

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**Benicia Community Center  
370 East L Street  
Benicia, CA 94510**

**August 28, 2012  
6:00 PM**

*Times set forth for the agenda items are estimates.  
Items may be heard before or after the times designated.*

**I. CALL TO ORDER (6:00 PM):**

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**III. ADOPTION OF AGENDA:**

**IV. OPPORTUNITY FOR PUBLIC COMMENT:**

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply

indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**V. STUDY SESSION (6:15 PM):**

**A. STUDY SESSION ITEMS: 1) PRIORITIZATION OF POLICY ITEMS, 2) REVIEW STATUS OF PRIORITY PROJECTS AND 3) UPDATE ON BOARD & COMMISSION REVIEW. (City Manager)**

The City Council will conduct a prioritization of the Policy Calendar items and receive an update on priority projects, as well as the recently initiated review of the City's boards and commissions.

**Recommendation: 1) Review and prioritize policy items, 2) review status of current priority projects, 3) and receive an update on the review of boards and commissions; provide direction to staff as needed.**

**VI. ADJOURNMENT (8:30 PM):**

<b>Public Participation</b>
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The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

### **Disabled Access or Special Needs**

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

### **Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

### **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - AUGUST 28, 2012**  
**BUSINESS ITEMS**

**DATE** : August 20, 2012

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **STUDY SESSION ITEMS: 1) PRIORITIZATION OF POLICY ITEMS, 2) REVIEW STATUS OF PRIORITY PROJECTS AND 3) UPDATE ON BOARD & COMMISSION REVIEW**

**RECOMMENDATION:**

1) Review and prioritize policy items, 2) review status of current priority projects, 3) and receive an update on the review of boards and commissions; provide direction to staff as needed.

**EXECUTIVE SUMMARY:**

The City Council will conduct a prioritization of the Policy Calendar items and receive an update on priority projects, as well as the recently initiated review of the City's boards and commissions.

**BUDGET INFORMATION:**

There is no immediate fiscal impact associated with these study session topics.

**STRATEGIC PLAN:**

Relevant Strategic Issues:

Strategic Issue 1: Protecting Community Health and Safety

Strategic Issue 2: Protecting and Enhancing the Environment

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

Strategic Issue 4: Preserving and Enhancing Infrastructure

Strategic Issue 5: Maintain and Enhance a High Quality of Life

**BACKGROUND:**

**Policy Item List - Prioritization**

At the April 24, 2012 study session the City Council conducted an initial prioritization of the Policy Item List. Several items were removed from the list either because they had been completed or they were underway and already identified on the Priority Project List. Of the remaining policy items, the Council identified two items they wished to focus on first: the Board and Commission

Review and HPRC design review authority outside of the historical district. Due to the more comprehensive nature of the first item, the Council decided to incorporate the latter as part of that review process.

At the August 28, 2012 study session, staff will be asking the Council to review and clarify prioritization of the remaining items on the list.

### **Priority Project Update:**

Attached to this report is an updated Priority Project List. This list is comprised of top priorities as identified by the Council at the February 11, 2012 study session (see bold items in Tier 1), as well as additional priorities as identified by staff. Tier 1 includes those priorities that are high priority and expected to be completed this fiscal year. Tier 2 projects are of moderate priority and expected to be completed within the current or next fiscal year, subject to completion of Tier 1. Tier 3 projects are those of low priority and/or for which funding/resources are not available.

The list is included as part of the agenda for the August 28, 2012 study session to provide the opportunity for Council to receive an update on progress relative to these priority projects.

### **Boards and Commissions Review:**

At the June 26, 2012 study session, the Council reviewed a preliminary work program for a comprehensive Boards and Commissions Review, which included an analysis of staff time required to support board/commission activities and development of a standardized orientation program for all new board members and commissioners.

The work program proposed that the analysis be broken down into four parts, which are 1) data collection and survey of board/commission members, 2) based on a review of the data and survey responses, the City Council will develop a list of core expectations for the boards and commissions, 3) using the data, survey responses and Council expectations, staff will develop a series of suggestions and alternatives regarding the structure and duties of the boards and commissions for consideration by the City Council; and 4) if necessary staff will prepare the necessary resolutions and Municipal Code amendments to implement Council direction.

The first phase of the review has been initiated and is nearly complete. Staff has done the necessary data collection on the City's boards and commissions, and a summary of that information is presented below and a more detailed overview of each board and commission is attached to this report. We are

currently working on compiling information relative to cost of staff time per board and commission. In addition to the internal data collection, each board and commission member has been sent a survey (attached) and asked to complete the survey by August 24<sup>th</sup> as described in the work program.

This study session item is intended to provide an update to Council as to progress at this point in the process, as well as provide an opportunity for feedback.

### Overview Statistics

Average Age of Board or Commission	26 years
Average Size of Board of Commission	6 members
Largest Size	9
Average Number of Subcommittees	1
Average Number of Staff	3 staff
Average Hours Annually	370 hours of staff time per year

### Each Board or Commission's Specific Information

Name of Board or Commission	Year of Formation	State Mandated	Size	Dept Liaison	Number of Staff	Est. Annual Staff Hours
Arts and Culture Commission	2009	No	9	Library	2	888
Board of Library Trustees	1948	Yes	5	Library	4	420
Building Board of Appeals	1998	Yes	3	CDD	1	10
Civil Service Commission	1950	No	7	HR	2	78
Community Sustainability Commission	2010	No	7	CDD	4	446
Economic Development Board	1985	No	7	ED	3	402
Finance Committee	1976	No	8	Fin	3	505
Historic Preservation Review Commission	2005	No	7	CDD	4	327
Human Services Board	1985	No	9	CMO	2	232
Open Government Commission	2005	No	5	CAO	2	44
Parks, Recreation, and Cemetery Commission	1976	No	8	P & CS	4	606
Planning Commission	1970	Yes	7	CDD	6	759
Sky Valley Open Space Committee	2004	No	7	CDD	4	78
Traffic, Pedestrian & Bike Safety Committee	1983	No	5	PW	3	385

The next step in the process will be for staff to develop recommendations for Council's consideration as to core expectations for each board and commission, based on all of the information collected in the first phase, including the board and commission member survey responses.

Attachments:

- ❑ City Council Policy Item List
- ❑ Priority Project List
- ❑ Board and Commission Review Preliminary Scope of Work
- ❑ List of Boards and Commissions
- ❑ Board & Commission Information Sheets
- ❑ Board & Commission Member Survey
- ❑ Board & Commission Enabling Ordinances and Resolutions

**City Council Policy Items**

**Revised**

**August 20, 2012**

Policy Calendar Item (Requesting Council Member)	Date of Council Step 1 Approval	Department	Status	Study Session - Next Steps	Priority
A request to review and discuss each board and commission's mission, compliance with their respective mission, make up, possible changes, potential consolidations, adherence to codes, policies and Council expectations to include consideration of the current budget constraints and staff resources (Council Member Schwartzman)*	1/17/2012	CMO	Phase I of work program underway.	Receive update at 8/28 study session on Phase I.	1
Vesting Tentative Map Review (Mayor Patterson)	11/18/2008	CAO/ PWCD	Consider proposal to add criteria for Council consideration of major development proposals, such as on Seeno and Port property. See attached memo from City Attorney.	Prioritize relative to other policy items.	
Port Tax (Council Member Campbell)	8/17/2010	CAO	See attached memo from City Attorney.	Prioritize relative to other policy items.	
A request to consider amending Chapter 1.40 of the Benicia Municipal Code to prohibit contacting a contributor by someone other than the candidate or campaign treasurer (Council Member Schwartzman)	1/17/2012	CAO	See attached memo from City Attorney.	Prioritize relative to other policy items	
A request to consider an amendment that would add a provision to the voluntary Code of Fair Campaign Practices allowing soliciting at the Farmer's Market no closer than 50 feet from any of the entrances to the market (Council Member Schwartzman)	1/17/2012	CAO	See attached memo from City Attorney.	Prioritize relative to other policy items.	

\*Includes the "Review of HPRC" policy item previously requested by Council Member Campbell





City Attorney's Office  
**MEMORANDUM**

**Date:** April 10, 2012  
**To:** Brad Kilger, City Manager  
Anne Cardwell, Administrative Services Director  
**From:** Heather C. Mc Laughlin, City Attorney  
**Re:** Policy Calendar Items

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Here are the descriptions of my items.

1. Vesting Tentative Map (VTM): Review the City's current application process to make sure the criteria for application completeness is clear and to prevent staff from waiving certain requirements for application completeness. This includes reviewing and updating, if needed the "master plan" requirements in BMC Section 17.68.060 that are required for a VTM.
2. ~~Smoking Ordinance: This is a revision to the smoking ordinance. We drafted a fairly complete revision to the ordinance. We shopped it to the Youth Action Coalition, Parks, Recreation and Cemeteries Commission, Main Street, and the Chamber. It needs some more work. It is too restrictive for First Street area since there are a mix of homes and businesses in the area. Direction is needed from Council on how restrictive the ordinance should be. The previous draft is attached.~~
3. Port Tax: This is a request to review the prior opinion on the Port Tax. The opinion concluded that you could fashion a tax that would be legal but the companies impacted by the tax would sue. The opinion is attached.
4. Amending Chapter 1.40 of the Benicia Municipal Code to prohibit contacting a contributor by someone other than the candidate or campaign treasurer: This item is to prevent people from contacting contributors to local campaigns.
5. Adding a provision to the voluntary Code of Fair Campaign Practices allowing soliciting at the Farmer's Market no closer than 50 feet from any of the entrances to the market: This item would establish a free speech area for the market.

*Removed  
at  
April 04, 2012  
Study Session*

Please let me know if you have any questions.

  
Heather C. Mc Laughlin

Attachments:

Draft Smoking Ordinance (June 2010 Redlined)  
Port Tax Opinion

MEMORANDUM

6/1/04  
CONFIDENTIAL  
~~ATTORNEY/CLIENT PRIVILEGE~~

To: City Council  
From: City Attorney  
Subject: Application of a Business License Tax to Port Activities  
Date: May 12, 2004

Attached please find an opinion by Michael Colantuono discussing the application of Constitutional provisions in the context of a tax on port activities. Mr. Colantuono is assisting us in preparing a possible business license tax increase. He concludes that there is no Constitutional prohibition on a fairly apportioned business license tax.

The Constitutional provisions analyzed in the memo are the same ones that have previously been raised by Amports and Valero in discussions with them about a "Port Tax".



Attachment: May 11, 2004 Memo from Michael Colantuono

cc: City Manager  
Assistant City Manager  
Finance Director

Michael G. Colantuono  
MColantuono@CLLAW.US  
(213) 533-4146

Colantuono & Levin, PC  
555 West 5th Street, 30th Floor  
Los Angeles, CA 90013  
Main: (213) 533-4155  
FAX: (213) 533-4191  
WWW.CLLAW.US

~~ATTORNEY/CLIENT  
PRIVILEGE~~

## MEMORANDUM

TO: Heather McLaughlin, City Attorney      FILE NO: 12109.0002  
City of Benicia  
250 East "L" Street  
Benicia, CA 94510

FROM: Michael G. Colantuono, Esq.      DATE: May 11, 2004  
Mark E. Mandell, Esq.

RE: Application of Business License Tax to Commerce-Related Activities

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You have asked whether the City of Benicia is prevented by the Commerce Clause or Import-Export Clauses of the Federal and State Constitutions from levying a business license tax upon (i) a business that offloads new cars from vessels arriving at the Port of Benicia or (ii) a business that refines crude oil in the City for distribution throughout California and other western states.

As is more completely explained below, we conclude that the California and Federal Constitutions do not prohibit such taxes, so long as the taxes are fairly apportioned to business activity in the City. Furthermore, businesses that operate as contractors at the refinery and car offloading sites are also subject to any business license tax levied by the City.

*Factual Background.* The City is currently updating its business license tax. Two large businesses in the City have claimed, or may claim, that they are exempt from the business license tax because they are directly involved in interstate commerce. These businesses are (i) a business that offloads new cars from vessels arriving at the Port of Benicia and (ii) a business that refines crude oil in the City for distribution throughout California and other western states. In addition to their own, on-site, personnel, each of these businesses makes extensive use of contractors. The City has asked whether the federal or state Constitutions prevent it from imposing a business license tax on these businesses.

*Legal Background.* Two provisions of the United States Constitution directly impact the ability of a city to impose a tax upon a business involved in commerce.

The first of these, commonly referred to as the "Commerce Clause," grants Congress the power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." (Const. Art. I, Sec. 8, Cl. 2). Although the Commerce Clause is phrased as a grant of power to Congress, the clause also, "of its own force, protects free trade amongst the states."

(*Armco Inc. v. Hardesty* (1984) 467 U.S. 638, 642). Consequently, the courts have interpreted the Constitution to include a “dormant” Commerce Clause, which makes it impermissible for states (as well as cities and other political subdivisions)<sup>1</sup> “to impose taxes which burden or discriminate against interstate commerce, even if Congress has not affirmatively acted to protect interstate commerce.” (*Yamaha Corp. v. State Board of Equalization* (1999) 73 Cal.App.4th 338, 365).

The second clause, commonly referred to as the “Import-Export Clause,” provides that “No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws.” (Const. Art. I, Sec. 10, Cl. 2).

Until the 1970s, these two clauses were interpreted quite broadly. Consequently, the federal courts consistently invalidated state and local laws that taxed businesses involved in interstate commerce or trade-related activities. For example, in *Joseph v. Carter & Weekes Stevedoring Co.* (1947) 330 U.S. 422, the Supreme Court found the application of a gross receipts tax to stevedoring receipts to violate the Commerce Clause. Similarly, in *Richfield Oil Corp. v. State Board of Equalization* (1946) 329 U.S. 69, the Supreme Court held that the Import-Export Clause prohibited application of a state sales tax to sales of oil stored in Los Angeles Harbor in transit from New Zealand to Europe. In effect, these older court decisions barred “all taxes on imports and exports and on the importing and exporting processes.” (*Dept. of Revenue of the State of Washington v. Assoc. of Washington Stevedoring Companies* (1978) 435 U.S. 734, 752).

More recent cases, however, have substantially narrowed the application of both clauses. Commerce Clause. In *Complete Auto Transit Inc. v. Brady* (1978) 430 U.S. 274, 275, the U.S. Supreme Court considered a challenge to a Mississippi statute imposing a 5% tax on the gross income of “every person operating a pipeline, railroad, airplane, bus, truck, or any other transportation business for the transportation of persons or property for compensation or hire between points within this State.” The *Complete Auto Transit* plaintiff was a company that transported new cars from a railhead in Jackson, Mississippi to auto dealers throughout Mississippi. While the Court acknowledged that the plaintiff operated as one link in an interstate transaction, it held that “it was not the purpose of the commerce clause to relieve those engaged in interstate commerce from their just share of state tax burden even though it increases the cost of doing business.” (*Id.* at 278). Consequently, the Court permitted application of tax, which it described as a tax on “the privilege of doing business,” to the plaintiff (*Id.* at 289). This case is significant because it recognized, for the first time, that state and local governments could lawfully tax businesses engaged in interstate commerce.

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<sup>1</sup> The California Constitution does not include a provision parallel to the Commerce Clause. Nonetheless, California courts have held that a variety of constitutional provisions, acting in concert, “prohibit local taxes which unfairly discriminate against intercity business by subjecting such businesses to a measure of taxation which is not fairly apportioned to the quantum of business actually done in the jurisdiction.” (*General Motors Corp. v. City of Los Angeles* (1995) 35 Cal.App.4th 1737, 1743). As a result, even a tax that exempts interstate transactions must satisfy the requirements of the Dormant Commerce Clause with respect to intercity transactions within California.

*Complete Auto* established a four-point test to determine whether a tax is permissible under the Commerce Clause. Such a tax must: (i) apply to activity with a substantial nexus with the taxing jurisdiction, (ii) be fairly apportioned, (iii) not discriminate against interstate commerce, and (iv) fairly relate to the services provided by the taxing jurisdiction. (*Id.* at 287).

In *Department of Revenue of the State of Washington v. Assoc. of Washington Stevedoring Companies* (1978) 435 U.S. 734 (the “*Washington Stevedoring Case*”), the Court applied this test to uphold the application of Washington’s state business and occupations tax to stevedoring businesses. Although stevedoring, “the business of loading and unloading cargo from ships,” is clearly a part of interstate commerce, the Court held that the Washington’s tax could be applied to it in the same manner as to other businesses. (*Id.* at 237). The Court reached this conclusion by noting that “when a general business tax levies only on the value of services performed within the State, the tax is properly apportioned and multiple burdens logically cannot occur.” (*Id.* at 236).

Import-Export Clause. Over the last two decades, the Import-Export Clause has also been interpreted to permit state and local taxes upon many activities that are closely related to importing and exporting.

In *Michelin Tire Corp. v. Wages* (1976) 423 U.S. 276, 293, the Supreme Court reversed its former doctrine on the Import-Export Clause, holding that the Clause only prohibited taxes where prohibition would further one of the Import-Export Clause’s objectives, which the Court identified as:

- (i) “the Federal Government must speak with one voice when regulating commercial relations with foreign governments, and tariffs, which might affect foreign relations, could not be implemented by the States consistently with that exclusive power;”
- (ii) “import revenues [which] were to be the major source of revenue of the Federal Government ... should not be diverted to the States;” and
- (iii) “harmony among the States might be disturbed unless seaboard States, with their crucial ports of entry, were prohibited from levying taxes on citizens of other States by taxing goods merely flowing through their ports to the other States not situated as favorably geographically” (*Id.* at 285).

Reviewing these goals, the *Michelin* court permitted a Georgia county to levy an *ad valorem* tax on tires held as inventory by a wholesaler. The Court held that such a tax did not interfere with the policies that the Import-Export Clause was designed to promote.

In the *Washington Stevedoring Case*, the Supreme Court applied these same principles and concluded that application of Washington’s business and occupations tax to stevedoring did not

violate the Import-Export Clause. The Court determined that such a tax was permissible under *Michelin*. (*Washington Stevedoring Case*, at 754:

“First, the tax does not restrain the ability of the Federal Government to conduct foreign policy. As a general business tax that applies to virtually all businesses in the State, it has not created any special protective tariff. The assessments in this case are only upon business conducted entirely within Washington. No foreign business or vessel is taxed. Respondents, therefore, have demonstrated no impediment posed by the tax upon the regulation of foreign trade by the United States.

“Second, the effect of the Washington tax on federal import revenues is identical to the effect in *Michelin*. The tax merely compensates the State for services and protection extended by Washington to the stevedoring business. Any indirect effect on the demand for imported goods because of the tax on the value of loading and unloading them from their ships is even less substantial than the effect of the direct *ad valorem* property tax on the imported goods themselves.

“Third, the desire to prevent interstate rivalry and friction does not vary significantly from the primary purpose of the Commerce Clause. The third Import-Export Clause policy, therefore, is vindicated if the tax falls upon a taxpayer with reasonable nexus to the State, is properly apportioned, does not discriminate, and relates reasonably to services provided by the State.” (*Id.* at 755).

Furthermore, in permitting a tax upon stevedoring, the Court specifically held:

“the *Michelin* policy analysis should not be discarded merely because the goods are in transit, at least where the taxation falls upon a service distinct from the goods and their value.” (*Id.* at 757).

*Analysis.* The business of offloading cars from ships arriving at the Port of Benicia is, of course, stevedoring. Consequently, because the *Department of Revenue* decision held that Washington could subject a stevedoring business to a gross receipts tax, a court should hold that the City may apply a gross receipts or other business license tax to businesses that offload cars. However, such tax must satisfy the four-prong *Complete Auto* test.

The business of processing oil for further transport may also be taxed, as this activity, which is primarily a transformative activity, is quite distinct from mere transportation of goods. The fact that most of the goods so transformed might be destined for final sale outside of the City does not prohibit local taxation. (*Commonwealth Edison v. Montana* (1981) 453 U.S. 609, 618). This is true even if the result is that the bulk of the tax burden will ultimately be passed on to non-local consumers. (*Id.*)

The key issue for applying a business license tax to either stevedoring or oil refining is in the design of the tax. So long as the tax is non-discriminatory (*i.e.*, does not give local businesses an advantage over non-local businesses) and is properly apportioned (*i.e.*, is applied only to the portion of the business activity that takes place in the City), this should not be problematic.<sup>2</sup>

So long as the City does not create a credit against the tax that only a local company could enjoy, the City should not run afoul of the non-discrimination requirements. It is more difficult to properly apportion businesses activities between local and non-local activities. Consequently, while the City might want to adopt an apportionment rule, it may wish to create an appeals process under which a taxpayer may claim that its taxes would be more appropriately apportioned under some other rule. Of course, as applied to subcontractors and subsidiaries with operations solely in the City, apportionment will not be an issue.

*Conclusion.* In summary, though the City must take care to properly apportion its tax to activities occurring in the City, the City may impose a business license tax on both car offloading and oil refining businesses.

It has been a pleasure to assist you in this matter. If you need further assistance, please do not hesitate to contact Michael at (213) 533-4146 or Mark at (213) 533-4142. You may also contact us via email at [MColantuono@CLLAW.US](mailto:MColantuono@CLLAW.US) or [MMandell@CLLAW.US](mailto:MMandell@CLLAW.US).

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<sup>2</sup> These two requirements, apportionment and non-discrimination, constitute the second and third prongs of the *Complete Auto* test. The first prong, the requirement that the taxed activity have a substantial nexus in the City, is clearly met with respect to any business that operates on a site in the City. As the business license tax is a tax for general government services, the fourth prong, requiring that a tax be fairly related to services provided by a taxing jurisdiction, is also not at issue. The Supreme Court has held that, with respect to a general tax, this prong only requires that the "measure of the tax must be reasonably related to the extent of the contact" with the jurisdiction, not that the tax be related to services provided to that industry. (*Commonwealth Edison v. Montana* (1981) 453 U.S. 609, 626). This "reasonable relationship" test can be met through the use of a measure, such as properly apportioned gross receipts, payroll, or total in-City jobs, that rises or falls with increased local activity.



**DRAFT Priority Project List - Revised May 15, 2012**

PRIORITY PROJECT SELECTION CRITERIA (Project must meet one or more of these criteria to be placed on project list)

1. The work implements the City Council's Strategic Plan
2. The work would assist the City in achieving fiscal sustainability
3. The work is mandated by the State (or other agency); the City could be fined or face similar consequences if the work is not done
4. The work would generate revenue, grants or other funding
5. The work would prevent higher costs from deferred maintenance
6. The work would protect public health or safety
7. The City is significantly committed financially to the project
8. The work would promote job creation or investment in the community

**Category Definitions**

**Tier 1 – High Priority, resources/funding available, goal is to complete in FY 12/13**

**Tier 2 – Moderate Priority, resources/funding may be available, goal is to complete within FY 12/13 or FY 13/14, subject to completion of Tier 1 Priorities**

**Tier 3 – Low Priority, resources/funding not available**

	Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
<b>Tier 1 - High Priority</b> (Bold = City Council Major Priorities Selected at 2/11/12 Strategic Planning Workshop)											
1.	<b>Implement the Business Development Action Plan with primary focus on enhancing the economic competitiveness of the Benicia Industrial Park</b>	ED	Oct-11	Ongoing		Staff has already began various initiatives outlined in the BDAP. Including: Creation of new ED Website, Development/Deployment of Sustainable Management Program, Development of Business Retention Program, Finalization of Business Improvement District Process, Continuation of Tourism Program, Development of Broadband Strategy.	Giuliani	BDAP	Additional \$269,000 (recommended in BDAP) Total Non-Staff budget = \$502,700	General Fund	1,2,4,7,8
2.	Develop a funding strategy for improving Internet technology in the BIP	ED	Jun-12	Spring 2013		Staff has contracted with Tellus Associates to help develop a broadband strategy, targeting resources from the State PUC. In addition City staff and Tellus continue to partner with the East Bay Broadband Consortium to secure additional resources for a BIP Broadband project.	Giuliani	BDAP	~\$2,000,000	TBD	1,4,7,8
3.	Conduct an inventory and feasibility study for use of City vacant buildings and land	CD/PCS/ED	Apr-12	Dec-12		Inventory complete. Feasibility study for selected sites in progress as part of Housing Element update. Occupancy plan for COQ (only vacant building) in progress.	Knox		Staff resources		2,4

**V-A.15**

Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
Conduct an analysis of key departments, functions and to determine if there are operational and/or fiscal efficiency opportunities	CMO/HR/ FINANCE	Jul-12	Jan-13		CMO/HR staff working on developing an RFP for a Fire organizational analysis.	Cardwell	No	Initially staff time - will require some consultant assistance - cost TBD	General Fund and Enterprise Funds (when applicable)	1,2,7
5. Complete an employee compensation study	CMO	Sep-12	Jan-13		Staff will be working with City Council to define parameters of the compensation study.	Cardwell	No	\$20,000 - \$30,000	General Fund	1,2,7
6. Seek alternative funding mechanisms for road maintenance	PW	Ongoing	Ongoing		Staff is working with STA to identify funding possibilities.	Roberts				1,2,5,6,7,8
7. Review of FY 2011-12 and 2012-13 Budget and Develop Funding Strategies for Fund Deficits	FINANCE	12-May	12-Dec		Staff is currently reviewing FY 12-13 budget projections. City Council will discuss funding options for fund deficits on June 19, 2012. A study session to discuss the status of the Marina fund will be conducted in Fall/Winter 2012	Reid		Staff resources		1,2,7
8. Complete 2012 Employee negotiations	HR	Feb-12	TBD		All bargaining units completed except for BFA.	Cardwell	No	TBD	General Fund and Enterprise Funds	1,2,7
9. Resolution of Arsenal clean-up issue	CAO/ALL	Ongoing	Feb-14	Y	DTSC has reduced the scope of the project. Working Groups are being developed to provide FAQ.	McLaughlin				1,2,3,6,8
10. Complete the solar energy project	PW	Aug-12	Complete November 2012	Y	Final steps: landscaping at Pump Station 3, connect panels at pool.	Knox	Part of 2011-12 Renewable Energy and Conservation Project	Total Cost \$13.2M; PS 3 Cost \$1.8M	All from bonds	1,2,4,7
11. State Park agreements	ED/PCS/CAO	Aug-11	on-going		State and City executed a maint. Agreement for the State Capitol, effective May 2012 to June 2014. Staff is in the process of executing a donor agreement with State Parks to support key services at the SRA (water, chemical toilets, trash services). Staff will continue to negotiate with state parks regarding SRA vegetation management and gate access. - Benicia State Parks Assoc. is continuing with negotiations regarding a donor agreement for the Capitol/Fisher Hanlon House.	Dotson	N/A	\$25,500/yr (State Capitol Agreement) \$15,500 for Donor agreement at the SRA	General Fund (Economic Development, Parks CS,& donations/ grants)	1
12. Water/Sewer rates analysis	PW	Jan-12			Studies to determine whether rates need to be increased and if so by how much, first study session proposed for September 2012.	Morton		\$150,000	Enterprise Funds	2, 4, 5, 6
13. Landscape and Lighting District assessments analysis	PCS/PW	Jan-12	Jun-13		12/13 assessment role complete and public outreach to begin January 2013.	Dotson/Morton		\$427,665	LL&D Funds	2, 4, 5, 6
14. Construct the Downtown Intermodal Facility	PW	May-12	Jul-12		Staff has completed work on signage and detour planning. Outreach began in January 2012. Construction is underway.	Roberts	Part of a project that includes Western Intermodal Facility planned for construction 2013	Construction cost \$1.2M	\$3M in Regional Measure 2 bridge toll funds	1, 5, 6, 7, 8

	Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
15.	Secure permit approvals for the Western Intermodal Facility	PW	May-12	Winter 2012		Permit application has been submitted, awaiting reply.	Roberts/Vue	Part of project that includes Downtown Intermodal Facility (construction 2012)	No cost for permit	Total project \$3M in Regional Measure 2 bridge toll funds	1, 5, 6, 7, 8
16.	Complete Microsoft Office upgrade	IT	Jul-12	Sep-12	Y	IT is preparing to upgrade MS Office in September, pending Council approval of the purchase.	Guggemos	No	\$66,000	General Fund and Enterprise Funds	1,2,5,7
17.	Complete Groupwise upgrade	IT	Jul-12	Oct-12	Y	IT is preparing to upgrade Groupwise in late September/early October	Guggemos	No	Primarily staff time	N/A	1,2,5,7
18.	Complete 2012 Street Repair projects	PW	May-12	Jul-12	Y	Complete.	Vue		\$900,000	Gas Tax, Allied Waste, and State and Federal grant funds	1, 5, 6, 7, 8
19.	Close out Community Center	PCS	Aug-07	Sep-12		The project consisted of converting Mills Elementary School into a Community Center. Exterior site work consisted of the parking area, site lighting, ADA ramp, and fencing. Interior improvements consisted of IT work, new finishes, fire system rehabilitation, kitchen and equipment, and painting. Staff is in the process of preparing the report that will be submitted to City Council on September 18, 2012 for approval to closeout the project.	Knight	No	\$3.46 million	General Fund, Valero Good Neighbor Steering Committee	1,2,4,7,8
20.	Complete LEED Certification for Community Center	PCS	2009	May-13		The City contracted with Alice Sung, Greenbank Associates of Piedmont, CA in an effort to achieve a level of Leadership in Energy and Environmental Design (LEED) certification. The building was designed and constructed with recycled and sustainable material consisting of energy efficient HVAC, cool roof, pavers, low flow irrigation, California friendly plant material, energy efficient appliances and lighting, recycled flooring and countertops, and no voc paint. Final paperwork for design has been submitted for review. Staff is working with the LEED consultant and construction contractor in preparing the final paperwork for construction submittal.	Dotson/Knight	Part of the Community Center Project	LEED Consultant is \$48,425	General Fund, Valero Good Neighbor Steering Committee	1, 4, 7

	Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
21.	Develop/Update Financial Polices/Procedures	FINANCE	Mar-12	Nov-12	Y	Preliminary draft policies were presented to the Finance Committee on April 27, 2012 and will be further discussed at the May 25, 2012 Finance Committee meeting. It is anticipated that that financial policies will be discussed with the City Council during the months of November/December.	Reid	No	Staff resources		1,2,7
22.	Update Financial Reporting Software	FINANCE	Mar-12	Mar-13	Y	The consultant agreement has been executed. A project kick-off meeting with staff from all depts. was held in April. The project schedule developed by the software consultant provides for a March 2013 implementation date.	Reid	No	\$84,000 over 5 years	General Fund	1,2,7
23.	Update Emergency Operations Plan	FD	May-12	7/1/2012 12/31/12	Y	The Solano County Emergency Operations Plan has been received and Fire Department Staff is currently reviewing the material and editing it as needed. Completion date has been updated.	Vucurevich	The Solano County Emergency Operations Plan.	Printing cost – approximately \$100.00 / Staff Time – approximately \$1,000.00	General Fund	1,3,4,6
24.	Construct Park Road Sidewalk	PW	May-12	Jul-12	Y	Construction is underway.	Roberts		\$200,000	Regional Measure 2 (bridge toll) funds	1, 5, 6, 7
<b>Tier 2 - Moderate Priority</b>											
1.	Construct Western Intermodal Facility	PW	May-13	Jul-13		Construction scheduled to begin May 2013 and be completed July 2013.	Roberts	Part of project that includes Downtown Intermodal Facility (construction 2012)	\$1.1M	\$3M in Regional Measure 2 bridge toll funds	1, 5, 6, 7, 8
2.	Design/Construct Industrial Park Intermodal Facility	PW	2005	2013		STA and City staff is working to finalize project description.	Morton		\$1.25M	Regional Measure 2 bridge toll funds	1, 5, 6, 7, 8
3.	Secure funding to upgrade fleets	PW			Y	Replacement of vehicles used in enterprise fund activities have been proceeding according to schedule. Staff to examine further grant opportunities for other general fund activity vehicles.	Morton			Police has been successful obtaining grants for vehicles to date.	1, 2, 4, 5
4.	Update Employer Employee Relations Resolution	HR	TBD	TBD		Next steps and timing of this project on hold until HR vacancy filled.	Cardwell	No	TBD	General Fund and Enterprise Funds	2,7
5.	Restore employee training funding	FINANCE/HR	Jan-13	Jun-13		Include in next budget process.	Cardwell	Yes - budget	TBD	General Fund and Enterprise Funds	2,3,6,7
6.	Update email policy	CAO/IT	2011	2012	Y	A draft will be circulated for comment and adoption.	McLaughlin				1
7.	Develop IT Plan for City	IT	Sep-12	Jan-13	Y	Following upcoming upgrades, IT staff to work with City departments to develop IT plan.	Guggemos	No	TBD	General Fund and Enterprise Funds	1,2,5,7
8.	Adopt Alcohol Ordinances	CAO/POLICE		TBD	Y	Input will be needed on the scope of the project at this date. Previous drafts will need to be reviewed.	McLaughlin			General Fund	6

	Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
9.	Adopt Smoking Ordinance	CAO		TBD	Y	The scope of the draft ordinance needs to be reduced and recirculated.	McLaughlin			General Fund	6
10.	Complete update of ADA Transition Plan	CAO/ALL		2012		A draft will be circulated for comment and adoption this summer.	McLaughlin			ABAG Grant	1,3,6
11.	Update Sign Ordinance	CAO/PW	2012	Dec-12		A committee has been formed and had their first meeting. A draft will follow. Adoption expected by the end of the year.	McLaughlin			General Fund	1,8
12.	Library services: reorganize to accommodate elimination of state funding	LIBRARY	Dec-11	Dec-12	Y	Funds being provided for literacy services in the State's 2012-13 budget. Reorganization pending further information.	Smikahl	Examination of department and possible reorganization to adapt to frozen positions, vacancies, and anticipated retirements.	NA	General Fund, Measure B	1, 2, 8
13.	Library services: incorporate regional consortium/network activities	LIBRARY	Dec-11	Dec-12	Y	Funds being provided for consortium/network activities in the State's 2012-13 budget. Working with regional consortiums to continue to provide essential services: regional consortium meeting scheduled for August 27, 2012	Smikahl	Examination of department and possible reorganization to adapt to frozen positions, vacancies, and anticipated retirements.	NA	General Fund, Measure B	1
14.	Adopt Arts & Culture Commission Public Arts Policy	LIBRARY	Aug-11	Dec-12	Y	The Benicia Public Art Policy is designed to serve as a guide for the City's acquisition, display, placement, and retention of public art. This document is separated into two sections: the first provides the overarching policies for the program and the second provides guidance for the practical implementation of procedures. The Arts and Culture Commission has approved a policy to be sent to Council in September 2012.	Smikahl		NA	Creates funding account for public art	1
15.	Implement Public Art Program	LIBRARY	2010	Jun-13	Y	Public Art Committee is working with local artists on a recycled glass and metal piece to be placed in the community center. Will submit a grant application to CSC in November 2012 for funding, and, if approved, will bring the preliminary design to Council in late winter or early spring 2013 for approval.	Smikahl		NA	Grant from CSC / Possible future funding from separate account established for funding public art.	1

Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
16. Fire apparatus replacement	FIRE	Mar-12	Jul-12	Y	A draft plan has been prepared by the Fire Department and submitted to the Finance Director. The Finance Director is evaluating the plan and calculating costs.	Vucurevich		Staff Time – Approximately \$500.00	General Fund	1, 2, 5, 6
17. Implement Fire Records Management System	FIRE	Feb-12	Jan-13	Y	The new Fire House Records Management System is operational. The system has been interfaced to our Computer Aided Dispatch Software. The system is Cloud Based and accessed through the Internet. It is being used to enter emergency incident reports, training reports, daily staff activities, activity scheduling, and fire prevention inspections. The system also provides required call information to the National Fire Incident Reporting System and the California Fire Incident Reporting System. The system has the capacity to do emergency medical patient care reports, fire investigation reports, cost recovery billing, monthly-quarterly and annual reports and a variety of other functions that will be evaluated for implementation over the next several months. Engine Company Inspections and Fire permits are now being completed on iPads in the field.	Vucurevich		Undetermined amount of staff time. Fire House User Training - \$11,500.00 / Annual Maintenance Fees – \$8,700.00 * The cost to purchase the software program and computer aided dispatch interface have already been expended, and are not included in the project costs.	General Fund	1, 3, 4, 6, and 7
18. Conduct Waterfront Park Master Plan RFP process	PCS	2012	Nov-13	Y	Four firms were interviewed in June by a selection panel comprised of three City staff and representatives from Benicia Main Street and the Waterfront Subcommittee of the Parks, Recreation and Cemetery Commission. Staff is preparing the report that will be presented to City Council in September to award a contract to the selected firm.	Knox/Dotson	Yes. Development of Urban Waterfront Enhancement and Master Plan.	Total Budget - \$170,000	Park Dedication Coastal Conservancy Grant	1, 4
19. Develop Fire water rescue capabilities	FIRE	Apr-12	Jul-13		The Benicia Fire Department has been working with the Vallejo Fire Department on developing an agreement on the use of a Fireboat currently owned by the City of Vallejo. The general concept of the agreement is the Benicia Fire Department will take possession of the boat and have full use of the vessel in providing service to the community of Benicia. In exchange, the Benicia Fire Department will respond the Fireboat to incidents in Vallejo when requested. We are currently working with the City Attorneys on drafting an agreement that will be presented to both City Councils. Eight Fire Department members have been trained as Rescue Swimmers. We are evaluating the purchase of a small watercraft, such as a Zodiac boat, for the first phase of the project. The use of the Vallejo Fire Boat is being postponed for future consideration.	Vucurevich		Training costs – undetermined. Boat cost – undetermined. Equipment costs – undetermined. Boat maintenance costs - undetermined	General Fund	1, 6
20. Update Personnel Rules and Policies	HR	TBD	TBD		Timing of this project on hold until HR vacancy filled.	Cardwell	No	TBD	General Fund	

	Project Description	Lead/Support Department/ Divisions	Date of Initiation	Proposed Completion Date	Strategic Plan Strategy	Status	Project Manager	Phase of a larger project	Est. Project Cost	Funding Source(s)	Selection Criteria
<b>Tier 3 - Low Priority</b>											
1.	Fill position vacancies and develop succession plans	HR/FINANCE	TBD	Ongoing		Next steps and timing of this project on hold until HR vacancy filled.	Cardwell	No	TBD		
2.	Obtain grants to provide a transitional shelter	CD	Late 2012		Y	Planning is just beginning on this project, sources not yet identified; construction schedule and cost not yet estimated	Porras				1, 6
3.	Update Code Enforcement Ordinance	CAO/FIRE &CD		2012	Y	A draft has been circulated to staff to review to make the code enforcement process easier with the limited resources available.	McLaughlin			General Fund	1, 2, 3, 5, 6, 7, 8
4.	Upgrade/improve City website	IT	Aug-12	TBD	Y	Will be incorporated into IT Plan (see #8 - Tier 2). Next steps will be determined based on recommendations of Plan.	Guggemos	Yes - IT Plan	TBD		1,7
5.	Adopt Lower Arsenal Plan	CD	Draft Plan released 2007			Planning Commission and Council to consider resumption of project after State provides clear direction on potential toxics issue - completion date not estimated, no additional funds available	Knox		\$400,000 in consultant planning work through 2007	General Fund	1, 5, 8
6.	Address Police building space needs	Police	TBD	TBD	Y	<p>The existing police facility was built as a High School in 1942. Upon being condemned as a school facility, it became home to the police department in 1962. The building has undergone a series of remodels and configurations over the years, ending up as it is today with a total of 13,000 square feet, including the portable trailer in the south lot that houses the Investigations Unit.</p> <p>In November of 2003, a bond measure was placed on the ballot (Measure O) that would have generated \$14M in bond funds to build a new police facility (about \$7.5M) with additional monies set aside to make major improvements to the overall "government campus" site that the police department and City Hall currently sits on. Although Measure O passed by a majority vote (51% to 49%), it fell short of the 2/3rd vote needed for the bond measure. Since then, approximately \$2M has been spent on the facility to bring it to current earthquake standards, remodel and upgrade both the Emergency Communication Center and holding facility area, and improve the overall appearance throughout the department</p>	Bidou	No	TBD	TBD	1,5,6
<b>Completed Projects</b>											
1.	Complete installation of FCC Narrow Band upgrade	IT				Completed	Guggemos				
2.	Library services: upgrade Integrated Library System and fund training	LIBRARY			Y	Completed	Smikahl				
3.	Complete CAD/GIS Software upgrades	PD/IT			Y	Completed	Ayala				
4.	Support public information efforts towards passage of Measure L	LIBRARY	Jan-12	Jun-12		Completed	Smikahl				2, 4
	Health Care Plan Redesign	HR	Mar-12	Jul-12		Completed - the City now offers three Kaiser options to employees and a higher copay plan with HealthNet. These changes now allow for reduced cost options for employees relative to health care.	Cardwell				

V-A.21



# Benicia Boards and Commissions Review Preliminary Work Program

Revised May 14, 2012

## PROJECT DESCRIPTION

Review and discuss each board and commission's mission, compliance with their respective mission, make up, possible changes, potential consolidations, adherence to codes, policies and Council expectations to include consideration of the current budget constraints and staff resources (project includes evaluation of design review duties of HPRC).

## PRELIMINARY WORK PROGRAM

### Phase I

#### A) Collect Boards and Commissions (B/C) Background Information

- Date of formation
- Reason for formation
- Mission of B/C
- Is this a mandated body (State requirement)?
- Number of members and if applicable specific duties
- List subcommittees or task forces formed
- Department responsible for staffing B/C
- Specific staff members assigned to B/C
- Tasks performed by staff in support of B/C
- Individual and total staff hours spent on a monthly and annual basis by task, including overtime hours
- Percentage of staff time spent on B/C relative to total staff hours available

#### B) Board & Commission member Survey (Sample Questions)

1. Do you feel your B/C is or is not fulfilling its mission and why or why not? Please reference the Purpose and Duties sections of the Municipal Code in your response.
2. What suggestions do you have on how your B/C could be more effective?
3. How do you view the role of your board or commission relative to the Council, citizens, other B/C's and staff?
4. How do you view your role on your B/C?
5. Are there resources you think would help your B/C be more effective that are not currently available to your commission?
6. What do you feel would be the most beneficial elements to include in an orientation for new appointees?

## **Phase II**

Conduct City Council meeting to review data and develop list of expectations for boards and commissions

## **Phase III**

### **A) Conduct Analysis of B/C's (Sample Analysis Topics)**

1. Is the mission/purpose of the B/C still relevant to current City Council goals and priorities? If not, should it be changed; combined with another B/C or eliminated?
2. Is the B/C accomplishing their purpose and duties, if not why?
3. Has the B/C assumed responsibilities outside their defined purpose and duties?
4. Given reductions in staffing over the last two years, does providing support to the B/C reduce availability of staffing for other City Council priorities or impact the provision of services to the public?
5. Are there any modifications to the purpose, duties, structure, or member qualifications that would improve the effectiveness of the B/C?

### **B) Present Findings to City Council and receive direction**

## **Phase IV**

### **A) Prepare necessary Code amendments, resolutions, policies and procedures**

### **B) Develop B/C member orientation packet(s)**

## **Benicia Boards, Commissions and Committees** **August 22, 2012**

- Arts and Cultural Commission (O/BM/AR)
- Building Board of Appeals (O)
- Civil Service Commission (O)
- Community Sustainability Commission (O/BM/AR)
- Economic Development Board (O)
- Finance Committee (R/MM/CC)
- Historic Preservation Review Commission (O/AR)
- Human Services Board (R/AR)
- Board of Library Trustees (O/MM/AR)
- Open Government Commission (O/AR)
- Parks, Recreation & Cemetery Commission (O/MM/AR)
- Planning Commission (O)
- Sky Valley Open Space Committee (R/CC)
- Traffic Pedestrian & Bicycle Safety Committee (R/CC)
- Design Review Board (O)\*
- Industrial Development Authority (O/MM)\*
- Mobile Home Rent Review Commission (O/AR+)\*

### **Footnotes**

O = Enacted by Ordinance

R = Enacted by Resolution

MM = Required Monthly meeting

BM = Required Bimonthly meeting

AR = Required Annual Report (+ = Semi- annual report)

CC = City Council members on Commission

\* = Inactive board or commission



**ARTS AND CULTURE COMMISSION  
Benicia Boards and Commissions Review  
Preliminary Work Program – Part 1 Background Information**

1. **Date of Formation** – August 18, 2009
2. **Reason for Formation** – At the August 20, 2008 Special Meeting of the City Council, the public indicated an interest in establishing a body that could assist in coordinating the interaction among artists, related organizations, local government, etc., in terms of seeking funding for the arts and increasing public awareness of cultural resources and activities. A task force was established to investigate possible options, and a recommendation to establish a commission was presented to the City Council in April 2009. The establishing ordinance was passed by the City Council on August 18, 2009, and the first regular meeting of the Commission was held in January 2010.
3. **Mission of Commission** – To ensure that arts and culture are integral to our community's quality of life, economic vitality, and central identity.
4. **Is this a mandated Body** – Not a State Required Commission. Mandated by Benicia Municipal Code 2.04.010
5. **Number of members and if applicable specific duties** –  
The commission consists of nine voting members.
6. **List subcommittees or task forces formed** –
  - Public Art Committee (7 members)
  - Community Outreach Committee (5 members)
  - Film Festival sub- committee (6 members)
7. **Department responsible for staffing** – Library
8. **Specific staff members assigned to Commission** –
  - Library Director
  - Library Technician (serves as Commission's secretary)
9. **Tasks performed by staff in support of Commission, with total staff hours spent on a monthly basis by task.**  
Commission
  - Prepare monthly agenda and staff reports -- 6 hrs/month
  - Research information and data pertaining to staff reports – 10 hrs/month
  - Prepare monthly packet – 1 hr/month
  - Prepare and post minutes – 2 hrs/month
  - Attend Commission meetings – 4 hrs/month

- Communicate with Commissioners regarding agenda items and projects – 16 hrs/month<sup>1</sup>

Committees and special meetings

- Book rooms and handle logistics for various committees – 2 hrs/month
- Prepare and post agenda for committees – 5 hrs/mo
- Attend Committee meetings as needed<sup>2</sup> -- 4 hrs/month
- Attend Roundtable and Collaboration meetings<sup>3</sup> -- 4 hrs/month
- Assist Commission and committees with special projects<sup>4</sup> – 20 hrs/month

**10. Percentage of staff time spent on Commission relative to total staff hours available.**

Staff spends approximately 17 hours/week on Commission related activities, or 21.35% of the total staff hours available.

<b>BACC &amp; committees</b>	Total/mo.	Director	Technician	% of staff time
Prepare monthly agenda and staff reports	6	2	4	
Research information and data pertaining to staff reports	10	4	6	
Prepare monthly packet	1		1	
Prepare and post minutes	2		2	
Attend Commission meetings	4	2	2	
Communicate with Commissioners	16	8	8	
Book rooms and handle logistics for committees	2		2	
Prepare and post agendas for committees	5	1	4	
Attend Committee meetings as needed	4	1	3	
Attend Roundtable & Collaboration meetings	4	2	2	
Assist commission & committees w/ projects	20	10	10	
	74	30	44	21.35%

<sup>1</sup> Average is 2 hrs/week for both Technician and Director

<sup>2</sup> Technician attends most meetings to assist with notes. Director attends as needed.

<sup>3</sup> 2 roundtables are planned each year. Collaboration meetings are scheduled quarterly. Both Technician and Director attend.

<sup>4</sup> These have included the Arts and Culture Brochure, Public Art Policy, Public Art Project work, etc.

## BOARD OF LIBRARY TRUSTEES

### BENICIA BOARD AND COMMISSIONS REVIEW PRELIMINARY WORK PROGRAM Phase 1 – Background Information

**Date of Formation:** August 16, 1948 by City Council Resolution #710

**Reason for formation:** California Education Code section 18910 indicates:

“The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality.”

**Mission:** The mission of the Board is to support the library in achieving its mission:

*“The Benicia Public Library contributes to the success of our diverse community by being a vital center of learning, communication, culture and enjoyment.”*

**Is this a mandated body?** Yes. Mandated by California State Law section 18910 and by Benicia Municipal Code section 2.36.

**Number of members and, if applicable, specific duties.** Both California law and Benicia ordinance stipulate that there shall be five board members for a term of three years.

Specific duties are included in California Education Code sections 18919-18926 and in Benicia Municipal Code sections 2.36.120

**Subcommittees.** The Board of Library Trustees has two subcommittees.

The Art Gallery Advisory Committee. This committee is comprised of nine members appointed by the Board of Library Trustees. The committee is responsible for recommending changes in the Art Gallery policies and procedures to the Library Board, selecting and scheduling all art or exhibits for display in the Art Gallery, determining the appropriateness of the quality and content of all works, and assisting in publicizing the Art Gallery’s policies and procedures.

The Poet Laureate Committee. This Committee is comprised of five members appointed by the Board of Library Trustees. The Committee is responsible for selecting a poet laureate for a two-year term and for reporting annually to the Library Board on the progress of the Poet Laureate program.

#### **Specific staff members assigned to the Board.**

Library Director, Diane Smikahl

Administrative Secretary, Toni Yosick

Library Managers (2) serve as the staff liaisons to the Board’s subcommittees.

**Tasks performed by staff in support of the Board.**

- Attend Board meetings – 3 hrs/mo
- Prepare monthly agenda and staff reports – 5 hrs/mo
- Research information and data pertaining to staff reports<sup>1</sup> – 10 hr/mo
- Prepare monthly packet for Board and Art Gallery Comm.—5 hrs/mo
- Prepare minutes each month and post online – 3 hrs/mo
- Meet with Art Gallery Advisory Committee – 3 hrs/mo
- Assist Art Gallery Advisory Committee with its annual Request for Art<sup>2</sup> – 3 hrs/mo
- Assist the Poet Laureate as needed --3 hrs/month

**Individual and total staff hours spent on a monthly and annual basis by task and Percentage of staff time relative to total staff hours available.**

Staff spends approximately 6.7% of the total staff hours available on the Board of Library Trustees<sup>3</sup>.

Board of Library Trustees	Total	Admin.		Professional			% Staff Time
		Director	Secretary	Managers	Librarians	Literacy	
Attend monthly Board meetings	3	1.5	1.5				
Prepare monthly agenda & staff reports <sup>4</sup>	5	2	3				
Research information/data pertaining to staff reports	10	3	1	1	2	3	
Prepare monthly packets (Board & Art Gallery Comm.)	5		4		1		
Prepare minutes and post online	3		3				
Meet with Art Gallery Advisory Committee	3			3			
Assist Art Gallery Committee	3		3				
Assist the Poet Laureate	3			3			
	35	6.5	15.5	7	3	3	6.73%

<sup>1</sup> Staff reports for the Board include:

1. a monthly literacy report
2. a monthly Education Report focusing on one topic related to library operations is prepared.
3. ongoing review of library policies, strategic plan-goals, etc.
4. an annual report.

<sup>2</sup> An annual request for art goes out each spring to the art community offering the opportunity to display art in the Library’s gallery. This includes preparing packets, sending out notices, collating information, etc. In the fall, staff prepares the completed applications with accompanying art for review by the Art Gallery Committee.

<sup>3</sup> Based upon total time for 3 full-time employees, as the Library Director will assume responsibility for attending the Art Gallery Committee meetings when they meet in September.

<sup>4</sup> Preparation includes communication via email or phone with President or other Board members.

# **Building Board of Appeals**

## **Phase I**

### **Background Information**

- **Date of formation – 1998**  
*NOTE: The Board has not met in many years.*
- **Reason for formation and Mission** – The primary duty of the building board of appeals is to hear appeals regarding the Uniform Code or California Code. In addition to this duty and any duties, rights and powers imposed by state law and the Uniform or California Codes related to building construction or safety.
- **Is this a mandated body (State requirement)?** – Yes.
- **Number of members and if applicable specific duties** – The Committee consists of three members. Each member shall be a qualified elector of the city and shall have the experience and training to judge matters pertaining to building construction.
- **List subcommittees or task forces formed** – None.
- **Department responsible for staffing commission** - Community Development Department.
- **Specific staff members assigned to commission** – Building Official.
- **Tasks performed by staff in support of commission** -
  - Prepare agenda and any requisite reports.
  - Attend Board hearings.
- **Individual and total staff hours spent on an annual basis by task, including overtime hours**  
Building Official – 10 hours if a meeting were to be held  
Building Official – less than 1%

# Civil Service Commission

## Phase I

### Background Information

- **Date of formation** – February 1950 by Ordinance 778
- **Reason for formation and Mission** – The commission shall hear and make final determinations on appeals submitted by any person in the competitive service relative to any disciplinary action of dismissal, demotion, reduction in pay or suspension, or alleged violation of personnel rules, and to certify its finding and recommendations.  
The duties of the civil service commission shall otherwise include the following:
  - Review and approve class specifications for employees in the competitive service;
  - Make recommendations to the city council on adoptions and revisions to the classification plan;
  - Consider and recommend to the city council any adoption of and amendments to the personnel rules
  - Approve requests for any variances to the personnel rules related to selection and hiring procedures for employees in the competitive services; and
  - Advise the city manager and city council on matters related to recruitment and selection processes for employees in the competitive service and on any other matters related to personnel administration. In serving in such capacity, the commission may initiate inquires and request investigations to be conducted in accordance with procedures outline in the personnel rules and civil service commission rules of conduct.
- **Is this a mandated body (State requirement)?** – No
- **Number of members and if applicable specific duties** – 7
- **List subcommittees or task forces formed** – None

- **Department responsible for staffing commission –**  
Human Resources
  
- **Specific staff members assigned to commission –**
  - Administrative Services Director
  - Senior Human Resources Analyst
  
- **Tasks performed by staff in support of commission -**
  - Prepare quarterly agenda and staff report
  - Prepare and post minutes
  - Attend commission meetings
  - Research information
  - For any appeal brought before the commission, staff would research and prepare all necessary materials.
  
- **Individual and total staff hours spent on an annual basis by task, including overtime hours –**
  - Prepare agenda, staff reports, etc. (including research)
    - Admin Srvcs Dir – 16 hours
    - Sr. HR Analyst – 24 hours
  - Prepare quarterly packet and distribute
    - Admin Srvcs Dir – 4 hours
    - Sr. HR Analyst – 6 hours
  - Communicate with board members
    - Admin Srvcs Dir – 4 hours
    - Sr. HR Analyst – 4 hours
  - Prepare Meeting Minutes
    - Sr. HR Analyst – 4 hours
  - Attend meetings
    - Admin Srvcs Dir – 8 hours
    - Sr. HR Analyst – 8 hours

# COMMUNITY SUSTAINABILITY COMMISSION

## Phase I

### Background Information

- **Date of formation** – The Community Sustainability Commission was established in 2010.
- **Reason for formation and Mission** – The purpose of the commission is to educate, advocate and provide oversight for integrated solutions that seek a sustainable balance of economic, ecological, and social health and well-being, both now and in the future.

The commission:

- Advises the City Council on implementation of the Benicia climate action plan and related City strategic plan performance measures, as appropriate.
  - Provides recommendations regarding the distribution of climate action and water conservation funds from the 2008 Valero Improvement Plan Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the climate action plan.
  - Advises the City Council on matters related to sustainability, climate change and greenhouse gas reductions, including recommendations on forthcoming innovative programs and amendments to the climate action plan, if necessary.
  - Facilitates public outreach, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, socially just, economically vibrant, and green community.
  - Prepares an annual report to City Council on implementation of this chapter.
  - Makes recommendations to the City Council regarding funding, including the search for private and public grants consistent with the needs of the community.
- **Is this a mandated body (State requirement)?** – No.
  - **Number of members and if applicable specific duties** - There are seven voting commissioners and four ex-officios (Valero, GNSC, BUSD, Amports). One

member is a high school junior or senior who lives in Benicia. Each must have expertise and/or demonstrated interest in one or more of the following areas:

1. Water quality, water use efficiency and conservation;
  2. Air quality
  3. Local and regional ecology
  4. Energy
  5. Mobility
  6. Land use/stewardship
  7. Green site planning and building
  8. Waste management
  9. Community and regional economics/finance
  10. Social Justice
  11. Public Relations
  12. Local based business management (merchants, etc.)
- **List subcommittees or task forces formed** – Outreach and Education Work Group.
  - **Department responsible for staffing commission** - Community Development Department.
  - **Specific staff members assigned to commission** – Management Analyst, Senior Administrative Clerk, Contract Climate Action Plan Coordinator, Community Development Director.
  - **Tasks performed by staff in support of commission** -
    - Prepare monthly agenda and staff reports
    - City Council reports
    - Research information and data pertaining to staff reports
    - Prepare monthly packet (send out to commission, press, post on-line)
    - Prepare minutes monthly and post on-line
    - Meetings with sub-committees
    - Communicate with Commissioners regarding agenda items
    - Respond to variety of emails throughout the month regarding various subjects
    - Manage grant-funding process
      - Contracts, Purchase Orders, Invoices, Budget
    - Management of projects recommended by CSC and approved by Council
  - **Individual and total staff hours spent on an annual basis by task, including overtime hours** –
    - Commission bi-monthly meeting –
      - 12 hours (CD Director)

- 24 hours (Mgmt. Analyst)
- 24 hours (CAP Coordinator)
- 6 hours (Sr. Admin. Clerk)
- Preparing staff agenda and reports for commission bi-monthly meeting –
  - 12 hours (CD Director)
  - 192 hours (Mgmt. Analyst)
  - 60 hours (CAP Coordinator)
- Prepare commission bi-monthly packet -
  - 12 hours (CD Director)
  - 32 hours (Mgmt. Analyst)
  - 48 hours (Sr. Admin. Clerk)
- Prepare commission bi-monthly minutes and post online\* –
  - 6 hours (CD Director)
  - 18 hours (Mgmt. Analyst)
  - 6 hours (CAP Coordinator)
  - 6 hours (Sr. Admin. Clerk)

\* Based on Commission staff preparing Action Minutes only. No Admin. staff attending meeting. Admin. staff hours are for online posting only.

- Communicate with Commissioners regarding agenda items –
  - 12 hours (CD Director)
  - 60 hours (Mgmt. Analyst)
  - 4 hours (CAP Coordinator)
- Work Group meetings (includes communication, posting of meetings, scheduling of meeting rooms –
  - 6 hours (Mgmt. Analyst)

***NOTE: Hours do not include time related to City Council review of CSC recommendations, nor management of Climate Action Plan-related projects approved by the City Council.***

➤ **Percentage of staff time spent on Commission relative to total staff hours available**

- Community Development Director – 3%
- Management Analyst – 16%
- Climate Action Plan Coordinator (funded through Valero/GNSC Settlement funds) – 8%
- Senior Administrative Clerk – 3%

# **Economic Development Board**

## **Phase I**

### **Background Information**

- **Date of formation** – October 1985 by Resolution 85-189

- **Reason for formation and Mission** –

The duties of the economic development board shall include the following:

- Identify and investigate economic development needs and opportunities in the city and annually make recommendations to the city council regarding those needs and opportunities on both a short- and long-term basis;
- Extend and promote an interest in new business relocation to the city;
- Extend and promote the economic well-being and expansion of all existing businesses;
- Promote downtown revitalization;
- Investigate development of city-owned property and land disposition, and promote if appropriate.

- **Is this a mandated body (State requirement)?** – No

- **Number of members and if applicable specific duties** – 7

- **List subcommittees or task forces formed** –

- Tourism Committee
- Business Retention / Recruitment Committee

- **Department responsible for staffing commission** –

City Manager's Office, Office of Economic Development

- **Specific staff members assigned to commission –**
  - Economic Development Manager
  - Administrative Secretary
  
- **Tasks performed by staff in support of commission -**
  - Prepare quarterly agenda and staff report
  - Prepare and post minutes
  - Attend Commission meetings
  - Research information
  
- **Individual and total staff hours spent on an annual basis by task, including overtime hours –**
  - Economic Development Manager – 276 hours
  - Administrative Secretary – 126 hours

# FINANCE COMMITTEE

## Phase I Background Information

- **Date of formation** – The Finance Committee was established in March 1976.
- **Reason for formation and Mission** – The purpose of the Finance Committee is an advisory board to the City Council and the Committee shall review financial issues that can be reasonably addressed by the City of Benicia. The Finance Committee shall coordinate with the City Council annually to prepare and approve a work program for the following year. The mission of the Finance Committee is to provide citizen input to Council and staff regarding financial policy or process issues including Audits, Financial Budgets (primarily long-term), and monthly review of the Warrant Register. In addition, the Finance Committee’s role is to help promote citizen’s participation and understanding regarding the financial condition of the City.
- **Is this a mandated body (State requirement)?** – No
- **Number of members and if applicable specific duties** - There are a total of eight (8) members, five (5) from the public, two (2) Council Members and the City Treasurer.
- **List subcommittees or task forces formed** – Subcommittees are formed as needed; currently there are two (2) subcommittees, one to review the Long Range Budget Forecast Model and one to assist staff with development and/or review of various financial policies. Other duties include:
  - Annual review of the Comprehensive Annual Financial Report, Investment Policy, Independent Financial Audit and auditor selection
  - Quarterly review of the City’s Investments
  - Monthly review of financial disbursements (Warrant Register) and financial reports to monitor performance against the budget
  - Special projects as directed by City Council, City Manager or Finance Director

- **Department responsible for staffing commission** – Finance Department
- **Specific staff members assigned to commission** – Director, Assistant Director and Accounting Technician.
- **Tasks performed by staff in support of commission** -
  - Prepare monthly agenda, staff reports and background information
  - Research information and data pertaining to staff reports
  - Prepare monthly packet (send out to committee, press, post on-line)
  - Prepare minutes monthly and post on-line
  - Meetings with sub-committees
  - Communicate with Committee Members regarding agenda items
- **Individual and total staff hours spent on an annual basis by task, including overtime hours** –
  - Committee monthly meeting – 100 hours
  - Preparing staff agenda and reports for committee monthly meeting – 230 hours
  - Prepare committee monthly packet – 30 hours
  - Prepare committee monthly minutes and post on-line – 50 hours
  - Communicate with committee members regarding agenda items – 25 hours
  - Sub-committee meetings – 60 hours
  - Communicate with sub-committee members – 10 hours
  - By Position:
    - Finance Director: 295 hours
    - Asst Finance Director: 100 hours
    - Accounting Tech: 110 hours
- **Percentage of staff time spent on Commission relative to total staff hours available** - Staff spends approximately 8.1% of their total staff hours available on the Finance Committee

# HISTORIC PRESERVATION REVIEW COMMISSION

## Phase I

### Background Information

- **Date of formation** – The Historic Preservation Review Commission was established in 2005. It was a result of combining the prior Historic Preservation and Design Review Commissions.
- **Reason for formation and Mission** – The purpose of the commission is to identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; to foster civic pride in the beauty and accomplishments of the past; to stabilize and improve the economic value of certain historic structures, districts and neighborhoods; to promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used; to conduct design review in historic overlay (H) districts as provided for in Chapter 17.108 BMC; and to advise and assist the city council in implementing the goals, policies and programs set forth in the city's general plan relating to preservation and enhancement of the city's historic character and protection of the city's archaeological sites and resources.
- **Is this a mandated body (State requirement)?** – Yes, pursuant to Certified Local Government status, which requires local commissions to meet specific professional requirements. The commission must meet a minimum of four times per year and each commissioner must attend at least one training session that is certified as meeting the requirements of the CLG program each year.
- **Number of members and if applicable specific duties** - There are seven commissioners. Each must have a demonstrated special interest, competence or knowledge of historic preservation, and, to the extent possible, be professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography. CLG encourages that at least two Commission members be professionals in the disciplines listed above.

- **List subcommittees or task forces formed** – Educational Brochure for property owners of the historic districts.
- **Department responsible for staffing commission** - Community Development Department.
- **Specific staff members assigned to commission** – Principal Planner, Senior Administrative Clerk, Community Development Director.
- **Tasks performed by staff in support of commission** -
  - Prepare monthly agenda and staff reports
  - Research information and data pertaining to staff reports
  - Prepare monthly packet (send out to commission, press, post on-line)
  - Prepare minutes monthly and post on-line
  - Communicate with Commissioners regarding agenda items
  - Coordination of community outreach for Historic Preservation Month (May)
- **Individual and total staff hours spent on an annual basis by task, including overtime hours** –
  - Commission monthly meeting – 50 hours (Principal Planner)
  - Preparing staff agenda and reports for commission monthly meeting – 120 hours (Principal Planner)
  - Prepare commission monthly packet and post on-line – 20 hours (Principal Planner) and 40 hours (Senior Administrative Clerk)
  - Prepare commission monthly minutes and post on-line – 60 hours (Principal Planner) and 12 hours (Senior Administrative Clerk)
  - Communicate with Commissioners regarding agenda items – 25 hours (Principal Planner)
  - Review agendas and reports; provide guidance; attend occasional meetings
- **Percentage of staff time spent on Commission relative to total staff hours available** –
 

Principal Planner – 15%                      Senior Administrative Clerk – 2%  
 Community Development Director – 4%

# Human Services Board

## Phase I

### Background Information

- **Date of formation** – July 1985 by Resolution No 85-123
- **Reason for formation and Mission** – The board has the following duties and powers:
  - Investigate human services needs of the City of Benicia and bi-annually make recommendations to the City Council as to which applicants should be funded.
  - Develop procedures and timetables for reviewing funding requests, and make recommendations to the City Council as to which applications should be funded.
  - Review grantee performance via review of quarterly reports submitted by grantees and conduct bi-annual grantee site visits.
  - Evaluate and report to the City Council regarding the effectiveness of the previous year's funding.
  - Coordinate continuing fund raising activities for human services needs only.
- **Is this a mandated body (State requirement)?** – No
- **Number of members and if applicable specific duties** – 9
- **List subcommittees or task forces formed** –  
The Board forms subcommittees as needed. For example, the Board has formed a marketing subcommittee and a fundraising previously.
- **Department responsible for staffing commission** –  
City Manager's Office
- **Specific staff members assigned to commission** –
  - Administrative Services Director
  - Management Analyst

➤ **Tasks performed by staff in support of commission -**

- Prepare monthly agenda and staff reports
- Prepare and post minutes
- Attend Commission meetings
- Research information
- Process payments to grantees

➤ **Individual and total staff hours spent on an annual basis by task, including overtime hours -**

- Prepare agenda, staff reports, etc. (including research)
  - Admin Svcs Dir – 24 hours
  - Management Analyst – 36 hours
- Prepare monthly packet and distribute
  - Management Analyst – 36 hours
- Communicate with board members
  - Admin Svcs Dir – 24 hours
  - Management Analyst – 48 hours
- Prepare Meeting Minutes
  - Management Analyst – 4 hours
- Attend meetings
  - Admin Svcs Dir – 30 hours
  - Management Analyst – 30 hours

# Open Government Commission

## Phase I

### Background Information

- **Date of formation** – 2005
- **Reason for formation and Mission** –  
The Open Government Commission advises the City Council and provides information to other City departments and bodies on appropriate ways in which to implement [Title 4, Open Government](#), with a priority on simple, standard procedures. The commission also assists in citywide training for implementing the Title, developing and maintaining an administrative process for review and enforcement of the Title, proposing amendments to the City Council of the Title as needed, and reporting to the City Council on any practical or policy problems encountered in the administration of the Title.
- **Is this a mandated body (State requirement)?** – No
- **Number of members and if applicable specific duties** – 5
- **List subcommittees or task forces formed** – 0
- **Department responsible for staffing commission** –  
City Attorney's Office
- **Specific staff members assigned to commission** –
  - City Attorney
  - Legal Technician
  - Law Clerk
- **Tasks performed by staff in support of commission** -
  - Prepare quarterly agenda and staff report
  - Prepare and post minutes
  - Attend Commission meetings
  - Research information

- **Individual and total staff hours spent on an annual basis by task, including overtime hours** –
- Legal Technician – 20 hours
  - City Attorney – 20 hours
  - Law Clerk – 4 hours

# PARKS, RECREATION, AND CEMETERY COMMISSION

## Phase I Background Information

- **Date of formation** – The Parks, Recreation, and Cemetery Commission was established in 1976.
- **Reason for formation and Mission** – The purpose and mission of the commission is to develop and conduct all aspects of the city parks and recreation programs, to advise the city council as to the city's proper role and participation in the development and conducting of recreational programs, and to develop and conduct all aspects of the city cemetery program.
- **Is this a mandated body (State requirement)?** – No
- **Number of members and if applicable specific duties** - There are a total of eight (8) commissioners. One commissioner is a student (junior or senior high school student) who is recommended by the Youth Commission and appointed annually by the Mayor.
- **List subcommittees or task forces formed** - Tree sub-committee and the Waterfront Park sub-committee.
- **Department responsible for staffing commission** - Parks and Community Services Department.
- **Specific staff members assigned to commission** – Director, Parks and Community Services Superintendent (2), Administrative Clerk, Management Analyst (PT).
- **Tasks performed by staff in support of commission** -
  - Prepare monthly agenda and staff reports
  - Research information and data pertaining to staff reports
  - Prepare monthly packet (send out to commission, press, post on-line)
  - Prepare minutes monthly and post on-line
  - Meetings with sub-committees
  - Communicate with Commissioners regarding agenda items

➤ **Individual and total staff hours spent on an annual basis by task, including overtime hours –**

- *Commission monthly meeting – 132 hours*
  - Director - 33 hours
  - CS Superintendent - 33 hours
  - Parks/BM Superintendent – 33 hours
  - Admin. Clerk I – 33 hours
- *Preparing staff agenda and reports for commission monthly meeting – 200 hours*
  - Director - 90 hours
  - CS Superintendent - 44 hours
  - Parks/BM Superintendent – 44 hours
  - Management Analyst (PT) – 22 hours
- *Prepare commission monthly packet – 120 hours*
  - Director - 44 hours
  - CS Superintendent - 44 hours
  - Parks/BM Superintendent – 22 hours
  - Management Analyst (PT) – 10 hours
- *Prepare commission monthly minutes and post on-line – 44 hours*
  - Admin. Clerk I – 44 hours
- *Communicate with Commissioners regarding agenda items – 22 hours*
  - Director – 22 hours
- *Sub-Committee meetings – 16 hours*
  - Parks BM Superintendent – 8 hours
  - Management Analyst (PT) – 8 hours
- *Prepare staff agenda and reports for sub-committee meetings – 40 hours*
  - Parks BM Superintendent – 20 hours
  - Management Analyst (PT) – 20 hours
- *Prepare sub-committee packet – 16 hours*
  - Parks BM Superintendent – 8 hours
  - Management Analyst (PT) – 8 hours
- *Prepare sub-committee minutes and post on-line – 8 hours*
  - Management Analyst (PT) – 8 hours
- *Communicate with sub-committee members – 8 hours*
  - Parks BM Superintendent – 8 hours

**Summary (Annual Hours)**

- Director - 189 hours
- CS Superintendent - 121 hours
- Parks/BM Superintendent – 143 hours
- Admin. Clerk I – 77 hours
- Management Analyst (PT) – 76 hours

- **Percentage of staff time spent on Commission relative to total staff hours available** - Staff spends approximately 6.5% of their total staff hours available on the Parks, Recreation and Cemetery commission

# SKY VALLEY OPEN SPACE COMMITTEE

## Phase I

### Background Information

- **Date of formation** – The Sky Valley Open Space Committee, which formerly existed as the Northern Area Open Space Committee was established in 2004. (The purpose of the committee was updated in 2008; Council Resolution No. 08-102).

*NOTE: The Committee has not met since August 2011 due to a lack of agenda items.*

- **Reason for formation and Mission** – The Sky Valley Open Space Committee exists to protect agricultural uses and the watershed north of Lake Herman Road, and to pursue conservation easements and other arrangements that would help protect the watershed. Objectives include: liaison with the Tri-City and County Open Space Cooperative Planning Group (now called Solano Open Space) and Friends of Solano County Regional Park District to share information, learn about the successes and failures encountered, and ensure the Committee does not duplicate efforts of other groups; to develop a dialogue with property owners about conservation easements; to develop a conceptual management plan for the city-owned parcels north of Lake Herman Road; to partner with outside sources to initiate conservation easements with interested property owners in Sky Valley; to protect Sky Valley from encroachment from other cities and from inappropriate development under County jurisdiction; to ensure that the city's Sphere of Influence remains intact; and to pursue incorporation of Sky Valley Area into the Tri-City and County Open Space Area.

- **Is this a mandated body (State requirement)?** – No.

- **Number of members and if applicable specific duties** – The Committee consists of seven members; two members are Council members and five members are citizens-at-large. The citizens-at-large members are expected to have expertise in at least one of the following areas: agricultural operations, watershed management, natural vegetation/habitat management, real estate law, and planning principles and practices and need not be Benicia residents to serve on the Committee.

- **List subcommittees or task forces formed** – None.
- **Department responsible for staffing commission** - Community Development Department.
- **Specific staff members assigned to commission** – Senior Planner, Senior Administrative Clerk.
- **Tasks performed by staff in support of commission** -
  - Prepare quarterly agenda and any requisite reports.
  - Coordinate with outside agencies (e.g. Solano Land Trust, Solano County) as necessary for ongoing communications, information, and updates.
  - Research information and data pertaining to agenda meeting topics.
  - Prepare quarterly packet materials (send out to commission, press, post on-line)
  - Communicate with Commissioners regarding agenda items
- **Individual and total staff hours spent on an annual basis by task, including overtime hours** (annual work hours assumed at 2,080)  
Committee meetings (meets quarterly):
  - Senior Planner – 3 hours X 4 meetings = 12 hours
  - Preparing staff agenda and reports for Committee quarterly meeting:
    - Senior Planner – 2 hours x 4 meetings = 8 hours
  - Prepare Committee quarterly packet:
    - Senior Administrative Clerk- 3 hours x 4 meetings = 12 hours
    - Director – 2 hours x 4 meetings = 8 hours
  - Prepare notes, keep records following each meeting:
    - Senior Planner – 2 hours x 4 meetings = 8 hours
  - Communicate with Committee regarding agenda items:
    - Senior Planner – 0.5 hours x 4 meetings = 2 hours
  - Coordinate with outside agencies in preparation for Committee quarterly meetings:
    - Senior Planner – 2 hours x 4 meetings = 8 hours
    - Director – 1 hour x 4 meetings = 4 hours
  - Research information and date pertaining to agenda meeting topics, quarterly:
    - Senior Planner – 4 hours x 4 meetings = 16 hours
- **Percentage of staff time spent on Commission relative to total staff hours available**  
Senior Planner: - 3%, Senior Administrative Clerk: - 1%, Community Development Director: - 1%

# **TRAFFIC, PEDESTRIAN & BICYCLE SAFETY COMMITTEE**

## **Phase I Background Information**

➤ **Date of formation** – 1983

**Reason for formation and Mission** –

**10.10.040 Traffic, pedestrian and bicycle committee – Duties.**

It shall be the duty of the traffic, pedestrian and bicycle committee to suggest the most practicable means for coordinating the activities of all officers and agencies of this city having authority with respect to the administration or enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints having to do with this city and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. 04-04 § 3; Ord. 83-8 N.S. § 1, 1983).

➤ **Is this a mandated body (State requirement)?** – No

**Number of members and if applicable specific duties** –

**10.10.030 Traffic, pedestrian and bicycle committee – Established – Membership.**

There is established an advisory traffic committee to serve without compensation, consisting of the city traffic engineer, the chief of police or at his discretion his representative, the chief of the traffic division, a member of the city council and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the committee shall be appointed by the mayor and may be removed by four affirmative votes of the council. (Ord. 04-04 § 2; Ord. 83-8 N.S. § 1, 1983).

Currently there are five members, two of which are councilmembers, one police representative, the City Engineer, and the Senior Civil Engineer.

➤ **List subcommittees or task forces formed** - None

- **Department responsible for staffing commission** – Public Works Department
- **Specific staff members assigned to commission** – Director/City Engineer, Senior Civil Engineer, and Administrative Secretary.
- **Tasks performed by staff in support of commission** -
  - Prepare quarterly agenda and staff reports
  - Research information and data pertaining to staff reports
  - Prepare quarterly packet (send out to commission, press, post on-line)
  - Prepare minutes quarterly and post on-line
  - Communicate with Commissioners regarding agenda items
- **Individual and total staff hours spent on an annual basis by task, including overtime hours** –

	<u>Int PWD/CE</u>	<u>Sr Cvl Engr</u>	<u>Admin. Sec.</u>	<u>Quarterly Total</u>	<u>Annual Total</u>
Quarterly Comm Meetings	4	4	3	11	44
Agenda/Staff Report Prep/Noticing	1	20	18	39	156
Agenda/Package Distrib			3	3	12
Agenda/Package Web Page Posting			2	2	8
Draft Meeting Minutes/Web Post			9	9	36
Communicate w/Committee Members			1	1	4
Hire/oversee consultant experts/ contract admin and payments		10	3	13	52
Quarterly Total by Employee	5	34	39	78	312
<b>Annual Total by Employee</b>	<b>20</b>	<b>136</b>	<b>156</b>		
<b>% of annual work hours</b>	<b>1%</b>	<b>6.50%</b>	<b>7.50%</b>		

- **Percentage of staff time spent on Commission relative to total staff hours available** - Staff spends approximately 2% of their total staff hours available on the Traffic, Pedestrian and Bicycle Safety

Committee meetings. This year as a result of two traffic calming efforts and the Safe Routes to Schools audits/meetings, the effort has been more intensive.

# PLANNING COMMISSION

## Phase I

### Background Information

- **Date of formation** – The Planning Commission was established in 1970.
- **Reason for formation and Mission** – The purpose and mission of the commission is to review and approve, condition or deny, or make recommendations to the City Council on land use applications, such as zoning changes, subdivisions, use permits and variances, or on specific plans or General Plan updates or amendments.
- **Is this a mandated body (State requirement)?** – Yes, though the City Council may also serve as the Planning Commission if one is not appointed.
- **Number of members and if applicable specific duties** - There are seven commissioners.
- **List subcommittees or task forces formed** – None.
- **Department responsible for staffing commission** - Community Development Department.
- **Specific staff members assigned to commission** – Senior Planner, Principal Planner, Community Development Director, Senior Administrative Clerk, and Special Counsel.
- **Tasks performed by staff in support of commission** -
  - Prepare monthly agenda and staff reports
  - Research information and data pertaining to staff reports
  - Prepare monthly packet (send out to commission, press, post on-line)
  - Prepare minutes monthly and post on-line
  - Communicate with Commissioners regarding agenda items
- **Individual and total staff hours spent on an ANNUAL basis by task, including overtime hours** –
  - Commission hearings:
    - Senior Planner: 4 hours x 12 hearings = 48 hours
    - Principal Planner: 4 hours x 12 hearings = 48 hours

- Director: 4 hours x 3 hearings = 12 hours
- Special Counsel: 4 hours x 12 hearings = 48 hours
- Senior Administrative Clerk: 4 hours x 12 hearings = 48 hours
  
- Develop and prepare agendas, review reports, prepare handouts/communications:
  - Senior Planner: 3 hours x 12 = 36 hours
  - Principal Planner: 3 hours x 12 = 36 hours
  - Director: 3 hours x 12 = 36 hours
  - Special Counsel: 7 hours x 12 = 84 hours
  
- Prepare Packet (includes all admin activities, noticing, distribution, website):
  - Senior Planner: 2 hours x 12 = 24 hours
  - Senior Administrative Clerk: 6 hours x 12 = 72 hours
  - Director: 1 hour x 12 = 12 hours
  
- Develop, review, and prepare minutes (assumes action minutes):
  - Senior Administrative Clerk: 15 hours x 12 = 180 hours
  - Senior Planner: 1 hour x 12 = 12 hours
  - Principal Planner: 1 hour x 12 = 12 hours
  - Director: 1 hours x 3 = 3 hours
  
- Communications (email, telephone, written) correspondence with Commission:
  - Senior Planner: 2 hours x 12 = 24 hours
  - Director: 2 hours x 12 = 24 hours

➤ **Percentage of staff time spent on Commission relative to total staff hours available**

- Senior Administrative Clerk: - 14%
- Senior Planner: - 7%
- Principal Planner: - 5%
- Community Development Director: - 4%
- Special Counsel: - 6%

## City of Benicia Board and Commission Member Survey

The City of Benicia is currently conducting a review of our City Boards and Commissions. Your input is important to this process. Please complete the following survey and return to Anne Cardwell in the City Manager's Office by August 24, 2012.

1. Do you feel your Board or Commission is fulfilling its mission? Why or why not? Please refer to the Purpose and Duties sections of the Municipal Code when preparing your response.

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2. What suggestions do you have on how your Board or Commission could be more effective?

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3. How do you view the role of your Board or Commission relative to the Council, citizens, other Boards and Commissions, and staff?

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4. What do you feel is the most valuable single effect your Board or Commission has had on the City and its citizens in the last four years?

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5. How would you describe your role as a board member or commissioner?

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6. Are there resources you think would help your Board of Commission be more effective that are not currently available?

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7. What do you feel would be the most beneficial elements to include in an orientation for new Board or Commission appointees?

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8. Any additional comments you would like to be considered as part of this review?

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

Board/Commission: \_\_\_\_\_

**Please return the survey to Anne Cardwell in the City Manager's Office by August 24<sup>th</sup>. Thank you!**

## Division 2. Boards and Commissions

### Chapter 2.60

#### ADVISORY BODIES

##### Sections:

- 2.60.010 Purpose.
- 2.60.020 Eligibility.
- 2.60.030 Term of office.
- 2.60.040 Appointments, reappointments, and vacancies.
- 2.60.050 Attendance.
- 2.60.060 Quorum.
- 2.60.070 Rules of procedure.
- 2.60.080 Support staff.
- 2.60.090 Compensation.
- 2.60.100 Statement of economic interest.
- 2.60.110 Removal.
- 2.60.120 Application.

##### **2.60.010 Purpose.**

Boards, committees and commissions (hereinafter referred to as "advisory bodies") play an important role in city government by obtaining community input, developing recommendations and providing information to the city council. (Ord. 08-05 § 1).

##### **2.60.020 Eligibility.**

All advisory body members must be residents of the city unless otherwise noted. The city council or state or federal law may establish additional requirements. (Ord. 08-05 § 1).

##### **2.60.030 Term of office.**

A. The term of office for members of an advisory body is four years, unless otherwise noted. Each member serves until his or her successor is appointed and qualifies.

B. The following term limits are exceptions to the limits specified above:

1. Library Board of Trustees. The term of office for members of the library board of trustees is three years.\*

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\* The term of the library board of trustees is three years per Section 18911 of the California Education Code which governs municipal libraries.

2. Parks, Recreation and Cemetery Commission. The term of office for the student member is one year with the option of a second term at the recommendation of the commission and reappointment in accordance with BMC 2.60.040.

3. Industrial Development Authority. The term of office for members shall be three years unless the city council adopts a resolution declaring itself to be the industrial development commission.

4. Sustainability Commission. The term of office for the student member is one year with the option of a second term at the recommendation of the commission and reappointment in accordance with BMC 2.60.040.

C. Unless otherwise noted, there are no term limits for serving on an advisory body. (Ord. 09-17 § 1; Ord. 08-05 § 1).

##### **2.60.040 Appointments, reappointments, and vacancies.**

Appointments shall be made in accordance with the city council's rules and procedures for appointments. Reappointments of eligible advisory body members shall be made in accordance with the city council's rules and procedures for appointments. Whenever a vacancy occurs within an advisory body, the vacancy shall be filled in accordance with the city council's rules and procedures for appointments. (Ord. 08-05 § 1).

##### **2.60.050 Attendance.**

A. All members must be active participants in order for an advisory body to function effectively and accomplish its goals. This means all members must be present unless excused from attending a meeting by the chair. If a member is absent without cause from three successive regular meetings, the office becomes automatically vacant. The chair shall immediately notify the city council of the vacancy.

B. A member is not absent without cause if his or her absence is:

1. Due to illness; or
2. Unavoidable and the member gives the secretary of the advisory body written notice before the day of the meeting that he or

she will be absent and giving the reason for the absence. (Ord. 08-05 § 1).

#### **2.60.060 Quorum.**

A majority of the entire membership of the advisory body constitutes a quorum for the transaction of business. For example, if the body has five members, three members are a quorum. (Ord. 08-05 § 1).

#### **2.60.070 Rules of procedure.**

Each advisory body must maintain rules of procedure that are in accordance with the Brown Act, the open government ordinance (BMC Title 4) and the council's code of conduct. (Ord. 08-05 § 1).

#### **2.60.080 Support staff.**

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over city employees. Staff members remain responsible to their immediate supervisors and ultimately to the city manager and council. (Ord. 08-05 § 1).

#### **2.60.090 Compensation.**

Except as otherwise provided, advisory bodies do not receive compensation or city benefits for their service. Reimbursement for expenses in accordance with adopted city policy is allowed with prior approval. (Ord. 08-05 § 1).

#### **2.60.100 Statement of economic interest.**

Certain advisory body members may be required to file statements of economic interest (also known as conflict of interest forms) upon taking office. Determination of the need to file such forms is made in accordance with the council's conflict of interest code. (Ord. 08-05 § 1).

#### **2.60.110 Removal.**

A member of an advisory body may be removed for cause by four affirmative votes of the council. (Ord. 08-05 § 1).

#### **2.60.120 Application.**

This chapter applies to the following advisory bodies:

- A. Board of library trustees;
- B. Civil service commission;
- C. Mobile home rent review commission;
- D. Parks, recreation and cemetery commission;
- E. Planning commission;
- F. Historic preservation review commission;
- G. Industrial development authority;
- H. Design review board;
- I. Building board of appeals;
- J. Economic development board;
- K. Arts and culture commission;
- L. Sustainability commission. (Ord. 09-17 § 2; Ord. 09-16 § 1; Ord. 09-15 § 1; Ord. 08-05 § 1).

appointed and qualified. The commission shall appoint a secretary who need not be a member of the commission. (Ord. 1261 M.C. § 108, 1970).

**2.52.090 Officers – Duties.**

A. Chairman. The chairman shall preside at all meetings of the commission. He shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken the secretary shall take the vote by roll call vote in alphabetical order with the chairman voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the commission. The secretary shall maintain records of operations and shall perform such other duties as the commission may assign. (Ord. 1261 M.C. § 112, 1970).

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## Chapter 2.64

### BOARD OF LIBRARY TRUSTEES

#### Sections:

- 2.64.010 Established.
- 2.64.020 Members – Qualifications.
- 2.64.030 Meeting time and place.
- 2.64.040 Officers – Appointment.
- 2.64.050 Officers – Duties.
- 2.64.060 Powers and duties.
- 2.64.070 Annual report.

#### **2.64.010 Established.**

A board of library trustees of the city is established. (Ord. 08-05 § 1; Ord. 84-9 N.S. § 1, 1984; prior code § 3-201. Formerly 2.36.010).

#### **2.64.020 Members – Qualifications.**

Each member of the board of library trustees shall be a qualified elector of the city. A person who holds any salaried public office or employment with the city is not eligible for the board. A member of the board of library trustees is not eligible for appointment to any salaried office or employment with the city during such time as he is a member of the board. (Ord. 08-05 § 1; prior code § 3-202. Formerly 2.36.020).

#### **2.64.030 Meeting time and place.**

The board shall meet on the second Monday of each month at 6:30 p.m. at the Benicia Library. (Ord. 08-05 § 1; Ord. 99-3 N.S.; Ord. 97-14 N.S.; Ord. 94-7 N.S. § 1, 1994; Ord. 87-3 N.S. § 1, 1987; Ord. 85-21 N.S. § 1, 1986; Ord. 85-1 N.S. § 1, 1985; prior code § 3-206. Formerly 2.36.050).

#### **2.64.040 Officers – Appointment.**

The board shall elect a president and president pro tem from among its members. The president and president pro tem serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the board. (Ord. 08-05 § 1; prior code § 3-208. Formerly 2.36.080).

#### **2.64.050 Officers – Duties.**

A. President. The president shall preside at all meetings of the board. He shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. President Pro Tem. The president pro tem is president in the absence or inability of the president to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken, the secretary shall take the vote by voice vote unless a member requests the vote be taken by roll call. If a roll call vote is used, the vote shall be taken in alphabetical order with the president voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. (Ord. 08-05 § 1; Ord. 97-14 N.S.; prior code § 3-211. Formerly 2.36.090).

#### **2.64.060 Powers and duties.**

The board of library trustees shall:

A. Make and enforce rules, regulations and bylaws necessary for the administration, government and protection of the public library except for the powers delegated to the personnel officer under Chapter 2.40 BMC, relating to personnel administration;

B. Administer any trust declared or created for the library and received by property, by gift, demise, or bequest and hold it and, where not otherwise provided, dispose of the property for the benefit of the library;

C. Prescribe the duties and powers of the library director and other nonclassified officers and employees of the library and recommend to the city council the number and compensation of the library director, nonclassified library employees and classified library employees;

D. Purchase necessary books, journals and publications and other personal property;

E. Borrow books from and rent books to and exchange books with other libraries and allow nonresidents to borrow books set upon such conditions as the board prescribes;

F. Do all acts and things necessary or proper to carry out this chapter. (Ord. 08-05 § 1; Ord. 89-10 N.S. § 1, 1989; prior code § 3-212. Formerly 2.36.120).

#### **2.64.070 Annual report.**

The board of library trustees shall on or before the first day of August of each year make a report to the city council giving the condition of the library on June 30th preceding, together with a statement of its proceedings for the year. The board shall forward a statement of its proceedings to the State Library at Sacramento. (Ord. 08-05 § 1; Ord. 97-14 N.S.; prior code § 3-213. Formerly 2.36.130).

## **Chapter 2.68**

### **CIVIL SERVICE COMMISSION\***

#### **Sections:**

- 2.68.010 Establishment – Membership.
- 2.68.020 Members – Qualifications.
- 2.68.030 Meetings – Time and place.
- 2.68.040 Meetings – Conduct.
- 2.68.050 Officers – Appointment.
- 2.68.060 Officers – Duties.
- 2.68.070 Powers and duties.

#### **2.68.010 Establishment – Membership.**

The civil service commission of the city is established. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.010).

#### **2.68.020 Members – Qualifications.**

Members of the civil service commission shall be qualified electorates of the city. A person who holds any salaried public office or employment with the city is not eligible for the commission. A member of the civil service commission is not eligible for an appointment to any salaried office or employment with the city during such time as he/she is a member of the commission. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.020).

#### **2.68.030 Meetings – Time and place.**

The civil service commission shall hold regular meetings at such time and place within the city as shall be designated by the rules and regulations adopted by the civil service commission. Any regular meeting may be adjourned to a time certain and to a place designated by the chairman. In addition, the commission may hold special meetings upon the call of the chairman or a majority of the members of the commission. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.050).

#### **2.68.040 Meetings – Conduct.**

Meetings of the civil service commission shall be conducted in accordance with state

\* For statutory provisions authorizing cities to provide for the appointment of a civil service commission, see Government Code § 45004.

law and such rules and procedures as may be adopted by the commission. Meetings shall be open and public; provided, that hearings related to the appointment, employment or dismissal of a city employee or a complaint or charge brought against an officer or employee of the city shall be held in private unless such officer or employee requests a public hearing. The commission may exclude from any such public or private meeting, during the examination of witnesses, any or all other witnesses in the matter being investigated by the body. The meeting need not be conducted according to technical rules relating to evidence and witnesses. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.060).

#### **2.68.050 Officers – Appointment.**

The commission shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified. The personnel officer or his/her designee shall serve as secretary to the commission. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.080).

#### **2.68.060 Officers – Duties.**

A. Chairman. The chairman shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the commission. The secretary shall maintain records of operations and shall perform such other duties as the commission may assign. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.090).

#### **2.68.070 Powers and duties.**

A. The commission, as provided by this chapter and by the personnel rules, shall hear and make final determinations on appeals submitted by any person in the competitive

service relative to any disciplinary action of dismissal, demotion, reduction in pay or suspension, or alleged violation of this chapter or the personnel rules, and to certify its findings and recommendations.

B. In any investigation or hearing conducted by the civil service commission, it shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas to be issued in the name of the city, and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the city council in response to a subpoena issued by the city council. Each member of the civil service commission shall have the power to administer oaths to witnesses.

C. The duties of the civil service commission shall otherwise include the following:

1. Review and approve class specifications for employees in the competitive service;

2. Make recommendations to the city council on adoptions and revisions to the classification plan;

3. Consider and recommend to the city council any adoption of and amendments to the personnel rules (pursuant to BMC 2.40.070);

4. Approve requests for any variances to the personnel rules related to selection and hiring procedures for employees in the competitive service; and

5. Advise the city manager and city council on matters related to recruitment and selection processes for employees in the competitive service and on any other matters related to personnel administration. In serving in such capacity, the commission may initiate inquiries and request investigations to be conducted in accordance with procedures outlined in the personnel rules and the civil service commission rules of conduct. (Ord. 08-05 § 1; Ord. 89-9 N.S. § 1, 1989. Formerly 2.40.130).

## Chapter 2.72

### MOBILE HOME RENT REVIEW COMMISSION

#### Sections:

- 2.72.010 Findings.
- 2.72.020 Definitions.
- 2.72.030 Establishment – Membership – Compensation.
- 2.72.040 Powers and duties.
- 2.72.050 Initiation of review and hearing process.

#### 2.72.010 Findings.

There is presently within the city and the surrounding areas a shortage of spaces for the location of mobile homes. Because of the shortage, there is a low vacancy rate, and rents have been for several years, and are presently, rising rapidly and causing concern among a substantial number of Benicia residents. Because of the high cost of moving mobile homes, the potential for damage resulting therefrom, the requirements relating to the installation of mobile homes, including permits, landscaping and site preparation, the lack of alternative homesites for mobile home residents and the substantial investment of mobile homeowners in such homes, the city council finds and declares it necessary to protect the owners and occupiers of mobile homes from unreasonable rent increases while, at the same time, recognizing the need of the park owners to receive a "fair return" on their investment and rental increases sufficient to cover the increased cost of repairs, maintenance, insurance, upkeep and additional amenities. (Ord. 08-05 § 1; Ord. 78-17 N.S. § 1, 1978. Formerly 2.44.010).

#### 2.72.020 Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

A. "Board" means the mobile home rent review commission board established by BMC 2.72.030.

B. "Commissioners" means commissioners of the mobile home rent review commission.

C. "Mobile home park owner" or "owner" means the owner, lessor, operator or manager of a mobile home park within the purview of this chapter.

D. "Mobile home tenant" or "tenant" means any person entitled to occupy a mobile home dwelling unit pursuant to ownership thereof or a rental or lease arrangement with the owner thereof and living within a mobile home park.

E. "Space rent" means the consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of a mobile home space in a mobile home park, or for the transfer of a lease for park space, services and amenities, subletting and security deposits, but exclusive of any amounts paid for the use of the mobile home dwelling unit. (Ord. 08-05 § 1; Ord. 78-17 N.S. § 2, 1978. Formerly 2.44.020).

#### 2.72.030 Establishment – Membership – Compensation.

A. There is created within the city a rent review commission, consisting of five members.

1. Two members shall be mobile home park tenants and shall be selected by the mayor from a list of no more than five applicants supplied through the mobile home tenants association.

2. Two members shall be mobile home park owners, operators, or managers and shall be selected by the mayor from a list of no more than five applicants supplied through the mobile home park owners and operators association.

3. The fifth member shall be nominated by the American Arbitration Association as an independent fifth party.

B. Commissioners shall not be compensated for their services on the commission but shall be entitled to receive the sum of \$30.00 per person per hearing and a maximum of \$60.00 per day when hearing complaints from the tenants of a park with respect to a rent adjustment by the park ownership as hereinafter provided. (Ord. 08-05 § 1; Ord. 04-3 § 1; Ord. 78-17 N.S. § 3, 1978. Formerly 2.44.030).

**2.72.040 Powers and duties.**

Within the limitations provided by law, the commission shall have the following powers:

A. To meet from time to time as requested by the city manager or upon the filing of a petition, and to utilize city offices and/or facilities as needed;

B. To receive, investigate, hold hearings on, and pass judgment upon the petitions of mobile home tenants as set forth in this chapter;

C. To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out their duties;

D. To adjust maximum rents either upward or downward upon completion of their hearings and investigations;

E. To render at least semiannually a comprehensive written report to the city council concerning their activities, rulings, actions, results or hearings and all other matters pertinent to this chapter which may be of interest to the council;

F. To adopt, promulgate, and amend and rescind administrative rules to effectuate the purposes and policies of the chapter;

G. To maintain and keep at City Hall rent review hearing files and dockets listing the time, date and place of hearings, the parties involved, the addresses involved and the final disposition of the petition. (Ord. 08-05 § 1; Ord. 78-17 N.S. § 4, 1978. Formerly 2.44.040).

**2.72.050 Initiation of review and hearing process.**

A. Upon the written petition of more than 50 percent of the tenants of any mobile home park who will be or have been within a 90-day period subject to a rental or service charge increase, or upon the written petition of a mobile home park owner who seeks commission approval of a rental increase no sooner than 10 days and no later than 30 days at a place and time to be set by the commission, to determine whether or not the rental or service charge increase is so great as to be unconscionable or an unreasonable increase. A reasonable continuance may be granted if

stipulated to by both parties or at the commission's discretion.

B. The cost of reviewing and hearing a petition shall not exceed \$2,000. This cost shall be borne by the mobile home park owner in question who shall pay \$450.00 at the time the petition is filed and additional sums from time to time as requested by the commission up to said maximum.

C. Upon receipt of the petition, the commission shall notify the park owner, operator and manager and the tenants of the mobile home park in writing of the petition and the date, time and place of the hearing.

D. All rent review hearings shall be open to the public.

E. All parties to a hearing may have assistance in presenting evidence, or in setting forth by argument their position, from an attorney or such other person as may be designated by said parties.

F. In the event that either the petitioner or the respondent should fail to appear at the hearing at the specified time and place, the commission may hear and review such evidence as may be presented and make such decisions just as if both parties had been present.

G. The commission shall make a final decision no later than 10 days after the conclusion of its hearing on any petition. No rent adjustment shall be granted unless supported by the preponderance of evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the board's decision and a copy of the findings upon which the decision is based.

H. Pursuant to the findings, the commission shall require the mobile home park owner to:

1. Reduce the rental or service charges to a rate to be determined by the commission;

2. Continue the rental or service charges as they existed under the former lease or rental arrangement; or

3. Increase the rental or service charges to a rate set by the commission or to the rate requested by the park owner.

I. Any rental or service charge increases which have been collected by a mobile home park owner pursuant to an increase which is

the subject of a petition for hearing and which is later determined by the commission to have been excessive shall be either returned to the tenants or credited to future rental charges.

J. In evaluating the rent increase proposed or effected by the park owner, the commission shall consider increased costs to the owner attributable to increases in utility rates and property taxes, insurance, advertising, governmental assessments, cost of living increases attributable to incidental services, normal repair and maintenance, capital improvements, upgrading and addition of amenities or services as well as fair rate of return on investment and increased property values.

K. The conclusions and findings of the commission shall be final and there shall be no appeal rights to the city council. (Ord. 08-05 § 1; Ord. 78-17 N.S. § 5, 1978. Formerly 2.44.050).

## Chapter 2.76

### PARKS, RECREATION AND CEMETERY COMMISSION

#### Sections:

- 2.76.010 Established – Membership.
- 2.76.020 Purpose.
- 2.76.030 Members – Qualification.
- 2.76.040 Meeting time and place.
- 2.76.050 Officers – Appointment.
- 2.76.060 Officers – Duties.
- 2.76.070 Powers.
- 2.76.080 Duties.

#### **2.76.010 Established – Membership.**

A parks, recreation and cemetery commission is established in the city. (Ord. 08-05 § 1; Ord. 97-2 N.S.; Ord. 87-15 N.S. § 1, 1987; Ord. 82-18 N.S. § 1, 1982; Ord. 80-8 N.S. § 2, 1980; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-301. Formerly 2.48.010).

#### **2.76.020 Purpose.**

The purpose of the commission is to develop and conduct all aspects of the city parks and recreation program, to advise the city council as to the city's proper role and participation in the development and conducting of recreational programs, and to develop and conduct all aspects of the city cemetery program. (Ord. 08-05 § 1; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-313. Formerly 2.48.020).

#### **2.76.030 Members – Qualification.**

A. Each member of the parks and recreation commission shall be a resident of the city.

B. The student member shall be a junior or senior high school student. (Ord. 08-05 § 1; Ord. 77-20 N.S. § 2, 1977; Ord 76-10 N.S. § 2, 1976; prior code § 3-302. Formerly 2.48.030).

#### **2.76.040 Meeting time and place.**

The commission shall meet on the second Wednesday of each month at 6:30 p.m. at program room 2 of the Benicia Community Center, 370 East L Street, Benicia, California.

(Ord. 11-11 § 1; Ord. 08-05 § 1; Ord. 99-6; Ord. 84-12 N.S. § 1, 1984; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-306. Formerly 2.48.060).

#### **2.76.050 Officers – Appointment.**

The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission. (Ord. 08-05 § 1; Ord. 87-15 N.S. § 4, 1987; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-307. Formerly 2.48.100).

#### **2.76.060 Officers – Duties.**

A. Chairperson. The chairperson shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform the duties necessary or incidental to his office.

B. Vice-Chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns. (Ord. 08-05 § 1; Ord. 87-15 N.S. § 5, 1987; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-311. Formerly 2.48.110).

#### **2.76.070 Powers.**

A. The commission is advisory in character and may not be delegated administrative authority or responsibility beyond that which the city council may authorize.

B. The commission may assist and cooperate with any existing agency or group which has as its object the development or improve-

ment of cemeteries, parks or recreational activities and programs.

C. The commission may plan for the orderly growth and development of cemetery, parks and recreational facilities and make recommendations to the city council.

D. The commission may accept gifts and grants from any source to assist it in the performance of its functions. These gifts and grants operate to augment any appropriation made for the support of the commission. (Ord. 08-05 § 1; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-314. Formerly 2.48.140).

#### **2.76.080 Duties.**

The commission shall:

A. Consider and study park, recreation and cemetery facilities within the city and the use and improvement of them;

B. Make investigations and studies for the purpose of recommending to the city council leisure time activities, recreational and social programs;

C. Hold public hearings on its studies;

D. Send to the city council annually a written report of its activities and recommendations for improvements and additions to existing city park and cemetery facilities and to existing recreational programs and for ways in which the city may encourage and promote these programs, services and facilities;

E. Assist and guide by consulting with the city council, city manager, director of parks, recreation and cemeteries and other groups interested in the development of recreational programs to meet the needs of the citizens;

F. Work closely with the director of parks, recreation and cemeteries and other departments and agencies of the city to the end that the resources of the city are used as effectively and efficiently as possible on behalf of parks, cemeteries and recreational activities;

G. Study, consider and recommend to the city council the taking of action with regard to:

1. Promoting cooperation among youth organizations in making the Benicia area a more wholesome place in which to live;

2. Coordinating efforts of youth organizations in the city in the interest of preventing delinquency;

3. Maintaining effective liaison between the city and public schools with regard to youth problems and opportunities;

4. Planning the study of resources, conditions and needs of youth;

5. Advancing the education of the general public regarding conditions to be improved and needs to be met;

6. Serving effective democratic action towards improving conditions and meeting the needs of youth;

7. Assisting in the creation of an atmosphere in which all youth feel they belong and are wanted;

8. Initiation and planning of joint activities around the needs of the youth;

9. Enabling the youth to aid in planning the future of the Benicia area;

10. Offering a means through which youth can join hands with adults in serving the area;

11. Affording youth an opportunity to gain experience by dealing with social problems at first hand;

12. Planning coordinated action in which representatives of all youth organizations can work together effectively;

H. Advise the city council with regard to youth programs and problems;

I. Coordinate the activities of youth organizations towards common goals;

J. Provide a forum for the presentation and discussion of youth plans, programs and problems;

K. Plan long-range programs of benefit to the youth and to the community;

L. Monitor the management and conduct of recreational activities on public property in the city;

M. Act as a clearing house and information center on all aspects of recreational activities. The commission shall make this information available to the public;

N. Formulate general policies relating to the duties and functions of the commission. (Ord. 08-05 § 1; Ord. 87-15 § 7, 1987; Ord. 77-20 N.S. § 2, 1977; Ord. 76-10 N.S. § 2, 1976; prior code § 3-315. Formerly 2.48.150).

## Chapter 2.80

### PLANNING COMMISSION\*

#### Sections:

- 2.80.010 Establishment – Membership.
- 2.80.020 Members – Qualifications.
- 2.80.030 Meeting time and place.
- 2.80.040 Officers – Appointment.
- 2.80.050 Officers – Duties.
- 2.80.060 Powers and duties.

#### 2.80.010 Establishment – Membership.

The city planning commission is established. (Ord. 08-05 § 1; Ord. 06-12 § 1; Ord. 06-03 § 1; Ord. 05-08 § 1; Ord. 84-9 N.S. § 3, 1984; Ord. 1261 M.C. § 101, 1970. Formerly 2.52.010).

#### 2.80.020 Members – Qualifications.

A. It is the intent of the city council to have the planning commission composed of people from all geographical, social, environmental, and economic sectors of the community and to avoid potential conflicts with subsection (C) of this section.

B. Each member of the planning commission shall be a Benicia resident and registered voter, and shall be qualified by knowledge and experience to make decisions on questions of community growth and development.

C. Members shall not be severely constrained with potential conflicts of interest under the Political Reform Act or the Benicia open government ordinance (BMC Title 4). (Ord. 08-05 § 1; Ord. 05-08 § 2; Ord. 1261 M.C. § 102, 1970. Formerly 2.52.020).

#### 2.80.030 Meeting time and place.

The commission shall meet on the second Thursday of each month at the hour of 7:00 p.m. at the Council Chambers, City Hall, 250 East L Street, Benicia, California. (Ord. 08-05 § 1; Ord. 97-17 N.S.; Ord. 87-3 N.S. § 2, 1987; Ord. 77-11 N.S. § 1, 1977; Ord. 1261 M.C. § 106, 1970. Formerly 2.52.050).

#### 2.80.040 Officers – Appointment.

The commission shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified. The commission shall appoint a secretary who need not be a member of the commission. (Ord. 08-05 § 1; Ord. 1261 M.C. § 108, 1970. Formerly 2.52.080).

#### 2.80.050 Officers – Duties.

A. Chairman. The chairman shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform all the duties necessary or incidental to his/her office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken the secretary shall take the vote by roll call vote in alphabetical order with the chairman voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the commission. The secretary shall maintain records of operations and shall perform such other duties as the commission may assign. (Ord. 08-05 § 1; Ord. 1261 M.C. § 112, 1970. Formerly 2.52.090).

#### 2.80.060 Powers and duties.

In addition to the duties, rights and powers imposed by state law, the commission shall perform the duties and has the rights, powers and privileges provided by ordinance or resolution of the city council. (Ord. 08-05 § 1; Ord. 1261 M.C. § 110, 1970. Formerly 2.52.120).

\* For statutory provisions on the planning commission, see Government Code § 65100 et seq. and § 65150.

## Chapter 2.84

### HISTORIC PRESERVATION REVIEW COMMISSION

#### Sections:

- 2.84.010 Purpose.
- 2.84.020 Established – Membership.
- 2.84.030 Members – Qualification.
- 2.84.040 Meeting time and place.
- 2.84.050 Tie vote.
- 2.84.060 Officers – Appointment.
- 2.84.070 Officers – Duties.
- 2.84.080 Powers and duties.

#### **2.84.010 Purpose.**

The purpose of the historic preservation review commission is to identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; to foster civic pride in the beauty and accomplishments of the past; to stabilize and improve the economic value of certain historic structures, districts and neighborhoods; to promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used; to conduct design review in historic overlay (H) districts as provided for in Chapter 17.108 BMC; and to advise and assist the city council in implementing the goals, policies and programs set forth in the city's general plan relating to preservation and enhancement of the city's historic character and protection of the city's archaeological sites and resources. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.010).

#### **2.84.020 Established – Membership.**

A historic preservation review commission is established in the city. The commission consists of seven voting members. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.020).

#### **2.84.030 Members – Qualification.**

A. Each member of the historic preservation review commission shall be a Benicia resident and have a demonstrated special

interest, competence or knowledge of historic preservation.

B. Members shall, to the extent possible, be:

1. Professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community; or
2. Lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation.

C. At least two members shall be owners of a historic property within the historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.030).

#### **2.84.040 Meeting time and place.**

The commission shall meet as often as necessary, but at least four times a year, with meetings held in a public place, advertised in advance, and open to the public, pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.) for open meetings. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.060).

#### **2.84.050 Tie vote.**

A tie vote on any matter before the commission shall be deemed to be a disapproval thereof. (Ord. 08-05 § 1).

#### **2.84.060 Officers – Appointment.**

The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.100).

**2.84.070 Officers – Duties.**

A. Chairperson. The chairperson shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform the duties necessary or incidental to his/her office.

B. Vice-Chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.

C. Secretary. The secretary shall keep minutes of each meeting, shall record the official action taken and perform such other duties as the commission assigns. The secretary need not be a member of the commission. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.110).

**2.84.080 Powers and duties.**

The commission shall:

A. Conduct design reviews for restoration, remodeling and development projects in the historic overlay (H) zones in accordance with Chapter 17.08 BMC and/or Chapter 17.54 BMC, or which involve city-owned historical buildings. Ensure that restoration, remodeling and new development complies with the "Secretary of the Interior's Standards for the Treatment of Historical Properties," the criteria contained in the general plan and the criteria in the adopted historic plans for each district. Support decisions by specific findings based on the "Secretary of the Interior's Standards for the Treatment of Historical Properties," the general plan and the adopted historic plans for each district, as detailed in the relevant sections of the Benicia Municipal Code, as they may be amended from time to time;

B. Maintain a program to compile, record and update an inventory of cultural resources within the city. The inventory shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures;

C. Make policy recommendations to the city council on matters that relate to historic preservation and the restoration of designated buildings and districts;

D. Review and certify CEQA documents for projects which require only HPRC approval

and review CEQA documents and make recommendations for approval to the planning commission and city council as appropriate;

E. Each commission member is expected to annually attend an informational or educational meeting, seminar, workshop or conference that pertains directly to the work of the commission or would be approvable by the State Office of Historic Preservation;

F. Produce an annual report, in accordance with the requirements of certified local government, on the activities of the commission;

G. Oversee and establish a program to assist owners of historic homes in lower-income areas to apply for low interest loans through community development block grants (CDGBs), when available;

H. Oversee the publicizing of opportunities and incentives for historic preservation to owners of historic buildings;

I. Oversee the maintenance of a list of historic preservation review commission educational materials. These items will have been determined by the commission as providing important background information necessary for commissioners to do the work of the commission. The commission may modify this list at its discretion. As soon as is practicable after appointment, commissioners are required to review the items on this list;

J. Pursuant to the program established by the city council, oversee a program for property tax incentives in accordance with the California Mills Act and recommend to the city council execution of Mills Act agreements. Provide potential buyers with information about the California Mills Act and federal investment tax credits;

K. Maintain a program to coordinate with the California Archaeological Inventory to develop and maintain an inventory of existing and potential archaeological sites;

L. Maintain a program to inform title companies that properties in Benicia may be affected by historic preservation regulations;

M. Work with Main Street, the Benicia Historical Society, the Benicia Historical Museum at the Camel Barns, and other community groups on historic preservation issues;

N. Recommend nomination of properties for the California and National Register;

O. Create, maintain and increase the community awareness of our historic resources;

P. Oversee the administration of the city's official historic plaque program; and

Q. Perform other duties as provided by the city council. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.140).

## Chapter 2.88

### INDUSTRIAL DEVELOPMENT AUTHORITY

#### Sections:

2.88.010 Authority established.

2.88.020 Commission – Membership.

2.88.030 Commission – Powers and duties.

#### **2.88.010 Authority established.**

It is found and declared that there is a need for the industrial development authority of the city (the "authority") created by California Government Code Section 91520(a) and that the authority shall function in the city, and the authority is authorized to transact business and to exercise all powers permitted by law. (Ord. 08-05 § 1; Ord. 83-9 N.S. § 1, 1983. Formerly 2.80.010).

#### **2.88.020 Commission – Membership**

The city industrial development commission shall consist of seven members, none of whom shall be officials or employees of the city. Of the seven members first appointed under this chapter, four shall be appointed for a period of two years, and three shall be appointed for a period of three years. The city manager, or his designated representative, shall also serve as the secretary to the commission for the purpose of expediting the commission's work and keeping appropriate minutes. The city manager shall have no vote. (Ord. 08-05 § 1; Ord. 04-3 § 4; Ord. 84-3 N.S. § 1, 1984. Formerly 2.80.020).

#### **2.88.030 Commission – Powers and duties.**

A. The industrial development commission shall hold one regular meeting each month on a date and at an hour to be fixed by the commission, and hold regular meetings, adjourned meetings and special meetings at such times as circumstances shall require. The city manager shall attend all regular meetings and furnish necessary information, data, maps and records as required by the commission. With the consent of the city manager, the commission may also call upon the services of any of the departments of the city and the depart-

ment heads shall respond to the request for attendance by the commission.

B. The industrial development commission shall have the duty and power to:

1. Stimulate the growth of existing businesses and enterprises within the city limits;

2. Locate and stimulate growth of new industries within the city, which said industries are compatible to the area and within the framework of the zoning law;

3. Develop, compile and coordinate information regarding available sites suitable for the said industrial or commercial development. (Ord. 08-05 § 1; Ord. 84-3 N.S. § 2, 1984. Formerly 2.80.030).

## Chapter 2.92

### DESIGN REVIEW COMMISSION

#### Sections:

- 2.92.010 Established – Membership.
- 2.92.020 Purpose.
- 2.92.030 Members – Qualifications.
- 2.92.040 Meeting time and place.
- 2.92.050 Officers – Appointment.
- 2.92.060 Officers – Duties.
- 2.92.070 Powers and duties.

#### **2.92.010 Established – Membership.**

There is created a design review commission. The commission consists of seven members. (Ord. 08-05 § 1; Ord. 05-02 § 1; Ord. 92-3 N.S. § 3(1), 1992; Ord. 87-7 N.S., 1987. Formerly 2.84.010).

#### **2.92.020 Purpose.**

The purpose of the design review commission is to promote orderly, harmonious and attractive development in the city, encourage the stability of land values and investments, and promote the general welfare. Further, the purpose of the commission is to further the purposes of the design review expressed in Chapter 17.108 BMC. (Ord. 08-05 § 1; Ord. 87-7 N.S., 1987. Formerly 2.84.020).

#### **2.92.030 Members – Qualifications.**

Each member of the design review commission shall reside within the city. To be eligible for appointment, an individual shall have demonstrated talent and be interested in aesthetics and design either through education, training, experience or occupation. (Ord. 08-05 § 1; Ord. 87-7 N.S., 1987. Formerly 2.84.030).

#### **2.92.040 Meeting time and place.**

The commission shall fix the time and place of its regular meetings in accordance with state law. (Ord. 08-05 § 1; Ord. 87-7 N.S., 1987. Formerly 2.84.050).

#### **2.92.050 Officers – Appointment.**

The commission shall elect a chairman, a vice-chairman, and a secretary from among its members. These officers serve for a term of

one year and until the successor of each is appointed and takes office. (Ord. 08-05 § 1; Ord. 87-7 N.S., 1987. Formerly 2.84.080).

**2.92.060 Officers – Duties.**

A. Chairman. The chairman shall preside at all meetings of the commission. He/she shall appoint each committee and shall perform the duties necessary or incidental to this office.

B. Vice-Chairman. The vice-chairman is chairman in the absence of the chairman, or in the case of inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. The secretary shall certify each official document and resolution of the commission and shall perform such other duties as the commission assigns. (Ord. 08-05 § 1; Ord. 87-7 N.S., 1987. Formerly 2.84.090).

**2.92.070 Powers and duties.**

The commission shall perform the duties and has the rights and powers established by ordinance or resolution of the city council. This chapter hereby establishes that the historic preservation review commission is the design review commission. (Ord. 08-05 § 1; Ord. 05-02 § 3; Ord. 87-7 N.S., 1987. Formerly 2.84.120).

**Chapter 2.96**

**BUILDING BOARD OF APPEALS**

Sections:

- 2.96.010 Establishment – Membership.
- 2.96.020 Members – Qualifications.
- 2.96.030 Meeting time and place.
- 2.96.050 Officers – Appointment.
- 2.96.060 Officers – Duties.
- 2.96.070 Powers and duties.

**2.96.010 Establishment – Membership.**

The building board of appeals is established. The board shall consist of three members. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.010).

**2.96.020 Members – Qualifications.**

Each member of the board shall be a qualified elector of the city and shall have the experience and training to judge matters pertaining to building construction. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.020).

**2.96.030 Meeting time and place.**

The board shall meet as needed at the time and place noted on the board's agenda. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.050).

**2.96.050 Officers – Appointment.**

The board shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the commission. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.080).

**2.96.060 Officers – Duties.**

A. Chairman. The chairman shall preside at all meetings of the board. He/she shall appoint all committees and shall perform all the duties necessary or incidental to his/her office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The building official is an ex officio nonvoting member and is the secretary.

The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken the secretary shall take the vote by roll call vote in alphabetical order with the chairman voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.090).

**2.96.070 Powers and duties.**

The primary duty of the building board of appeals is to hear appeals regarding the Uniform Code or California Code. In addition to this duty and any duties, rights and powers imposed by state law and the Uniform or California Codes related to building construction or safety, the board shall perform the duties and has the rights, powers and privileges provided by ordinance or resolution of the city council. (Ord. 08-05 § 1; Ord. 04-5 § 1. Formerly 2.88.120).

**Chapter 2.100**

**ECONOMIC DEVELOPMENT BOARD**

Sections:

- 2.100.010 Establishment – Membership.
- 2.100.020 Members – Qualifications.
- 2.100.030 Meeting time and place.
- 2.100.040 Officers – Appointment.
- 2.100.050 Officers – Duties.
- 2.100.060 Powers and duties.

**2.100.010 Establishment – Membership.**

There is created in the city of Benicia an economic development board. The board shall consist of seven members. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.010).

**2.100.020 Members – Qualifications.**

To be eligible for appointment to the board, an individual shall have demonstrated interest in, and commitment to, furthering the economic development of the city of Benicia. Appointments shall be to citizens living in or owning, managing or operating economic entities in Benicia. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.020).

**2.100.030 Meeting time and place.**

The board shall fix the time and place for its regular meetings. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.050).

**2.100.040 Officers – Appointment.**

The board shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the commission. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.080).

**2.100.050 Officers – Duties.**

A. Chairman. The chairman shall preside at all meetings of the board. He/she shall appoint all committees and shall perform all the duties necessary or incidental to his/her office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken the secretary shall take the vote by roll call vote in alphabetical order with the chairman voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. The secretary is a nonvoting member if not a member of the board. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.090).

#### **2.100.060 Powers and duties.**

The board shall have the following duties and powers:

A. Identify and investigate economic development needs and opportunities in the city and annually make recommendations to the city council regarding those needs and opportunities on both a short- and long-term basis;

B. Extend and promote an interest in new business relocation to the city;

C. Extend and promote the economic well-being and expansion of all existing businesses;

D. Promote downtown revitalization;

E. Investigate development of city-owned property and land disposition, and promote if appropriate. (Ord. 08-05 § 1; Ord. 04-6 § 1. Formerly 2.92.120).

## **Chapter 2.104**

### **ARTS AND CULTURE COMMISSION**

#### **Sections:**

2.104.010 Established – Membership.

2.104.020 Purpose.

2.104.030 Members – Qualification.

2.104.040 Meeting time and place.

2.104.050 Officers – Appointment.

2.104.060 Officers – Duties.

2.104.070 Powers.

2.104.080 Duties.

#### **2.104.010 Established – Membership.**

The arts and culture commission is established in the city. The commission consists of nine voting members. (Ord. 09-15 § 2).

#### **2.104.020 Purpose.**

The purpose of the commission is to:

A. Advise and inform the city council and staff on culture and arts related issues;

B. Evaluate the needs and resources of local culture and arts organizations;

C. Facilitate, encourage, promote and stimulate arts and culture in our community;

D. Promote and increase public awareness, locally and beyond the city, of arts and cultural resources and activities;

E. Support and promote the arts and culture as a major element in Benicia's community identity;

F. Ensure that cultural and artistic elements are integral to the city's quality of life and economic vitality; and

G. Engage youth in culture and arts. (Ord. 09-15 § 2).

#### **2.104.030 Members – Qualification.**

A. Each member of the arts and culture commission shall have a demonstrated interest in promoting and sustaining the arts and cultural community of poetry, literacy, performing arts, music, theater, dance, film, visual arts, and cultural events.

B. At least one member shall be an artist or shall represent the visual arts community.

C. At least one member shall represent the cultural and/or performing arts community.

D. Members shall not be on other city boards or commissions nor board members of other organized art or cultural groups. (Ord. 09-15 § 2).

#### **2.104.040 Meeting time and place.**

The commission shall meet on the second Thursday every other month (bimonthly, six times a year) at the hour of 7:00 p.m in the Commission Room, City Hall, 250 East L Street, Benicia, California. (Ord. 09-15 § 2).

#### **2.104.050 Officers – Appointment.**

The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission. (Ord. 09-15 § 2).

#### **2.104.060 Officers – Duties.**

A. Chairperson. The chairperson shall preside at all meetings of the commission, appoint all committees, and perform the duties necessary or incidental to that office, and serve for a term of one year.

B. Vice-Chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act, and shall serve for a term of one year.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns. (Ord. 09-15 § 2).

#### **2.104.070 Powers.**

A. The commission may assist and cooperate with any existing agency or group, which has as its object the development or improve-

ment of art and culture activities and programs.

B. The commission may plan for the development of arts and culture activities and make recommendations to the city council.

C. The commission may accept gifts and grants from any source to assist it in the performance of its functions. These gifts and grants operate to augment any appropriation made for the support of the commission.

D. The commission may establish working committees as necessary to carry out the work of the commission. Examples of these include: the publicity committee, the grants committee, the events committee, and the annual report committee.

E. The commission will have the power to coordinate fundraising activities for arts and culture activities. (Ord. 11-10 § 1; Ord. 09-15 § 2).

#### **2.104.080 Duties.**

The commission shall:

A. Work cooperatively with city boards and commissions and other public and private organizations in creating and promoting art and cultural programs and activities within the city;

B. Make recommendations to the city council regarding the funding of community art projects, including the search for private and public grants, and regarding the disbursement of funds to arts and cultural organizations consistent with the needs of the community. The commission shall develop and adopt procedures for evaluating grant requests from the community prior to making recommendations on the requests to city council;

C. Provide information, including a community calendar of events, regarding performing arts, music, theater, dance, film, visual arts, nonpermanent exhibits and cultural events, such as celebrations of different cultures and culinary arts;

D. Encourage community involvement in the cultural arts by providing opportunities for local and area events and performances on behalf of the arts community;

E. Have the option to coordinate fundraising projects to augment city funding and to

raise funds to be used to stimulate arts and culture activities, events and projects in the community;

F. Send to the city council annually a written report of its activities and recommendations for improvements and additions to existing art and culture programs;

G. Develop recommendations in which the city may encourage and promote related programs;

H. Advise the planning commission or the city council, as the case may be, on any required public art dedications pursuant to BMC 16.32.120; and

I. Work closely with the assigned department director and other departments and agencies of the city so that the resources of the city are used as effectively and efficiently as possible on behalf of art and culture entities within the city. (Ord. 11-10 § 2; Ord. 09-15 § 2).

## Chapter 2.108

### COMMUNITY SUSTAINABILITY COMMISSION

#### Sections:

2.108.010 Established – Membership.

2.108.020 Purpose.

2.108.030 Definitions.

2.108.040 Members – Qualification.

2.108.050 Members – Ex officio.

2.108.060 Meeting time and place.

2.108.070 Officers – Appointment.

2.108.080 Officers – Duties.

2.108.090 Duties.

#### **2.108.010 Established – Membership.**

The community sustainability commission is established in the city. The commission consists of seven voting members, one of whom shall be a high school student. (Ord. 09-16 § 2).

#### **2.108.020 Purpose.**

The purpose of the commission is to educate, advocate and provide oversight for integrated solutions that seek a sustainable equilibrium for economic, ecological, and social health and well-being, both now and in the future. (Ord. 09-16 § 2).

#### **2.108.030 Definitions.**

“Sustainability,” as defined by the Benicia general plan and by the World Commission on Environment and Development (a.k.a. 1987 Brundtland Commission), is meeting the needs of the present generation without compromising the ability of future generations to meet their needs. Sustainability is an evolving concept and the definition will evolve over time. (Ord. 09-16 § 2).

#### **2.108.040 Members – Qualification.**

A. Each member of the community sustainability commission shall have expertise and/or demonstrated interest in one or more of the following areas:

1. Water quality, water use efficiency and conservation;
2. Air quality;

3. Local and regional ecology;
4. Energy;
5. Mobility;
6. Land use/stewardship;
7. Green site planning and building;
8. Waste management;
9. Community and regional economics/finance;
10. Social justice;
11. Public relations;
12. Local based business management (merchants, etc.).

B. One member of the commission shall be a high school student with junior or senior standing who resides in Benicia. (Ord. 09-16 § 2).

#### **2.108.050 Members – Ex officio.**

The commission shall have nonvoting ex officio members from:

- A. Benicia Unified School District, President or designee;
- B. Valero Refinery, General Manager or designee;
- C. Amports, General Manager or designee;
- D. Good Neighbor Steering Committee, Chair or designee.

To increase participation, an ex officio member may only represent one of the above categories. (Ord. 09-16 § 2).

#### **2.108.060 Meeting time and place.**

The commission shall meet on the third Monday of every other month (bimonthly, six times per year) at the hour of 7:00 p.m. in the Commission Room, City Hall, 250 East L Street, Benicia, California. (Ord. 09-16 § 2).

#### **2.108.070 Officers – Appointment.**

The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission. (Ord. 09-16 § 2).

#### **2.108.080 Officers – Duties.**

A. Chairperson. The chairperson shall preside at all meetings of the commission, appoint all committees, and perform the duties necessary or incidental to that office.

B. Vice-Chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns. (Ord. 09-16 § 2).

#### **2.108.090 Duties.**

The commission shall:

A. Advise the city council on implementation of the Benicia climate action plan and related city strategic plan performance measures, as appropriate.

B. Provide recommendations regarding the distribution of climate action and water conservation funds from the 2008 Valero Improvement Plan Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the climate action plan.

C. Advise the city council on matters related to sustainability, climate change and greenhouse gas reductions, including recommendations on forthcoming innovative programs and amendments to the climate action plan, if necessary.

D. Facilitate public outreach, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, socially just, economically vibrant, and green community.

E. Prepare an annual report to city council on implementation of this chapter.

F. Make recommendations to the city council regarding funding, including the search for private and public grants consistent with the needs of the community. (Ord. 09-16 § 2).

**4.16.110 Gifts.**

In conformance with the gift limits imposed by California Government Code Section 89503 and any subsequent amendments to that section, no official or employee of the city shall accept any gift, reward, service or gratuity of any kind in excess of the amount set forth pursuant to the Political Reform Act per single source as defined by the Political Reform Act regulations in a calendar year by reason of their employment or office. The provisions of Government Code Section 89503 and the related regulations shall be used to interpret the provisions of this section. (Ord. 07-24 § 1; Ord. 06-11 § 6; Ord. 05-06 § 1).

**Chapter 4.20****OPEN GOVERNMENT COMMISSION****Sections:**

- 4.20.010 Open government commission.
- 4.20.020 Administrative review and appeal process.
- 4.20.030 Responsibility for administration.
- 4.20.040 Enforcement of ethics chapter.

**4.20.010 Open government commission.**

A. Duties. In the implementation of this title, the commission shall:

1. Advise the city council and provide information to other city departments and bodies on appropriate ways in which to implement this title with a priority on simple, standard procedures.

2. Assist in citywide training for implementing the title.

3. Develop and maintain an administrative process for review and enforcement of this title.

4. Propose amendments to the city council of this title as needed.

5. Report to the city council on any practical or policy problems encountered in the administration of this title.

B. The commission shall consist of five members of the public. All commission members shall have a demonstrated interest in open and ethical government through such activities as, but not limited to, attendance at meetings of government bodies, requests for documents from government agencies, disseminating information about government to others, and familiarity with the Brown Act and/or Public Records Act. All members shall be without known conflicts of interest and shall be residents of the city to the extent possible.

C. The commission will meet as needed, but at least quarterly, unless otherwise directed by the city council.

D. The commission shall provide an annual report on implementation and compliance with this title. (Ord. 08-05 § 2; Ord. 05-06 § 1).

**4.20.020 Administrative review and appeal process.**

A. An administrative review and appeal process is hereby established to review whether a meeting was held in violation of this title or records were withheld in violation of this title. No such administrative review process shall preclude, delay or in any way limit a person's remedies under the Brown Act or Public Records Act. Further, such administrative review process shall not be used against employees except the city manager and city attorney since other employees are subject to discipline at the discretion of their supervisor.

B. Such review process shall include an:

1. Appeal to the city manager who shall make a decision within seven days of the appeal. (This step shall not apply in cases involving the city manager or members of the city council.)

2. Appeal of the city manager's decision to either the commission or a three-member panel of city attorneys, at the option of the person appealing the decision. The commission or three-member panel of city attorneys, as the case may be, shall first review the matter to determine if they have jurisdiction over the matter. If the complaint involves allegations that meetings were held in violation of this title or records were withheld in violation of this title, then they have jurisdiction to hear the matter and may hear the matter in accordance with the procedures established by resolution of the open government commission. The decision on jurisdiction is final unless judicial review is initiated.

3. If the commission or a three-member panel of city attorneys reviews whether a meeting was in violation of this title or records were withheld in violation of this title, their decision may be appealed to the city council. The decision of the city council is final.

C. Enforcement.

1. Upon the conclusion of the administrative review process, as implemented pursuant to subsection (B) of this section, any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her rights under this title.

2. A court may award costs and reasonable attorneys' fees to the plaintiff in an action brought pursuant to this section where it is found that a body has violated this title. The costs and fees shall be paid by the body and shall not become a personal liability of any public official or employee of the body.

3. If the litigation is judged to be frivolous by the court, the defendant body may assert its right to be paid reasonable court costs and attorneys' fees.

D. Mediation. Notwithstanding any other provision of law, any person whose request to inspect or copy public records has been denied by any body, agency or department may demand immediate mediation of his or her request with the Solano County courts mediation service or some mutually agreed-upon person who agrees to volunteer his or her time serving as mediator.

E. Cure and Correction.

1. Nothing in this title shall prevent a body from curing or correcting an action challenged on grounds that a body violated any material provision of Chapter 4.08 BMC. A body shall cure and correct an action by placing the challenged action on a subsequent meeting agenda for separate determinations of whether to cure and correct the challenged action and, if so, whether to affirm or supersede the challenged action after first taking any new public testimony.

2. In the event the commission, upon the conclusion of a formal hearing conducted pursuant to its administrative review process, determines that a body violated any material provision of this title, the body shall agendaize for the challenged action to correct and cure the violation. Any violation shall have no effect on those actions described in Government Code Section 54960.1(d)(1) – (4), inclusive.

F. Reports or Recommendations from Meetings Alleged to Have Been Held in Violation of This Title. If the sole purpose or nature of an action that is challenged for violation of this title is to make or convey an advisory report or recommendation to another body, such body shall not be precluded from hearing or taking action on the item if it is within the authority or jurisdiction for said body to hear or

take action on the item in the absence of such report or recommendation.

G. Penalties. The penalty for violation of this title by an elected or appointed official shall be commensurate with the violation and may include penalties, such as censure, including findings of fact and a determination, which shall be given to media selected by the commission.

H. Limitation of Actions. No person may file a complaint with the commission alleging violation of the notice provisions of BMC 4.08.050 if he or she attended the meeting or had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken. (Ord. 07-08 § 1; Ord. 05-06 § 1).

#### **4.20.030 Responsibility for administration.**

A. The city manager shall administer and coordinate the implementation of the provisions of this title for all bodies, agencies and departments under his or her authority, responsibility or control.

B. The city attorney shall staff, or provide staff for, the commission to permit the commission to fulfill the functions and duties set forth herein. The city attorney shall provide the commission with legal assistance, to the extent such assistance does not constitute a conflict.

C. The city clerk in the case of the city council and the assigned department in the case of other bodies shall be responsible for timely posting all agendas and shall make available for immediate public inspection and copying all agendas and agenda-related material filed with it.

D. The city clerk or designee shall act as information request facilitator to assist members of the public with acquiring the information they seek. If it will take longer than 48 hours (excluding Saturdays, Sundays, and holidays) to obtain the information requested by a member of the public then the city clerk will provide a written concise explanation of how and when the information will be made available. (Ord. 05-06 § 1).

#### **4.20.040 Enforcement of ethics chapter.**

The city council, and not the open government commission, shall be the enforcement body for alleged violations of Chapter 4.16 BMC. This process shall not be used against employees except the city manager and city attorney since other employees are subject to discipline at the discretion of their supervisor. In the event of an allegation of a violation of the ethics provisions of this title, the matter shall first be referred to the city attorney for a determination as to whether there is a substantial likelihood that an ethics violation occurred. If substantial cause exists, the city council shall use the administrative process set forth above to resolve the matter except the option of referral to the commission in BMC 4.20.020(A)(2) shall be omitted. In the case of an allegation of an ethics violation committed by an elected official, the process shall proceed directly to the city council for a determination. (Ord. 05-06 § 1).

**10.08.060 Loading zone.**

"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 78-11 N.S. § 1, 1978).

**10.08.070 Police officer.**

"Police officer" means every officer of the police department of this city, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 78-11 N.S. § 1, 1978).

**10.08.080 Traffic engineer.**

"Traffic engineer" means the director of public works or his authorized representative. (Ord. 78-11 N.S. § 1, 1978).

**10.08.090 Traffic regulations.**

"Traffic regulations" mean any ordinances or resolutions of the city council passed for the purposes of regulating or controlling traffic. (Ord. 78-11 N.S. § 1, 1978).

**10.08.100 Vehicle.**

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn. (Ord. 78-11 N.S. § 1, 1978).

**Chapter 10.10****TRAFFIC, PEDESTRIAN AND BICYCLE COMMITTEE AND TRAFFIC ENGINEER**

## Sections:

- 10.10.010 Traffic engineer – Appointment.
- 10.10.020 Traffic engineer – Powers and duties – Delegation.
- 10.10.030 Traffic, pedestrian and bicycle committee – Established – Membership.
- 10.10.040 Traffic, pedestrian and bicycle committee – Duties.

**10.10.010 Traffic engineer – Appointment.**

The office of city traffic engineer shall be appointed by the city manager and he shall exercise the powers and duties as provided in this chapter and in the traffic ordinances of this city. Whenever the city traffic engineer is required or authorized to place or maintain official traffic control devices or signals, he may cause such devices or signals to be placed or maintained. (Ord. 83-8 N.S. § 1, 1983).

**10.10.020 Traffic engineer – Powers and duties – Delegation.**

It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of this chapter a power is granted to the city traffic engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him. (Ord. 83-8 N.S. § 1, 1983).

**10.10.030 Traffic, pedestrian and bicycle committee – Established – Membership.**

There is established an advisory traffic committee to serve without compensation, consisting of the city traffic engineer, the chief of police or at his discretion his representative, the chief of the traffic division, a member of the city council and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the committee shall be appointed by the mayor and may be removed by four affirmative votes of the council. (Ord. 04-04 § 2; Ord. 83-8 N.S. § 1, 1983).

**10.10.040 Traffic, pedestrian and bicycle committee – Duties.**

It shall be the duty of the traffic, pedestrian and bicycle committee to suggest the most practicable means for coordinating the activities of all officers and agencies of this city having authority with respect to the administration or enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints having to do with this city and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. 04-04 § 3; Ord. 83-8 N.S. § 1, 1983).

**Chapter 10.12**

**SPEED LIMITS\***

Sections:

- 10.12.010 Authority.
- 10.12.020 Increase of state speed limit on certain streets.
- 10.12.030 Decrease of state speed limit on certain streets.

**10.12.010 Authority.**

Sections 22357 and 22358 of the Vehicle Code authorize local authorities to establish prima facie speed limits on streets and roads under their jurisdiction on the basis of an engineering and traffic survey. (Ord. 93-4 N.S. § 2, 1993).

**10.12.020 Increase of state speed limit on certain streets.**

It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law upon the following streets is less than necessary for safe operation of vehicles thereon by reason of the designation and posting of such streets as through highways and by reason of widely spaced intersections; and it is declared that the prima facie speed limit shall be as set forth on both streets or parts of streets designated in this section when signs are erected giving notice thereof:

There are no streets within the city that are within this category at this time. (Ord. 93-4 N.S. § 2, 1993).

**10.12.030 Decrease of state speed limit on certain streets.**

It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law outside of business and residential districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon

\* For statutory provisions as to speed generally, see Vehicle Code §§ 22349 through 22407; for provisions on local speed limits, see Vehicle Code §§ 22357 et seq.

**RESOLUTION NO. 11- 55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGES TO THE NAME, MISSION, DUTIES, STRUCTURE AND WORK PLAN OF THE FINANCE, AUDIT AND BUDGET COMMITTEE**

**WHEREAS**, the City Council considered changing the name of the Finance, Audit and Budget Committee to the Finance Committee to reflect the wide range of topic areas the committee will review; and

**WHEREAS**, the City Council considered changes to the Mission, Duties and Structure Policy of the Audit and Finance Committee to better define the scope of their reviews; and

**WHEREAS**, the City Council has considered the Work Plan presented by the committee members; and

**WHEREAS**, the City Council has determined the changes will improve the ability of the committee to contribute valuable financial recommendations to the City Council and the citizens of Benicia.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves changing the name to the Finance Committee.

**BE IT FURTHER RESOLVED THAT** changes to the Mission, Duties and Structure Policy, attached hereto and incorporated herein, are hereby approved.

**BE IT FURTHER RESOLVED THAT** the Work Plan submitted by members of the committee, attached hereto and incorporated herein, is hereby approved.

\*\*\*\*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 3<sup>rd</sup> day of May 2011, by the following vote:

Ayes: **Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

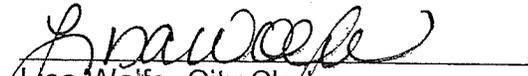
Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk

**FINANCE COMMITTEE**  
**MISSION, DUTIES AND STRUCTURE POLICY**  
*Amended November 7, 2008, May 3, 2011*

**Purpose**

The purpose of the Finance Committee shall be advisory to the City Council and shall review financial issues that can be reasonably addressed by the City of Benicia. The Finance Committee shall coordinate with the City Council annually to prepare and approve a work program for the following year. Urgent issues may be authorized for study by the City Council at any regular Council meeting.

**Mission Statement**

The role of the Finance Committee is to provide citizen input to Council and staff regarding financial policy or process issues including Audits, Financial Budgets (primarily long term), and monthly review of the Warrant Register. In addition, the Finance Committee's role is to help promote citizen's participation and understanding regarding the financial condition of the City.

**Duties**

1. Annual review of independent auditor selection process with recommendation on which firm to use.
2. Annual review of the Comprehensive Annual Financial Report with recommendations as appropriate.
3. Annual review of the investment policy with recommendations as appropriate.
4. Annual review of independent financial audit with recommendation as appropriate.
5. Review the Long-Range Budget Forecasting Budget Model to determine long-term financial sustainability and make recommendations as appropriate.
6. Quarterly review of the City's Investments and make recommendations as appropriate.
7. Monthly review of financial disbursements (Warrant Register Review Process) of the City to reasonably gauge compliance with established policies and procedures and make recommendations as appropriate.
8. Monthly review of the City's General Ledger to monitor the City's performance against a stated budget and make recommendations as appropriate.
9. Special projects as directed by the City Council, City Manager or Finance Director.

10. Submit an annual work program to the Council for review and approval.
11. Finance Committee recommendations shall be provided to the Council in writing unless otherwise requested by the City Council.

### **Structure**

1. The Committee shall be comprised of 5 members of the public, 2 Council Members and the City Treasurer.
2. Appointed citizens shall be Benicia residents, business owners, or members of Benicia organizations.
3. Members shall be appointed to 4-year terms, with 2 member terms expiring every 2 years.
4. Committee members shall elect the Chairperson, who will serve a one-year term, generally July through June to coincide with the fiscal year.
5. Elected liaisons shall be allowed full discussion but shall not have voting privileges.
6. Staff reports shall accompany agenda items when appropriate.
7. Decisions on agenda items shall be by Majority Vote.
8. Minutes shall be recorded, approved and forwarded to the City Council.
9. The Committee shall meet the 4<sup>th</sup> Friday each month at 8 A.M. unless otherwise necessary.

**RESOLUTION NO. 10-45**

**A RESOLUTION AMENDING THE “HUMAN SERVICES AND ARTS BOARD” IN THE CITY OF BENICIA TO THE “HUMAN SERVICES BOARD” AND TO REMOVE ACTIVITIES RELATED TO THE CULTURAL ARTS FROM THE BOARD’S DUTIES**

**WHEREAS**, the City had previously established a Human Services and Arts Board and now wants to transfer the duties of the board related to the cultural arts to the recently formed Arts and Culture Commission; and

**WHEREAS**, with that transfer of duties, it is appropriate to change the name of the Human Services and Arts Board to the Human Services Board (also known as the Human Services Fund Board) to better reflect their functions.

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

**SECTION 1: BOARD CREATED.** There is created in the City of Benicia a Human Services Board. The board shall consist of nine members.

**SECTION 2: QUALIFICATIONS OF BOARD MEMBERS.** To be eligible for appointment to the board, an individual shall have demonstrated interest in, and commitment to, furthering the interests of human services and be a qualified elector.

**SECTION 3: TERM OF OFFICE OF BOARD MEMBERS.** The term of office for each member of the board is four years. Each member shall serve a term of office of four years or until the successor is appointed and qualified.

**SECTION 4: REMOVAL AND VACANCY.** A member of the board may be removed by a majority vote of the Council. A vacancy on the board, whether by reason of removal, expiration of term, vacancy, or otherwise, shall be filled by appointment by the Mayor and ratification by a majority of the City Council. A person who has been appointed to fill a vacancy shall serve for the remainder of the unexpired term.

**SECTION 5: GROUNDS FOR VACANCY.** If a member of the board is absent without excuse from two successive regular meeting of the board, that member's office may become vacant at the discretion of the chairperson. The board shall immediately notify the Council of the vacancy.

**SECTION 6: QUORUM.** Five members of the board shall constitute a quorum for the transaction of business.

**SECTION 7: MEETINGS.** The board shall fix the time and place of its regular meetings.

**SECTION 8: ADOPTION OF RULES.** The board shall adopt rules for the transaction of its business.

**SECTION 9: OFFICERS.** The board shall appoint from among its members a Chairperson,

Vice-Chairperson, Secretary, Treasurer, and other officers and/or positions as the board deems necessary or appropriate. The Chairperson, Vice-Chairperson, Secretary, and Treasurer shall serve for a term of one year.

SECTION 10: OFFICER'S DUTIES. The board shall determine and define the duties of each of its officers.

SECTION 11: POWERS AND DUTIES. The board shall have the following powers and duties:

- A. Investigate human services needs of the City of Benicia and annually make recommendations to the City Council regarding priorities of human services needs.
- B. Develop procedures and timetables for reviewing funding requests, and make recommendations to the City Council as to which applicants should be funded.
- C. Evaluate and report to the City Council regarding the effectiveness of the previous year's funding.
- D. Coordinate continuing fund raising activities for human services needs only.

SECTION 12: LIMITATIONS OF POWERS. The City Council shall have the exclusive power to make distributions from the Human Services Fund after consideration of the recommendations of the board.

SECTION 13: HUMAN SERVICES FUND CREATED - SOLICITATION AND COLLECTION OF CONTRIBUTIONS. The City Council hereby creates a "Human Services Fund" which shall consist of funds obtained by the solicitation of voluntary contributions to the funds, fund raising activities, and from funds contributed by the City, if any, for human services programs. In addition to other methods of obtaining funds for human services needs, the City may solicit voluntary written pledges for contributions to the fund from citizens and property owners of the. The City may collect the sum pledged by an individual by billing him/her therefore as a separate item on their water bill. The one time donations collected by the City shall be placed in a separate endowment fund of the City designated as the "Human Services Endowment Fund" and these funds may be utilized in accordance with the Board's Endowment Policy. Ongoing donations will be placed in the Human Services Grant Fund, to be distributed annually by the Council to human services programs, and only after hearing and considering the recommendations of the board and other information, which the Council, in its discretion, may consider.

SECTION 14: HUMAN SERVICES PROGRAM DEFINED. A "human services program" for the purposes of this resolution, shall be those programs or activities which address the mental, social or physical health and welfare of Benicia residents of all ages.

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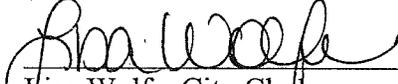
On motion of Council Member **Hughes**, seconded by Council Member **Ioakimedes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 6th day of April, 2010 and adopted by the following vote:

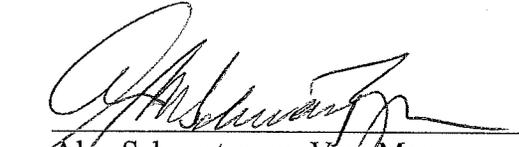
Ayes: **Council Members Campbell, Hughes, Ioakimedes and Vice Mayor Schwartzman**

Noes: **None**

Absent: **Mayor Patterson**

ATTEST:

  
\_\_\_\_\_  
Lisa Wolfe, City Clerk

  
\_\_\_\_\_  
Alan Schwartzman, Vice Mayor

**RESOLUTION NO. 08-102**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
REAFFIRMING THE PURPOSE OF THE SKY VALLEY OPEN SPACE COMMITTEE**

**WHEREAS**, the City Council of the City of Benicia recognizes that the Sky Valley Open Space planning area is comprised of unique wetlands, native oak savannah and open grassland habitat that represents the natural, geographic and cultural heritage of our community and provides a scenic Mediterranean landscape that buffers the City from its neighbors; and

**WHEREAS**, the City of Benicia General Plan contains goals and policies to further open space, agricultural and rangeland preservation in areas adjacent to the existing City; and

**WHEREAS**, the 5,500-acre Sky Valley Open Space area is bounded by the city limit to the south and by the City's Sphere of Influence boundary to the north, east and west; and

**WHEREAS**, on May 18, 2004, in response to the threat of residential development in the Sky Valley area and the perceived inability of natural resources in the watershed to withstand such development, the Benicia City Council established the Sky Valley Open Space Committee for the purpose of protection and enhancement of agricultural uses and the watershed north of Lake Herman Road and to pursue conservation easements and land acquisition through partnerships; and

**WHEREAS**, the Benicia City Council is committed to protection and enhancement of agricultural land, watersheds and open space, particularly in the area north of Lake Herman Road.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia hereby reaffirms the purpose and importance of the Sky Valley Open Space Committee and specifically directs the Committee to pursue conservation easements and land acquisition through partnerships.

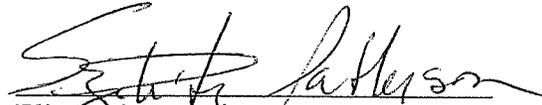
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On motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16<sup>th</sup> day of September, 2008 and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **None**

  
Elizabeth Patterson, Mayor

Attest:

  
Lisa Wolfe, City Clerk