



## **AGENDA**

### **CAPITOLA COMMISSION ON THE ENVIRONMENT**

Wednesday, January 22, 2014 – 6:00 P.M.  
City Council Chambers  
420 Capitola Avenue, Capitola CA

**1. CALL TO ORDER & ROLL CALL**

COMMISSION MEMBERS: Bruce Arthur, Arnie Forest, Dennis Norton, Elisabeth Russell, Kristin Sullivan

**2. OATH OF OFFICE AND INTRODUCTIONS:** All commission members will be sworn in

**3. WRITTEN AND ORAL COMMUNICATIONS**

*The commission will receive written communications and consider brief oral communications about items not on the agenda.*

**4. APPROVAL OF MINUTES:** None.

**5. OTHER BUSINESS:**

- a. Commission Guidelines and other housekeeping matters
- b. Election of Chair and Vice-Chair
- c. Consider appointment of a non-voting ex officio member – student participant
- d. Adopt Meeting Schedule for 2014
- e. Discussion of Commission goals and programs
- f. Single-Use Plastic and Paper Carryout Bag Reduction Fee Review

**6. ITEMS FOR NEXT AGENDA**

**7. ADJOURNMENT – Adjourn to the next meeting to be determined.**

If you require special assistance in order to attend the meeting, including needs addressed by American with Disabilities Act, please notify the City at least 3 days prior to meeting by calling (831) 475-7300.

**CITY OF CAPITOLA  
COMMISSION ON THE ENVIRONMENT  
Agenda Report**

**Meeting Date: January 22, 2014**

**Agenda Item: 5.a**

**Subject: Commission Guidelines and other housekeeping matters**

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Meeting Guidelines

A copy of the City's Guide to Boards, Commissions, and Committees is attached.

- Brown Act public meetings
- Quorum necessary to hold meetings
- Commission to elect Chair and Vice Chair who run the meetings

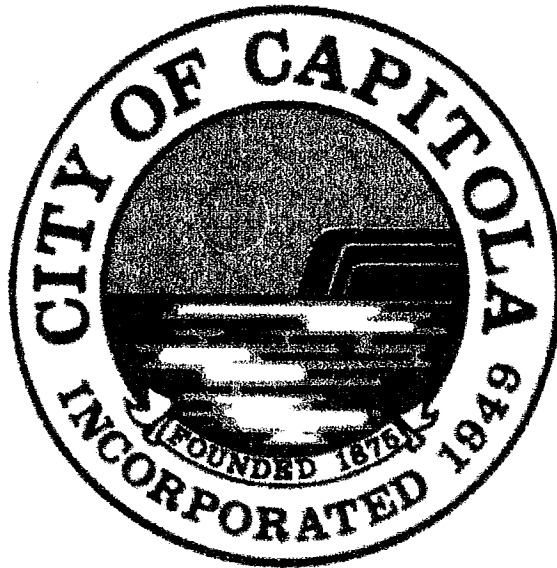
Discussion and input of the following items is request by the commission:

1. Agenda and large document distribution
  - a. Paper or electronic
  - b. Full agenda or meeting notice
2. Agenda distribution times
3. Notice of known absences
  - a. Call or email staff in advance of meeting
  - b. Attendance Policy is attached

# **CITY OF CAPITOLA**

## **BOARD, COMMISSION AND COMMITTEE GUIDE**

A Reference Guide  
for City Advisory Bodies



**CITY OF CAPITOLA**  
420 Capitola Avenue  
Capitola, CA 95010

**(831) 475-7300**  
**[www.ci.capitola.ca.us](http://www.ci.capitola.ca.us)**

*Prepared by the Office of the City Clerk  
Pamela Greeninger, CMC*

***ISSUED: March 1, 2005***

*Revised August 10, 2006*

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**Exhibits**

1. Resolution No. 3223 Establishing Attendance and Leaves of Absence Policy for City Advisory Bodies
2. Capitola Municipal Code Section 2.24.055
3. Memorandum from City Attorney to Capitola Board, Commission & Committee Members regarding Powers & Duties

## Welcome

Welcome and thank you for your willingness to serve as a member of a City of Capitola advisory body. Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff and departments, and the City Council.

The City of Capitola has a varying number of advisory bodies, each with distinct responsibilities. As a new advisory body member, you should familiarize yourself with the documents governing your particular body: these may include City ordinances, City Council resolutions, advisory body bylaws, relevant element(s) of the General Plan, and other documents, all available from your staff liaison. Review of these documents will help you get a sense of what your responsibilities are and what they are not.

This Guide has been prepared to serve as a reference for the basic protocols that apply generally to all City advisory bodies. Orientation is necessarily an active process. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. Along with familiarizing yourself with your advisory body's foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's work program to familiarize yourself with current goals.

Your participation is appreciated by the members of the City Council, by City staff, as well as by your community. Learning your role and developing an effective voice takes time and familiarity with your particular advisory body. We hope this Guide will assist you towards a satisfying and productive experience.

CAPITOLA CITY COUNCIL

## CAPITOLA CITY COUNCIL

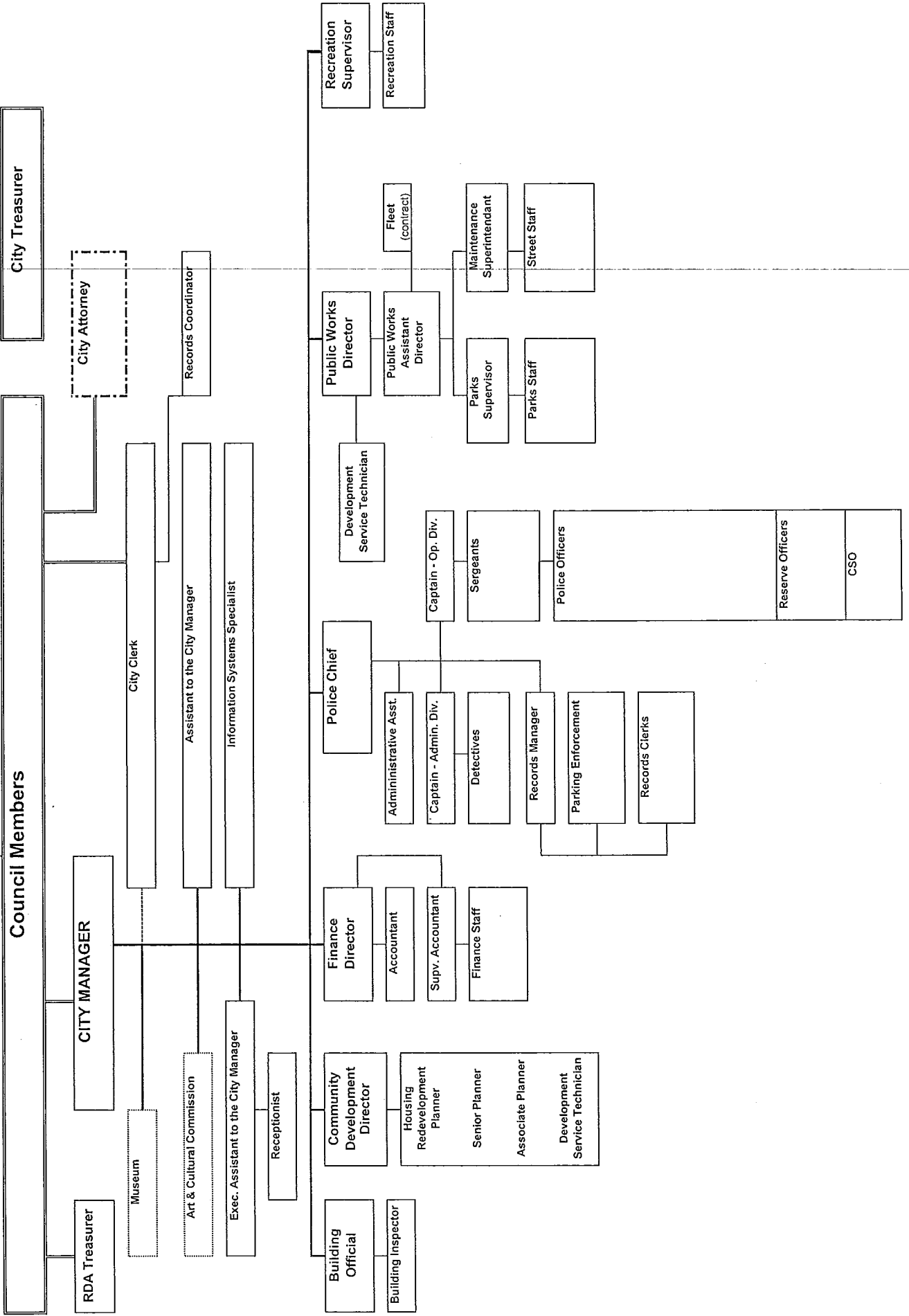
### Advisory Bodies by Departments

<b><i>Advisory Body</i></b>	<b><i>Department</i></b>
Architectural and Site Review Committee	Community Development
Art & Cultural Commission	City Manager
Commission on the Environment *	Community Development
Finance Advisory Committee *	Finance
Historical Museum Board	City Manager
Planning Commission *	Community Development
Village Master Plan Advisory Committee *	Public Works

*\*Commissions with direct appointments made by individual Council Members*

# CITY OF CAPITOLA ORGANIZATION CHART

## Citizens of the City of Capitola





## Introduction

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### **Purpose for Advisory Bodies**

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council. Certain advisory bodies have the authority to make final decisions; most such decisions may be appealed to the City Council.

Boards and commissions are established by ordinance, while committees and task forces are usually established by a motion or resolution to address particular projects or specific areas of concern. Task forces generally are given a defined period of time to accomplish their tasks.

### **How Appointments Are Made**

#### ***Applications***

Any citizen interested in serving on an advisory body is invited to complete an application form and submit it to the City Clerk's Office. Applications remain on file for one year. When a vacancy occurs, it is publicized, and applications of persons interested in serving on the particular body are accepted. The applications are forwarded to the appointing Council Member and/or the Mayor for action. Appointments are made by the Mayor and ratified by the City Council at a regular council meeting.

#### **Eligibility Requirements/Qualifications**

Unless otherwise specified, applicants are required to be 18 years of age or older and residents and/or qualified electors of the City of Capitola. Upon appointment, all new members are sworn in by the deputized staff representative. Planning Commission members are required to file Statements Of Economic Interest (Form 700) with the City Clerk's Office.

#### **Term of Office**

The term of office for members of boards, commissions, and committees is established by the implementing resolution or bylaws of the board, commission or committee. The term of office for members of task forces is generally for the life of the task force.

## ***Authorizing Documents***

The City Council approves the formation, composition, and responsibilities of all advisory bodies. Some advisory bodies, such as the Planning Commission, have responsibilities under State law. All advisory bodies operate under Council auspices and are responsible to the Council for compliance with Council Policy, the Municipal Code, and the Brown Act.

## ***Bylaws***

The operations, procedures, and duties of city advisory bodies are established in adopted bylaws. Not all city committees have adopted bylaws. In Capitola, the Capitola Historical Museum Board and Art & Cultural Commission have bylaws. Bylaws are reviewed by the City Attorney and approved by the City Council.

## **Meeting Times**

City advisory bodies meet on a regular basis, usually monthly or bi-monthly. Meetings are open to the public. The calling of a special meeting, or the cancellation of any regular meeting, must be coordinated between the Chair and staff, and shall be subject to legal notice under the Brown Act. Advisory body members must also be notified in advance of the canceling or scheduling of any meetings.

## ***Meetings***

No business is transacted without a quorum. A quorum is the number or proportion of the members of a committee that must be present at a meeting in order to transact business legally. This would be a majority of members. In a 7-member committee, 4 members must be in attendance. *Until a quorum is present there can be no meeting.* For that reason it is important that a member who is unable to attend a meeting must notify the Chair or staff at the earliest possible time. All meetings of advisory bodies are open to the public.

## ***Special Meetings***

Special meetings may be called by the presiding officer of the advisory body and coordinated with the city staff representative. Staff will prepare the special meeting notice and make sure it is delivered to each member of the advisory body and the local media at least 24 hours prior to the special meeting. Staff will also post the notice at City Hall and send the notice to the city clerk and city council via email.

Special meeting notices must specify the time, place and business to be transacted. Only matters specified on the notice may be discussed and considered by the advisory body. No items may be added to the agenda at the special meeting.

### ***Chair and Vice Chair Election***

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Each advisory body elects a Chair and a Vice Chair annually, generally at the first meeting held in a new calendar year, or as specified in the bylaws.

### **Attendance**

For advisory bodies to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Administrative Policy No. I-5, adopted by Resolution No. 3223 on June 13, 2002, addresses Attendance Policy and Leaves of Absence for City Advisory Bodies. (Exhibit 1) Members are allowed three (3) non-consecutive absences per calendar year.

Except under the most unusual circumstances, extended leaves of absence for advisory members will not be allowed.

It is important to notify the staff representative of any anticipated absence for the purpose of determining a quorum.

### ***Other***

A complete listing of all City of Capitola advisory bodies, along with the meeting days, times, and locations, as well as the City departments responsible for staffing, is available in the City Clerk's Office. Membership rosters are available in the City Clerk's Office and are public record. Please notify advisory body staff promptly of any changes in your address, phone number, email address or other personal information. Advisory body staff will provide changes to City Clerk's Office for updating roster.

## Meetings: Regular Meeting Protocol

### **Agenda Preparation and Posting**

Agendas for advisory body meetings shall be prepared by staff in consultation with the Chair following the standard agenda format. Following is the standard advisory body agenda format:



**AGENDA**  
**Advisory Body Name**  
Regular Meeting  
Time – Day – Date  
Meeting Room & Address

#### **Call to Order**

**Roll Call** (*List Board Members*)

#### **Approval of Minutes**

**Presentations** (*If applicable*)

**Oral Communications** (No action may be taken)

*The Chair may announce and set time limits at the beginning of each agenda item.*

#### **Consent Agenda**

**Public Hearings** (*If applicable*)

Title---

Presentation by----

#### **Other Business**

Title---

Recommendation----

**Subcommittee/Advisory Body Oral Reports** (*No action may be taken*)

**Information Items** (*Members may initiate items for future agendas at this time*)

#### **Adjournment**

The (*Name of Advisory Body*) adjourned to the next regularly scheduled meeting on (*Date and time*) in the (*Name of Meeting Room*).

If you require special assistance in order to attend the meeting, including needs addressed by ADA, please notify the City at 831-475-7300 at least 3 days prior to meeting.

**APPEALS** – Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing and delivered to the City Clerk's Office within ten (10) working days from the time of the boards' decision. The notice of appeal shall set forth appellant's name, phone number, address to which notices may be sent to the appellant, and the grounds upon which the appeal is made.

## **Agenda Preparation and Posting (Continued)**

### **Call to Order/Roll Call**

The Chair presides at all advisory body meetings, and the Vice Chair presides in the Chair's absence.

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To open the meeting a roll call is taken. If a quorum is present (a simple majority of the advisory body) the Chair will call the meeting to order and announcing that "The meeting of the *(name of advisory body)* will come to order." If a quorum is not present, the Chair announces, "As there is no quorum, a motion to adjourn is in order." The motion to adjourn is made by a member, seconded, and the Chair then adjourns the meeting to a specific date and time.

The staff representative or secretary is responsible for posting a notice at the meeting room entrance door when no quorum exists.

### **Approval of Minutes**

Minutes of the previous meeting are reviewed and approved at the opening of each meeting to establish continuity of action. The minutes include the name of the board, commission or committee; the kind of meeting (i.e., regular, special or adjourned); the date, time and place of the meeting; names of members present/absent and presiding officer; approval of minutes of previous meeting; items of business with motions introduced, their proposers and their final disposition; time of adjournment; and date of next meeting. After minute approval the chair and minute preparer will sign the minutes which shall be placed in a minute file for the advisory body. A hard copy will be provided to the City Clerk for filing and staff will forward a copy to the City Council via email.

### **Presentations**

This is the time when a presentation may be made to the advisory body. Such presentations must be scheduled through the Chair and staff representative for placement on the agenda. This category may be deleted from the agenda if there are no presentations to be made.

### **Oral Communications**

This is the time when members of the public may address the advisory body on matters not on the posted agenda. No action may be taken on oral communication items.

## **Agenda Preparation and Posting (Continued)**

### **Consent Agenda**

Items considered to be routine and to be enacted by one motion are placed on the Consent Agenda. Members of the advisory body or the public may request separate discussion of consent items.

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### **Public Hearings**

Public Hearings are intended to provide an opportunity for public discussion of each item listed. The title and name of presenter are listed on the agenda.

### **Other Business**

All other business for which there is no other identified agenda category is discussed under this section. The title and recommendation of each item are stated on the agenda.

### **Subcommittee/Advisory Body Oral Reports**

*Reports of commissioners and standing subcommittees:* These reports deal with accounts of what the various commissioners and committees have accomplished. The reports offer an opportunity for the entire commission to see firsthand exactly what the committees have been involved with.

*Reports of special committees:* Special committees are appointed by the Chair to study a proposal suggested by the commission, resident, or another body. Reports include the problem assigned, approach used in seeking solution, information gathered, and recommendations. All special committees should keep the Chair informed of their progress and should report at the meeting that coincides with completion of their work. The advisory body should be informed prior to the end of a meeting that specific reports will be presented at the next meeting, and a listing should appear on the agenda. A copy of written reports should be filed with the staff representative/secretary prior to preparation of the agenda. These reports will be advisory in nature and if any recommendations are to be utilized, it will take board approval.

### **Information Items**

This is the time the Chair or other board member may make announcements on items of interest and events submitted to him/her. This is also the time the Chair and/or members of the advisory body may submit items for future agendas.

## **Agenda Preparation and Posting (Continued)**

### **Adjournment**

The adjournment section of the agenda is extremely important and must include the name of the advisory body, and the date, time and location of the next regular meeting.

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If a committee meeting is adjourned to a meeting date other than that stated in the "Adjournment" section of the agenda, a Notice of Adjournment shall be posted on the committee agenda board in the City Hall foyer within 24 hours of adjournment. A copy is also provided to the City Clerk.

### *Americans with Disabilities Act Requirement*

All agendas shall include information regarding availability of special needs accommodations for the public to participate in the meeting. The following language is recommended:

"If you require special assistance in order to attend the meeting, including needs addressed by ADA, please notify the City at (831) 475-7300 at least 3 days prior to meeting."

### *Agenda Item Title and Recommendation*

The *Title* and *Recommendation* of each item on the agenda shall be descriptive and understandable to the public. The posted agenda also shall indicate when opportunity is provided for members of the public to address the advisory body.

If an advisory body member or staff intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that the Chair or staff place any item within the purview of the advisory body on a future agenda.

Discussion or action on items that are not included in the posted agenda may only occur in very limited circumstances. To discuss or act on an item *not* included in the posted agenda, an advisory body must:

- Determine that "the need to take action" arose after the agenda was posted, and that the action is required prior to the next meeting.
- Approve the determination by a vote of at least two-thirds of the members of the body or by a unanimous vote if less than two-thirds of the members are present.

## **Agenda Preparation and Posting (Continued)**

- Move, second, and vote on the item once the determination is approved.
- Include that action in the meeting's minutes along with a brief explanation of the circumstances stating the need for action and the reason the need arose after posting the agenda.
- In general, if members or staff knew of the need to act before posting the agenda and if the item was not included for reasons of scheduling convenience or oversight, members may not determine that the need arose after the agenda was posted.

Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action.

### ***Posting and Distribution***

The agenda shall be posted at least 72 hours prior to any meeting in a place visible to the public. All Capitola advisory body agendas are posted on the Board, Commission and Committee Board located in the City Hall foyer (between the Community Room and City Council Chambers).

Agenda and packet materials shall be distributed to advisory body members prior to the meeting. This can be done by mail or by email if members have an email address and agree to receive materials in that manner. It is up to individual advisory body members receiving materials by email to print meeting information. If a member does not have a computer or access to email, a hard copy will be mailed in advance of the meeting.

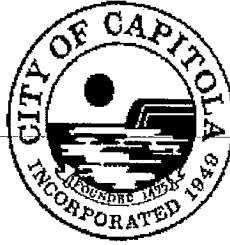
The advisory body staff representative/secretary shall also email a copy of all meeting agendas to:

City Clerk at [pgreeninger@ci.capitola.ca.us](mailto:pgreeninger@ci.capitola.ca.us)  
Records Coordinator at [lnichols@ci.capitola.ca.us](mailto:lnichols@ci.capitola.ca.us) and  
Council Members at [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us)

Copies of all notices of adjournment, special meetings, and meeting cancellations shall be emailed to the City Clerk for updating the City's Meeting Calendar and Community Channel 8 scroll.



Following is a sample of the standard advisory body Notice of Adjournment format:



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**FINANCE  
ADVISORY COMMITTEE**

**NOTICE OF ADJOURNMENT**

**NOTICE IS HEREBY GIVEN that the  
Finance Advisory Committee,  
at their meeting of *(Insert Date)*  
adjourned said meeting to its  
next Regular Meeting to be held on  
*(Insert Day, Date, & Time)*  
in the City Hall Community Room,  
420 Capitola Avenue, Capitola, CA**

**POSTED:** *Date*

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**Finance Director**

## Preparation for Meetings

- Thoroughly review the agenda packet, including agenda reports, and any other materials before the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.
- 
- Understand what action you are being called on to take regarding each particular agenda item.
  - If you have questions regarding the agenda or agenda report, contact the Chair or your staff liaison before the meeting to clarify questions or request further information.
  - Know the responsibilities of your advisory body, as well as the limitations of your individual authority. The advisory body has been created to provide recommendations to the City Council about specific issues. As a member of that body your responsibility is to contribute to the discussion of relevant topics and participate in a polite and civil manner that will lead to a decision by the body. Keep in mind that your appointment does not empower you to supervise City staff.
  - Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary or irrelevant to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position. It is important to make your decision on any matter brought before the advisory body based upon the information in the public record. Usually this includes the information in the staff report and information presented during testimony. Upon occasion, however, a member of an advisory body will have access to information that has not been put in the public record. That member should then place such information into the record. This can be accomplished in several ways. If the information is a written or published document, then a copy of that document should be given to staff during the meeting. If the member obtained the information through discussion with another individual, or through observation, then that member should verbally recount that discussion or observation for the record.

## **Preparation for Meetings (Continued)**

- Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue. It is also important to note that often time a successful policy recommendations come through compromise. Debate and compromise is often the foundation of policy in a democratic society.
- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.

## **Rules of Debate**

### ***Chair***

The Chair may debate and may second motions, but **may not make a motion**. The Chair is subject to the limitations of debate that are imposed on all members and, except for making motions, shall not be deprived of any of the rights and privileges of a member.

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### ***Advisory Body Members***

Every advisory body member desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine comments to the question under debate, avoiding all indecorous or inappropriate language and references to personalities. Abiding by the following rules of civil debate is fundamental to a properly run public meeting. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of Chair's procedural ruling).

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- (1) We may disagree, but we will be respectful of one another.
- (2) All comments will be directed to the issue at hand.
- (3) Personal attacks shall be avoided.

### ***Addressing the Advisory Body from the Floor***

#### *Securing Permission to Speak*

Any person desiring to address the advisory body shall first secure permission from the Chair. Any advisory body member may also request of the Chair that a member of the public be recognized to speak. Remarks should be directed to the matter being considered.

#### *Individuals*

Persons addressing the advisory body are requested to give their name for the record, although it is not required. If there is a sign-up sheet provided, individuals may sign in when they speak. The time limit shall be as stated in the agenda, or as directed by the Chair.

## ***Addressing the Advisory Body from the Floor*** (Continued)

All remarks shall be addressed to the advisory body as a whole and not to any individual member or to members of the audience. Without the permission of the Chair only members and the person addressing the advisory body shall be permitted to enter into any discussion. However, while advisory body members may ask speakers questions, they should not debate matters with them. An interactive discussion between a member and an individual addressing the Advisory Body should be avoided.

All remarks shall be delivered in a respectful manner.

### ***Spokesperson for Group Presentations***

Organized groups that wish to make a presentation longer than the time allowed for in the agenda should contact the advisory body staff prior to the meeting.

### ***Addressing the Advisory Body after Motion Made***

After a motion is made by the advisory body, no person shall address the advisory body except upon the request of the Chair, or a member of the advisory body through the Chair.

## **Decorum in Meetings**

### ***Proceedings***

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
- Trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.

## ***Proceedings*** (Continued)

- Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriate after the public testimony is closed.
- 

- The Chair will close the public testimony before serious deliberation begins on an issue.
- Sometimes questions can most effectively focus discussion and direct decision-making. For example,

### *For staff:*

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

### *For other advisory body members:*

- What facts come to mind that influence your opinion on this item?
- What have you heard from the residents?
- What would it take for you to support this?

### *For the public (at a hearing):*

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive, alternatives can you recommend?

### *For yourself:*

- What are we trying to accomplish—that is, what is the policy goal?
  - What are the long-range interests of the community?
  - What guidance can be found in our foundational documents, such as a mission statement?
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
  - Remember that your advisory body exists to make effective policy recommendations. It is not simply a discussion group or debating society.

## ***Proceedings*** (Continued)

- Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears.

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## **Role of Chair**

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all of the advisory body members and allowing for adequate public participation. In the absence of the Chair the Vice Chair shall act as presiding officer.

## ***Responsibilities of Chair***

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).
- Keep discussion focused on the issue at hand.
- Solicit opinions from advisory body members. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Provide structure for addressing complicated issues. This could include breaking down complex matters into component parts, then taking action on those individual parts.
- Assuring that the motion is clear and unambiguous, reflecting the desired outcome.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.

## Preparing Motions

Advisory body meetings usually are conducted according to parliamentary procedure. The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body.

When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps:

1. The member asks to be recognized by the Chair.
2. After being recognized the member makes the motion: "*I move that we...*"
3. Another member seconds the motion: "*I second the motion.*"
4. The Chair restates the motion and asks for discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: "*I call the question.*" or "*Is there any further discussion?*"
6. If no one asks for permission to speak, the Chair then puts the question to a vote: "*All those in favor say aye. All those opposed say nay.*" The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.
7. After the vote, the Chair announces the decision: "*The motion carries unanimously,*" "*The motion carries four to three (list individually if requested),*" or "*The motion has failed.*"

Some common motions include:

- Delay consideration: *I move to continue the item until* (date specific, or date uncertain).
- End discussion—A motion to table an item is not subject to debate and must be voted on immediately.
- Close Debate: *I call for the question.*
- Limit or Extend Debate: *I move to limit or extend debate to...*



## Preparing Motions (Continued)

- Request More Study: *I move to refer this to staff or (committee) for further study.*
- Amend a Motion: *I move to amend by...* If the maker and seconder of the main motion accept the amendment, then it's considered a "friendly amendment" and no separate vote is required. If it is not accepted, then a separate vote to amend the main motion is required. The amendment must be voted on **before** the main motion.
- Adopt a Staff Recommendation: *I move to adopt staff's recommendation to...*
- Deny Staff Recommendation: *I move to deny staff's recommendation to...*
- Modify Motion: *I move to adopt the recommendation with the following modifications:...*

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes.

Members may wish to write out difficult motions. If a motion gets too complicated, call a recess and have staff assist with the wording.

It is best to avoid including more than one proposal in the same motion. This is especially important when advisory body members are likely to disagree.

Any member may ask the chair to divide a motion. If others do not object, the chair may proceed to treat each proposal as a separate motion.

## Advisory Body Role and Relationships

### **Work Program**

A work program is an advisory body's plan and statement of goals for the year, prepared in cooperation with staff. It identifies important problems, challenges, and opportunities, offers a jointly developed plan to address these over the course of the year, and furthers a sense of shared purpose and responsibility among advisory body members. An adopted and published work program will:

- Establish viable short-range objectives that further the long-range goals of the advisory body
- Provide group direction, and keep the advisory body on course
- Provide a basis for measuring accomplishment
- Assist in the allocation of time, energy, and resources
- Promote continuity of action, and help keep the big picture focused

For example, a work program may include community outreach activity, a plan for addressing critical community issues, an education component, or any other tasks the advisory body identifies as key work challenges for the upcoming year.

### **Council-Advisory Body Relationship**

The primary purpose of all advisory bodies is to provide well-considered advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of critical issues, guiding the implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

## **Council–Advisory Body Relationship (Continued)**

Throughout this process, the form and formality of the relationship between advisory body members and council members will vary. Some advisory body members will have regular contact with individual council members, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair may address the Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a Councilmember individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

### **Staff–Advisory Body Relationship**

The relationship of the advisory body and staff is an active, continuous, and nuanced one. Both advisory body and staff are motivated by the shared goal of furthering the City’s best interests. Yet while the goal is shared, there are times when the approach and responsibility toward implementing the goal are significantly different. Some things that one can do, the other cannot. Sometimes staff may wish to accomplish a specific goal, but due to the constraints of their employment, they may not readily be able to advance their ideas. Likewise, the advisory body recognizes obligations to fulfill larger objectives that staff, in their demanding workloads, may sometimes overlook. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other’s strengths.

In order to recognize the range of roles and responsibilities, some of the issues to clarify are:

1. It is important to understand that all staff report to the City Manager and the City Manager reports to the City Council. There is certainly plenty of room within this relationship for staff to be responsive to the advisory body, but it is important for members to understand that if direction to staff from the advisory body occasionally conflicts with direction from the City Manager or City Council, time will be needed to work out the conflict.
2. How is direction given? Can a study be directed to the staff from an advisory body or must it be given through an administrator or elected body? Any significant demand for staff time should be directed from the advisory body to the City Council.

### **Staff-Advisory Body Relationship (Continued)**

3. How are staff proposals and recommendations handled? The staff must strive to provide the advisory body with its best professional judgment, and this should be continuously encouraged.
4. How are disputes between advisory body members and staff handled? Proper lines of communication should be established beforehand to deal with problems.

### **Staff Responsibilities**

Important staff responsibilities include:

- Providing administrative support, including agenda preparation and distribution, minutes, scheduling meeting room, posting agendas/adjournment notices/cancellation notices, etc., and providing copies of advisory body documents to the City Clerk's Office.
- Being informed about the latest developments in their field.
- Providing background and expressing views to the advisory body on important issues.
- Maintaining a professional position on all topics.
- Assisting the advisory body to stay on track and focused.
- Interpreting City Council, City department, and relevant state and federal actions and policies.
- Making sure the intent of the advisory body is not lost after a decision.
- Developing a rapport with the Chair and advisory body members.
- Alerting advisory body members of possible detrimental actions.
- Presenting advisory body recommendations to the City Council.

In the event that the recommendation of staff and the recommendation of the advisory body differ regarding a given issue, both recommendations should be presented to the City Council. Staff and the advisory body will decide together how to handle presentation of the alternatives to the Council. The format may vary. For example, both staff and the advisory body can each present a report. Or, staff can present both alternatives, with the advisory body Chair or chosen member delegate present to answer Council's questions.

## **Staff Responsibilities** (Continued)

When there is a significant minority opinion, it can also be brought to the attention of the Council, either as a separate report, or as testimony from an advisory body member. Regardless of the approach chosen, every effort should be made by staff to include the *approved* advisory body minutes of the relevant meeting(s) as part of the Council agenda report.

### **City Clerk**

The City Clerk is a resource for advisory bodies. The City Clerk's Office accepts and maintains applications, processes appointments, updates membership rosters, bylaws, informational booklets, guidelines, etc. The City Clerk is also a resource with respect to the Brown Act, agenda processing, and meeting procedural questions. The City Clerk is the filing officer for Statements of Economic Interests, and any other required filings as identified by the City Council and by the State.

### **City Attorney**

The City Attorney is a resource for understanding compliance with the Brown Act, for agenda legality issues, meeting process questions, and conflict of interest determinations. If such questions arise for a member of an advisory body, that member is encouraged to contact the City Attorney directly.

## Legal Matters

### **The Brown Act**

City of Capitola advisory bodies are subject to State law governing open meetings and records. The California law governing open meetings is found in the California Code, Government Code, Sections 54950-54962. It is popularly referred to as the "Brown Act." The general intent is that advisory bodies act openly and that their records be open to the public.

Exemptions may exist and each body should orient new members on what, if any, exemptions exist for their meetings and records.

Further information concerning the Brown Act and its application to City advisory bodies may be found in City Council Policy Number 5.11. The full text of the Brown Act can be found on the Internet at:

<http://caselaw.lp.findlaw.com/cacodes/gov/54950-54962.html>

## ***AB 1234 - Local Agencies: Compensation and Ethics***

February 22, 2005, Assembly Member Salinas introduced AB 1234. On October 7, 2005, AB 1234 was Chaptered by the Secretary of State as Chapter 700, Statutes of 2005. AB 1234 mandates that ethics training be provided by any local agency that pays any compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body. The training must be provided to each member of the legislative body, each elected official, and any employees who may be designated by an agency to receive the training. After initial training, members must be provided training every two years thereafter. Specific topics are required to be covered in such training and include gift limitations, honoraria prohibitions, conduct upon leaving office, etc.

### ***Meeting Types***

The Brown Act recognizes two types of meetings: regular meetings and special meetings. Regular meetings are held at the time and place specified in the bylaws or are meetings which have been "adjourned to" and are referred to as adjourned regular meetings. Special meetings may be held at a different time or place to discuss issues that cannot be accommodated on regular meeting agendas but must still comply with notice requirements. Advisory body staff is responsible for identifying the type of meeting and posting all notices, including the agenda and notice of adjournment.

### ***Regular Meetings***

The Brown Act requires each legislative body to set the time for regular meetings by ordinance, resolution, bylaws, or whatever specifies the conduct of that body's business. City Council approves all changes in bylaws, including the change of scheduled meeting dates and times.

Advisory group meetings are generally held at the City Hall complex located at 420 Capitola Avenue. Meetings may be held outside City facilities when City space is not available. Neighborhood meetings will be held outside City facilities.

The Brown Act generally requires boards and commissions to conduct public meetings. A "meeting" is considered to take place any time that a quorum of the advisory body gathers to discuss that body's business; the Brown Act prohibits a quorum from meeting privately. To this end, the Brown Act specifically prohibits "any use of direct communication, personal intermediaries or technological devices...employed by a majority of the

members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body." Hence the prohibition extends not only to personal contacts of the advisory body members among themselves outside the public meeting context, but also prohibits "serial" meetings whereby information is ultimately exchanged among a quorum of advisory body members whether or not simultaneously in one another's presence.

### ***Special Meetings***

The Brown Act provides that the presiding officer or a majority of a legislative body may call special meetings, including an advisory or standing committee, at any time. For a majority to act, there is an implied authority for them to communicate to determine if they want to call a special meeting. Written notice must be sent and received by each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station which has requested such notice in writing at least 24 before the time of the meeting. The special meeting notice must state the time and place of the meeting, and all business to be transacted or discussed. It must also be posted at least 24 hours prior to the special meeting in a site freely accessible to the public and delivered to the media. The body cannot consider business not in the notice.

### ***E-mail Communications Between Advisory Body Members***

E-mail communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members; therefore, e-mail communications between advisory body members relative to advisory body business should be avoided. While three members of a seven-member board, for example, may appropriately communicate with one another by way of e-mail, the "forwarding" of such an e-mail message on to a fourth member would result in a Brown Act violation.

### ***Adjournment or Continuance***

A legislative body may adjourn or continue any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the adjournment or continuance notice. A copy of the adjournment or continuance notice shall be conspicuously posted on the board located in the foyer to the Council Chambers/Community Room within twenty-four (24) hours after the time of adjournment or continuance. If the matter is continued to a time less than twenty-four (24) hours after the adjournment, a copy of the continuance notice shall be posted immediately following the meeting that was continued.

## ***Less-Than-a-Quorum Ad-Hoc Committees***

Most boards, commissions, committees, and task forces can create ad-hoc committees consisting of less than a quorum of their members to deal with specific issues. Such ad-hoc committees are not required to comply with the notice and open meeting requirements of the Brown Act if they exist for less than six months. This is often referred to as the "less-than-a-quorum exception."

The "less-than-a-quorum exception" generally does not apply when two or more advisory bodies each appoint less than a quorum of their members to meet on a particular subject and develop a joint recommendation.

## **Advisory Body Powers & Duties**

The City Attorney has addressed the Powers & Duties of Advisory Bodies in a Memorandum to all Capitola Board, Commission and Committee Members. A copy of that memorandum is Exhibit 3 to this Guide.

## **Conflict of Interest**

### ***Recusing Yourself***

The City of Capitola has adopted a Conflict of Interest Code incorporating, by reference, the Fair Political Practices Commission regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code that states "no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally." In addition, the California Government Code prohibits the City of Capitola from entering into contracts in which a City Official might have an interest, and likewise, prohibits City Officials from influencing the City to enter into contracts that may benefit the City Official.

The City Attorney is available to help advisory body members decide if they should declare a disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether an advisory body member should disqualify him/herself from acting on the item. In these instances, members should recuse themselves from a vote using the phrase, *"...to avoid the appearance of impropriety."*



The City's Conflict of Interest Code requires members of the Planning Commission to declare personal financial information by filing a Statement of Economic Interest (FPPC Form 700). Other advisory bodies are not required to file statements. The City Clerk is the filing officer for the City and will provide advisory body members with the documents necessary for filing.

### ***Acceptance of Employment Prohibited***

Capitola Municipal Code Section 2.24.055 prohibits a member of the City Council, Planning Commission or Architectural and Site Review Committee from soliciting employment relative to a project which has previously come before that member's Council, Commission or Committee for hearing.

### Advisory Body Jurisdiction

The role of an advisory body member is different from that of a private citizen in that ideas expressed and decisions made must be supported by those documents which guide our City. An individual advisory body member is not simply present to voice a personal opinion, but is responsible to exercise discretion within the limitations of the General Plan and the other relevant guiding documents. In other words, the advisory body member offers a citizen's interpretation of the values, goals, and procedures defined by, and bases decisions on, these underlying principles and documents.

## Final Comments

Thank you for participating in local government. Government works best when its constituents become engaged. Now that you are part of the City of Capitola policy-making family, please use the City as a resource to help you do the best job that you can for the City. The City Attorney will be glad to discuss matters of conflict or the Brown Act with you. The City Clerk is also an excellent resource. The staff liaison assigned to your advisory body is often times the best first place to begin if you have a question. The City Manager is also available to help you with any matter over which you may have concerns. We want you to be comfortable in your role as Advisory Body member and also receive satisfaction from your efforts on the City's behalf.

Once again, congratulations on your appointment. Good luck, and enjoy your time with the City of Capitola.

### Exhibits:

1. Resolution No. 3223 Establishing an Attendance Policy and Leaves of Absence Policy for City Advisory Bodies
2. Capitola Municipal Code Section 2.24.055: Prohibiting member of the City Council, Planning Commission or Architectural and Site Review Committee from soliciting employment
3. Memorandum from City Attorney John G. Barisone regarding Advisory Body Powers and Duties

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9/7/2006 1:55 PM pam

**NOTE:** This document is also available in the R: shared drive at the following file paths:

R:\Committees\Committee Guide-Forms\Committee Guide Rev 8-10-06.doc

R:\Admin Policies\Committee Guide Policy Rev 8-10-06.doc

COPY

RESOLUTION NO. 3223

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
ESTABLISHING AN ATTENDANCE POLICY AND LEAVES OF ABSENCE  
FOR CITY ADVISORY BODIES

BE IT RESOLVED by the City Council of the City of Capitola as follows:

WHEREAS, there exists a continuing and growing need to provide for active participation in the affairs of local government by an ever increasing number of the public; and

WHEREAS, the welfare and progress of the City of Capitola can be assured and enhanced by a continuing infusion of new thought, talent, enthusiasm and dedication; and

WHEREAS, it is the desire of the City Council to establish an attendance policy for all City advisory bodies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola, that the Attendance Policy and Leaves of Absence for City Advisory Bodies, attached hereto as Exhibit A, is hereby approved and effective immediately.

BE IT FURTHER RESOLVED that the City Clerk is directed to provide copies of this policy to the staff representative of each of the city's advisory boards for distribution to their members.

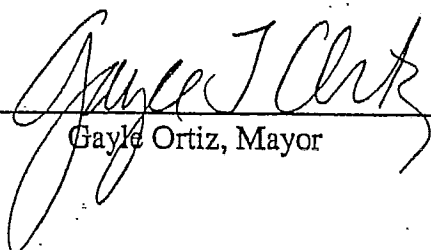
I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 13<sup>th</sup> day of June, 2002, by the following vote:

AYES: Council Members Norton, Gualtieri, Harlan, Arthur and Mayor Ortiz

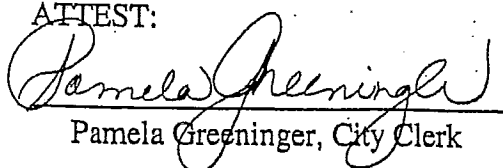
NOES: None

ABSENT: None

ABSTAIN: None

  
Gayle Ortiz, Mayor

ATTEST:

  
Pamela Greeninger, City Clerk, CMC



## ADMINISTRATIVE POLICY

Number: I-5  
Issued: 6/14/02  
Jurisdiction: City Council

### ATTENDANCE POLICY AND LEAVES OF ABSENCE FOR CITY ADVISORY BODIES

I. PURPOSE: To facilitate continuous attendance at meetings of City Council advisory bodies.

A. This policy pertains to all meetings of City Council appointed advisory bodies.

1. The staff representative of each city advisory body shall maintain attendance records for each meeting of the advisory body, and such record shall be recorded in the minutes for each meeting.
2. It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly, and each member of an advisory body is allowed three (3) non-consecutive absences per calendar year.
3. It is the responsibility of the chair or staff of an advisory body to bring attendance issues to the attention of the Mayor. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member and the chairperson that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

B. Leaves of Absence for City Advisory Body Members

Except under the most unusual circumstances, extended leaves of absence for members of city advisory body will not be allowed. Exceptions to this rule may be granted only by City Council.

Approved:

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Richard Hill  
City Manager

2.24.010 Adoption. In compliance with Section 87300 of the Government Code, the city council adopts this conflict of interest ordinance. (Ord. 405 §1, 1976).

2.24.020 Definitions. Except as otherwise indicated, the definitions contained in the Political Reform Act of 1974 (Government Code Section 81000) and regulations adopted pursuant hereto are incorporated into this conflict of interest code. (Ord. 405 §5, 1976).

2.24.030 Applicability. This conflict of interest ordinance shall be applicable to members of the city council, whether acting as council members or as members of any city board or commission. (Ord. 405 §2, 1976).

2.24.040 Disclosure requirements. Members of the city council are required, pursuant to Government Code Section 87200, to disclose investments, interest in real property and income. No other or no additional disclosure requirements are imposed by this conflict of interest ordinance. (Ord. 405 §3, 1976).

2.24.050 Circumstances requiring disqualification. Any member of the city council must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any economic interest, as defined in Government Code Section 87103. No member shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (Ord. 405 §4, 1976).

2.24.055 Acceptance of employment prohibited. A member of the city council, planning commission or architectural and site review committee shall not solicit employment relative to a project which has previously come before that member's council, commission or committee for hearing. (Ord. 847 §1, 2003)

2.24.060 Copy filed. The city clerk is directed to forward a certified copy of the ordinance codified in this chapter to the Fair Political Practices Commission. (Ord. 405 §6, 1976).



*Office of the City Attorney*

## M E M O R A N D U M

**TO:** Capitola Board, Commission and Committee Members

**FROM:** John G. Barisone, City Attorney

**DATE:** March 1, 2005

**RE:** Advisory Body - Powers and Duties

In conjunction with the City of Capitola Board, Commission and Committee Guide issued March 1, 2005, this memorandum explains how boards, commissions and committees are intended to function in a city council-style municipal government such as Capitola's.

Generally speaking, the City Council is legally vested with the authority to perform all acts necessary to govern the City and the delivery of municipal services to City residents. The Council is authorized to delegate some of this authority to City staff members and to boards and commissions; however, any authority not so delegated remains vested with the City Council. Accordingly, a Capitola advisory board or commission such as the Planning Commission, Arts Commission, Museum Board, Architectural and Site Review Committee, etc. can exercise only that authority which is expressly granted to that board or commission by the City Council and the board or commission has no legal authorization to function beyond the parameters of that delegated authority.

In Capitola, a number of boards, commissions and committees are created pursuant to provisions set forth in the Capitola Municipal Code, while others have been established pursuant to City Council resolution. In order to ascertain those tasks specifically delegated to a given board or commission, it is necessary to review the pertinent ordinance or resolution that serves to create the advisory body in question. That ordinance or resolution will generally delineate the functions and responsibilities delegated to the board or commission by the Council. In addition, in most instances boards, commissions and committees will function pursuant to bylaws which have also been approved by the City Council and these bylaws may delineate additional responsibilities or further define the responsibilities of the board or commission.

You should also note that advisory boards, commissions and committees are intended to function as a body. In other words, authority is not delegated by the City Council to individual board members and commissioners. While it is fundamental that individuals elected to legislative bodies and appointed to commissions or boards must perform their official functions as part of the full legislative body or commission (or a subcommittee appointed by the legislative body or commission), and are not authorized to perform official functions individually, members of the public do not always appreciate this fact. Accordingly, members of the public may not always be

able to differentiate when a citizen who is also a public official is acting in his or her individual capacity. In order to avoid confusion, it is therefore often incumbent upon the public official to clarify this point. While this may seem like a fine distinction, there are practical considerations which make it an important one. Obviously when a board member or commissioner speaks on behalf of the City, a citizen has the impression and expectation that there has been a municipal policy decision made relative to the topic of discussion. Under these circumstances, the recipients of the message may take action in reliance upon their understanding that they are acting pursuant to a City policy or program. In many cases, different rules apply depending upon whether the actions of individuals are undertaken privately or pursuant to a publicly sanctioned program. It is also important to make this distinction so that a board member or commissioner does not create the impression, when speaking in his or her individual capacity, that he or she is speaking on behalf of the board or commission thereby creating an inference that the board or commission has deliberated on the topic of discussion as required by the Brown Act in an open meeting scenario.

Since being retained by the City Council in September 2001 to provide City Attorney services, I have had the opportunity to meet a number of board members and commissioners, but I have not had the opportunity to meet all of you and I have not had the opportunity to address all advisory bodies with respect to any questions you may have concerning your responsibilities as board, committee or commission members or with respect to, for example, Brown Act questions or conflict of interest questions you may have. If at any time a board, commission or committee feels that it would be beneficial for me to attend one of their meetings to answer questions, I would welcome the opportunity to do so. Of course any presentation would have to be agendaized in accordance with Brown Act requirements. It would also be helpful for the chair of the board or commission to contact me beforehand so that I can arrange my schedule to meet with you.

Thank you for your attention to the foregoing and if any board members or commissioners at any time have questions, they should feel free to call me at my office. My phone number is (831) 423-8383. If e-mail is more convenient, I can be reached at [jbarisone@abc-law.com](mailto:jbarisone@abc-law.com).

Very truly yours,

John G. Barisone  
Capitola City Attorney

cc: Mayor and City Council Members  
Richard Hill, City Manager

**CITY OF CAPITOLA  
COMMISSION ON THE ENVIRONMENT  
Agenda Report**

**Meeting Date: January 22, 2014**

**Agenda Item: 5.c**

**Subject: Consider appointment of a non-voting ex officio member – student participant**

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At the October 24, 2013 meeting, the City Council adopted Resolution No. 3967 (attached), which in part, specified that the COE may, at their discretion, appoint non-voting ex officio members such as student participants.

Prior to the COE hiatus, Madeline Marlatt had applied to serve as the student representative on the commission. Ms. Marlatt has maintained her interest in working with the COE, and responded to the City Clerk's recruitment notice for a non-voting ex officio member.

Staff recommends that the COE appoint Ms. Marlatt as the student participant.



## RESOLUTION NO. 3967

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 3424 AND RE-ESTABLISHING  
THE COMMISSION ON THE ENVIRONMENT**

**WHEREAS**, The City of Capitola benefits substantially from numerous and significant environmental resources, some of which include Soquel Creek, the ocean and Capitola Beach, and associated riparian and sensitive habitat areas; and

**WHEREAS**, protection and enhancement of these environmental resources maintains and enhances a quality of life in the City of Capitola that is beneficial to all; and

**WHEREAS**, the City Council of the City of Capitola desires to receive advice and recommendations on matters of an environmental concern from a special commission comprised of dedicated individuals with expertise in ecological and resource protection issues; and

**WHEREAS**, it is the desire of the City Council to establish such a commission and to provide for its regular time and place of meeting and staff.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola that Resolution No. 3424 is hereby repealed in its entirety.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Capitola as follows:

- Section 1. The Commission shall be called the City of Capitola Commission on the Environment (COE) and is hereby established.
- Section 2. The purpose of the COE is to provide advice and recommendations to the City Council on policy matters relating to sustainability, environmental protection, and resource enhancement which benefit the City of Capitola and which are not under the jurisdictions of existing committees or commissions. The COE will also, from time to time, consider any such matters referred to it by the City Council or the City Manager.
- Section 3. The COE shall be comprised of five members, consisting of one City Council member and one appointee from each of the remaining four City Council members. The COE may, at their discretion, appoint non-voting ex officio members such as student participants.
- Section 4. The COE members may be City residents or non-residents.
- Section 5. The regular meetings of the COE will be held on a monthly basis.
- Section 6: The City will provide staff support to the COE as assigned by the City Manager. The assigned staff will be primarily responsible for assisting the COE with the preparation of agendas and minutes, compilation of material for discussion at meetings and follow-up as necessary.

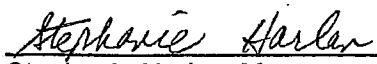
**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 24<sup>th</sup> day of October, 2013, by the following vote:

AYES: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan

NOES: None

ABSENT/ABSTAIN: None

ATTEST:  CMC  
Susan Sneddon, City Clerk

  
Stephanie Harlan, Mayor

**CITY OF CAPITOLA  
COMMISSION ON THE ENVIRONMENT  
Agenda Report**

**Meeting Date: January 22, 2014**

**Agenda Item: 5.d**

**Subject: 2014 Proposed Meeting Schedule**

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For 2014 it is proposed that the Commission on the Environment schedule bi-monthly meetings. Special meetings can be scheduled as necessary.

Proposed Meeting Schedule:

January 22, 2014

March

May

July

September

November

**CITY OF CAPITOLA  
COMMISSION ON THE ENVIRONMENT  
Agenda Report**

**Meeting Date: January 22, 2014**

**Agenda Item: 5.e**

**Subject: Commission Goals and Programs**

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The purpose of the Commission is to provide advice and recommendations to the City Council on policy matters relating to sustainability, environmental protection, and resource enhancement which benefit the City of Capitola. This discussion is to identify programs, priorities and scheduling for the Commission's work.

The following are suggested items for the Commission:

- General Plan Update – comment deadline February 19, 2014
- Climate Action Plan
- Green Energy Incentive Program promotion
- Open Streets Information Table – May 4, 2014
- Stormwater Single Family Best Managements Construction Practices
- Soquel Creek brochure
- COE web site information

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get spilled, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.

#### ◆ General Construction & Site Supervision

##### General Principles

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, gutters, storm drains and drainage channels.
- Ensure dust control water does not leave the site or discharge to storm drains.
- Train your employees on these BMPs and familiarize them with storm water issues prior to beginning work. Inform your subcontractors about storm water requirements and be sure that they also abide by these BMPs.
- Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.

##### Good Housekeeping Practices

- Designate one area of the site located away from storm drains, drainage swales, and creeks for auto parking and heavy equipment storage, vehicle refueling and routine equipment maintenance.
- To prevent off-site tracking of dirt, provide site entrances with stabilized aggregate surfaces or provide a tire wash area on the site, but away from storm inlets or drainage channels. Mud, dirt, gravel, sand and other materials tracked or dropped on city streets must be cleaned up to prevent washing into the storm drains.
- Keep materials and soil stockpiles out of the rain and prevent runoff contamination from the site. Store materials, stockpiles and excavation soils under cover and protected from wind, rain, and runoff. Cover exposed piles of construction materials or soil with plastic sheeting or temporary roofs. Before rainfall events, sweep and remove material from surfaces that drain to storm inlets to drainage channels.
- Place trash can around the site to reduce litter. Dispose of non-hazardous construction wastes in covered dumpsters or recycling receptacles.
- Keep dumpster lids closed and secured. For dumpsters or bins that don't have a lid, cover them with tarps or plastic sheeting, secured around the exterior of the dumpster or place them under temporary roofs. Never clean out a dumpster by hosing it down on the construction site.
- Clean up leaks, drips and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces. Use dry cleanup methods whenever possible. Water may only be used in minimum quantities to prevent dust.
- If portable toilets are used, ensure that the leasing company properly maintains the toilets and promptly makes repairs. Conduct visual inspections for leaks.
- Protect vegetation and trees from accidental damages from construction activities by surrounding them with fencing or tree armoring.

##### Advanced Planning

- Site development shall be fitted to the topography and soils in order to minimize the potential for erosion.
- Clearing limits, easements, setback, sensitive or critical areas, trees, drainage courses, and buffer zones must be delineated to prevent excessive or unnecessary disturbances and exposure prior to construction.
- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins.
- Conduct grading operations in phases in order to reduce the amount of disturbed areas and exposed soil at any one time. Unless specifically approved on the project's drainage plan, grading, sediment and erosion control plan, clearing, excavation and grading shall not be conducted during rainy weather. All rainy season grading shall be in accordance with Capitola Municipal Code Chapter 15.28.

- Control the amount of runoff crossing your site especially during excavation by using berms or temporary drainage ditches or bio-swales to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.

##### Materials & Waste Handling

- Practice Source Reduction by estimating carefully and minimizing waste when ordering materials.
- Recycle excess materials such as concrete, asphalt, scrap metal, solvents, degreasers, paper, and vehicle maintenance materials whenever possible.
- Dispose of all wastes properly by ensuring that materials that cannot be recycled are taken to an appropriate land fill or disposed of as hazardous waste. Never bury waste materials or leave them in the street or near a creek or drainage channel.

#### ◆ Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance

*Many landscaping activities and practices expose soils and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals to the storm drain during irrigation or rain events. Other exterior amenities such as ponds, pools and spas require regular maintenance using chlorine and/or copper based algaecides. Water treated with these chemicals is toxic to aquatic life and should never be discharged to the storm drain.*

##### Landscaping & Garden Maintenance

- Protect stockpiles and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- Schedule grading and excavation during dry weather.
- Use temporary check drains or ditches to direct runoff away from storm drains or drainage channels.
- Protect storm drain inlets with sandbags, gravel filled bags, straw wattles, filter fabric or other sediment controls.
- Re-vegetation is an excellent form of erosion control for any site.
- Never dump or leave soil, mulch, or other landscape products in the street, gutter, or storm drain.

##### Ponds/Fountains/Pool/Spa Maintenance

- When draining a pond, fountain, pool or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department. The city will provide guidance on handling special cleaning waste, flow rate restrictions and backflow prevention.

#### ◆ Preventing Water & Sediment Runoff

*Effective erosion and sediment control measures must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment in the site's storm water discharge relative to pre-construction levels. During the rainy season, erosion control measures must also be located at all appropriate locations along the site's perimeter and at all inlets to the storm drain system. Effective methods to protect storm drain inlets include sand bag barriers, heavy rubber mats to cover and seal the inlet, and sediment traps or basins. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.*

- Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly.
- Silt fences must be installed so that the drainage around each fence does not create additional erosion and rills down slope of the fence.
- If straw wattles are used to filter sediment runoff, ensure that the bales are actually filtering the water (and not just causing the water to travel around the bale) and that the straw pieces are not carried into the storm drain system.
- Whenever possible, use terracing, surface roughening (e.g. with a dozer), and energy dissipaters (such as riprap, sand bags and rocks) on slopes to reduce runoff velocity and trap sediments. Do not use asphalt rubble or other demolition debris for this purpose.
- All on-site erosion control measures and structural devices, both temporary and permanent, shall be properly maintained so that they do not become nuisances with stagnant water, odors, insect breeding, heavy algae growth, debris, and/or safety hazards
- A qualified person should conduct inspections of all on-site BMPs during each rainstorm and after a storm is over to ensure that the BMPs are functioning properly. For sites greater than one-acre, onsite inspections are required in accordance with the State Water Quality Control Board Construction Activities Storm Water General Permit.

#### ◆Earth Moving Activities & Heavy Equipment

*Soil excavation and grading operations loosen large amounts of soil that can be transported into storm drains when handled improperly. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces. Often, earth moving activities require use and storage of heavy equipment. Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids onto the construction site are common sources of storm drain pollution.*

#### Site Planning

- Maintain all heavy equipment and inspect frequently for leaks to repair.
- Perform major auto or heavy equipment maintenance, repair jobs and vehicle or equipment washing off-site.
- If you must drain and replace motor oil, radiator coolant or other fluids on site, use drip pans, plastic sheeting or drop cloths to catch drips and spills. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste. Recycle whenever possible.
- Do not use diesel oil to lubricate equipment parts or clean equipment. Only use water for onsite cleaning.
- Cover exposed fifth wheel hitches and other oily or greasy equipment during all rain events.

#### Practices during Construction

- Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- Protect down slope drainage courses, creeks and storm drains with wattles or temporary drainage swales.
- Use check dams or ditches to divert runoff around excavations. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.
- Cover stockpiles and excavated soil with secured tarps or plastic sheeting.

#### Spill Clean Up

- Maintain a spill clean-up kit on site.
- Clean up spills immediately. Use dry cleanup methods if possible.
- Never hose down dirty pavement or impermeable surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter and/or rags) whenever possible and properly dispose of absorbent materials.
- Sweep up spilled dry materials immediately. Never attempt to wash them away with water or bury them.
- Use as little water as possible for dust control. If water is used, ensure it does not leave silt or discharge to storm drains.
- Call 911 for significant spills. If the spill poses a significant hazard to human health and safety, you must also report it to the State Office of Emergency Services.

#### ◆Painting, Varnish & Application of Solvents & Adhesives

*Paints, varnish, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or rags. Paint materials and wastes, adhesives and cleaning fluid should be recycled when possible or properly disposed to prevent these substances from being entering the storm drains and watercourses.*

#### Handling of Surface Coatings

- Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains. Wastewater or runoff containing paint or paint thinner must never be discharged into the storm drain system.
- When there is a risk of a spill reaching the storm drain, nearby storm drain inlets must be protected prior to starting painting.

#### Removal of Surface Coatings

- Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint or varnish stripping residue, chips and dust from marine paints or varnishes, or paints containing lead, mercury or tributyltin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor.
- When stripping or cleaning building exteriors with high-pressure water, block storm drains to prevent flow to creeks and the Monterey Bay.
- Wash water from painted buildings constructed pre-1978 can contain high amounts of lead even if paint chips are not present. Before stripping paint or cleaning a pre-1978 building's exterior with water under high pressure, test paint for lead by taking paint scrapings to a local, state-certified laboratory.

#### Clean Up of Surface Coatings

- Never clean brushes or rinse paint or varnish containers into a gutter, street, storm drain, French drain or creek.
- For water based paints, paint out brushes to the extent possible and rinse into an interior sink drain that goes to the sanitary sewer.

- For oil based paints, paint out brushes to the extent possible and clean with thinner or solvent. Filter and reuse thinners and solvents where possible. Dispose of excess liquids and residue as hazardous waste.
- When thoroughly dry, empty paint cans, used brushes, rags and drop cloths may be disposed of as garbage.

#### Disposal of Surface Coatings

- Recycle, return to supplier, or donate unwanted water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste. Varnish, thinners, solvents, glues and cleaning fluids must be disposed of as hazardous waste.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite, and ensure that nothing has drifted toward the street, gutter, or catch basin.

#### ◆Roadwork & Paving

- Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
- The discharge of saw cut slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters. If slurry enters the storm drain system, remove material immediately.
- Dried, saw cut slurry must be cleaned up properly disposed so that it will not be carried into the storm drain system by wind, traffic, or rainfall.
- After breaking up old pavement, sweep up materials and recycle as much as possible. Properly dispose of non-recyclable materials.
- Cover and seal nearby storm drain inlets and manholes before applying seal coat, slurry seal, etc. Leave covers in place until the oil sealant is dry.
- In the event of rain during construction, divert runoff around work areas and cover materials.
- Park paving machines over drip pans or absorbent materials.
- Never wash sweepings from exposed aggregate concrete into a street or a storm drain inlet. Collect and return to aggregate base stockpile or dispose of in the trash.
- Remove and clean up material stockpiles (i.e. asphalt and sand) by the end of each week or, if during the rainy season, by the end of the day. Stockpiles must be removed by the end of each day if they are located in a public right-of-way.

#### ◆Concrete, Cement, & Masonry Products

- Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
- Avoid mixing excess amount of fresh concrete or cement mortar on-site.
- During tile cutting, ensure that the slurry water does not run off into the street or storm drain system. The discharge of slurry to the storm drain system is prohibited. Dried slurry must be cleaned up and disposed of properly.
- Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system. If a concrete transit mixer is used, a suitable washout box, excavation or self-washing mixer able to contain waste material shall be provided on-site.
- Never wash or rinse mixing containers and tools into the gutter, street, storm drain inlet, drainage ditches or water body.
- If conducting sidewalk work, material stockpiles must be removed and cleaned up by the end of each day. Sweep or collect unused materials and debris that remain on pavement and dispose of properly.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite. Ensure that nothing has drifted towards the street, gutter or catch basin.

#### ◆Site Clean Up

- Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage.
- The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system. If water is used to flush sediment or particles from pavement, the water must be directed to a landscaped or grassy area large enough to absorb all the water.
- If conducting road or sidewalk work, materials stockpiles must be removed and cleaned up by the end of each work day.
- Discarded building materials and demolition wastes must never be left in a street, gully, or waterway. Dispose of all wastes properly including leftover paint and chemicals. Materials that cannot be reused or recycled must be taken to the landfill or disposed of as hazardous waste.

Signed and Agreed to by:  
Project Owner or General Contractor

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**CITY OF CAPITOLA  
COMMISSION ON THE ENVIRONMENT  
Agenda Report**

**Meeting Date: January 22, 2014**

**Agenda Item: 5.f**

**Subject: Single-Use Plastic and Paper Carryout Bag Reduction Fee Review**

The attached City Council Agenda Report reviewing the fee requiring merchants charge for paper bags distributed at the point of sale will be on the Council's agenda on January 23, 2014. This report is being provided to the Traffic and Parking Commission for your review and comments before it is heard by the City Council.

## RESOLUTION NO. 3949

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
SETTING A FEE FOR EACH SINGLE USE PAPER CARRY OUT BAG AS PROVIDED  
IN CAPITOLA MUNICIPAL CODE SECTION 8.07**

WHEREAS, the City Council of the City of Capitola approved a ban on single use plastic bags and a fee on single use paper bags; and

WHEREAS, that single use carry plastic and paper carryout bag reduction ordinance is codified in Chapter 8.07 of the Capitola Municipal Code; and

WHEREAS, the City Council of the City of Capitola held a duly noticed public hearing on January 10, 2013 to set the fee at 25 Cents per paper bag distributed at the point of sale which is to be retained by the retail establishment as required in Section 8.07.030(D); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby resolve that the fee for each single-use paper carry out bags provided to customers at the point of sale shall be 25 Cents.

BE IT FURTHER RESOLVED that the fee will go into effect upon effectiveness of Capitola Municipal Code Chapter 8.07.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10<sup>th</sup> day of January, 2013, by the following vote:

AYES: Council Members Norton, Storey, Bottorf, Termini, and Mayor Harlan

NOES: None

ABSENT: None

ABSTAIN: None

  
Stephanie Harlan, Mayor

ATTEST:

 CMC  
Susan Sneddon, City Clerk

City of Capitola Plastic Bag Ban Ordinance Surveys conducted by Save Our Shores – Ordinance effective April 10, 2013

Date	Store Name	Street Address	Start time	Duration	# of shoppers using paper bags	# of shoppers using plastic bags	Total # of shoppers using single-use bags	Total # of shoppers using reusable bags or no bag	Total # of shoppers	% of shoppers using reusable bags or no bag
<b>Before 4/10</b>										
4/6/2013	Savemart	1475 41st Street	11:00:00	1	9	45	54	29	83	35%
4/6/2013	Target	1825 41st Street	12:08:00	1	0	86	86	39	125	31%
4/6/2013	Trader Joes	3555 Clares Street	13:20:00	1	75	0	75	99	174	57%
4/7/2013	Savemart	1475 41st Street	11:25:00	1	14	47	61	26	87	30%
4/7/2013	Target	1825 41st Street	12:33:00	1	0	91	91	47	138	34%
4/7/2013	Trader Joes	3555 Clares Street	13:39:00	1	62	0	62	113	175	65%
4/7/2013	Trader Joes	3555 Clares Street	11:20:00	1	73	0	73	115	188	61%
4/8/2013	Savemart	1475 41st Street	17:00:00	1	2	5	7	172	179	96%
4/6/2013	Target	3555 Clares Street	12:08:00	1	2	137	139	54	193	28%
4/9/2013	Trader Joes	3555 Clares Street	17:00:00	1	76	0	76	107	183	58%
TOTALS: [% of reusable/no bag BEFORE 25 cent fee]					313	411	724	801	1525	53%

Date	Store Name	Street Address	Start time	Duration	# of shoppers using paper bags	# of shoppers using plastic bags	Total # of shoppers using single-use bags	Total # of shoppers using reusable bags or no bag	Total # of shoppers	% of shoppers using reusable bags or no bag
<b>After 4/10</b>										
4/15/2013	SaveMart	1475 41st Ave		1	2	3	5	167	172	97%
4/27/2013	Trader Joes	3555 Clares Street	12:40:00	1	14	0	14	123	137	90%
4/28/2013	Target	1825 41st Street	13:52:00	1	15	0	15	101	116	87%
4/29/2013	Savemart	1475 41st Street	15:05:00	1	8	12	20	77	97	79%
4/28/2013	CVS	1750 41st Street	13:15:00	1	11	0	11	103	114	90%
4/29/2013	Rite Aid	41st Street	14:21:00	1	5	0	5	67	72	93%
4/28/2013	Trader Joes	3555 Clares Street	10:30:00	1	38	0	38	155	193	80%
5/8/2013	CVS	1750 41st Street	9:00:00	1	6	0	6	60	66	91%
5/8/2013	Rite Aid	41st Street	14:45:00	1	1	0	1	61	62	98%
5/9/2013	Savemart	1475 41st Street	11:30:00	1	9	0	9	79	88	90%
TOTALS: [% of reusable/no bag AFTER 25 cent fee]					109	15	124	993	1117	89%