



Agenda Report

Fullerton City Council

MEETING DATE: SEPTEMBER 18, 2018

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: LUCINDA WILLIAMS, CITY CLERK

SUBJECT: CITY OF FULLERTON BOARD / COMMISSION / COMMITTEE REORGANIZATION

SUMMARY

City Council considered reorganization of the City's board, commission and committee structure during its March 6, March 20, April 17, May 1 and May 15, 2018 meetings. This report discusses ongoing implementation of City Council's final direction regarding committees, specifically elimination of stipends for Planning Commissioners, creation of an Active Transportation Committee, changes to the Library Board of Trustees and creation of a Library Advisory Commission.

RECOMMENDATION

1. Introduce Ordinance No. XXXX eliminating Planning Commissioner stipends for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING CHAPTER 2.18.051 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO STIPENDS FOR PLANNING COMMISSIONERS

2. Introduce Ordinance No. XXXX amending codes related to the Fullerton Public Library to include changing the structure of the Library Board of Trustees and creating a Library Advisory Commission for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.16 OF TITLE 2 OF THE FULLERTON MUNICIPAL CODE RELATING TO THE FULLERTON PUBLIC LIBRARY

3. Adopt Resolution No. 2018-XX creating an Active Transportation Committee.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE ACTIVE TRANSPORTATION COMMITTEE AND REPEALING RESOLUTION NOS. 8366 AND 8724

PRIORITY POLICY STATEMENTS

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability.

FISCAL IMPACT

None at this time. Potential future cost savings if committee re-structuring results in reduction of staff time dedicated to board, commission and committee support activities.

DISCUSSION

City Council considered reorganization of the City's board, commission and committee structure during its March 6, March 20, April 17, May 1 and May 15, 2018 meetings. The following table lists the direction provided by City Council during those meetings and the status of each item.

Direction Provided	Status
Disband Economic Development Commission	Completed / Effective Immediately (Ordinance No. 3257)
Five directly appointed members on each board, commission and committee* *Investment Advisory Committee will continue with three at-large members. Newly formed Infrastructure and Natural Resources Advisory Committee will have five direct and four at-large members	Completed / Effective 1/1/19 (Ordinance 3258)
Merge Citizens' Infrastructure Review Committee, Energy and Resources Management Committee and Underground Utilities Committee into new committee named Infrastructure and Natural Resources Advisory Committee	Completed / Effective 1/1/19 (Resolution No. 2018-15)
No district residency requirement for committee appointments (but must live in Fullerton)	Completed / Effective 1/1/19 (Ordinance 3258)
Minimum 18 years of age to serve on a committee	Completed / Effective 1/1/19 (Ordinance 3258)

No person may serve on more than one committee at a time	Completed / Effective 1/1/19 (Ordinance 3258)
No current City employee may serve on a committee (other than the staff positions appointed to the Investment Advisory Committee)	Completed / Effective 1/1/19 (Ordinance 3258)
Create Active Transportation Committee (to replace Bicycle Users Subcommittee)	Resolution to City Council for consideration 9/18/18
Eliminate Design Review Committee (and committee member stipends)	Scheduled for City Council action October 2018
Eliminate Planning Commissioner stipends	Ordinance to City Council for consideration 9/18/18
Create working group to form a Youth Committee	In progress
Library: Municipal Code updates, transition City Council Members as Library Board Trustees, create Library Advisory Commission	Ordinance to City Council for consideration 9/18/18

Stipends and Creation of Active Transportation Committee

Per City Council direction, Staff recommends that City Council consider an ordinance to eliminate Planning Commissioner stipends and a resolution to create the Active Transportation Committee at the September 18, 2018 City Council meeting.

Library Board of Trustees and Library Advisory Commission

In working with the City Attorney’s office, specifically since the Fullerton Public Library was formed under the Municipal Library Act as codified currently under the State Education Code, Staff proposes a draft amendment to Chapter 2.16 of the Fullerton Municipal Code for consideration. The attached draft code amendments reflect City Council direction provided at the May meeting in which the City Council directed Staff to return to the Council with code updates regarding the Library Board of Trustees as well as having the City Council serve as the Library Board of Trustees in the future. The proposed amendments also ensure that such action conforms to current case law on changing the make-up of a Board of Trustees (i.e., Friends of the Library of Monterey Park v. City of Monterey Park (1989)). Accordingly, the proposed ordinance amendment updates the City’s current code regarding the Library, originally enacted in 1906, to better align with the State Education Code from 1976 and amended since. To remain compliant with case law, the updates propose that City Council Members become members of the Library Board of Trustees only upon normal expiration of current Board of Trustee Members terms.

The amendments also propose the creation of a Library Advisory Commission, with direct appointments by the City Council starting in January 2020. The addition of Section 2.39.130 would specify the following proposed duties of the Library Advisory Commission.

- A. Act in an advisory capacity to the Board of Library Trustees in all matters pertaining to the library and cooperate with other governmental agencies and civic groups in the advancement of sound library planning and programming.
- B. Review and recommend policies on library services to the Board of Library Trustees.
- C. Review proposals and recommend library projects, programs, and improvements, including grant proposals and requests for new services.
- D. Regularly report to the Board of Library Trustees regarding current or future library services.
- E. Review and make recommendations to the Board of Library Trustees regarding financing of the library, including establishment or amendment of fees and charges, capital campaigns and receipt of donations.
- F. Review and make recommendations to the Board of Library Trustees regarding the annual library budget and capital improvement program.
- G. Assist in ascertaining community attitudes and issues and promote public awareness, involvement and investment in library services and facilities.
- H. Provide legislative support and promotion.
- I. Promote intellectual freedom and enhancement of services to achieve the goal of serving the diverse needs of patrons, fostering learning, providing resources, inspiring creative thinking and bringing the community together in a safe and inviting public environment.

Overall, the amendments reiterate key components of the State Education Code which now governs municipal libraries. The amendments set the City Council as the Library Board of Trustees in the future, replacing current Library Board of Trustees members with current City Council Members as Trustee's terms expire. In order to meet state code requirements, two City Council Members will become members of the Library Board of Trustees in January 2019 and the remaining Council Members will join the Library Board of Trustees as current Trustee terms expire or become vacant. Additionally, the amendments reiterate other items such as the City Attorney as legal representative to the Library Board of Trustees and the City as retaining title to property – all of which are within the State code and the City's current municipal code. Finally, the amendment creates an appointed Library Advisory Commission and sets forth the duties of that commission to ensure the desired community input into Library activities.

As an alternative to the amendments regarding the Library, City Council can direct amendment of the current Chapter 2.16 solely to update the codes to the State Education Code.

Staff has tentatively agendaized the remaining items requiring City Council action (elimination of the Design Review Committee) in October 2018.

Attachments:

- Attachment 1 – Draft Ordinance No. XXXX (FMC Chapter 2.18.051)

- Attachment 2 – Draft Ordinance No. XXXX (FMC Chapter 2.16)
- Attachment 3 – Draft Resolution No. 2018-XX (Active Transportation Committee)