



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY

April 12, 2016

STUDY SESSION – 6:00 PM

City Council Study Sessions

Second Tuesday of each month – 6:00 p.m.

City Council Meetings

Special Presentations – 5:30 P.M.

First & Third Tuesday of each month – 6:00 p.m.

City Council Closed Session

Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Dr. Yxstian A. Gutierrez, Mayor

Jeffrey J. Giba, Mayor Pro Tem
Jesse L. Molina, Council Member

George E. Price, Council Member
D. LaDonna Jempson, Council Member

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**STUDY SESSION – 6:00 PM
APRIL 12, 2016**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Steve Overton, Moreno Valley Christian Chapel Foursquare Church

ROLL CALL

INTRODUCTIONS

**PUBLIC COMMENTS ON MATTERS EITHER ON THE AGENDA OR NOT ON THE
AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

A. SPECIAL ORDER OF BUSINESS

- A.1. IMPLEMENTATION OF A COMMERCIAL VEHICLE SAFETY PROGRAM
(Report of: Police Department)
- A.2. REVIEW OF CITY BOARDS AND COMMISSIONS (Report of: City Attorney)
- A.3. CITY COUNCIL REQUESTS AND COMMUNICATIONS

**(ITEMS MAY BE DEFERRED BY COUNCIL IF TIME DOES NOT PERMIT FULL
REVIEW.)**

PUBLIC INSPECTION

The contents of the agenda packet are available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

ADJOURNMENT

CERTIFICATION

I, Leslie Keane, Interim City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Study Session, the City Council Agenda was posted on the City's website at: www.moval.org and in the following three public places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Leslie Keane, CMC,
Interim City Clerk

Date Posted: April 11, 2016



Report to City Council

TO: Mayor and City Council

FROM: Joel Ontiveros, Chief of Police

AGENDA DATE: April 12, 2016

TITLE: IMPLEMENTATION OF A COMMERCIAL VEHICLE SAFETY PROGRAM

RECOMMENDED ACTION

Recommendation:

1. Review and discuss the creation of a Commercial Vehicle Safety Program and provide further direction to staff.
2. Review budget adjustments to the adopted budget as set forth in the Fiscal Impact section of this report and provide further direction to staff.

SUMMARY

This report recommends the City Council authorize the Moreno Valley Police Department to create the Commercial Vehicle Safety Program. The program will strive to decrease commercial vehicle collisions and stop offenders/drivers who violate vehicle and municipal codes within the Moreno Valley city limits as well as provide commercial vehicle safety and educational presentations. The Commercial Vehicle Safety Program implementation expenses will be paid by asset forfeiture funds held by the County of Riverside. This includes, but not limited to, the purchase of the truck, all modifications to the truck, additional required equipment, and officer training needed for the creation of this program. At this time there are no additional personnel costs as existing MVPD sworn officers will participate in the program.

DISCUSSION

The City of Moreno Valley contains 489.8 roadway miles, over 1,100 lane miles and 180 intersections with tri-phase signal lights. In addition to passenger vehicles on city roads

there are numerous commercial vehicles on the roadways. There are multiple businesses in the city contributing to a high volume of commercial vehicle traffic. Adding to the commercial vehicle traffic is the proximity to the county dump and neighboring city business complexes. To address commercial vehicle concerns and traffic, the city has established truck routes and parking zones. The city designated the commercial vehicle routes and parking zones to increase public safety and enhance the quality of life for residents; however, the city has no commercial enforcement program to ensure commercial drivers adhere to the law.

Commercial Vehicles operating out of compliance on Moreno Valley roads pose a safety hazard. An 80,000 pound vehicle with a brake failure at any speed can be catastrophic. In addition, overloaded vehicles can significantly damage city roadways. The below statistics depict the need for enforcement of commercial vehicles.

Statistics:

- Total collisions involving large trucks (US): 333,000
- Total killed in crashes involving large trucks (CA): 244 (2nd highest behind Texas)
- Truck occupants killed: 697 (18% of total deaths)
- Occupants of other vehicles killed: 2,843 (73% of total deaths)
- Non-occupants killed (pedestrians, cyclists, etc.): 381 (10% of total deaths)
- Total injured in crashes involving large trucks: 104,000
- Occupants of other vehicles injured: 76,000 (73% of total injuries)
- Non-occupants injured (pedestrians, cyclists, etc.): 3,000 (3% of total injuries)
- Estimated costs of all collisions involving commercial vehicles in 2012: \$87 billion

Large Trucks in Fatal Crashes by Truck Rating (2012):

<u>Truck Weight Rating</u>	<u>Percentage of Large Truck Crash Fatalities</u>
6,001-10,000 lbs.	0.2%
10,001-14,000 lbs.	7.4%
14,001-16,000 lbs.	1.9%
16,001-19,500 lbs.	2.4%
19,501-26,000 lbs.	5.6%
26,001-33,000 lbs.	5.6%
33,001 lbs. or more	74.5%

On July 22, 2011, a driver was operating a commercial recreational vehicle on the roadways within Moreno Valley. The driver was traveling at an unsafe speed which led to him/her losing control of the vehicle. The commercial vehicle collided with a bicyclist causing him/her to be thrown approximately 36'. The bicyclist sustained fatal injuries due to the collision.

On September 4, 2014, a motorcyclist was driving at an unsafe speed on Moreno Valley roadways. The motorcyclist attempted to pass a vehicle and collided with a commercial truck illegally parked in the center divider. The motorcyclist succumbed to his injuries.

In December 2015, a driver was operating a commercial vehicle on the roadways within Moreno Valley. The driver of the commercial vehicle traveled outside of the designated truck route with the truck bed illegally raised. The driver's actions led to his vehicle colliding with a city traffic signal. The collision caused traffic congestion and about \$7,500 worth of damage.

Moreno Valley Police Department Officers currently possess minimal commercial enforcement training and have no testing equipment. Regardless of the lack of training and equipment, officers have issued 693 citations for commercial vehicles parking illegally throughout the city. A Commercial Vehicle Safety Program is needed to prevent the loss of life, injuries, and property damage.

The Moreno Valley Police Department recognized the need for local law enforcement participation in a Commercial Vehicle Safety Program. Commercial Enforcement Officers conduct inspections of commercial vehicles looking for unsafe conditions and equipment defects such as faulty brakes, steering, and structurally deficient trucks and trailers. Commercial Enforcement Officers also ensure commercial vehicles conform to weight requirements as set forth in the California Vehicle Code and Moreno Valley Municipal Code.

Many city streets are not designated as truck routes and are not large enough to allow proper passage of commercial vehicles. Overweight trucks damage roadway surfaces, and those exceeding length requirements often impede traffic and/or strike stationary objects such as posts, street signs, and fire hydrants.

Commercial trucks illegally parked in the city of Moreno Valley create a visual hazard for approaching vehicles and pedestrians. Collisions involving illegally parked commercial vehicles frequently lead to extensive vehicle damage and injuries. Additionally, the illegally parked commercial vehicles are targets for vehicle burglaries and thefts. Occasionally, the drivers illegally dump their trash and vehicle fluids onto city streets. These instances create a visual nuisance and can diminish property values.

Commercial Enforcement Officers duties would involve weighing and inspecting commercial vehicles, with regard to the condition of vehicle components and systems, registration requirements, loading, required equipment, and compliance with the California Vehicle Code and other laws, rules, and regulations governing these vehicles. Commercial Enforcement Officers will establish safe working practices; establish and maintain good communication with drivers; inspect driver license, log book, documents, and driver's physical condition. Officers will perform routine inspections on commercial type vehicles to determine if they comply with weight, size, load containment/securement, hazardous materials, safety, and equipment requirements. Also, officers will inspect and test various commercial vehicle components, their

systems for compliance with the California Vehicle Code and other applicable laws and regulations.

The Commercial Enforcement Officer will operate scales to weigh commercial vehicles. Officers will ensure commercial drivers properly maintain their logs, document inspections, and complete other job-related forms. Officers will check the vehicle registration, permits, and shipping papers. During emergencies involving commercial vehicles, officers will provide directions and information to the public and allied agencies. As part of the educational function of the program, officers will attend patrol briefings to educate patrol officers and train new traffic personnel on how to conduct inspections. The Commercial Enforcement Officers will refer violators to the appropriate judicial entity.

Commercial Enforcement Officers will educate the public about various commercial vehicle related-issues such as designated truck routes, parking zones, legal updates, and safety requirements. Officers will meet with commercial vehicle owners, businesses, and others to provide safety presentations.

Officers currently assigned to the Moreno Valley Police Department Traffic Division would be utilized as Commercial Enforcement Officers. Sworn officer(s) would enforce commercial vehicle laws and conduct training as a collateral traffic duty. The department would strive to devote about forty hours a week on the commercial program. The addition of this program would increase safety for the city while not increasing the cost of police service. Asset forfeiture funds would be utilized to pay for the training and equipment to start the program. Therefore, the city will incur no additional expenses.

ALTERNATIVES

- 1. N/A

FISCAL IMPACT

The MVPD is requesting City Council to approve utilizing asset forfeiture funds held by the County of Riverside to pay for the equipment and training to support the Commercial Vehicle Safety Program. The use of asset forfeiture funds eliminates all costs to the City. A basic summary of the expenses the asset forfeiture funds would cover are as follows:

- ¾ Ton truck purchase \$ 56,000
- Camper Shell \$ 5,362
- Emergency Vehicle lights, siren, radio and Installation of equipment \$ 24,000
- Purchase of four Haenni analog scales \$ 21,293
- Miscellaneous other equipment
- (Including tools, measuring devices and etc.) \$ 15,000

- Flight, hotel, rental car and per diem for two officers to attend: 40 hour training course on Hazardous Materials, 40 hour course on Commercial Vehicle Enforcement, and CHP Commercial Enforcement Class & Hazardous Material Class \$ 3,000

Total Expenses: \$124,655

An amount of \$124,655 from asset forfeiture funds held by the County of Riverside would cover the expenses of training and equipment. No additional expenses from sworn officer's salary would occur due to the use of existing personnel.

Revenue/Expenditure Appropriation

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 2015/2016 Proposed Budget Amendment
Asset Forfeiture Revenue (from County)	1010	60-67-40210-480150	Rev	124,655
¾ Ton Truck Purchase	1010	60-67-40210-660312	Exp	56,000
Camper Shell	1010	60-67-40210-660398	Exp	5,362
Emergency Vehicle lights, siren radio, and installation of equipment	1010	60-67-40210-660398	Exp	24,000
Haenni Analog Scales (Sole Source)	1010	60-67-40210-660398	Exp	21,293
Tools, Measuring Devices, etc.	1010	60-67-40210-630320	Exp	15,000
Commercial Enforcement & Hazardous Material Class	1010	60-67-40210-620510	Exp	3,000

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Eric Hernandez
Lieutenant

Department Head Approval:
Joel Ontiveros
Chief of Police

CITY COUNCIL GOALS

Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

ATTACHMENTS

- 1. MVPD Commercial Enforcement for City Council

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/08/16 3:55 PM
City Attorney Approval	<u>✓ Approved</u>	4/08/16 3:55 PM
City Manager Approval	<u>✓ Approved</u>	4/08/16 3:56 PM

Moreno Valley Police Commercial Vehicle Enforcement

(proposal)

February 2016

Commercial Vehicle Enforcement

- The Moreno Valley Police Department would like to establish a Commercial Vehicle Enforcement Program. This program would focus on the following:
 - Preserve roadways
 - Driver safety
 - Pedestrian safety
 - Protect property (both public and private)

Commercial Businesses

- Recently numerous warehouses were constructed in the city. This added to already existing locations. Companies currently in the city include:

- Proctor & Gamble

- O'Reilly Auto

- Amazon

- Walgreens

- Harbor Freight

- Serta

- Ross Distribution

- Aldi

- Skechers

- Unifi

- Federal Mogul

- iHerb

Commercial Businesses



AMAZON

09.23.2015



SKECHERS

09.23.2015



ROSS

09.23.2015

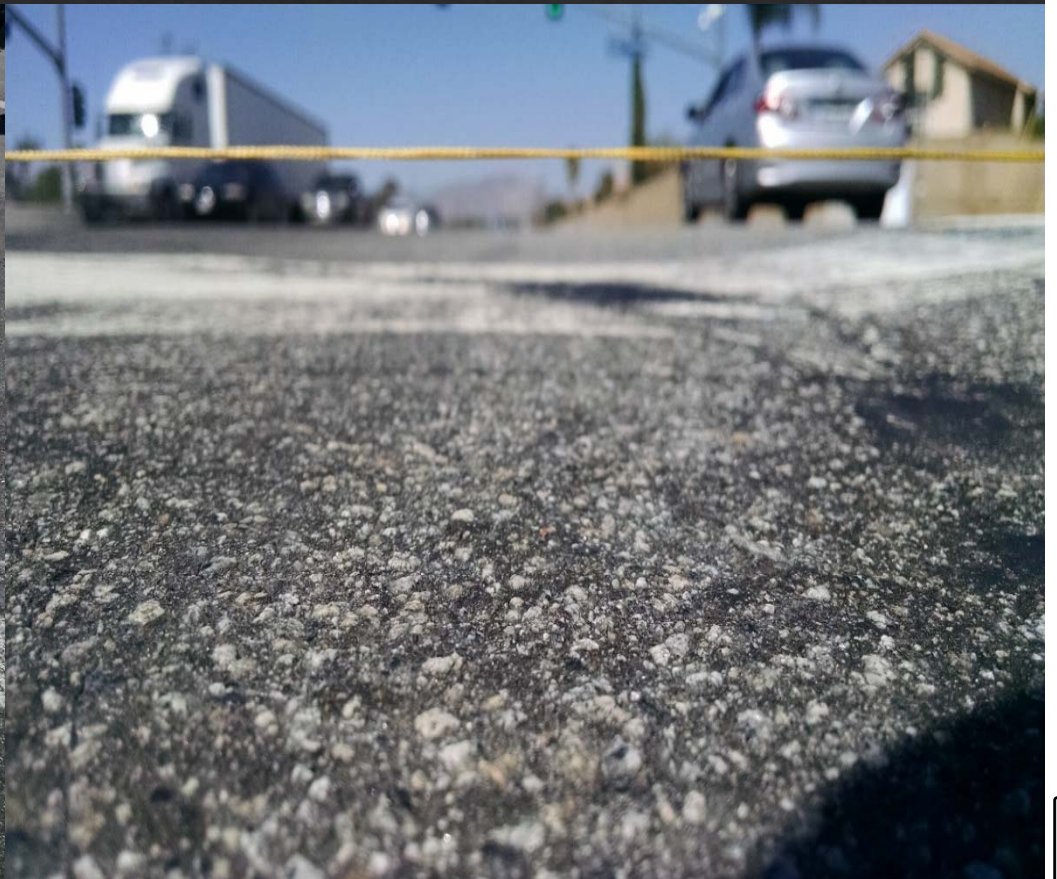


PROCTOR & GAMBLE

09.23.2015

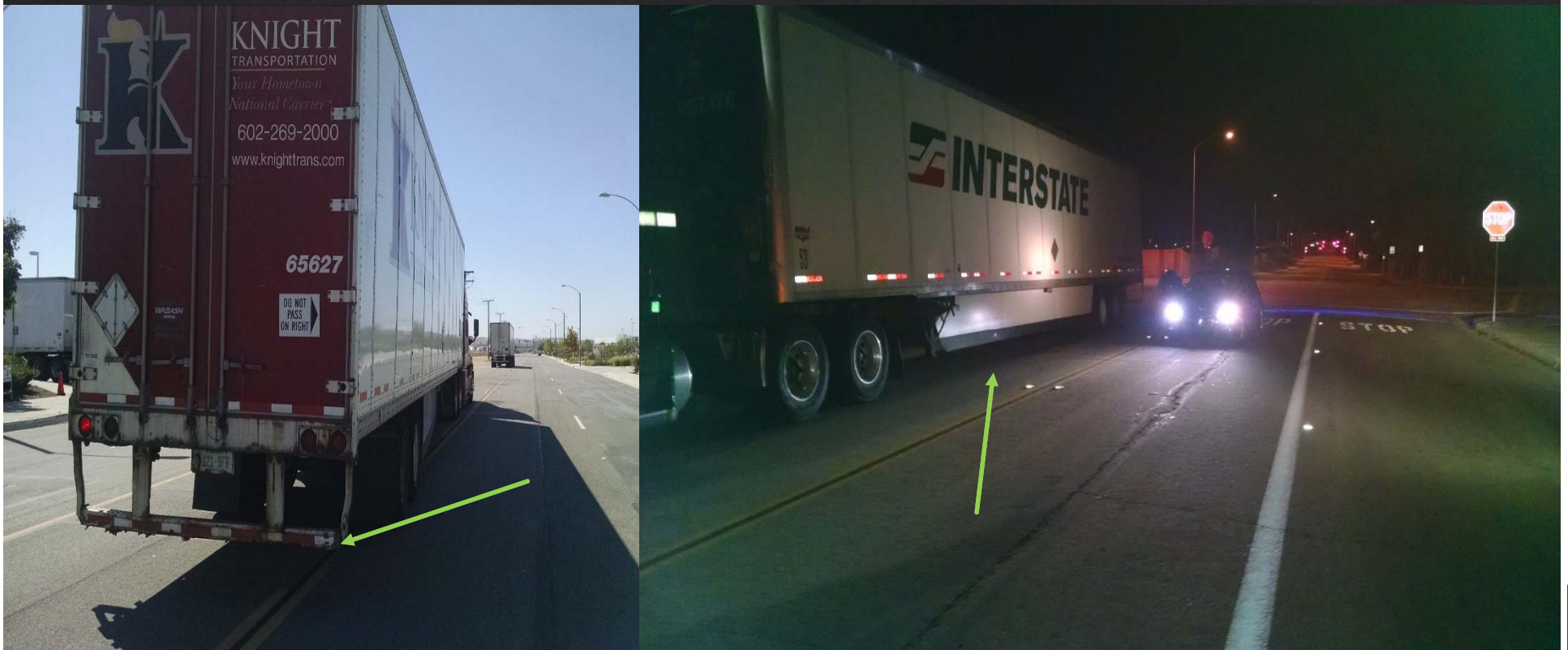
Preserve Roadway

- Heacock & John F. Kennedy
 - Roadway damaged by heavy trucks
 - (Heacock is one of the most heavily traveled truck routes in the city)



Driver Safety

Frequently, commercial drivers illegally park their trucks on city streets. Pictured below are two examples of commercial trucks creating hazards on city streets in Moreno Valley.



Driver Safety

A common violation traffic officers encounter is commercial trucks parking in center two way left turn lanes. This is illegal pursuant to §21460.5(c) of the Vehicle Code. When commercial drivers park their trucks in these lanes they create a visual hazard to other motorists and impede the movements of other vehicles trying to access these lanes.



Driver Safety

- Unsafe and unsecured loads are dangerous to the citizens of Moreno Valley



Unsecured Loads

Protect Property

- Additional Unsafe Loads



Roofing Tar



Protect Property

- Collisions have occurred within city limits involving commercial vehicles damaging City and personal property.



Protect Property

- The driver of this truck failed to lower his dump bed. The truck's bed collided with several traffic signal lights in Moreno Valley as the driver proceeded westbound on Alessandro Blvd. These collisions caused several thousand dollars in damages to the city's traffic signal lights.



Protect Property

- Even small items such as a box of screws can be hazardous to drivers. Moreno Valley residents may experience costly vehicle repairs and/or collisions.



Unsecured Box of Screws

Protect Property

- Not all truckers maintain their vehicles to the standard required by law.



Bald Tires



Tire Tread Separation

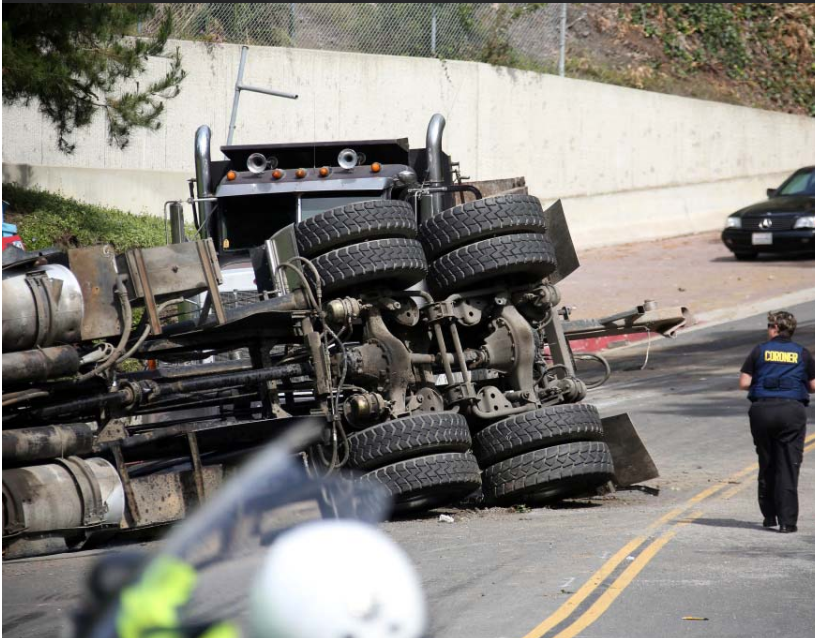
Protect Property

- And the reality is sometimes companies and individuals place profit ahead of safety



Protect Lives

- Subsequent to these two tragic incidents, Beverly Hills reinstated their commercial vehicle enforcement program.



Recommended Actions

- Obtain the following training for two traffic officers
 - 40 hour course on Hazardous Materials
 - 40 hour course on Commercial Vehicle Enforcement
 - Purchase a specialized police vehicle for Commercial Vehicle Enforcement
 - Purchase the specialized equipment needed for Commercial Vehicle Enforcement

Required Equipment

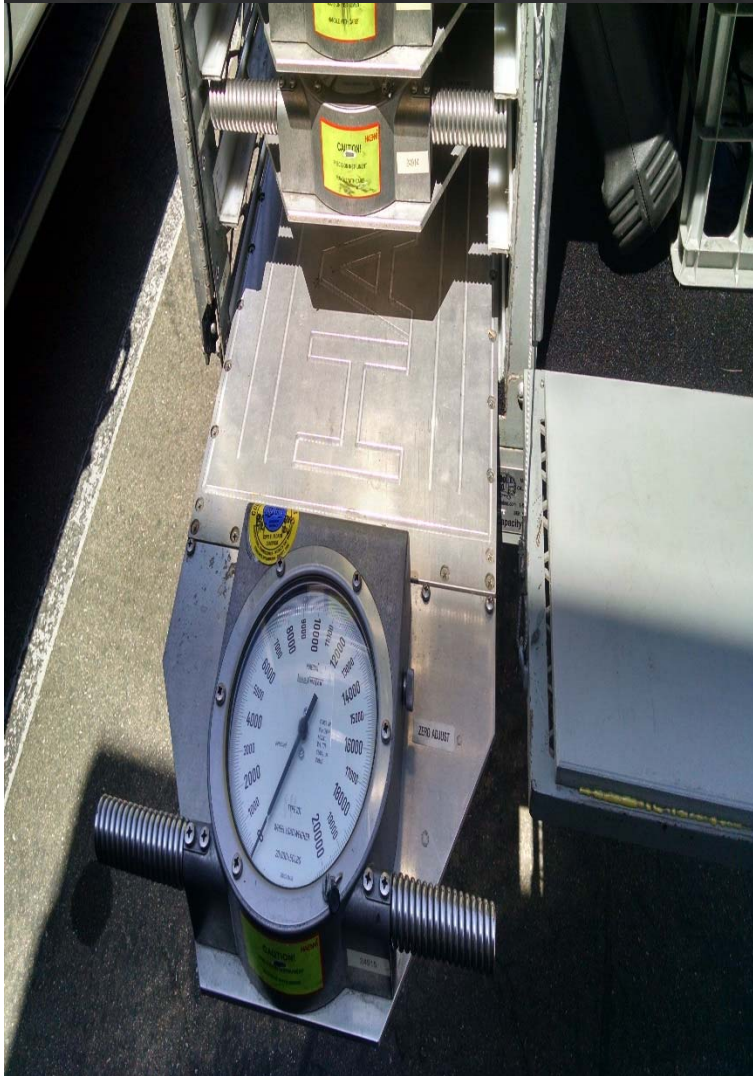
- ¾ ton truck
- Scales
- Various handbooks, including vehicle code
- Tool box and related tools
- Power inverter
- Laptop/MDC & printer
- Height measuring pole

Required Equipment (3/4 Ton Truck)

- A ¾ ton truck (with a camper shell) is most common in commercial enforcement. This allows the officer to carry the required equipment, without losing performance.



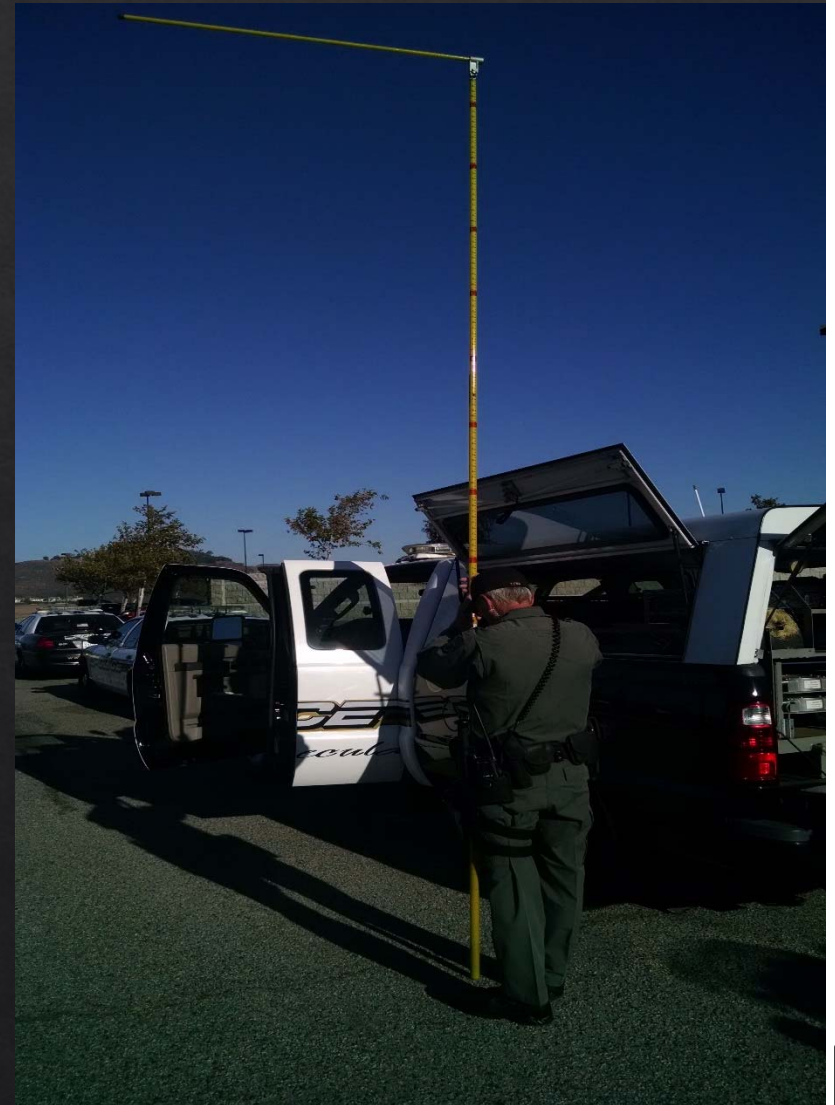
Required Equipment (Scales)



- Scales are required to enforce overweight violations. This will give the most accurate actual weight for the vehicle on the roadway.
- When vehicles exceed their maximum weight limit, they also exceed their design limitation. Often time the brakes are inadequate to safely and quickly stop the vehicle, and increased pressure is placed on the suspension system as well as the tires, increasing the chance of a tire 'blowout'.

Required Equipment (Height Pole)

- Height poles verify towed loads are within compliance. If a load is found to be too tall, the driver can be issued a citation and the truck can be placed out of service until the violation is corrected.
- One recent traffic collision occurred in 2015 on State Route 60 at the Theodore St. overpass. The excessive height of the towed load caused major damage to the Theodore St. overpass. Repairs will cost several million dollars. This collision is still negatively impacting traffic for Moreno Valley residents as repairs continue.



Moreno Valley Stats

- Current Moreno Valley Commercial Enforcement Status
 - No active commercial enforcement team
 - No officers have required training
 - PD does not possess necessary specialized equipment for commercial vehicle enforcement
- *Several officers have attended one-day basic class, which has resulted in some basic enforcement.*
- In 2014, a total of 693 citations were issued in Moreno Valley for illegally parked commercial vehicles.

Training Cost for 2 Officers

CHP Commercial Enforcement Class & Hazardous Material Class
(Class is free to all law enforcement agencies)

Flight to Sacramento for two officers

Per Diem for two officers

Hotel (one room)

Rental Car

Total Cost Approximately \$ 3,000

Initial Equipment Start-Up Cost

$\frac{3}{4}$ Ton truck purchase	\$ 56,000
Camper Shell	\$ 5,362
Emergency Vehicle lights, siren, radio and install of all other equipment	\$ 24,000
Purchase of four Haenni analog scales	\$ 21,293
Miscellaneous other equipment (Including tools, measuring devices and etc.)	\$ 15,000

*All costs are approximate

No Cost to City

Asset forfeiture funds could be utilized to purchase the truck, all modifications to the truck, and all additional required equipment needed for the creation of this position.

Conclusion

If the city of Moreno Valley established a Commercial Vehicle Enforcement program, the city would benefit in numerous ways.

- Damage to city roads would be reduced with overweight enforcement. (Repair to any existing damage could be repaired with the fines generated)
- Injuries and deaths may be reduced through consistent commercial vehicle enforcement
- Environmental concerns could be mitigated through enforcement of stringent commercial vehicle emission laws
- There is a potential for increased revenue, which would go directly to the city to offset ongoing enforcement and road repair costs



Report to City Council

TO: Mayor and City Council

FROM: Steve Quintanilla, Interim City Attorney

AGENDA DATE: April 12, 2016

TITLE: REVIEW OF CITY BOARDS AND COMMISSIONS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Provide staff direction on alternative policies and procedures with respect to City boards and commissions.

SUMMARY

This report discusses alternatives for Council discussion with respect to the streamlining and updating of the operating policies for City of Moreno Valley ("City") boards and commissions ("Commissions"). Proposed uniform policies for Commission rules and procedures and uniform operating policies for all Commissions are included in this report. Additionally, consideration of possible consolidation or elimination of underused or poorly attended Commissions is presented.

DISCUSSION

The City has established eleven (11) advisory Commissions. The advisory Commissions each have their own rules and procedures governing how the Commission meetings are run. Some Commissions also have different Council adopted operating policies regarding how applications are received and how candidates are selected. Additionally, there was concern to make eligibility, qualifications and the selection process for serving a more defined and constant process with enhanced qualification criteria. The following is a list of the active boards and commissions along with their current membership levels (The Emerging Leaders Council is not included in this report and is not a board or commission subject to the changes proposed herein):

Accessibility Appeals Board - 5 members

- Arts Commission - 7 + 2 teen members
- Environmental & Historical Preservation Board - 7
- Library Commission - 7
- Parks & Recreation Commission - 7 + 2 teens
- Planning Commission - 7 + 2 alternates
- Recreational Trails Board - 7 + 2 vacant positions
- Senior Citizens' Board - 9
- Traffic Safety Commission - 7
- Utilities Commission - 4 + 1 vacant position

Uniform Rules of Procedure

Currently, each board or commission establishes their own rules of procedure. These rules govern the internal operation of each Commission and covers such terms as meeting dates and times, selection of Chair and Vice-Chair, attendance, voting process and rules for public comment. Attached hereto as Exhibit "A" is a proposed Uniform Rules of Procedure that would be Council adopted and apply to each Commission. The proposed Uniform rules are based largely on the current Planning Commission Rules and Procedure which have been recently updated, amended and adopted. By adopting a uniform set of procedural rules, all Commissions will operate the same and provide for a more consistent presentation to the public.

If the Council decides to adopt a uniform set of rules of procedure for Commissions, it is recommended that the Council continue to provide for Commissions to adopt their own rules as long as those rules do not conflict with the Council adopted Uniform rules. Attached hereto as Exhibit "B" are proposed amendments to the City's municipal code which would provide for this procedure.

Operating Policy for Boards and Commissions

Current procedures regarding the appointment of Commissioners is scattered among various municipal code sections and an administrative policy. Attached hereto as Exhibit "C" is Policy #1.11 entitled "Operating Policy for Boards and Commissions." In an effort to consolidate the operating policies for all Commissions into one document and incorporate councilmember suggestions, the proposed amended Policy 1.11 is attached hereto as Exhibit "D". The significant proposed changes are as follows:

1. Added general statements of purpose and policy in Section I.

2. Provided specific requirements for meeting locations and that they shall be public meetings conducted pursuant to the Brown Act in Section IV.

3. Proposed eligibility criteria for membership on a Commission. Several requirements have been incorporated from various municipal code provisions and are currently in effect. New proposed requirements include:

A. In addition to the general residency requirement, the proposed Section V.B now provides that applicants must be current registered and eligible voters of the City. This section further provides that if that status ever changes, the Commissioner will become automatically ineligible and the seat will be vacated without the need for any formal action of the Council.

B. A provision is proposed at Section V.C that would disqualify an applicant if they have ever been convicted of a felony. To mirror regulations within California Labor Code related to employees, there are exceptions if the felony has been judicially set aside or ordered sealed.

C. An anti-nepotism provision is proposed at Section V.D. This proposed rule would disqualify individuals living with a relative that is a council member or employed at an executive level with the City.

D. A new requirement for Commissioner applications is proposed in Section VII.B. This proposal would now require the application form to be completely filled out before being advanced to the Council for review and consideration. Incomplete applications would be returned to the applicant by the City Clerk for completion.

E. A fingerprinting and background check requirement is proposed at Section VII.C for all Commissions that interact with minors.

F. Current City practice is to hold interviews with potential Commissioners only for the Planning Commission. Section VII.D would create an interview process for all Commissions.

G. The procedure for voting on the appointment is proposed to change in Section VIII.B. Under this proposal, the mayor would make a nomination for appointment and the Council would take up a vote on that nominee. If a majority approves the nomination, the seat is filled. If no majority is reached, the City Clerk would call the remaining candidates for a vote and the candidate receiving the highest number of affirmative votes would fill the vacant seat. In the event of a tie, a run off would occur.

H. A proposed addition to Section IX.A would require incoming Commissioners to all take the standard Oath of Office,

I. Currently, only Commissioners that receive compensation are required to take any ethics training pursuant to state law. Section IX.C would carry over that requirement to all Commissioners and would allow them to take either the state approved training or in-house training provided periodically by the City Attorney's Office.

J. Current attendance provisions of the various codes and policies provide that Commissioners must not have more than 3 (or 25%) unexcused absences. The current policies are vague on what constitutes or who decides if an absence is "excused." The proposed policy would eliminate the distinction between excused and unexcused absences and provide a firm rule that Commissioners should not miss more than 25% of the meetings held each year. The proposed rule further provides that in the event that threshold is exceeded, notice will be provided to the Commissioner and upon one additional absence, the seat will automatically be vacated.

If all of the aforementioned proposals are adopted, some minor changes to the municipal code will also be required. See for example, Attachment "E" for proposed revisions to Chapter 2.06.

Board and Commission Consolidation

There has been Council interest in considering new options for the streamlining, elimination, and consolidation of various commissions and Boards in an effort to reduce redundant reporting, duplication of staff efforts, maximize staff time to improve city operational effectiveness and potentially create a more productive use of the public, council and staff time. This would in turn potentially produce an enhanced service to the community and council for discussion as well as decision making purposes.

The following are some options provided by Mayor Pro Tem Giba for consideration:

"Elimination and Absorption:

Currently there are two (2) Commissions that duplicate efforts already served by two (2) Council Sub-Committees. These are the Traffic Safety Commission and the Utility Commission. Their advisory capacity are the only two that create a redundant reporting to a sub-committee rather than the direct advisory to the Council. This is a duplication of efforts and may easily be absorbed into the current responsibilities and public input of both the Public Safety Sub-Committee and the Finance Sub-Committee, free up staff from these two commissions to better serve the City while allowing the same public input, dialogue and pathway as the other Commissions.

Consolidation:

The final nine (9) commissions may be consolidated and or absorbed into a model as

follows:

PARKS & RECREATION

Recreational trails
Environmental & Historical
(Already absorbed) Fourth of July

COMMUNITY SERVICE

Senior Citizens
Library
Arts

The obsolete accessibility Appeals Board would be eliminated.

Expansion of Participation:

The final two Commissions would then be consolidated to reflect the model but for a total of nine (9) member and two alternates with a four (4) member quorum to allow for expanded participation with a lower meeting cancellation threshold while reducing the support by staff members.”

ALTERNATIVES

1. Direct staff to return to the Council with Resolutions and Ordinance necessary to adopt the proposed policy and code changes reflected in this staff report.
2. Provide staff direction on changes to the proposed policies set forth in this report and to return to the Council with final documents, Resolutions and Ordinances required to adopt those changes.
3. Discuss the Council’s interest in considering potential consolidation of existing advisory boards and commissions.
4. Make no changes to current polices and procedures.

FISCAL IMPACT

With respect to the proposed Uniform Rules of Procedure and Operating Policy for Boards and Commissions, there are no fiscal impacts associated with these changes. With respect to any consolidation or elimination of boards and/or commissions, there could be a positive fiscal impact if a reduction in staff resources was associated with any revisions.

PREPARATION OF STAFF REPORT

Prepared By:
Paul Early,
Assistant City Attorney

Department Head Approval:
Steve Quintanilla
City Attorney

Concurred By:
Tom DeSantis,
Assistant City Manager

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

- 1. Exhibit A - Boards and Commissions Rules of Procedure
- 2. Exhibit B - Chapter 2.18 Revisions
- 3. Exhibit C - Current Boards and Commissions Policy
- 4. Exhibit E - Chapter 2.06 Revisions
- 5. Exhibit D - Operating Policy for Boards and Commissions
- 6. List of Boards and Commissions / Members-Terms

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>
City Attorney Approval	<u>✓ Approved</u>
City Manager Approval	<u>✓ Approved</u>

CITY OF MORENO VALLEY

RULES OF PROCEDURE FOR BOARDS AND COMMISSIONS

I. RULES OF ORDER, ORGANIZATION AND OFFICERS

A. RULES OF ORDER

Except as otherwise provided in these Rules of Procedure, "The Standard Code of Parliamentary Procedure 4th Edition," shall be used as a guide to the conduct of meetings of City Boards and Commissions. Except as may otherwise be provided by applicable law, no omission to conform to said rules of order shall in any instance be deemed to invalidate any action taken by and Board or Commission.

B. ORGANIZATION

All Boards and Commissions shall consist of regular and alternate members in the number prescribed by Ordinance of the City of Moreno Valley. Hereinafter, the term "Commission" or "Commissioner" shall be used to collectively to include "Board" and "Board Member".

C. OFFICERS

1. SELECTION

- a. A Chairperson and Vice-Chairperson shall be elected annually from among the Commission's membership at the first meeting in April, to serve at the pleasure of the Commission. The term of office for Chairperson and Vice-Chairperson shall be one (1) year. No person shall serve more than two consecutive terms as either Chairperson or Vice-Chairperson, however a commissioner may serve for two consecutive terms as Vice-Chairperson followed by two consecutive terms as Chairperson, or vice versa.
- b. If the Chairperson vacates his or her office before the term of office is completed, a new Chairperson shall be elected at the next regular meeting. A new Vice-Chairperson shall also be elected if the former Vice-Chairperson is elected Chairperson.
- c. In the absence of the Chairperson and Vice-Chairperson, any other member may call the Commission to order, whereupon a Chairperson pro tem shall be elected from the members present to preside. Alternate members shall not be eligible to serve as Chairperson or Vice-Chairperson.

2. RESPONSIBILITIES

The responsibilities and powers of the officers and staff of the Commission shall be as follows:

- a. Chairperson
 - 1) Preside at all meetings of the Commission.
 - 2) Call special meetings of the Commission in accordance with legal requirements and these Rules of Procedure.
 - 3) Sign documents of the Commission.
 - 4) See that all actions of the Commission are properly taken.
 - 5) Assist staff in determining agenda items.

- b. Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

- c. The City Manager shall assign staff who shall be responsible for providing the Commission with proposed minutes of its meetings, with proposed forms of resolutions when appropriate, with staff reports and recommendations on matters of business which come before the Commission and with proposed forms of recommendations and reports for the Commission.

D. POWERS AND DUTIES

The functions, powers and duties of the Planning Commission shall be all those functions, powers and duties of a Planning Commission and Board of Zoning Adjustment as provided in Chapters 3 and 4 of Title 7 commencing with Section 65100 of the Government Code of the State (the Planning and Zoning Law), as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as set forth by Ordinance of the City Council.

The functions, powers and duties of all other Commissions shall be as set forth by Ordinance of the City Council.

E. ETHICAL PROCESS AND PROCEDURE

- 1. Whenever after appointment, a Commissioner possesses or is likely to possess a financial interest in a project, approval, recommendation or other item which is pending or likely to be pending in the foreseeable future before the Commission, it is the duty of the Commissioner to disclose for the record the interest

and abstain from discussion and voting, as well as exercise a higher duty to abstain from discussion with any other Commissioner or staff concerning any matters relevant to the project, approval, recommendation or other item, wherein the Commissioner has a financial interest in the decision.

2. It is equally unethical and improper for such Commissioner to recommend to other individuals that they contact other Commissioners or staff with respect to any matter relevant to the project, approval, recommendation or other item.
3. Whenever a Commissioner discovers the existence of a possible conflict of interest and is unsure as to that situation, the Commissioner should consult with the City Attorney or the staff of the FPPC for clarification of his or her position. In the event a financial interest or likely financial interest exists in a project, approval, recommendation or other item, the record should so disclose and be available for review.
4. No Commissioner should continue to serve as a Commissioner if it appears likely that he or she will receive substantial financial gain (obtain a financial interest as defined in the FPPC) from a large number of Commission decisions on projects, approvals, recommendations or other items in a broad area of interest.
5. Nothing contained herein shall be construed to relieve a Commissioner of any duty imposed by State law or to change the law and regulations applicable to conflict and disclosure matters.
6. With respect to membership by a Commissioner in any other organization which may be incompatible with membership on the Commission on which they serve, the Commissioner should consider, to the extent recognized by law, any or all of the following, as may be applicable:
 - a. Withdrawal of membership from either the Commission or the organization.
 - b. Leave of absence from the conflicting organization.
 - c. Inactivity during Commission tenure.
 - d. Being a non-voting participant in the conflicting organization.
 - e. Being a non-office holder in the conflicting organization.

- f. Being a non-policy making member in the conflicting organization.
- g. Making no public statements within or about the organization.

F. FITNESS TO SERVE; STATEMENT OF PRIOR CONVERSATIONS

- 1. Any Commissioner who wishes to serve the City of Moreno Valley shall adhere to the goals, performance objectives, duties, responsibilities, ethical process and procedure, and public relations standards as herein listed.
- 2. Present Commissioners who wish to serve but cannot justifiably adhere to the contents of these Rules of Procedure must evaluate their fitness to serve.
- 3. Any Commissioner shall declare, prior to voting in the recorded minutes, whether or not they talked or otherwise communicated independently with the proponents, or with the opponents or with a representative of the proponents or opponents concerning a project, approval, recommendation or other item under consideration. Commissioners shall further publicly disclose the substance of any such communication.

G. ABSENCES AND VACANCIES

- 1. Permanent or long term Commissioner vacancies on Commissions for which the City Council has appointed alternate Commissioners shall be filled by alternate Commissioners in accordance with Ordinance 890 of the City of Moreno Valley.
- 2. Regular and alternate Commissioners should attempt to attend all meetings. In the event of an absence of a regular Commissioner for all, or any part of a meeting, and when alternate Commissioners have been appointed by the City Council, an alternate Commissioner who is present shall be seated to serve as a full voting member of the Commission. If alternate Commissioners are not available to serve or are disqualified from serving for any reason, the Commission shall continue with the remaining regular Commissioners as long as a quorum is present. The minutes shall reflect the attendance, seating and voting record of all regular and alternate Commissioners.
- 3. Alternate Commissioners shall be called on a rotational basis if available. Each meeting will have a Primary and Secondary alternate Commissioner, which assignment shall rotate every meeting. If there is more than one absence or vacancy, the secondary alternate Commissioner may also be called to serve. The service or non-service of one or both alternate Commissioners at any meeting shall not affect the rotational order for any future meeting. For the first meeting after any appointment, the rotational order shall be established in

alphabetical order by the last name of the Alternate Commissioner.

4. If a regular or alternate Commissioner is seated on the first day of any public hearing item, such Commissioner shall continue to be seated for that item until the completion of the vote on that item, without regard to the number of meeting dates the item is continued over. In the event of an absence on any subsequent hearing date, no new Commissioner shall be seated in the vacant seat. A regular or alternate Commissioner may fill a previously absent seat on a public hearing item only if he/she makes a statement on the record that he/she has attended all prior hearing dates, read all prior hearing transcripts, or listened to the recordings of all prior hearings on the item. If a Commissioner has not met the aforementioned requirements, they shall be declared ineligible to be seated on the Commission for that item. In no case shall two different Commissioners fill the same vacant seat on any single public hearing item.
5. Alternate members shall be deemed to be participating in a meeting if they are seated as a voting member for all, or any part, of a meeting.
6. Alternate Commissioners may participate in the discussion and debate of an agenda item only if seated as a voting Commissioner.

II. MEETINGS

A. PUBLIC MEETINGS

All meetings shall be held in full compliance with state law, ordinances of the City, and these Rules of Procedure.

B. REGULAR MEETINGS

1. Regular meetings of the Commission shall be held on the dates and times established by the City Council.
2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting shall occur on the next business day, or cancelled by motion adopted by the Commission.

C. ADJOURNED MEETINGS

In the event it is determined by the Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn, and the meeting so adjourned.

D. SPECIAL MEETINGS

Special meetings of the Commission may be held at any time upon the call of the Chairperson or by a majority of the voting members of the Commission or upon request of the City Council following at least 48 hours notice to each member of the Commission and to the press, and to each person who has duly requested notice of such meetings. The time and place of the special meeting shall be determined by the convening authority, except that the meeting place shall be within the corporate limits of the City. Only those matters of business described in the call and notice for a special meeting shall be considered by the Commission.

E. STUDY SESSIONS/WORKSHOPS

1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
2. All study sessions shall be open to the public.

F. AGENDA

1. An agenda for each meeting of the Commission shall be prepared by the assigned staff member with the cooperation and approval of the Chairperson or in the absence of the Chairperson, by the Vice-Chairperson.
 - a. The Commission cannot guarantee that applicants meeting filing deadlines will be placed on the agenda of the first meeting thereafter.
 - b. A copy of the agenda for each meeting of the Commission shall be posted at City Hall seventy-two (72) hours prior to each regular meeting and at least twenty-four (24) hours prior to each special meeting of the Commission.

G. ORDER OF MEETINGS

1. Unless the Chairperson in his or her discretion otherwise directs, the order of business shall be as follows:
 - a. The Chairperson shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order.
 - b. Members present and absent shall be recorded, including any alternate members. Alternate members shall be seated on the Commission, if necessary. If all regular Commissioners are present and no conflicts of interest have been announced or appear to be likely, the alternate members may be excused and review the video or transcript of the meeting in lieu of attendance.
 - c. Pledge of Allegiance shall be made.

- d. The agenda shall be approved as submitted or revised (to the extent permitted by law).
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The minutes of any preceding meeting shall be submitted for approval.
- g. Public comment shall be taken, during which any member of the audience may comment on any matter which is not listed on the agenda. A time limit of three minutes shall be imposed on each individual.
- h. The Commission shall then hear and act upon those proposals scheduled for consideration at public hearing, followed by such other matters of business and reports as the Commission or staff finds to require Commission consideration, and as may be properly considered at that time.
- i. No action shall be taken by the Commission during any regular meeting on any item not appearing on the posted agenda unless any of the following conditions apply:
 - 1) A majority of the Commission determines that an “emergency situation” exists.
 - 2) The Commission determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the members are present, that the “need to take action” on the item arose subsequent to the posting of the agenda, or
 - 3) The item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the date of the meeting at which the action is taken and was continued to the meeting at which the action is taken.
- j. At 11:00 p.m., or as soon thereafter as practicable, a Commissioner may make a motion to adjourn the meeting and continue any remaining items to a future date.
- k. Adjournment.

2. PRESENTATION OR HEARING OF PROPOSALS

The following shall be the order of procedure for public hearings or other proposals concerning planning and zoning matters, and for testimony, unless the Chairperson in his or her discretion shall otherwise direct.

- a. The Chairperson shall announce the subject of the public hearing or other proposals as advertised.
- b. If a request is made for continuance, a motion may be made, seconded and voted upon to continue the public hearing to a definite time, date and place. The Commission may elect to open the hearing and receive evidence prior to acting upon a request or motion to continue the matter.
- c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions from the Commission.
- d. ORDER OF TESTIMONY
 - 1) Applicant's statement.
 - 2) Public comment.
 - 3) A rebuttal from the applicant.
 - 4) The Chairperson may allow further comments from opponents, proponents and applicant as deemed appropriate by the Chairperson.
 - 5) Public Hearing closed.
 - 6) The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain.
- e. RULES OF TESTIMONY
 - 1) Persons presenting testimony to the Commission are requested to give their name and address for the record.
 - 2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesman should be selected to speak for the entire group, if possible. The spokesman will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
 - 3) To avoid unnecessary cumulative evidence, the Chairperson may limit the number of witnesses or the time of testimony on a particular issue.

- 4) Irrelevant and off-the-subject comments will be ruled out of order.
- 5) The Chairperson will not permit personal remarks regarding the staff or individual Commissioners during a Public Hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.
- 6) No person shall address the Commission without first securing the permission of the Chairperson to do so.
- 7) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

H. MOTIONS

1. Action upon an order, resolution or other action of the Commission may be proposed by any commissioner by a motion. Before a motion can be considered it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion is lost for lack of a second.
2. A motion to adjourn shall always be in order except during roll call.
3. The Chairperson of the Commission, or other presiding officer, may make and second motions and debate from the Chair subject only to such limitations of debate as are imposed on all members of the Commission. However, since the Chairperson is primarily responsible for the conduct of the meeting, if he or she personally desires to engage in extended debate on questions before the Commission, he or she should consider turning the Chair over to another Commissioner.

I. VOTING

1. VOTING REQUIREMENTS

- a. A majority of the regular Commissioners appointed to the Commission shall constitute a quorum. Alternate members shall not be counted in determining if a quorum is present. An affirmative vote of a majority of Commissioners present and voting (but not less than three votes) shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.

- b. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, that member shall not be counted towards meeting any quorum requirement. Furthermore, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. When a member of the Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted with the majority.

2. RECORDING OF VOTES

The minutes of the Commissioner's proceedings shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

3. DISQUALIFICATION FROM VOTING

A member shall disqualify himself or herself from voting in accordance with the applicable Conflict of Interest Code. When a person disqualifies himself or herself, he or she shall disclose the disqualification prior to Commission consideration of the matter, and the disqualified member shall then leave the voting area.

4. RECONSIDERATION

A motion for reconsideration of a matter may be made by any commissioner who voted with the prevailing majority on the matter to be reconsidered. Any commissioner may second a motion for reconsideration. If the matter under reconsideration was first considered under a public hearing, the public hearing shall be reopened before any additional evidence is considered. A motion for reconsideration must be made at the same meeting as the meeting where the matter was voted upon.

- J. The Chairperson or such other person who may be presiding at meetings of the Commission is responsible for the maintenance of order and decorum at all times. No person should speak who has not first been recognized by the Chair. All questions and remarks should be addressed to the Chair.
- K. Any Commissioner may move to require the Chairperson or person presiding at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.
- L. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Commission, and shall refrain at all times from rude and derogatory remarks, negative reflections as to integrity, abusive comments, and statements as to motive and personality.
- M. All written materials to be delivered to the Commission concerning its official business shall be delivered to the assigned staff person for

distribution. Staff is advised to distribute written materials concerning any matter on the agenda to the Commissioners at least seven days before the date of the meeting when the matter is to be considered by the Commission. If it is not reasonably possible to distribute the material at least seven days before the meeting when the matter is to be considered, the material may be distributed at the earliest possible time with a copy also distributed at the meeting.

- N. During Commission meetings, all written materials not already included in the materials which have been previously provided to the Commission and which are offered for consideration by the Commission, shall be distributed to the Commission. The Commission shall consider such written materials as reasonably possible at the time of the meeting.
- O. Failure to comply with the strict provisions of these rules shall not necessarily invalidate any action taken by the Commission.

Chapter 2.18 PLANNING COMMISSION

2.18.010 Created.

A. There is created a planning commission for the city. It shall consist of seven members who shall receive such compensation as may be established from time to time by resolution of the city council. In addition to the compensation hereinabove provided, each planning commissioner shall be reimbursed for actual out-of-pocket expenses incurred on commission business in accordance with the travel policy of the city and applicable law.

B. Initial terms of office of the members of the planning commission shall be set by lot, with four members serving terms expiring on January 1, 1989, and three members serving terms expiring on January 1, 1987. Thereafter, all terms shall be for four years and shall expire on March 31, four years after the effective date of the appointment, except those appointments made after the commencement of the term to fill a vacancy or removal, in which case, the term of office shall be for the balance of the unexpired term. Members of the planning commission may be removed pursuant to the provisions in Section 2.06.010(C) of this code and, as required by Section 2.06.010(D) of this code, all members of the planning commission shall be at the time of appointment to the commission and throughout their incumbencies, bona fide residents of the city. No member of the planning commission shall be at the time of appointment or during his or her incumbency, an employee of the city.

C. To appoint the initial planning commission, written applications submitted by candidates for the commission will be screened by a planning committee of the city council. For the first planning commission, the planning committee will select at least fourteen (14) applicants and refer these to the full city council. A seat shall be considered vacant upon the death of the incumbent, expiration of the term of the incumbent commissioner, upon acceptance by the city council of the resignation of a commissioner, upon his or her removal from office pursuant to Section 2.06.010(C) of this code, or upon removal of the incumbent's residence from the city.

D. The fourteen (14) or more applicants referred to the full city council for the initial planning commission will be interviewed publicly by the city council at a special meeting, and the council will then select seven candidates to serve as the first city planning commission. Selection by the council will be by majority vote, with the voting to be public.

E. Subsequent vacancies shall be filled in accordance with the Operating Policy for Boards and Commissions adopted by the Council ~~as follows: Applications submitted by candidates will be screened by the city council, which will again publicly interview the candidates and, by majority vote taken in public, will select a commissioner to fill the vacancy.~~

2.18.020 Chair—Committees—Staff.

Designation of chairpersons for the commission shall be in accordance with the Operating Policy for Boards and Commissions adopted by the Council governed by Section

~~2.06.020 of this code.~~ The commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. The city manager may appoint an executive secretary and other staff and provide such compensation for their services as may be authorized by the city council and by the annual city budget of expenditures.

2.18.030 Meetings—Rules of procedure.

The commission shall ~~adopt~~ utilize the Uniform Rules of Procedure for Boards and Commissions approved by the Council rules for the transaction of business, shall keep a public record of its resolutions, transactions, findings, and determinations, and shall hold at least one regular meeting each month at a time, date and place designated by the commission. The commission may adopt additional rules of procedure not in conflict with the Uniform Rules of Procedure for Boards and Commission. Special meetings may be called by the chair or a majority of the commission, provided notice has been given to all members at least forty-eight (48) hours prior to the meeting. A majority of commissioners shall constitute a quorum. The original minutes of the planning commission shall be filed with the city clerk's department.

2.18.040 Functions, powers and duties.

The functions, powers and duties of the planning commission shall be all those functions, powers and duties of a planning commission and board of zoning adjustment as provided in Chapters 3 and 4 of Title 7 commencing with Section 65100 of the Government Code of the state (the Planning and Zoning Law), as the same may be hereafter amended. The planning commission shall perform such other duties and functions as may be designated by the city council.

2.18.050 Alternate members of the planning commission.

A. In addition to the seven regular members, the city council may, at its discretion, appoint two planning commission alternates who shall serve for a term of two years. The alternate members of the planning commission shall attend all regular and special meetings of the planning commission. If a regular member of the commission is absent for any reason from all or any part of a regular or special meeting of the planning commission, a sworn alternate member shall participate in such meeting during the period of absence. During such participation, the alternate member shall receive and exercise all rights and privileges of a regular member, including the right to vote on matters before the planning commission. Only when participating in a meeting shall the alternate member receive a stipend.

B. The alternates shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other laws applicable to the regular members of the planning commission.

~~C. The planning commission shall adopt such rules as are necessary to effectuate the purpose of this section.~~

OPERATING POLICY FOR BOARDS AND COMMISSIONS

ESTABLISHMENT: All advisory boards, commissions and committees shall be established by ordinance or resolution. Commissions may be established by resolution. The enabling document may establish the duration, manner of appointment, term of office, and powers and duties.

DEFINITIONS:A. Legislative Body:

- (1) The governing body of a local agency;
- (2) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by ordinance, resolution, or formal action of a legislative body. [Advisory committees composed solely of the members of the legislative body which are less than a quorum of the legislative body are not legislative bodies], except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by ordinance, resolution, or formal action of a legislative body are legislative bodies for all purposes.

B. Board:

A body of members appointed by ordinance or resolution to serve in a continuing advisory capacity to the City Council.

C. Commission:

A body of members appointed by ordinance or resolution to serve in a continuing advisory capacity to the City Council and/or which may have decision-making authority pursuant to Government Code of the State of California and perform such other duties and functions as may be designated by the City Council.

D. Committee:

A body of members appointed by ordinance to serve on an ad-hoc basis to advise the City Council on particular matters.

E. Subcommittee/Standing Committee:

A body of members consisting of less than a quorum of a legislative body.

I. STAFF LIAISON

The City Manager may assign a staff liaison to provide staff assistance, as may be required, to each board and commission. The staff liaison aids the board or commission by communicating its concerns/requests to the Council liaison.

II. COUNCIL LIAISON

The Council may annually select a Council liaison to each board and commission. The Council liaison shall attend one meeting per annum of their respective appointment(s); further attendance shall be on an as-needed/requested basis. The Council Liaison, with the assistance of the Staff Liaison, provides a contact person for the Council to ask questions, receive clarification, or for Council to bring concerns to the board or

OPERATING POLICY FOR BOARDS AND COMMISSIONS

commission.

III. SERVICE LIMITATION

No person shall serve on more than one board or commission at any one time.

IV. DURATION OF TERMS

Members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be for three (3) years.

V. ATTENDANCE

Any person appointed to any city board, commission, or committee shall automatically vacate the office upon being absent without advance permission from three (3) or 25% of the regular meetings in a fiscal year (July 1 through June 30), unless excused by advance permission. The appointing authority (City Council) shall appoint a successor to fill the vacancy.

VI. OPEN MEETINGS

All meetings of boards, commissions, committees and subcommittees serving in a continuing advisory capacity, or having a meeting schedule fixed by ordinance, resolution, or formal action of the legislative body shall be open to the public unless subject to the closed session exceptions contained in the Ralph M. Brown Act (G.C. section 54950, et seq.).

VII. RULES

Each board and commission may adopt such bylaws and rules as may be necessary or convenient for the conduct of its business, subject to approval of the City Council.

VIII. APPLICABILITY

These policies shall apply to all boards, commissions, committees and sub/standing committees, unless the Council by ordinance, resolution or minute order.

Chapter 2.06 BOARDS AND COMMISSIONS—GENERAL PROVISIONS

2.06.010 General rules regarding appointments, terms, vacancies.

A. Unless otherwise provided by law or by ordinance or resolution, all members of boards and commissions of the city shall be appointed and serve in accordance with the Operating Policy for Boards and Commissions adopted by the Council ~~by the mayor with the approval of the city council~~ for three-year terms commencing as of July 1st of the year of appointment; provided, that interim vacancies shall be filled by appointment to the specific unexpired term of the member replaced. This rule shall not apply to newly established boards or commissions, the initial appointments to which shall be made on a staggered-term basis, provided that the longest such term shall not exceed three years, commencing with the July 1st next following the appointment.

B. In addition to the regular members of any board or commission, the city council may, at its discretion, appoint two alternates who shall serve for the same term as regular members of the board or commission. The alternate board members or commissioners shall attend all regular and special meetings of the board or commission to which they are appointed. If a regular member of the board or commission is absent for any reason from all or any part of a regular or special meeting of the board or commission, a sworn alternate member shall participate in such meeting during the period of absence. During such participation, the alternate member shall receive and exercise all rights and privileges of a regular member, including the right to vote on matters before the board or commission. Only when participating in a meeting shall the alternate member receive a stipend if the board or commission so provides. ~~Unless otherwise provided by law, and notwithstanding that an ordinance or resolution establishing a board or commission may fail to so provide, then in addition to the number of members of a board or commission set forth in the enactment establishing such board or commission, the mayor may, with the approval of the city council and in his or her discretion, appoint one or more alternate members to each board or commission. During their incumbency as such, alternate members shall have no vote in the proceedings of the board or commission. In the event of one or more interim vacancies in a board or commission as declared by the city council, and subject to confirmation by the city council, alternate members to such board or commission shall assume the vacated seat or seats for the unexpired portion of the term of the member replaced.~~

C. Any member of a board or commission of this city may be removed from office at any time, with or without cause, by a majority vote of the city council, except in cases where the mayor or city council are not the appointing authority (in which cases such regular appointing authority may exercise this power of removal). If a member is absent without advance permission of the board or commission or of the appointing authority, from three regular meetings or from more than twenty-five (25) percent of the duly scheduled meetings of the board or commission within any fiscal year, the membership shall thereupon become vacant and shall be filled as any other vacancy.

D. Unless otherwise provided by law, or by ordinance or resolution of the city council, all members of any board or commission of the city appointed by the mayor and approved by the city council shall be at the inception of and throughout their incumbencies, bona

vide residents of the city. No member of a board or commission of the city shall be an employee of the city during such membership.

E. Unless otherwise specifically provided by the action establishing the body or appointing its initial members, no person shall be at the same time a member of more than one citizens advisory body created by ordinance or resolution of the city council.

~~2.06.020 Chairperson, vice chairperson—Selection.~~

~~A. Unless otherwise required by state law or by ordinance or resolution of the city council, and except as provided in subsection B of this section, each board and commission of the city shall annually at its first meeting held after June 30th, choose one of its number as chairperson and one as vice chairperson. Each chairperson and vice chairperson shall have authority and perform such duties as are commonly associated with their respective titles, and as may be specially prescribed by law or by the by-laws or other rules of the board or commission. Vacancies in either such position occurring prior to July 1st may be filled as in the first instance, and a new chairperson or vice chairperson may be chosen at any time by majority vote of all members of the board or commission.~~

~~B. The planning commission shall be subject to the provisions of subsection A of this section, except that annual selection of the chairperson and vice chairperson of the planning commission shall take place at its first meeting held after March 31st.~~

2.06.030 Board or commission meeting minutes.

Unless otherwise provided by law, or by ordinance or resolution, or unless by the very nature of a situation the provisions hereof are inapplicable, the minutes of all board or commission meetings shall be filed with, and maintained by, the respective liaison departments.

[Proposed] OPERATING POLICY FOR BOARDS AND COMMISSIONS

PURPOSE: The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions. This policy does not apply to ad-hoc committees.

POLICY:

I. Policy Statement

A. Boards and commissions are created by the City Council for the following general purposes:

1. To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and,

2. To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.

B. Boards and commissions shall not involve themselves in administrative or operational matters or the implementation of Council policy, except as requested by Council.

II. Staff Liaison

The City Manager shall assign not less than one (1) staff liaison to provide staff assistance, as may be required, to each board and commission. The staff liaison aids the board or commission by communicating its concerns/requests to the Council liaison, preparing agenda, keeping minutes and providing administrative support for the board or commission.

III. Council Liaison

The Council may annually select a Council liaison to each board and commission. The Council liaison shall attend one meeting per annum of their respective appointment(s); further attendance shall be on an as needed/requested basis. The Council Liaison, with the assistance of the Staff Liaison, provides a contact person for the Council to ask questions, receive clarification, or for Council to bring concerns to the board or Commission.

IV. Meetings and Structure

A. Meeting locations for boards and commission shall be selected by staff according to the following guidelines:

1. Meeting rooms should be of a size adequate to allow for public participation.
2. Boards and commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.

B. All meetings of boards, commissions, committees and subcommittees serving in a continuing advisory capacity, or having a meeting schedule fixed by ordinance, resolution, or formal action of the City Council shall be open to the public unless subject to the closed session exceptions contained in the Ralph M. Brown Act (California Government Code section 54950, et seq.).

Approved by: City Council

00/00/00

Revised: 00/00/00

[Proposed] OPERATING POLICY FOR BOARDS AND COMMISSIONS

C. All boards and commissions shall consist of a nine (9) member body with two (2) alternate members. A quorum for any meeting shall be four (4) regular members. Alternate members shall not be counted towards the quorum requirement. [Alternate language can change numbers].

V. Eligibility and Membership

Unless otherwise set forth in state law or the City's Municipal Code, the following eligibility requirements shall apply to all City boards and commissions.

A. No board or commission members shall hold any other paid office or employment in the City Government.

B. All persons appointed shall be registered and eligible voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

C. No board or commission member shall have been convicted of a felony unless such conviction has been judicially set aside or ordered sealed pursuant to state law. Conviction of a felony during a term of office shall result in the automatic and immediate removal from office. [Alternate language could provide for specific listed offenses or provide time frames from past convictions].

D. No individual shall be eligible to serve on a City board or commission who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), currently serving as a member of the City Council, or employed as the city manager, assistant city manager, city attorney, assistant city attorney, city clerk, department director or assistant director or equivalent for the City of Moreno Valley. [Alternative Language could include relationship with any City employee].

E. No member of any board or commission may serve on more than one board or commission at the same time.

F. Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

VI. Duration of Terms

Members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be for three (3) years.

VII. Recruitment and Application

A. The City Council shall periodically consider appointments to its commissions, boards and committees, as deemed necessary by the City Clerk's review of upcoming or current vacancies due to the expiring terms or the resignation of members. The City Clerk shall advertise for applications to fill vacancies on commissions, boards and committees as required by State law.

Approved by: City Council
00/00/00
Revised: 00/00/00

[Proposed] OPERATING POLICY FOR BOARDS AND COMMISSIONS

B. All applicants, including incumbents, for a position on a City board or commission shall complete an application in the form provided by the City Clerk. Completed applications shall be forwarded to the City Council for review. Incomplete applications will be returned to the applicant as incomplete and will not be forwarded to the City Council for review. A single application form shall be used for all boards and commissions and shall be valid for up to one (1) year.

C. Applicants for consideration to any board or commission with responsibility over youth activities or that interact with, sponsor activities for, or work with with minors under the age of 18, shall submit to fingerprinting and background check clearance in the same manner as employees for the City.

D. Interviews of all eligible applicants for vacancies shall be conducted in a public meeting by the City Council within 30 days following any application deadline, or as close to that date as is possible to schedule. Interviews may be set for a special meeting with proper notice.

E. A decision regarding appointment of the applicants and/or incumbents shall be made at the next regular City Council meeting following the completion of interviews. Communication of the City Council's decision regarding appointments shall be made by the City Clerk to each applicant within one week of this meeting.

VIII. Appointment

A. Appointments shall be placed on the agenda for a regular City Council meeting.

B. The Mayor shall make a recommendation for appointment for each vacancy. The mayoral recommendation shall be called for a vote and if a majority of the Council vote in the affirmative, the mayoral recommendation shall be confirmed to the appointment. In the event, there is no majority approval for the mayoral recommendation; the Clerk shall call for a vote on the remaining applicants in a random order. The candidate receiving the most votes, but not less than a majority, shall be appointed. [Alternative processes can be considered but must include a public vote].

C. Should a tie between the candidates receiving the most votes occur, only the affected applicants will be voted on again.

IX. Responsibilities of Office

A. Each board or commission member, before entering upon the discharge of the duties of his/her office, shall take, subscribe to, and file with the City Clerk the Oath of Office.

B. Board and commission members that receive compensation for their positions must complete mandatory training pursuant to AB1234 in accordance with state law.

C. Board and commission members that do not receive compensation for their positions must complete ethics, conflict of interest and brown act training within 6 months of their appointment. An approved AB1234 training will meet this requirement. In addition, the City Attorney's office provides training opportunities that will meet this requirement.

X. Attendance

Members of each board and commission are expected to make every effort to attend all meetings and be present for the entire meeting. Members are allowed to miss no more than 25% of the meetings held in each twelve month period from the anniversary date of their appointment. Staff shall track attendance and report

Approved by: City Council
00/00/00
Revised: 00/00/00

[Proposed] OPERATING POLICY FOR BOARDS AND COMMISSIONS

to the Chair of the board or commission whenever a member is in danger of exceeding the 25% threshold. Staff shall notify the City Clerk in writing (with a copy to members of the City Council) of any member that is in violation of this policy. The City Clerk will then send a letter to the member indicating his/her non-conformance to this policy stating that with an additional absence in that same twelve month period, the member's position on the board or commission will be automatically vacated. If an additional absence occurs within that same twelve month period, the position shall be automatically vacated. The City Clerk shall notify the member, City Council and board or commission of the vacancy. [Alternative language could include excused/unexcused absences, thresholds different from 25% and more than one notice prior to vacation].

XI. Removal

Members of boards and commissions serve at the will of the City Council and may be removed at any time by a vote of at least three (3) council members at a public meeting. [Alternate/Additional language could require annual review by Council of all Commissioners].

Attachment: Exhibit D - Operating Policy for Boards and Commissions (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

Approved by: City Council
00/00/00
Revised: 00/00/00

ACCESSIBILITY APPEALS BOARD

The Accessibility Appeals Board shall conduct hearings on written appeals regarding Title 24 accessibility issues brought by any person aggrieved by enforcement action taken by the Building Division of the Community Development Department of the City of Moreno Valley, and render decisions regarding accessibility “hardship” cases as prescribed by the State’s Title 24 Accessibility Regulations. Hearings shall be held within 30 days of receipt of an appeal.

Consists of five (5) members; has no vacancies

- | | |
|---|----------------------|
| Mary McBean, RN
Physically Challenged Representative | Term expires 6/30/16 |
| Lawrence Baird
Physically Challenged Representative | Term expires 6/30/16 |
| Jeffrey M. Barnes
Construction Representative | Term expires 6/30/17 |
| Toya Vick
Construction Representative | Term expires 6/30/17 |
| Arlen Henry Gaynor
Public Representative | Term expires 6/30/18 |

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

ARTS COMMISSION

The Arts Commission considers matters pertaining to, but not limited to, the planning for the arts in the City; facilitating interaction among artists, promoting arts activities and education, and researching possible sources of funding, in addition to public funds, for potential City public art projects.

Consists of seven (7) members + two (2) teen members; has no vacancies

Eric von Mizener	Term expires 6/30/16
Leonardo Gonzalez	Term expires 6/30/17
Debby Johnson, Chairperson	Term expires 6/30/17
Natalie Mann	Term expires 6/30/17
Constance "Saf"i Jiroh	Term expires 6/30/18
Stephen "Steve" Heaton, Vice Chairperson	Term expires 6/30/18
Christopher Baca	Term expires 6/30/18
Christophe Johnson	Term - <i>three years after the effective date of appointment, or until high school graduation, whichever comes first</i>
Teen Member	
Ian McPherson	Term - <i>three years after the effective date of appointment, or until high school graduation, whichever comes first</i>
Teen Member	

ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD

The Environmental and Historical Preservation Board considers matters pertaining to the preservation of the City's heritage and cultures, including the designation of landmarks and review of all restoration, rehabilitation, alteration and demolition projects in preservation areas; and matters of environmental concern, including matters pertaining to hazardous materials and waste within or affecting the City.

Consists of seven (7) members; has no vacancies

Jan Beyers, Vice Chairperson	Term expires 6/30/16
M. Naeem Qureshi	Term expires 6/30/16
Arlen Henry Gaynor	Term expires 6/30/16
Geraldo Mercado	Term expires 6/30/17
Gerald M. Budlong, Chairperson	Term expires 6/30/17
Keith Mullins	Term expires 6/30/18
Nanci Gomez	Term expires 6/30/18

LIBRARY COMMISSION

The Library Commission considers matters pertaining to the administration, operation, development, improvement and maintenance of library services within the City.

Consists of seven (7) members; has no vacancies

David Namazi, Chairperson	Term expires 6/30/16
Elena Santa Cruz	Term expires 6/30/16
Mona Lisa Stallworth	Term expires 6/30/17
Sharon B. Clements, Vice Chairperson	Term expires 6/30/17
Melissa Clark	Term expires 6/30/17
Norberto Robert Perez	Term expires 6/30/18
Karen Singleton	Term expires 6/30/18

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission considers matters pertaining to the administration, operation, development, improvement and maintenance of parks, recreation facilities, and parks and recreation programs within the City.

Consists of seven (7) members + two (2) teen members; has no vacancies

Virgil L. Chancy, Vice Chairperson	Term expires 6/30/16
Juanita Barnes	Term expires 6/30/16
James C. Baker II, Chairperson	Term expires 6/30/16
Andre Gutierrez <i>Teen Member</i>	Term expires 1/27/19 <i>or until high school graduation</i>
Bill Alvarez	Term expires 6/30/17
Saifu R. Osmani	Term expires 6/30/17
Stephanie Torres <i>Teen Member</i>	Term expires 9/23/17, <i>or until high school graduation, whichever comes first</i>
Jonneshia C. Bright	Term expires 6/30/18
Linda Joyce Echols	Term expires 6/30/18

RECREATIONAL TRAILS BOARD

The Recreational Trails Board considers matters pertaining to single-use and multi-use recreational trails, including bicycle, jogging and equestrian trails within or affecting the City

Consists of nine (9) members; has two (2) vacancies

Sarah Martinez	Term expires 6/30/16
Kim M. Nelson	Term expires 6/30/16
John Menke	Term expires 6/30/16
Margie Breitzkreuz	Term expires 6/30/17
Gilbert Brooks , Chairperson	Term expires 6/30/17
VACANT	Term expires 6/30/17
Brenda Y. Jackson, Vice-Chairperson	Term expires 6/30/18
VACANT	Term expires 6/30/18
Vivian Joneswhy-Brock	Term expires 6/30/18

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

PLANNING COMMISSION

The Planning Commission considers matters pertaining to development and zoning within the City and has decision-making authority pursuant to the Government Code of the State of California.

Consists of seven (7) members + two (2) alternates; no vacancies

Mary E. "Meli" Van Natta	Term expires 3/31/17
Ray L. Baker	Term expires 3/31/17
Carlos Ramirez	Term expires 3/31/17
Brian R. Lowell, Chairperson	Term expires 3/31/17
Jeffrey Barnes	Term expires 3/31/19
Jeffrey D. Sims, Vice Chairperson	Term expires 3/31/19
Patricia Korzec	Term expires 3/31/19
ALTERNATES	
Erlan Gonzalez	
Lori Nickel	

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

SENIOR CITIZENS' BOARD

The Senior Citizens' Board considers matters pertaining to senior citizens, senior citizens programs, including policies for the Moreno Valley Senior Community Center.

Consists of nine (9) members; has no vacancies

Miguel Arciniega	Term expires 6/30/16
Mary E. McBean	Term expires 6/30/16
Robert Palomarez	Term expires 6/30/16
Delorise Anderson	Term expires 6/30/17
Vonzetta Fielding, Chair	Term expires 6/30/17
Delanna Townsend	Term expires 6/30/17
Cleveland Johnson	Term expires 6/30/18
Robert Snyder, Vice Chair	Term expires 6/30/18
Sara W. Anderson	Term expires 6/30/18

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)

TRAFFIC SAFETY COMMISSION

The Traffic Safety Commission considers matters pertaining to traffic safety within the City; evaluates proposals for traffic control devices; and evaluates the need for striping, signing or other measures not of a regulatory nature. The Commission educates the public on traffic issues and responds to public concerns regarding traffic and pedestrian safety.

Consists of seven (7) members; has vacancies on representatives of outside agencies

VACANT MV-PTA Council Representative	Term expires 6/30/16
Shor Denny, Vice Chairperson	Term expires 6/30/16
Frank A. Wright	Term expires 6/30/16
Corey A. Jackson	Term expires 6/30/17
James P. Kelly	Term expires 6/30/17
Darlene Moore	Term expires 6/30/17
Carla Thornton	Term expires 6/30/18
Michael J. Riiff, Chairperson	Term expires 6/30/18
VACANT VVUSD-PTO	Term expires 6/30/18
Jason Songer MVUSD Representative	Term waived
VACANT VVUSD Representative	Term waived
Vacant Automobile Club of Southern California Representative	Term waived
Vacant California Department of Transportation Representative	Term waived
Vacant MVUSD Student Representative	Term waived
Vacant VVUSD Student Representative	Term waived

UTILITIES COMMISSION

The Utilities Commission has the general power and duty to act in an advisory capacity to the city council and staff in all matters pertaining to Moreno Valley Utility, pertaining to other utility services such as water, sewer, gas, and the investor-owned electric utility serving parts of the city; review the budget for the Moreno Valley Utility during the process of its preparation and make recommendations with respect thereto to the City Council, review and make recommendations on all MVU capital improvements which require City Council approval, review and make recommendations to the City Council regarding rates for Moreno Valley Utility, and respond to requests and concerns of the public relating to utility issues.

Consists of five (5) members; has one (1) vacancy

Misty V. Cheng, Chairperson
Customer of Moreno Valley Utility
Term expires 6/30/16

VACANT
Business Customer of Moreno Valley Utility
Term expires 6/30/16

Roy Bleckert
Public Member
Term expires 6/30/17

Larry E. Denman
Customer of Moreno Valley Utility
Term expires 6/30/17

Oscar A. Alvarez
Customer of Moreno Valley Utility
Term expires 6/30/18

Attachment: List of Boards and Commissions / Members-Terms (2030 : REVIEW OF CITY BOARDS AND COMMISSIONS)