

## Legislation Details (With Text)

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<b>On agenda:</b>	5/21/2018	<b>Final action:</b>	5/21/2018		
<b>Title:</b>	RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING AMENDMENTS TO THE SAFETY COMMISSION BY-LAWS, INCLUDING ALLOWING NON-RESIDENT BUSINESS OWNERS TO SERVE ON THE COMMISSION AND CLARIFYING THE ROLE OF THE COMMISSION, AND (2) AUTHORIZING CURRENT NON-RESIDENT, NON-PROPERTY/BUSINESS OWNER, COMMISSIONER FRED REICHEL TO REMAIN ON THE SAFETY COMMISSION TO ENSURE A QUORUM FOR THE TRANSACTION OF BUSINESS UNTIL NEW COMMISSIONERS ARE APPOINTED				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. RESO 2018-065 Safety Commission amend By-Laws, 2. Safety Commission By-Laws Draft RED LINE a1, 3. Current Safety Commission By-Laws

Date	Ver.	Action By	Action	Result
5/21/2018	1	City Council	adopted	Pass

**PREPARED BY:** LT. JOHN BENONE

**DATE OF MEETING:** 05/21/18

### SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING AMENDMENTS TO THE SAFETY COMMISSION BY-LAWS, INCLUDING ALLOWING NON-RESIDENT BUSINESS OWNERS TO SERVE ON THE COMMISSION AND CLARIFYING THE ROLE OF THE COMMISSION, AND (2) AUTHORIZING CURRENT NON-RESIDENT, NON-PROPERTY/BUSINESS OWNER, COMMISSIONER FRED REICHEL TO REMAIN ON THE SAFETY COMMISSION TO ENSURE A QUORUM FOR THE TRANSACTION OF BUSINESS UNTIL NEW COMMISSIONERS ARE APPOINTED

### CITY MANAGER RECOMMENDATION

Adopt Resolution

### COMPLIANCE STATEMENTS

Traffic Safety Program is an adopted policy item under the FY 2018-21 Council Priority Workplan, effective November 1, 2017.

### CEQA Compliance Statement

This proposed action is not a project under CEQA pursuant to Guidelines section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### BACKGROUND

Currently, the Safety Commission consists of four Commissioners and two Ex-Officio members.

Pursuant to City Council Resolutions (most recent amendments in Resolution No. 2014-170) and the Commission's By-Laws, there shall be five Commissioners. In 2016, one of the Commissioners suddenly passed away. Since that time, the City has publicly announced the open Commissioner position with little to no interest. Over the past year, it has been difficult for the Safety Commission to have a quorum for the transaction of business due to Commissioners being absent from the required bi-monthly meetings.

During the January 25, 2017 Safety Commission meeting, the Commissioners discussed changing the By-Laws to include business owners within the corporate City limits in hopes of increasing community interest in becoming a Safety Commissioner. Business owners with "brick and mortar" offices or storefronts in San Pablo also have a unique perspective on safety issues that would benefit the Safety Commission.

During the April 26, 2017 Safety Commission meeting, Ex-Officio member/staff liaison John Benone was tasked with providing the revised By-Law language that would allow local business owners to apply for the open Commissioner position.

The Safety Commission meetings set for July 26, 2017 and October 25, 2017 were cancelled due to lack of a quorum.

During the January 24, 2018, Safety Commission meeting Ex-Officio member/staff liaison John Benone provided the Commissioners with conceptual language for the residency section of the By-Laws, with the following amendments to the Safety Commission By-Laws proposed:

#### **RESIDENCY - Current**

Four of the five voting members of the commission shall reside within the corporate limits of the City of San Pablo during their entire term in office.

#### **RECOMMENDED AMENDMENT**

*Three (3) of the five (5) voting members of the commission shall reside within the corporate limits of the City of San Pablo during their entire term of Office. The remaining two (2) voting members may live outside the corporate limits of the City of San Pablo provided they own property or a business inside the corporate limits of the City of San Pablo.*

#### **POWERS AND DUTIES - Current**

a) The functions of the Safety Commission shall be to study present and future traffic and general safety problems in the City of San Pablo, to make recommendations to the City Council and City Manager and to act in an advisory capacity to the City Council and City Manager with reference to the traffic and safety problems in the City.

b) Safety Commission badges shall be used as a means of identification for the Commissioners. Badges and vests (as appropriate) are to be worn at all events that are sponsored by the City of San Pablo and may be optionally worn at Safety Commission meetings. Safety Commissioners shall exercise judgment during all instances of badge display and vest wearing during site visits, and shall take notes and photographs as appropriate and

report findings to the Safety Commission or City of San Pablo Staff. Inspections on private property shall not be performed while wearing Safety Commission badges and vests. Safety concerns on private property should be reported to the City of San Pablo's Staff-Liaison. Code Enforcement or Police Department.

## RECOMMENDED AMENDMENTS

a) The functions of the Safety Commission shall be to consider present and future traffic and general safety *issues* in the City of San Pablo, to make recommendations to the City Council and the City Manager concerning the same and to act in an advisory capacity to the City Council and the City Manager *(through the Public Works and Police Departments)* with reference to the traffic and safety *issues* of the City, *including as an optional point of contact for residents with complaints.*

b) Safety Commission *name tags* shall be used as a means of identification for the Commissioners. *Name tags* and vests (as appropriate) are to be worn at all events that are sponsored by the City of San Pablo and may be optionally worn at Safety Commission meetings. Safety Commissioners shall exercise judgment during all instances of *name tag* display and vest wearing during site visits, and shall take notes and photographs as appropriate and report findings to the Safety Commission or City of San Pablo Staff. *Safety concerns on private property should be reported to the appropriate City Department.*

*c) In regards to Safety Commission actions on traffic or general safety matters the Commissioners shall comply with the rules of the Brown Act and the Political Reform Act.*

## ABSENCE AND REMOVAL OF MEMBERS - Current

Members of the Safety Commission who absent themselves from three (3) consecutive regular meetings for any reason shall be recommended for removal from membership on the Commission to the City Council by the Chairperson however, said absentee Commissioner has the right to appeal to the City Council. After 3 consecutive absences, the Chairperson shall contact absent member about attendance and continued interest. The City Council, has the authority to appoint or remove any member of a Commission at any time, for any or no reason, by a majority vote of the Council.

## RECOMMENDED AMENDMENT

*Members of the Safety Commission who absent themselves from three (3) consecutive regular meetings for any reason shall be recommended for removal from membership on the Commission to the City Council by the Chairperson however, said absentee Commissioner has the right to appeal to the City Council. After 3 consecutive absences, the Chairperson shall contact absent member about attendance and continued interest. The City Council, has the authority to appoint or remove any member of a Commission at any time, for any or no reason, by a majority vote of the Council. Commissioners shall comply with the City of San Pablo Professional Code of Conduct for members of the City Council, Boards, Commissions, and Committees.*

On April 25, 2018, Ex-Officio member/staff liaison John Benone presented the staff recommended amendments to the Commissioners. Within a quorum, the Commissioners voted in favor of the

recommended Safety Commission By- Law amendments.

Staff is requesting that the City Council approve the amendments to the Safety Commission By-Laws including authorizing non-resident business owners to serve on the Commission and to authorize current non-resident, non-property/business owner, Commissioner Fred Reichelt to remain on the Safety Commission to ensure a quorum for the transaction of business until new commissioners are approved by the City Council and appointed by the Mayor.

**FISCAL IMPACT**

The recommended Safety Commission By-Law amendments and Commissioner Reichelt remaining on the Commission to ensure a quorum until new Commissioner Candidates are approved by the City Council and appointed by the Mayor will not have a fiscal impact for the City of San Pablo.