

## **Policy 7.4.13 Council Subcommittees and Council or Mayor-Created Advisory Task Forces**

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### **POLICY PURPOSE:**

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

### **POLICY STATEMENT:**

The City Council and/or Mayor may establish Council subcommittees as stated below. Subcommittees usually comprise less than a quorum of the Council and are generally used to provide more detailed review and analysis of complex issues. Subcommittees make recommendations to the Council but cannot take formal action on behalf of the Council.

For purposes of the State's open meeting law (the "Brown Act") there are two types of council subcommittees: standing committees and ad hoc advisory committees. Under the Brown Act, "standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body" are subject to all open meeting requirements.

Ad hoc advisory committees are composed of less than a quorum of the Council and are created for a limited time for a particular purpose. Under the Brown Act, ad hoc committees are not required to comply with open meeting requirements.

#### **I. Standing Committees.**

- A. All Council standing committees shall be established by the Council and the membership will be appointed by the Council.
- B. Standing committees exist, with the set membership, unless and until modified by the Council.
- C. Standing committees shall select their own chair. If the committee is unable to select a chair, or if the timing requires immediate action, the Council will appoint the chair.
- D. Standing committees are subject to open meeting requirements. Any action to create or modify the committee must be placed as an item on the Council agenda.

#### **II. Ad Hoc Advisory Committees.**

## COUNCIL POLICY MANUAL

- A. The Mayor may create ad hoc committees of the Council to assist in particular matters as they arise. Members of the committee shall be appointed by the Mayor. Council may request the creation of an ad hoc committee through the Mayor.
- B. Ad hoc committees have a fixed, limited assignment.
- C. No more than three Councilmembers may serve on an ad hoc committee. Ad hoc committee meetings are not subject to open meeting requirements, unless the Mayor directs otherwise when they are formed. The findings and recommendations of the ad hoc committee must be presented to the entire Council at a noticed meeting.
- D. Any action to create or modify the committee must be placed as an item on the Council agenda.

### III. Community Member Advisory Task Forces.

There are two types of community member advisory task forces – those that are created by action of the Mayor, and those that are created by the Council.

#### A. Mayor Created Task Forces

From time to time the Mayor may wish to establish advisory task forces of members of the public, or so-called “blue ribbon panels,” to address specific issues of the day. The task force may be composed solely of community members, but may also include Councilmembers. The Mayor may create an advisory task force at his or her discretion. So long as there are only two Councilmembers included on the task force, they are not considered “legislative bodies” within the meaning of the Brown Act and do not need to comply with open meeting requirements. (This of course does not preclude the task force from holding open and publicly noticed meetings, it simply does not require it.)

Basic principles governing these task forces are:

1. Members are appointed by the Mayor, and may include both Councilmembers (no more than two) and non-Councilmembers.
2. The advisory task force presents its findings and recommendations to the Mayor; at his or her discretion the Mayor may or may not direct that the findings and recommendations be brought forward to the Council. Any action resulting from advisory task force recommendations must be directed and approved by the Council at a noticed meeting.

## COUNCIL POLICY MANUAL

3. An advisory task force exists until its work is concluded or it is terminated by the Mayor; in all cases the term is limited to the term of the appointing Mayor.
4. A task force chair shall be selected by the task force unless the Mayor directly appoints a person to serve as chair.

### B. Council Created Task Forces

The City Council may take action to create a temporary, community member task force to consider and advise on defined issues or topics. These commissions, created by formal action of the Council, are considered “legislative bodies” for purposes of the Brown Act, and must comply with open meeting requirements.

The following applies to these task forces:

1. Members of the task force are appointed by the Council, or Council’s designee, and may include council members (no more than three). Any action creating such a task force must be taken at a noticed meeting. The Council may choose and utilize relevant criteria for making such appointments.
2. The findings and recommendations of the task force shall be brought forward to the Council at a noticed meeting; likewise, any action resulting from the task force recommendations must be directed and approved by Council at a noticed meeting.
3. The task force exists until it accomplishes its mission or is otherwise terminated by the Council.
4. The task force chair shall be selected by the task force unless the Council directly appoints a person to serve as chair.

### IV. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager’s Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: