-making processes; study issues, courses of action, policies, and programs that affect neighborhood quality of life; make recommendations to Council and Redevelopment Agency; and empower neighborhoods.	Monthly	10 times per year	20%

This list does not include Decision-Making Bodies/Quasi-Judicial

Board, Commission, Committee	Authority	Frequency of Meeting Currently	Proposed Number of Meetings	Meeting reduction
Parks and Recreation Commission	As established in Municipal Code 2.08.3800 (Ord. 25209), the Parks and Recreation Commission serves as an advisory body to the City Council and to the Director of Parks, Recreation and Neighborhood Services on issues relating to proposed parks, recreation and community services, facilities and programs, their use and operation.	Monthly	No Change	-
Project Diversity Screening Committee	Approved by City Council in August 1991, the Project Diversity Screening Committee interview applicants for Boards and Commissions (excluding Planning, Civil Service, Elections, Retirement Boards, Council Salary Setting and Task Forces)	As needed, twice per recruitment cycle	No Change	-
Public Safety Bond Oversight Committee	Approved by the City Council in November 2002, the Public Safety Bond Oversight Committee has fiscal review over the bond program and present an annual report to the City Council.	Quarterly	2 - 3 meetings per year	Approx. 50%
Keep San José Beautiful	Originally known as the Beautification Committee, the Keep San José Beautiful was established in January 1980 as part of the Keeping America Beautiful efforts. This Group is charged with making San José more beautiful through community advocacy, education and empowerment.	Monthly	Meet as needed - if there is work to be completed or action to be taken.	-
San Jose/Santa Clara Treatment Plant Advisory Committee	Established in 1959 with a master agreement between San Jose and the City of Santa Clara, the San Jose/Santa Clara Treatment Plant Advisory Committee reviews and advises the City of San Jose City Council on all issues relating to the operation and capital improvement of the San Jose/Santa Clara Water Pollution Control Plant.	10 per year	No Change	-
Schools/City Collaborative	Approved by the City Council in September 1997, the Schools/City Collaborative is charged with strengthening and formalizing the relationship between CSJ and all 19 San Jose School Districts and establishes a workplan that addresses areas of common interest.	Quarterly	No Change	-
Senior Citizens' Commission	As established in Municipal Code 2.08.4200 (Ord. 25209), the Senior Citizens' Commission studies, reviews, evaluates and makes recommendations to the City Council on any matters affecting elderly people in the City, including health, education, employment, housing, transportation and recreation.	Monthly	Quarterly	66%
Small Business Development Commission	As established in Municipal Code 2.08.4300 (Ord. 25209), the Small Business Development Commission studies, reviews, and makes recommendations to the City Council regarding the City's efforts on behalf of disadvantaged and small businesses to encourage greater participation in City contracts and to increase greater overall economic vitality for businesses.	Monthly	Quarterly	66%
Youth Commission	As established in Municipal Code 2.08.4800 (Ord. 25209), the Youth Commission was formed to foster greater involvement of youth in municipal government, specifically to study any problems, activities and concerns of youth relating to municipal policies, programs or projects of the City of San Jose. The Commission makes recommendations to the City Council and to the Recreation, Parks and Community Services Department on youth related issues, conducts forums to involve youth in the governmental decision-making process.	Monthly	Quarterly	66%
work2future Board	Established in 2000, work2future functions as the local administrative arm of the federal Workforce Investment Act of 1998 (WIA). The work2future Board provides strategic planning, policy development and oversight of the local workforce investment systems; approves the disbursement of funds; and oversees and coordinates youth activities through the Youth Council. Its mission is to respond to business needs, and prepare job seekers for full time unsubsidized employment.	Quarterly	No Change	-

This list does not include Decision-Making Bodies/Quasi-Judicial

Housing & Community Development Advisory Commission
Sample Workplan for FY 10-11

Objective for FY 2010-11	Actions	Timeframe
Provide oversight to the Housing Trust Fund (HTF)	<ul style="list-style-type: none"> - Review and make recommendations on Housing Trust Fund Applications 	As Needed
Participate in the development of the FY 2011-12 Annual Plan	<ul style="list-style-type: none"> - Review and comment on Consolidated Plan - Participate in Review Panels as needed - Hold public hearings - Evaluate process and provide recommendations for continued improvement, including: <ol style="list-style-type: none"> 1. Funding allocations 2. Application process 3. Funding priorities 	Spring 2011
Participate in the development of the FY 2009-10 CAPER	<ul style="list-style-type: none"> - Review and comment on the CAPER - Hold public hearing 	Fall 2010
Participate in the General Plan (GP) Process	<ul style="list-style-type: none"> - Provide feedback on GP amendments coming before the City Council - Study session and discussion on new GP 2040 	Spring/Fall
Evaluate Commission's role in grant management oversight	<ul style="list-style-type: none"> - Consider widening the Commission's scope to other federal grants 	Ongoing
Accept updates on homelessness & foreclosure issues	<ul style="list-style-type: none"> - Review and provide input on the City's response to homelessness, including Destination:Home. - Review and provide input on the City's response to foreclosures 	TBD
Accept Legislative Report	<ul style="list-style-type: none"> - Review and provide direction on legislation impacting housing and community development 	TBD
Provide input on inclusionary housing lawsuit & ordinance changes	<ul style="list-style-type: none"> - Review the current lawsuit - Review legal cases, including Patterson and Palmer - Review and provide feedback on any ordinance changes 	FY 2010-11
Engage in efforts relating to regional planning	<ul style="list-style-type: none"> - Learn about and make recommendations regarding the implementation of 375 and other regional planning efforts 	FY 2010-11
Engage in discussions about the park fee policy for affordable housing	<ul style="list-style-type: none"> - Review the ordinance that implements the new 50% Parkland fee for affordable housing - Consider issues surrounding treatment of projects in the pipeline 	June 2010, Fall
Weigh strategies for improving communication about affordable housing	<ul style="list-style-type: none"> - Develop recommendations on how to reframe the language/messaging on affordable housing 	Ongoing

Housing & Community Development Advisory Commission
Sample Annual Report for FY 09-10

Objective for FY 2009-10	Timeframe	Status & Accomplishment	Future Target/Goals
Provide oversight to the Housing Trust Fund	Ongoing	<ul style="list-style-type: none"> • Provided recommendations on six Housing Trust Fund funding applications • Provided suggestions on the guidelines for approving emergency Housing Trust Fund requests 	<ul style="list-style-type: none"> • Continue providing recommendations on Housing Trust Fund applications • Continue providing suggestions on Housing Trust Fund guidelines and reporting as appropriate
Participate in the development of the Five Year Consolidated Plan and FY 2010-11 Annual Plan	FY 09-10	<ul style="list-style-type: none"> • Held a public hearing on the 3 documents • Provided comments on the documents • Approved the documents • Approved Substantial Amendment to the FY 2004-05 ConPlan on the Section 108 Loan • Approved Substantial Amendment to the FY 2008-09 ConPlan related to Federal Stimulus Funding 	<ul style="list-style-type: none"> • Provide public hearing, comments, and recommendation on the FY 2010-11 Annual Action Plan and substantial amendments as appropriate • Provide additional feedback on the revised AI
Engage in discussions about the park fee policy for affordable housing	Fall 2009	<ul style="list-style-type: none"> • Held joint meeting w/the Parks Commission to come to a shared understanding and recommendation • Provided a recommendation to the Departments of Housing and Parks and Recreation • Approved the final staff recommendation 	<ul style="list-style-type: none"> • Review and comment on follow-up City Council memo regarding implementation details of the new policy
Provide recommendations on the CDBG funding allocations, application process, & funding priorities	Ongoing	<ul style="list-style-type: none"> • Provided modifications to the funding application process & timeline with some modifications • Approved the FY 2010-12 funding recommendations • Held a special meeting & public hearing on the recommendations 	<ul style="list-style-type: none"> • Continue providing guidance on the CDBG funding process • Consider providing guidance to other federal grant processes

Housing & Community Development Advisory Commission
 Sample Annual Report for FY 09-10

Objective for FY 2009-10	Timeframe	Status & Accomplishment	Future Target/Goals
Participate in the General Plan (GP) Process	November	<ul style="list-style-type: none"> Supported amendments 	<ul style="list-style-type: none"> Continue to follow the GP process Advocate for actions as appropriate
Review and make recommendations regarding the Public Outreach Policy	January	<ul style="list-style-type: none"> Supported staff's recommendation to continue current public outreach policy 	<ul style="list-style-type: none"> Follow-up as needed
Discuss Redevelopment Agency (RDA) Budget Actions	November	<ul style="list-style-type: none"> Voted to draft a letter to the Mayor and City Council regarding the Redevelopment Agency take from the 20% Housing Fund and recommended that the RDA take no more than \$30 million from the 20% Housing Fund 	<ul style="list-style-type: none"> Continue to follow the Court case regarding the State take of Redevelopment funds Follow-up as needed
Participate in the development of the FY 2008-09 CAPER	September	<ul style="list-style-type: none"> Held public hearing Accepted the FY 2009-10 report 	<ul style="list-style-type: none"> Review and provide comment on the FY 2010-11 report