

# CITY COUNCIL COMMITTEE

## **Policy Development and Internal Operations**

Mayor Guy Bjerke, Chair  
Helen Allen, Committee Member

**5:30 p.m.**  
**Wednesday, March 24, 2010**

**Garden Conference Room**  
**1950 Parkside Drive, Concord**

### **ROLL CALL**

### **PUBLIC COMMENT PERIOD**

- 1. DISCUSSION** – On matters concerning the Boards & Commissions– report by Mary Rae Lehman, City Clerk/Administrative Services Coordinator; and report by Joan Carrico, Director of Community & Recreation Services.
- 2. ADJOURNMENT**

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Press



**REPORT TO COUNCIL COMMITTEE ON  
POLICY DEVELOPMENT & INTERNAL OPERATIONS**

**TO HONORABLE COMMITTEEMEMBERS:**

DATE: March 24, 2010

**SUBJECT: AMENDMENTS TO POLICY AND PROCEDURE NO. 89 - COUNCIL APPOINTED  
BOARDS AND COMMISSIONS**

**Report in Brief**

This report will review length of terms, applicant interview practices and stipends, and makes recommendations to amend Policy and Procedure No. 89 to update current practices and make minor administrative corrections.

**Background**

In late 2004, a study to reorganize six boards and commissions was initiated in response to a recommendation from the Strategic Task Force on the Future of Service Delivery and taken before the Council Subcommittee on Policy Development and Internal Operations. The study focused on streamlining actions associated with the City's Board and Commission recruitment and appointment process and consolidations of commissions intended to address overlapping responsibilities. All of the recommendations were anticipated to save staff time and operating expenses in order to assist the City's efforts to maintain service levels while adjusting to budget challenges, workload issues and organizational attrition.

Staff reported to Council in July, 2005, with recommendations which reduced the membership of the Community Services Commission from eleven members to nine; consolidated the expiration dates of the terms of specific Boards and Commission to allow for two annual recruitments commencing in November and March respectively; modified the process for selecting the youth members for the Parks, Recreation and Open Space Commission; and amended Policy and Procedure No. 89 to reflect all changes and incorporated language that defined the City Council's ability to remove a Board or Commission member from office.

With the implementation of the 2005 actions, Council Subcommittees conduct a minimum of 6 formal interviews over a 30 day period in January/February and again in May/June. Depending upon the Mayor's appointments to the Subcommittees, a Councilmember may be heavily impacted with additional meetings during that period.

**AMENDMENTS TO POLICY AND PROCEDURE NO. 89 - COUNCIL APPOINTED  
BOARDS AND COMMISSIONS**

March 24, 2010

Page 2

Our policy currently states that incumbents are required to submit a new application every two years indicating their interest in continuing to serve, and are scheduled to interview before the appropriate subcommittee. The elimination of this practice was discussed at length in 2005, but no changes were made.

**Discussion**

Staff has been requested to review our current recruitment practices to determine if incumbent interviews could be eliminated. Staff recommends the Council Committee on Policy Development and Internal Operation consider the following options:

*Provide option for the interviewing Subcommittee to waive interviews with some or all Applicants*

Staff proposes to amend Policy and Procedure No. 89 providing a provision which would allow the interviewing Subcommittee the option to waive interviews with some or all of the applicants. Currently the City's application allows residents to apply for more than one Board or Commission. Often a candidate will appear before the same Councilmember two or three times. Not only is this inconvenient for the candidate, but it is also difficult for the Councilmember to develop meaningful questions which hadn't been asked previously. Staff has attempted to alleviate this problem by preparing standard sets of questions to be used for each Board and Commission, and advise the Council Subcommittee members of a candidate's stated interest in other Commissions. In those instances where the same Council Subcommittee would be interviewing an applicant for another Board or Commission, staff has made arrangements for both sets of questions to be asked at one interview meeting.

Staff believes that the Councilmembers are familiar with all of the incumbents and most of the candidates applying to the City's Boards and Commissions, and could make an informed appointment without formal interviews with all candidates.

*Extend length of terms from 2-years to 4-years*

Staff proposes extending terms for all members from two years to four years and conducting recruitments on odd-numbered years, or when an interim vacancy occurs, keeping the terms staggered for continuity on each Commission. Staggered two-year terms require the Council Subcommittees to conduct interviews every year. During an election year (even-numbered years) it becomes problematic to schedule interviews during the May/June cycle due to the additional public commitments by Councilmembers. Extending to four-year terms will reduce the number of interviews for Council Subcommittees by 50% and provides for an odd-year recruitment cycle. This practice has been successful in other agencies. The action will require a Municipal Code amendment.

**AMENDMENTS TO POLICY AND PROCEDURE NO. 89 - COUNCIL APPOINTED  
BOARDS AND COMMISSIONS**

March 24, 2010

Page 3

Consideration of the reduction or suspensions of stipends until the economy improves

Concord pays a stipend of \$50 per meeting to the Planning Commission and Design Review Board members. Most of the members of these two commissions carry certification in a professional field which is valuable to project reviews. The \$50 per meeting stipend recognizes the member's level of expertise.

These two Commissions are scheduled to meet two times per month, although during this economic downturn many of the meetings are being cancelled. Last fiscal year (2008-09) the City spent a total of \$8,150 on stipends to these two advisory bodies. Staff anticipates that total to be significantly less this year. Since July 2009, most of the members of the Planning Commission have voluntarily suspended their stipends in full until there is an improvement in the economy, resulting in a \$200 per meeting savings. Additionally, the number of meetings being scheduled for each of these commissions has decreased to one per month, which results in savings for the City.

Staff has investigated a 5% reduction on members of the Design Review Board which would result in a \$10 savings per meeting, or a total of \$120 over the next fiscal period. The members of this Board understand the severity of the economy; however feel the minimal stipend they currently receive represents a level of respect and shows the public that their appointment is based upon their professional status.

The idea of suspending stipends surfaced during the Budget Task Force effort. Suspending stipends may be appropriate to consider at this point given the severity of the City's current budget shortfall, however, doing so would not have a significant budget benefit. Rather it would be a symbolic gesture.

Unique approaches used by other agencies – not proposed for incorporation

Some of the more unique suggestions by other agencies included:

- Applicant fees could be increased to cover the stipends offered to the advisory bodies.
- The liaisons for each Board and Commission conduct the recruitment and recommend the appointments to the City Council for their confirmation.
- One agency is undergoing a pilot program whereby the City Clerk conducts the interviews which are video streamed live. The Clerk subsequently places the appointment as a Consideration Item on a Council Agenda for the Council's vote. The Council has the discretion to personally interview, if they so desire.
- Several agencies imposed term limits.
- One agency held one annual recruitment and invited all applicants to attend. The Councilmembers sit at individual tables with a set of questions. Applicants meet individually with each Councilmember, spending 5 minutes answering that Councilmember's unique set of questions, and then moving to the next table when the 5-minute bell rings. Five applicants are scheduled to arrive every 30 minutes to continue the

**AMENDMENTS TO POLICY AND PROCEDURE NO. 89 - COUNCIL APPOINTED  
BOARDS AND COMMISSIONS**

March 24, 2010

Page 4

rotations until all have been interviewed. The Chairpersons of the assigned Council Subcommittee make the recommendations for appointment at an upcoming meeting.

**Fiscal Impact**

If the stipends were suspended for the Planning Commission and Design Review Board, there would be a potential cost savings of over \$8,000/year. If stipends were reduced by 5%, the City would realize over \$400/year in savings. Changing the term limits to 4-years would be a direct savings of staff time.

**Public Contact**

The agenda has been posted and members of the Planning Commission and Design Review Board advised of the meeting.

**Recommendation for Action**

Staff recommends the Council Subcommittee on Policy Development and Internal Operations identify those recommendations which should be recommended to City Council for action.



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Attachment #1 – Policy and Procedure No. 89

Attachment #2 – Survey Results



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## **COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS**

### **1. PURPOSE**

To establish procedures to be used in accepting applications for and making appointments to fill openings on the various Council-appointed Boards and Commissions (Municipal Code, Chapter 2, Article V ).

### **2. SUBMISSION OF APPLICATIONS**

- 2.1 Applications for Boards or Commissions shall be available in the Department of City Management and on the City's website.
- 2.2 Applications shall be considered active until the applicant has had the opportunity to complete a recruitment and appointment cycle.

### **3. NOTIFICATION OF OPENINGS**

- 3.1 The Department of City Management shall schedule City Council agenda items for the announcement of expiring terms of members at least three months prior to expiration dates. Terms for all Boards and Commissions expire as shown on the schedule (Section 6). Expiring terms shall be considered as automatically extended beyond the expiration to the date the City Council makes new appointments.
- 3.2 The City Council shall call for new applications, setting a date certain during the months indicated in Section 6 as the closing deadline for the receipt of applications. Public notice of openings shall be made in advance of the closing deadline and interested parties and organizations shall be notified.
- 3.3 Following the closing deadline, the City Council shall receive copies of the applications and a summary listing of applicants for each Board or Commission.
- 3.4 The City Council or Council Committee shall review applications and may conduct or waive the opportunity to conduct interviews with all or some of the applicants.
- 3.5 The Department of City Management shall schedule a City Council agenda item as indicated in Section 6 to publicly appoint persons to a designated term.
- 3.6 The Department of City Management shall prepare appropriate letters confirming appointments and prepare, for the Mayor's signature, letters to those not appointed.
- 3.7 In making appointments, the City Council shall make appointments that result in the influx of new ideas and perspectives while, at the same time, ensuring continuity and expertise.
- 3.8 No individual shall be appointed to serve as a member on more than one City Board or Commission, unless such dual membership is provided for in Chapter 2, Article V of the Municipal Code.
- 3.9 The City Council may appoint one or more alternates to any Board, Commission or Committee as provided for in Chapter 2, Article V of the Municipal Code.

**4. APPOINTMENTS**

- 4.1 Members of a City Board or Commission serve at the pleasure of the City Council. An appointment to a Board or Commission is revocable at any time, without cause, by a majority vote of the City Council. A Council Committee review or recommendation is not required for the Council to consider or take such action
- 4.2 In the event openings occur prior to expiration of a member's term, the City Council may call for new applications and/or existing applications may be considered when making appointments to fill an unexpired term. Openings may also be filled from the list of Council-appointed alternates as provided for in Chapter 2, Article V of the Concord Municipal Code, or the Council may make an appoint from the unsuccessful applicants from the most recent recruitment if it is no older than 12 months.

**5. ATTENDANCE**

- 5.1 Any member of a City Board or Commission who absents him/herself from three consecutive meetings without being excused will be deemed to have resigned his/her office, and the City Council may appoint a new member to serve in the place of such absent member. The City Council shall make the ultimate determination of whether the absence was excused.
- 5.2 Should the unexcused absence of any Board or Commission member reach the 3 consecutive meeting threshold, support staff is to provide pertinent information to the Director of City Management who will notify the member of their resignation and begin the process to fill the vacancy.
- 5.3 Each January 15, and July 15, the Department of City Management will summarize the attendance records of all slated Board members and Commissioners and provide a report to the City Council.

**6. SCHEDULE**

- 6.1 A formal recruitment will occur on odd-numbered years, or when an interim vacancy occurs.

Board or Commission	Announce Openings 1st available Council Meeting in	Deadline for Applications: 60 days following announcement or 1st Friday of	City Council Appointments 1st available Meeting in	Terms Begin	Terms Expire
Board of Appeals	November	January	February	March 1	February 28
Planning Commission	November	January	February	March 1	February 28
Personnel Board	November	January	February	March 1	February 28
Design Review Board	November	January	February	March 1	February 28
Parks, Recreation & Open Space Commission	March	May	June	July 1	June 30
Human Relations Commission	March	May	June	July 1	June 30
Community Services Commission	March	May	June	July 1	June 30
Commission on Aging	March	May	June	July 1	June 30
Youth Members on the Parks, Recreation & Open Space Commission	Appointed annually by the Parks, Recreation & Open Space Commission				

- 6.2 Scheduling may be operationally adjusted.

**Responses to ListServe Survey on Board and Commission efficiencies....Requested by City of Concord**

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Ukiah	2 year	None, except for planning commission training purposes	Incumbents can state in writing their desire to be reappointed and not have to redo their application form or interview.	Uses a short form for reappointments to ensure records are accurate.	
Wheatland	4 year	Planning Commission - \$40/mo.	Adheres to recruitment per Maddy Act.		
Belmont	Various – Planning and Finance Commission are 3 years; Parks and Recreation are 2 years; the two youth seats on the Parks and Rec. are 1 year terms.	Planning Commission - \$25 per meeting	Incumbents desiring reappointment must do through the recruitment and interview process.		
San Dimas	2 year	Redevelopment Agency Board receives \$35/meeting; Planning Commissioners receive \$75/meeting	Term limits ... can serve three 2-year terms	Commissioners are eligible for reappointment after each 2-year term without recruitment for a maximum of three terms. Only if a commissioner resigns either mid-term or end of term will the position be opened to the public.	By Mayor directive, Recruitments are opened by the City Clerk without Council action. City Clerk advises Council of the recruitment announcement via memo, alerting that interview will be forthcoming in approximately 4 weeks.

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Tracy	4 year; except Youth Advisory Commission who serve 2-year terms.	Planning Commission (PC) , Tracy Arts Commission, Parks & Community Services Commission and Transportation Advisory Commission - \$50/meeting with a max. for PC of \$150 and \$100 for all other Commissions			Allows for an “eligibility list” to allow mid-year appointments without recruitment.
Solana Beach	2 year	No stipends	Everyone must reapply, however uses a short form application for incumbents.		There are no scheduled interviews for the applicants, Council must make calls and interview on their own if they wish.
Jackson	Planning Commission – 2 year. Cemetery Commission – 2 year Jackson Revitalization Committee – 1 or 2 years.	Planning Commission - \$35/month and \$35 for each additional Special meeting.			
Riverside	4-year	No stipends	Incumbents may be considered for a second 4-year term by expression of interest but are subject to approval by Mayor and Council.	Acknowledgement letters are mailed to all applicants advising applications will be kept in an active applicant pool.	This Charter City is required to appoint one person from each of the City’s seven Council Wards. In addition there are 2 at-large seats. Mayor’s office assists in coordination of appointments.

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Laguna Hills	2 year staggered	no stipends	All must reapply		
Thousand Oaks	2 year for most; Planning Commission and Traffic & Transportation Commissions are 4 year	Disabled Access Appeals - \$50/meeting; Planning Commission - \$375 per month	All must reapply		Applications are available on the website with the ability to express interest and receive notification when there is an upcoming recruitment.
Rocklin	4 year	Planning Commission - \$300 per month; Recreation Commission - \$150/month; Redevelopment Citizens Advisory Committee - \$50/month.	All must reapply and interview.		
Cupertino	4 year	Planning Commission - \$50/meeting	All must reapply and interview.		
Orinda	3 year terms	No stipends	All must reapply and interview.		All rejections are done by letter.
Santa Maria	Various committees – some 2 year terms and some 4 year terms	Planning Commission and Parks and Recreation Commission - \$75/meeting	All must reapply.		Santa Maria struggles with finding applicants. Their Council does not do interviews, instead individual Councilmembers nominate applicants and Council confirms the nomination.

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Oakdale	4-year	Planning Commission - \$20/meeting	All must reapply and interview.		Consistency in process provides for efficiency. (I agree..mrl)
Whittier	4-year terms, two consecutive terms permitted and reappointment possible after a 6-month break in service.	No stipends	The City Council considers reappointment of eligible incumbents before recruiting for new applicants.		Applications are accepted throughout the year, and applicants are notified if a reappointment occurs which precludes an opening.  The Design Review Board Commission was dissolved this past year.
Fort Bragg	Most commissions are 2-year terms; Planning Commission is a 4-year term running concurrent with the City Councilmember who appoints them.	No stipends.	Reappointments of incumbents are allowed for Planning Commissioners and Promotion Committee members.		Fort Bragg has difficulty recruiting volunteers to serve on their committees.
Santa Rosa	4-year terms; incumbents may be reappointed for a second 4-year term.	No stipends	Incumbents may be reappointed for a second 4-year term.		Uses ACCESS Database to track B&C information, including Ethics Training and Conflict of Interest.
Hanford	4-year term	No stipends	All must reapply and interview.		Three consecutive absences are cause for termination.
Lafayette	Vary – 2 and 3year terms	No stipends	Commissioners are automatically reappointed without a formal	We accept applications with the understanding that they	Lafayette uses an ACCESS Database to track over 125

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
			recruitment or application process.	will not be called until there is a vacancy.	commission/committee members.
Murrietta	3 year	No stipends	Incumbents may serve 2 3-year terms with a maximum of 7.5 years (if they filled part of another term.) Must sit out a terms before they can be appointed again.	Referred me to the Maddy Act for recruitment requirements.	Council subcommittees do the interviews and recommend the appointments. Entire Council interviews the Planning Commission. Use supplemental questionnaires for Planning and Historic Preservation Advisory Commission.
San Pablo	Various 2, 3, and 4 year terms	No stipends	If no applications are received, incumbents are reappointed with the consent of the Council.		Process works well.
Sunnyvale	4-year terms	No stipends	Must apply and interview. Incumbents use a different form.		Use an "Incumbent...Request for Reappointment Consideration" for and attendance records for Council review/consideration for reappointments.
Milpitas	Varies by Commission ... most are 3-year terms	Planning Commission - \$25/meeting.	Incumbents may simply inform the Mayor (preferably by written e-mail) that they would like reappointment. No need to re-apply. Affirmed on Consent	Applications are accepted all year around for all comm. If a vacancy occurs, the Mayor can consider any applicant in the pool.	Pointed me to resource manual prepared by the City of Chico.

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
			Calendar.		
Albany	2-year terms	No stipends	All must reapply and interview		Have an intern working on an efficiency review.
Martinez	varies .... 4-year and 2-year terms	Planning Commission - \$50/meeting up to 2 meetings per month.	The Mayor can reappoint incumbents over and over again.	Letters are sent to all incumbents at the end of their term asking if they are interested in being reappointed.	
Solvang	2-year terms; not staggered	Planning Commission, Parks and Rec. and Architectural Review - \$100 per meeting (though not meeting frequently)	This small community has trouble finding folks interested in serving.		
Manhattan Beach	May serve two 3-year terms.	No stipends	Our council conducts interviews on an annual basis prior to the appointment of commissioners. Council will interview approximately 40-45 applicants in one night and we start the interviews at 5:30 p.m. The way the interviews are conducted, and my apologies for the comparison, is like speed dating. Our office sets up 5 tables, spread as far apart as possible, and then we schedule 5 applicants (per every 30 minutes) to come interview with council on a one-on-one basis. Each applicant is allowed 5 minutes with each councilmember, and when the timer goes off, the applicant moves to the next councilmember until they've interviewed with all 5. This process also allows council 5 minutes before the next round to jot down any notes or comments. Our office also asks the applicants to arrive 30 minutes early, for if someone is scheduled for an interview time and doesn't show-up, we pull another candidate from the next time slot to take their place. That way you continually keep 5 applicants rotating for every 30 minutes. One year a Councilmember got ill the day of the interviews so I simply took their place and made myself available for Q&A's re the interview and appointment process. Everything worked out great. I've been here for 15 years and this process works quite well allowing councilmembers an opportunity to meet applicants and to find out interesting facts about them that aren't necessarily written down on the application. The most positive feedback that we have from Council is that they are able to place a name to a face.		

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Lawndale	2-year terms ... June 1 to May 31; even years only	Planning Commission and Parks and Rec. - \$50/meeting up to \$100 per month; Cable TV - \$30/meeting.	All must reapply and interview. My office advertises the biennial recruitment in the city newsletter and receives the applications – that's about all we do. Liaisons to each appointed body are responsible for any additional recruiting efforts, for review of applications for qualifications, and for presenting the applications to the city council. Until a few years ago, city clerk department was responsible for the entire process, but because our general election is in April, we were never able to spend much time on it, being only a two-person department. I was able to convince the CM and council that the liaisons were better equipped to handle recruiting. It also became a policy that the liaisons invite applicants to meetings, so they would see first hand what the body did. That helped to reduce the number of appointees who stopped participating because they had different expectations when they applied. And that, of course, led to fewer meetings adjourned due to lack of a quorum and less need to recruit mid-term.		
Stockton	Terms vary from 2-4 year terms	Some received a stipend not to exceed \$150 per month.	Interested in the responses you receive. We are undergoing a pilot program whereby the Clerk conducts the interviews which are video streamed live. Though the Council has the discretion to personally interview on some of the boards they appoint to. After the interviews are conducted, an item is placed on a future council agenda (staff report) for the Council's vote. The Council has the opportunity to view the recorded interviews over the following weeks prior to the Council meeting where they will take action. A motion by one of the Councilmembers is made nominating a candidate for appointment and if 4 or more votes are not received, the motion dies, and so on and so forth.  some boards are direct appointment by the individual councilmember, not formal recruitment is made; an item is placed on the agenda appointing the member(s) under consent, and the council ratifies.		
Berkeley	Term limits ---for a total of 8 years on a single commission.	Police Review Commission - \$3 per hour not to exceed \$200/mo.;	All appointments are done by Council so don't need recruitments,		

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Duarte	4-year terms	Planning Commission - \$20/meeting with a limit of two meetings per month.	All must reapply and interview		
Moreno Valley	3-year terms; 4-year term for the Planning Commission	Planning Commission - \$100 per meeting	All must reapply		To reach potential applicants they post notices of openings on the web, local newspaper and on the local access channel.
Azusa	3 and 4 year terms	All commissioners receive \$25/meeting.	All must reapply; incumbents continue to serve until appointments are made. May be reappointed.		
Pinole	2 year	No Stipends	All must reapply and interview		
Walnut Creek	Planning Commission – 4-year terms; all others 3-year terms	No stipends	All must reapply and interview		Doing a study. Favors restaggering terms so that all recruitments are done every other year.
Pittsburg	4-year terms	No stipends.	All must reapply and interview.		Have consolidated commissions in the past, and standardized the number of members.

Responding Agency	Term Lengths	Stipends	Reappointment provisions	Extension of term provisions	Creative Efficiencies
Pleasant Hill	Typically 4-year terms	Architectural Review - \$30/mtg.; Planning Commission - \$50/mtg.; Diablo Vista Water Advisory Committee - \$30/mtg.	If an incumbent wishes reappointment, they post a vacancy notice but do not do a full recruitment. Their Interview and Nominating Subcommittee conduct a public meeting to review the reappointment request and recommend (or not) to City Council for confirmation.	The Interview and Nominating Subcommittee interviews the folks who have expressed interest but they do not recruit for candidates.	During the interview process, the Interview and Nominating Subcommittee selects certain qualified candidates to be added to out "Active List" They may also discuss with the candidates other committees that may be suitable. The Subcommittee serves for one year, so the Active List is maintained during that year, and the next Subcommittee starts a new list when they begin conducting interviews.

**REPORT TO COUNCIL COMMITTEE ON  
POLICY DEVELOPMENT & INTERNAL OPERATIONS****TO HONORABLE COMMITTEEMEMBERS:**

DATE: March 24, 2010

**SUBJECT: DISCUSSION OF HUMAN RELATIONS COMMISSION****Report in Brief**

In an effort to address the City's current budget shortfall, City staff has been identifying ways to pare the budget and increase efficiencies. One idea that was generated through the City Manager's Task Force on Budget Stability was to evaluate Commissions and determine if any could be eliminated or combined. Staff believes it is appropriate for the Subcommittee on Policy Development and Internal Operations to consider elimination of the Human Relations Commission (HRC) at this time because its role has changed dramatically since its inception—moving from a Committee that proactively mediated problems arising from discrimination to a tool for education on human relations and social justice issues.

**Background**

The City created the HRC after an incident in the 1980s involving prejudice and discrimination. The HRC was initially charged to investigate, mediate and hold public hearings on problems in the City which arose from discrimination prohibited by State and Federal laws and to provide educational materials against discrimination. Due to the lack of complaints of discrimination over the past decade, and the shift in State and Federal laws which now hold employers responsible for ensuring non-discrimination, the Commission's focus has shifted away from investigation and mediation of discrimination to educational programs. The HRC's current mission is to foster positive human relations through education, cultural exchange and community outreach. The vision of the Commission is to have a community in which all persons can live, work, and prosper in harmony; respecting each other's differences and beliefs. The Commission is comprised of up to seven members, two of which must be women.

Over the last year, the following topics have been on the agenda for the HRC: Economic development programs - Michael Chavez Center for Economic Development; Lesbian, Gay, Bisexual, Transgender (LGBT) programs - Rainbow Community Center; and the Moment of Unity which reaffirms the community's commitment to make Concord a place where all persons can live, work and prosper in harmony, respecting each other's differences and beliefs.

# CONSIDERATION OF ELIMINATION OF THE HUMAN RELATIONS COMMISSION

March 24, 2010

Page 2

## Discussion

It is necessary to consider the viability of the HRC given the recent severe staff reductions and budget cuts. For the past two-years, the Commission has been meeting on a reduced schedule—just 5-times a year instead of once a month. In June, 2010 three of the seven Commissioner terms will expire.

The HRC has been in existence for over 20 years. The HRC was originally created by the City Council to provide an avenue for addressing issues of discrimination. However, the scope of the Commission has shifted in recent years. No requests for mediation have been brought to the HRC in over a decade.

Instead, the HRC concentrates on education and guest speakers are invited to televised Commission meetings to raise community awareness of programs and services offered by local organizations. Such presentations have included homelessness, HIV/AIDS, Black History Month, immigration, persons with disabilities, lesbian, gay, bisexual, transgender (LGBT), and many more.

In recent years, the highlight of the HRC's schedule has been its Annual Awards and Recognition which honors individuals, organizations and businesses for their positive contributions to human relations in Concord. In 2005, the Awards and Recognition downsized from a recognition dinner to a reception following a regular HRC meeting.

Staff is recommending consideration of eliminating the HRC for three main reasons:

- Burden on Staff to Support the Commission: All Department Heads have been tasked to look for ways to match their staffing resources to workloads. Given the recent significant decreases in staff and budgets within the City, this means all Departments are looking for ways to decrease their workloads that have the least impact to the community. Staffing the HRC Commission is time consuming because each meeting requires finding a speaker, creating an agenda, coordinating the telecasting of the meeting, telecasting the meeting, taking minutes, publishing the agenda and minutes, recruiting and supporting Commission members, and answering the public's questions about the Commission.
- Three Term Expirations in June: If the Council Subcommittee concurs that elimination of the HRC is appropriate given present circumstances, staff would not open a recruitment for the three positions whose terms will be expiring this June. This would provide the opportunity for the remaining members to complete the remaining year of their term by serving on another Commission or electing to vacate their position. The members currently serving on the HRC would be encouraged to participate in future recruitments to serve on other City Boards and Commissions for the contributions they make to the City of Concord are invaluable.
- The Commission is no-longer a Necessity: The Human Relations Commission was originally created during a time when there was much less tolerance within the community. When it was originally established, its meetings included mediating discrimination complaints. This is no longer the case. The Commission is now an education tool.

# CONSIDERATION OF ELIMINATION OF THE HUMAN RELATIONS COMMISSION

March 24, 2010

Page 3

## Alternatives

The Council Subcommittee could find that the HRC provides a critical function and elect to retain it as presently designed rather than eliminate it, as recommended by staff. There are two other alternatives staff would like to offer the Council Subcommittee for consideration.

First, the Subcommittee could recommend that the Commission function as an independent member driven/citizen driven organization. This would require interested parties and organizations banding together to continue a community education effort on tolerance, equality and other human rights issues. Such an organization could continue to host a recognition program, or design an entirely different program. Its leadership would be self-generated and the City would not provide liaison support, facilities or telecasting.

Second, the Subcommittee could recommend that the HRC be combined with the Community Services Commission (CSC) increasing the CSC membership temporarily to accommodate the HRC members and allowing attrition to reduce the Commission to its current size. The CSC and HRC share similar interests in services that are provided to the community such as housing, neighborhood and social services . The CSC reviews funding requests and advises the City Council on the allocation of General Fund and Federal Community Development Block Grant (CDBG) monies, and monitors the performance of funded programs, all areas compatible with the interests of the HRC.

The CDBG program operates on a two-year grant cycle. Consequently the CSC has significant time commitments to review funding applications every other year. If the HRC and CSC were combined, the membership could concentrate on the CDBG program one year and then on education and awards the next. The time commitment on a grant cycle year is significantly greater for CSC members than it currently is for HRC members. Given the additional time commitment, HRC members may not be interested in serving on a combined commission.

## Communication with HRC Members

Prior to the PD&IO Committee Meeting, staff will have spoken to each HRC Committee member. Clearly each of the citizen volunteers on the Commission has made a commitment to the City and given of their time and talent. In discussing the possible elimination or modification of the HRC, staff felt it was important to do so in a manner that recognized their contributions to the City. Staff will share with you any feedback they obtained through their conversations with Commission members at the PD&IO meeting.

Additionally, should the City ultimately decide to eliminate the HRC, it would be possible to capture the dedication of the affected HRC members by identifying other volunteer opportunities for them on City Commissions.

## Fiscal Impact

The HRC meetings are televised live requiring a videographer to be present at the meetings as well as the staff liaison. Approximately five and a half hours a month of staff time are required to prepare and facilitate a meeting. Eliminating the HRC would save \$4,600 per year including staff time and costs for the awards and recognition. More important than the yearly savings, however, is the elimination of workload at a time when staffing and budgets have been severely reduced.

**CONSIDERATION OF ELIMINATION OF  
THE HUMAN RELATIONS COMMISSION**

March 24, 2010

Page 4

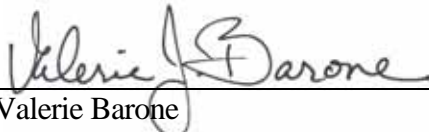
**Public Contact**

The Agenda has been posted. Staff also mailed the staff report and agenda to the Human Relations Commission and Community Services Commission.

**Recommendation for Action**

Staff recommends the Council Subcommittee on Policy Development and Internal Operations support the recommendation to eliminate the Human Relations Commission, and to direct staff to forward the recommendation to the City Council with appropriate proposed amendments to required policy documents.

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## HUMAN RELATIONS COMMISSION

**Composition:** 7 Members

**Term:** Two Years

**Membership Requirements:** Residents of Concord who hold no other municipal office in the City of Concord. Members shall be generally representative of the general public and the religions, racial, age, sex, disabled, and ethnic groups in the City of Concord. Two of the members must be women.

**Example of Duties:** The Human Relations Commission fosters equal opportunity, mutual understanding, and respect among all persons. The Commission also seeks to support rights of all persons to be free from all forms of discrimination in Concord prohibited by State and Federal law. Commission members study, investigate, and mediate problems arising from alleged discrimination. The panel also initiates activities and distributes educational materials to promote improved human relations.

**Meeting Times and Places:** 1st Monday of each month at 7:00 p.m. in the Council Chamber of the Farrel A. Stewart Civic Center. In the event the first Monday is a holiday, the meeting will be held on the second Monday. Meetings are televised live on Comcast Broadband Channel 28 and Astound! Broadband Channel 29.

### CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Human Relations Commission) City Boards, Commissions and Committees

#### **Sec. 2-381. Established; membership; compensation of members.**

There is hereby created a Human Relations Commission (HRC), which shall consist of not more than seven voting members to be appointed by the City Council. Members of the HRC shall be residents of the city who hold no other municipal office in the city. The members shall be generally representative of the general public and the religious, racial, age, sex, disabled, and ethnic groups in the city. At least two (2) members of the HRC shall be women. The basis and amount of compensation which may be paid to the members of the HRC shall be by resolution of the City Council.

(Code 1965, § 2422; Ord. No. 86-22; Ord. No. 92-19; Ord. No. 05-7)

#### **Sec. 2-382. Statement of policy.**

The city is dedicated to the rights of all persons to live, work, and prosper in the community, and it is the policy of the city that all persons shall have an equal opportunity to be free from all forms of discrimination prohibited by state and federal law.

(Code 1965, § 2423; Ord. No. 86-22)

#### **Sec. 2-383. Purpose and intent.**

The city finds that it is contrary to the principles of this country to tolerate any form of sexual discrimination, racism, bigotry, or prejudice and therefore creates an advisory commission to encourage and foster an environment of mutual understanding and respect between all persons. The city also finds that it is desirable to encourage and foster opportunities for all citizens and develop

programs that will educate the community regarding the challenges faced by all persons who have confronted sexual discrimination, racism, bigotry, or prejudice. There is a need to establish a visible and officially responsible body within the city to:

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

(1) Support the rights of all persons to be free from all forms of discrimination prohibited by state and federal law;

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

(2) Develop a program of positive human relations through greater community education and understanding;

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

(3) Encourage private persons, groups, and organizations to promote better human relations and equal opportunity.

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

**Sec. 2-384. Terms of members; absence from meetings.**

Members shall serve at the pleasure of the Council for two-year terms; provided, however, that for the purpose of establishing staggered terms, three of the seven appointments shall be for an initial term of three years. Any member who absents himself from three consecutive meetings of the Human Relations Commission without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2425; Ord. No. 86-22; Ord. No. 94-5)

**Sec. 2-385. Rules of procedure; designation of committees and task forces.**

The HRC shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces composed of its membership. Such resolution shall not be effective until approved by the City Council.

(Code 1965, § 2426; Ord. No. 86-22; Ord. No. 05-7)

**Sec. 2-386. Vacancies.**

All vacancies occurring on the HRC shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired term of their respective predecessors.

(Code 1965, § 2427; Ord. No. 86-22)

**Sec. 2-387. Powers and responsibilities.**

The HRC shall have the responsibility of carrying out the following functions:

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(1) Foster equal opportunity, mutual understanding, and respect between all persons and eliminate all forms of discrimination prohibited by state and federal law.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(2) Study, investigate, mediate, and hold public hearings on problems in the city which arise from discrimination prohibited by state and federal laws.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(3) Investigate and mediate incidents of discrimination to the extent such functions are not preempted or prohibited by the California Fair Employment and Housing Commission or any federal or state agency.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(4) Prepare and disseminate educational and informational material relating to all forms of discrimination and way and means of eliminating same.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(5) Initiate and encourage educational and other appropriate activities.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(6) Furnish information, guidance, and technical assistance to, and cooperate with, other public agencies, private persons, organizations, and institutions engaged in activities and programs intended to eliminate all forms of prejudice and discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(7) Consult and maintain contact with other public agencies, community organizations concerned with interracial, inter-religious, intercultural, and gender-based understanding, and such other private organizations and institutions to further the objective of eliminating discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(8) By persuasion and conference, seek voluntary solutions (such as the use of conflict resolution techniques) designed to discourage and prevent all forms of discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(9) Gather information and data and provide written reports to the City Council, not less than annually on the development of programs and practices which further the objectives.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(10) Develop an annual work plan to guide the Commission in its deliberation and activities.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(11) Such other duties as the Council may direct.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(12) Initiate, review, report, and recommend to the City Council on Human Services issues. Human Services issues include women's issues, mental health, senior citizen issues, crisis intervention, drug abuse prevention, child welfare, and other areas referred to the Commission by the City Council.

(Code 1965, § 2428; Ord. No. 87-35; Ord. 05-7)