



AGENDA REPORT

Meeting Date: 04/03/2012

TO: Honorable City Council

FROM: City Administrator

SUBJECT: Review of Handbook for Commissions, Committees and Boards and Setting Date for Future Council Workshop to Consider Retaining, Combining or Eliminating Certain City Commissions and/or Committees

RECOMMENDATION:

Receive and file the Handbook and authorize the City Clerk to update same from time-to-time as deemed necessary and consider setting future date for holding a Council workshop to consider retaining, combining or eliminating certain City Commissions and/or Committees. It is the Council's discretion to conduct the future workshop or take action as deemed appropriate at this time to retain, combine or eliminate certain City Commissions and/or Committees.

MOTION:

Move to receive and file the Handbook for Commissions, Committees and Boards and authorize the City Clerk to update the Handbook from time-to-time as deemed necessary.

Council discretion with respect to setting the date for a future Council workshop or taking action as deemed appropriate at this time.

BACKGROUND:

Following the 2011 General Municipal Election, when all terms on the City's various Commissions and Committees expired, the Council expressed a desire to consider at some future time the retention, combining or elimination of certain City Commissions and/or Committees.

ANALYSIS:

The Handbook for Commissions, Committees and Boards has undergone extensive review and revision and is now complete and ready to distribute to the City's appointed Commissioners and Committee Members. It is requested that the Council consider the Handbook for receipt and filing and authorize the City Clerk to update the Handbook from time-to-time as deemed necessary.

Further, it is requested that the Council consider setting the date for holding a future Council workshop to consider whether or not certain City Commissions and/or Committees should be retained, combined or eliminated. If deemed appropriate, the Council may take action with respect to determining whether or not to retain, combine or eliminate certain Commissions and/or Committees at this time.


FISCAL IMPACT:

This item can be carried out without further impact on the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:


This item is related to the 2009 Strategic Goal of Protecting and Enhancing the Quality of Life in the City of Commerce by clarifying the role and effectiveness of the City's Commissions and Committees.

Respectfully submitted,




Jorge J. Rifa
City Administrator

Recommended by:



Linda Kay Olivieri
City Clerk

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

HANDBOOK FOR COMMISSIONS, COMMITTEES AND BOARDS

Part I

Introduction

INTRODUCTION

Citizen participation in local government plays an important and active role in the City of Commerce. Elected officials and city employees cannot, by themselves, provide the time, energy, knowledge and talent needed to keep Commerce the exceptional community that it is. To meet its many needs for skills and public service, Commerce looks for participation from its diverse and widely experienced citizens.

Membership on City Advisory Boards requires work and commitment, but tends to be a rewarding experience. It offers a means of participation in community affairs, of helping to shape policy decisions and of working with interesting people.

This Handbook is part of an effort to make it as easy as possible for you to enjoy the experience of serving on an Advisory Board and has been prepared to:

1. Provide a statement of the policies and guidelines of the City Council governing the role, authority and operation of City Advisory Board and the responsibilities of members.
2. Describe general guidelines for all City Commissions, Committees and Boards and specific scopes of responsibility.
3. Describe the role and authority of each Commission, Committee and Board the responsibilities of members.

It is our hope that this handbook will provide members with the necessary information to understand the role of their Commission, Committee or Board and their responsibilities as members.

Citizens interested in serving on a particular Commission, Committee or Board should complete an "Application for Appointment" and submit it to the City Clerk's Office. All vacancies are publicized at the time they occur by the City Clerk.

Any questions regarding the information contained in this Handbook and requests for additional information should be directed to the City Clerk or the Staff Liaison.

MISSION STATEMENT

The City of Commerce is dedicated to providing the finest in municipal services as sensitively, courteously, efficiently, and effectively as possible to ensure the well being of the residential and industrial communities and to respond to the needs of the people.

VALUES STATEMENT

We, the Commerce city employees and officials, take great pride and pleasure in providing outstanding programs, services, and activities for our community and industrial neighbors.

Within our city family, we treat each other with respect and kindness always do our best, and are honest and straightforward with each other. We welcome opportunities to learn and grow; we trust and support each other, laugh together, accept each other's differences, and are loyal to each other and to the city.

Strengthened by our city ties, we work with enthusiasm and dedication on tasks large and small to put our abundant city resources to the best possible use for all who live or earn their living in Commerce. Our work reflects the same qualities found in our co-worker relationships: respect, kindness, commitment, honesty, trust, desire to grow, support, humor, acceptance, and loyalty.

Commerce is an excellent place to live and work, and all our efforts as city employees and officials go toward keeping it that way. Together, we are "The Model City."

City Councilmembers
City Commissioners and Committee Members
City Administration
City Staff in All Departments

CITY OF COMMERCE GOVERNMENT STRUCTURE

The City of Commerce operates with the City Council – City Administrator form of government. This is the most widely used type of government for cities in the United States. It is popular because it is successful in bringing together the combination of full-time professional staff in City administration with the finest talents the community has to offer in its locally elected and appointed officials. This form of government can be described as a partnership between elected officials, appointed staff and community volunteers with each group having their own distinct roles and responsibilities.

City Council

The City Council is the governing body of the City of Commerce. Members of the Council are selected directly by the electorate on a non-partisan ballot. Members serve four-year terms and are elected at large. The City Council governs the City by establishing policy. City Council members are not full-time City officials and they do not manage the day-to-day activities of the City. This is done by the City Administrator.

As a body, they carry out their policy-making at Council meeting held the first and third Tuesday of every month. The City Council carries out its policy-making function by passing ordinances and resolutions and by adopting the annual budget. The City Council directly appoints the City Administrator, City Attorney, City Clerk and City Treasurer.

City Administrator and Staff

The City of Commerce Municipal Code establishes the office of City Administrator. The City Administrator is appointed by the City Council “solely on the basis of his/her executive and administrative qualifications and ability.” The City Administrator’s duties include:

1. Carrying out the policies of the City Council.
2. Managing the City Departments and program activities.
3. Recommending policy to the City Council.
4. Recommending the annual budget to the City Council.
5. Enforcing City ordinances and State laws.
6. Keeping the City Council apprised of the financial condition of the City.

The City Administrator is solely responsible for hiring, promoting, disciplining and removing all City employees except for the City Attorney, City Clerk and City Treasurer and provided that the hiring and dismissal of the Assistant City Administrator, Department Directors and Assistant Department Directors shall be done by the City Council after receiving and considering the recommendation of the City Administrator.

A key provision in the City of Commerce Municipal Code provides that “the City Council and its members shall deal with the administrative services of the City only through the City Administrator, except for the purpose of inquiry. Neither the City Council nor any members thereof shall give orders to any subordinate of the City Administrator.”

Advisory Groups

Commissions, Committees and Boards are created by the City Council to obtain increased public input and citizen participation into the determination of City programs and policies. Commissions, Committees and Boards are the citizens’ advisory arm of the City Council, focusing attention on important program areas of the City. Commission, Committee and Board members have been described as the “eyes and ears” of the City Council.

The role of City Commissions, Committees and Boards is to make recommendations to the City Council on matters within the advisory body’s scope of responsibility. Each group’s responsibilities are established by law or City ordinance, resolution or minute action. Examples of duties of specific Commissions, Committees and Boards are also outlined in this handbook.

The following is an overview of the general roles of Commissions, Committees and Boards:

The Role Includes:

- Expressing views on programs and policies within their authorized scope of interest.
- Serving the general interests of the City rather than specific interest groups or special programs areas.
- Assuring consideration of community values and goals in the Advisory Board’s area of specialization.
- Focusing issues for the City Council by identifying pros, cons and possible actions.

- Holding forums for members of the public to express their views on community issues within the Advisory Board's area of concern.
- Educating the public on the public process and subject matters within the Advisory Board's area of concern.

The Role Does Not Include:

- Directing staff to initiate programs or conduct studies.
- Establishing departmental work programs or determining departmental priorities.
- Taking unilateral action as a City representative such as attempting to resolve a complaint.
- Serving as advocates for departmental budgets, programs or policies.
- Discussing or considering City personnel matters dealing with hiring, transfers, terminations or discipline.
- Becoming involved in the administrative or operational matters of City departments.
- Serving the specific interests of special groups at the expenses of the overall interests of the City.

**HANDBOOK
FOR
COMMISSIONS,
COMMITTEES
AND
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Part II

Rules & Responsibilities

RESPONSIBILITIES OF ADVISORY BOARD MEMBERS

To be selected as a member of a City Commission, Committee or Board is a high honor and provides an opportunity for improving the community. Although the specific duties of each of Commerce's Commissions, Committees and Boards vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all Advisory Board members. The following is a summary of the important responsibilities of Commission, Committee and Board members and some guidelines to assist members to maximize their contributions to the City and the Advisory Board upon which they serve.

1) UNDERSTAND THE ROLE AND SCOPE OF RESPONSIBILITY OF THE COMMISSION, COMMITTEE OR BOARD

One of the first responsibilities of a Commission, Committee or Board member is to be informed of the body's scope of responsibility and operating procedures. This information may be obtained by referring to the Commerce Municipal Code, City resolutions or minutes and this Handbook. Copies of the Municipal Code are available in most City offices and on the City's website (www.ci.commerce.ca.us) for your review. Members should also become acquainted with City programs within their Commission, Committee or Board's scope of interest by consulting with staff members responsible for these programs.

The role of the Advisory Boards is to advise the City Council on specific program areas and related policies and not to establish City policy or administer City programs.

2) BE CAREFUL TO REPRESENT THE COMMISSION, COMMITTEE OR BOARD

Individual members must not represent their views or recommendations as those of the Commission, Committee or Board unless the majority of the body has officially voted to approve the recommendation. Members making recommendations or expressing views not approved by a majority of the body should indicate that they are representing themselves as individuals and not the Commission, Committee or Board.

Public statements should contain no promises to the public that purport to be binding on the Commission, Committee, Board, staff or City Council. When making statements to the press, members should indicate if

Commission, Committee or Board actions are recommendations and, if so, that final action will be taken by the City Council. Comments to the press and public should be factual. Individual "opinions" to the public and press are discouraged and, if given, should be identified as such.

3) BE REPRESENTATIVE OF THE WHOLE CITY

Each member should represent the public interest and not a special group or interest. The question, "What is best for the entire community?" should take precedence over "What is best for my special interest group?"

4) BECOME THE "EYES AND EARS" OF THE CITY COUNCIL

As an influential member of the community, the Commission, Committee or Board member is in the unique position of serving as a liaison between the City and its citizens in helping to reconcile contradictory viewpoints and to build a consensus around common goals and objectives. The member must serve as a communication link between the community, staff and City, presenting City programs and recommendations and also providing a channel for citizen expression. Members should explain, and be encouraged to promote, policies established by the City Council.

If a member is not careful, this channel may break down at one of two points:

- There is a danger that the channel may become one-way with the Commission, Committee or Board becoming concerned with transmitting to the residents City proposals with insufficient consideration given to transmitting back to the City officials the reactions and opinions of the citizens. A primary role of the Commission, Committee or Board is to determine what the residents think with respect to the City program areas within the scope of interest of the Commission, Committee or Board.
- Members must also be careful not to substitute their own opinions for those of the general public. This is seldom malicious or even intentional but is the result of too much talking and too little listening.

5) DO YOUR HOMEWORK AND BE THOROUGH IN RECOMMENDATIONS

It is extremely important that individual members do their homework before each meeting. This involves thoroughly reviewing the agenda and back-up

reports. It also may mean making on-site visits if the agenda issue involves a site or facility within the City.

Members should also endeavor to maintain an objective attitude in their fact finding. Remember that there are always at least two sides to every issue.

6) **BE CONSCIOUS OF THE RELATIONSHIP WITH THE CITY COUNCIL AND CITY STAFF**

Supportive relationships with the City Council and City staff are basic for successful operation of any Commission, Committee or Board.

In contacting City personnel on Commission, Committee or Board business, the proper channel is through the chairperson to the department director or his/her designated representative. The exception to this rule is in instances where a member requires some limited additional material or clarification on data being submitted.

City staff is required by the City Council to make individual recommendations which may or may not agree with those of the Commission, Committee or Board. The staff is required to fairly present the Commission's recommendations and explain them, but will not defend them if in disagreement.

When appropriate, the chairperson or delegated representative should communicate in writing, or be present at the City Council meeting to report on the Commission, Committee or Board's recommendations. This is particularly true when the City staff recommendation is not in accord with the approved position of the Commission, Committee or Board on a given idea. What the City Council seeks is full and complete information including a range of options on a given issue.

7) **ESTABLISH A GOOD WORKING RELATIONSHIP WITH OTHER MEMBERS**

On many occasions, the success or failure of the efforts of the members is largely dependent on the degree of cooperation among the individual members. To help build a consensus around common goals and objectives, members will often have to first reconcile contradictory viewpoints (which often are only differing degrees of understanding) and show a willingness to objectively consider the real issues. Part of this cooperation can

be produced by setting the time and place of meetings so that under normal conditions every member and interested citizen is able to attend.

Another way of developing this cooperation is for each member to insure that meetings proceed in an orderly and constructive manner. The chairperson is primarily responsible for seeing that consideration of agenda items moves along without delay, but with reasonable time allocated to each item. Each member can assist the chairperson by becoming familiar with the basic rules of parliamentary procedure and by adequate preparation of any presentations made to the Commission, Committee or Board.

Other important points which each member should consider in working with other members are as follows:

- Always respect the other individual's viewpoint even though it may be opposite of yours.
- Allow other members adequate time to present their views fully before making comments.
- Be open and honest at all times.
- Recognize new members and see that they are made welcome and receive assistance in becoming acquainted with the Commission, Committee or Board.

8) PARTICIPATION IN POLITICAL ACTIVITIES

Local government elections in California are nonpartisan. Council appointments to City Advisory Boards are made without regard to political party affiliation. Acceptance of an appointment to a Commission, Committee or Board does not in any manner restrict citizen participation in political activities of an individual's choosing at any level of government be it local, State or federal. However, members are discouraged from using their appointed office or title in the conduct of such activity.

9) DISAGREEMENTS

A Commission, Committee or Board member may disagree with the City Council on any matter, but once the City Council has established its position on a matter, the member should not do anything contrary to the established policies and programs adopted by the City Council. If personal ethical problems arise, resignation from the Commission, Committee or Board is the appropriate response.

10) ADVISORY POSITION

It should also be recognized that Commission, Committee and Board members are not employees of the City of Commerce and are not entitled to benefits or employment rights bestowed on City employees.

CONFLICTS OF INTEREST

1) General Provisions

The law prohibits public officials from engaging in activities in which their private interests conflict with their public duty.

Conflict of interest involves making a decision as a public official which would benefit one's own financial interest, one's relatives' financial interest or a business in which one has an interest. If an official is confronted with a situation where he or she is to vote on a matter involving a conflict of interest, he or she must abstain from voting.

Examples of Conflict:

An official has a financial interest in an action if it is reasonably foreseeable that the action will have a material financial effect on the official's immediate family or on:

- a. Any business in which the official has a direct or indirect investment worth \$1,000 or more.
- b. Any real property in which the official has a direct or indirect investment worth \$1,000 or more.
- c. Any source of income, other than unofficial gifts or loans, aggregating \$250 or more, received or promised to the official within twelve month prior to the action.
- d. Any business entity in which the official is a director, officer, partner, employee or any position of management.
- e. Any donor of a gift or gifts aggregating \$250 or more in value received or promised to the official within twelve months prior to the action.

Prior to a meeting, each official should review the agenda to evaluate potential financial conflicts of interest on actions to be taken.

If you have a conflict of interest, you should not directly or indirectly influence the proceedings or the vote. Probably the safest way to deal with this is to state the basis for your conflict of interest prior to debate on the issue, immediately after the chairperson announces the time for consideration. For example, "Mr. Chairperson, I have a conflict of interest on this item because ... (state reason) ... and I will not be participating in the deliberations". At this point, simply leave the room until the item is decided. A staff member will then come and get you after the item has been voted upon. The minutes will reflect that you stated the conflict and did not participate in any way in the proceedings and that you, in fact, left the room.

The penalties for violating the conflict of interest laws are serious and may include fines and a prohibition against serving in public office. If you have any question regarding a potential conflict of interest, you are urged to discuss the matter with the City Attorney.

2) How can a Public Official find out if he/she has a Conflict of Interest?

When a public official suspects that he or she may have a conflict of interest, the City Attorney should be consulted. The official can also ask the Legal Division of the California Fair Political Practices Commission ("FPPC") for advice. Requests for written advice are generally answered within twenty-one working days, although written or telephone advice may be given more quickly in urgent situations. If the FPPC advises an official that disqualifications is not necessary, the official is protected against legal administrative actions arising from conflict of interest charges. If an official poses a question which is unusually complex, significant or unique, the full Commission may issue an opinion.

The FPPC can only issue opinions or give advice regarding conflicts of interest to the official who may have to be disqualified, or to the official's authorized representative. Advice about specific situations cannot be given to members of the public, or to other persons who are interest in whether or not an official should be disqualified from the specific decision. However, general guidance about the requirements of the law will be provided to anyone who requests it.

3) Disclosure Statement

City Planning Commissioners are required to file an Annual Statement of Economic Interest, Form 700, and disclose investments and interests in

real property held and income received during the reporting period. A newly appointed Planning Commissioner must file an Assuming Office Statement disclosing any investments or interests in real property held by the Commissioner on the date they assumed offices as well as income received during the twelve months prior to the date the office was assumed. The City Clerk administers disclosure statements and can help you with questions.

4) Are Statements of Economic Interest available to the public?

Statements of Economic Interest are public records. Any member of the public must be permitted to inspect and copy any statement during normal City business hours. No more than ten cents a page may be charged for copies. No one can be required to identify himself or herself or sign anything before being permitted to inspect or copy statements. No other conditions can be imposed on inspection and copying.

RALPH M. BROWN ACT (CALIFORNIA STATE LAW)

The Brown Act, described as one of the strictest open meeting laws in the United States, is designed to ensure that public meetings are conducted openly without restrictions on the right of the public to attend and/or take make comments. Here are some provisions of the Brown Act open meetings laws:

1. The open meeting laws apply to all City Commissions, Committees and Boards.
2. In general, a meeting is a quorum (majority of members) of the Advisory Body, no matter how informal, where business is discussed or transacted.
3. The Brown Act does not apply to subcommittees of the Advisory Body composed solely of its members which are less than a quorum.
4. A meeting between a subcommittee of an Advisory Board and a subcommittee of the City Council constitutes a public meeting and must comply with the law.
5. It was once thought that in order for a "meeting" to occur which was subject to the Brown Act, "action" had to be taken at that meeting. It is now clear, however, that a meeting under the Brown Act includes not only action but also deliberation.
6. It is important to remember that if "action is taken" on an item through a series of telephone calls by and between individual members of the Commission, Committee or Board, even if there is no "formal meet-

ing”, this action taken outside of the public meeting is a violation of the Brown Act. This admonition, however, does not mean that members of the Commission, Committee or Board may not speak to each other on the telephone outside of the public meeting about their thoughts and ideas on matters of concern. However, to the extent a quorum is either “deliberating” or “taking action”, either such activity is prohibited by the Brown Act.

7. Members of the public may not be required to give their names as a precondition of attendance at a meeting held under the Brown Act.
8. The agenda must make provision for the public to speak on issues within the jurisdiction of the Commission, Committee or Board.
9. Members of the public have the right to record the meeting proceedings in the absence of a reasonable finding of the Commission, Committee or Board that such recording constitutes a disruption of the proceedings.
10. The law requires that the agenda for all meetings be in writing and posted 72 hours before the scheduled time of a regular meeting or 24 hours before a special meeting. No action can be taken on any matter which has not been listed on the agenda.

The salient purpose of the Brown Act is to protect the public’s right to be informed. If you are in doubt about any provisions of the Brown Act, ask your Staff Liaison, the City Clerk or the City Attorney for an opinion.

APPOINTMENTS AND MEMBERSHIP

Where a Commission, Committee or Board has five members, each member of the City Council appoints one member with the consent of the City Council. If there are more than five members, the City Council appoints the additional members by majority vote.

The term of office of each appointee shall be for a period not to exceed two years, expiring at the next General Municipal Election. Thus, a person who is appointed right after the election could have up to a two-year term. On the other hand, a person appointed one year after the election would have a one-year term. However, members whose term has expired and for whom a successor has not been appointed and qualified, continue to serve until the appointment and qualification of their successors.

While there is an eight-year term limit for service on a specific Commission, Committee or Board, this does not preclude a person from serving on another Commission, Committee or Board. Individuals may not, however,

serve on more than one Advisory Body at the same time, unless otherwise permitted by the City Council. (This does not apply to City Council subcommittees which also include members of the public.)

All members serve at the will of the City Council. If a member is removed prior to the expiration of his/her term, the successor is appointed by the same City Councilmember or by the full City Council who appointed the removed member, subject to the approval of the City Council.

EX-OFFICIO MEMBERS

Commissions, Committees and Boards also have ex-officio members who serve by virtue of their office or position.

The City Administrator serves as an ex-officio member of all Commissions, Committees and Boards appointed by the Mayor or the City Council. This allows the City Administrator or his/her designee to participate in all meeting deliberations or actions. Ex-officio members do not have a vote.

QUALIFICATIONS

Individuals appointed to City Commissions, Committees or Boards must be residents of the City of Commerce when appointed and at all times while membership continues.

The resident provision does not apply to the two professional members appointed to serve on the Environmental Justice Advisory Task Force.

Individuals who have been convicted of a felony are disqualified from serving on any Commission, Committee or Board. All applicants must submit to fingerprinting by the Human Resources Department for the purpose of allowing the City to obtain a criminal background report from the California Department of Justice ("DOJ"). All information obtained by the City from the DOJ shall remain confidential.

Any individual appointed to serve on a Commission, Committee or Board must take the required loyalty oath, complete the application for appointment and provide the required fingerprints within 12 weeks of appointment or reappointment. Failure to comply will result in automatic termination from the Commission, Committee or Board. The City Council may reappoint the individual on a case-by-case basis after considering the circumstances for noncompliance.

QUORUM

The Commission, Committee or Board may only transact business when a quorum is present at the meeting. A majority of the members constitutes a quorum. For example:

Commission/Committee/Board Size:	Quorum:
Three Members	Two
Five Members	Three
Seven Members	Four
Nine Members	Five

If a quorum is not present, the meeting should be adjourned by the members present. If no members are present, the meeting may be adjourned by the staff.

ATTENDANCE POLICIES

Members are expected to attend all scheduled meetings and should make every effort to do so. The City Council wants the collective benefit of each member's participation and judgment on every issue.

Commission, Committee and Board members who cannot attend a meeting should contact the chairperson or Staff Liaison prior the meeting. Any member who misses three meetings within one calendar year is automatically removed from membership. This provision applies regardless of the reasons for the absence with the exception of an absence resulting from a procedural error or irregularity not within the control of the member. While there are no "excused absences" allowed, the City Council may reappoint on a case-by-case basis given the circumstances of the absences. Meetings cancelled due to the lack of agenda items are not counted as absences.

Members who are unable to continue their service for health, business or personal reasons should submit a letter of resignation to the appointing City Councilmember.

CHAIRPERSON RESPONSIBILITIES

Commissions, Committees and Boards can only take action at a meeting and with a majority vote of the members.

The chairperson is the key to the effectiveness of this group process and can be likened to the team captain. The chairperson provides group direction and sets the tone for meetings.

The chairperson must balance being strong enough to move the meeting along and democratic enough to involve all members in the meeting. To be effective the chairperson needs the support of the members. Trust is built by even handedness and fairness to all the participants. It also means that the chairperson does not use the powers of the chairperson unfairly to win a point or argument.

The effective chairperson also:

- Prevents dominate members from having a disproportionate influence.
- Protects all members from public and colleague abuse.
- Solicits opinions, feelings and positions from reticent members.
- Protects new thoughts from being rejected prior to fair evaluation.
- Discourages blame-oriented statements.
- Keeps the discussion focused on the issues.
- Encourages the generation of alternative solutions.
- Delays evaluation and analysis of alternatives until all are on the table.
- Guides the process of screening alternatives and selecting the solution.
- Attempts to obtain consensus.
- Moves the meeting along and does not allow the members to drift off the subject at hand.

WORKING WITH THE PUBLIC

One of the most important functions of Commissions, Committees and Boards is to obtain increased public input and citizen participation. The skillful Commission, Committee or Board is able to obtain public input by practicing positive encouragement measures. Here are some steps that will increase the public's willingness to participate:

- Recognize that some people are fearful or anxious at a meeting. It may be the first time they have addressed a public group. Try to calm and reassure them.

- Show patience – imagine yourself addressing the Commission, Committee or Board.
- Keep the audience informed of the process and procedures that are being followed.
- Before each item is considered, the item should be described and the possible actions identified.
- Members should project a feeling of fairness, understanding and graciousness as circumstances permit. Members should be considerate of all interests, attitudes and differences of opinion.
- Members should take care to observe the appearance as well as the principle of impartiality.
- Member should go through the chairperson and try to avoid speaker-to-audience conversation. The purpose of hearing the public is usually to help the Commission, Committee or Board act, not to engage in debate or argument with the public.
- Make sure agendas and back-up reports are readily available to the public.
- Don't spend too much quality time on routine items such as correcting the minutes. This is especially important when an audience is present.
- Relations with the City Council should also be kept in mind in communicating with the public or the media. Members are considered by the public to be representatives of, and spokespersons for, the official City family. Because policy decisions are the sole responsibility of the City Council, it is inappropriate for Commission, Committee or Board members, as representatives of the City, to publicly criticize established City Council policies or City Councilmembers. If personal ethical problems arise, resignation from the Advisory Body is the appropriate response. This does not in any way preclude a member's responsibility to advocate his/her position on a policy matter prior to the decision on an official policy.

WORKING WITH THE MEDIA

Commission, Committee and Board members should avoid making statements to the media or to the public on matters that have not been presented before the entire Commission, Committee or Board.

Members should be aware that any statements or opinions made to representatives of the media could be considered "on the record" by reporters. Such statements should always be made in consideration of the likelihood

that they will be printed or broadcasted. Members may always refer reporters to the City's Public Information Officer for assistance.

Members should remember that they speak for the entire body and should refrain from stating personal opinions on issues or matter to reporters.

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Part III

Guidelines

MOTIONS

PREPARING MOTIONS

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

When a member wishes to propose an idea for the Commission, Committee or Board to consider, the member makes a motion. If the idea is spelled out in written form, a motion is still needed to adopt the statement. A motion goes through the following steps:

1. The member asks to be recognized by the chairperson.
2. After being recognized, the member makes the motion (e.g., “I move...”).
3. Another member seconds the motion.
4. The chairperson states the motion and asks for discussion.
5. When the chairperson feels that there has been enough discussion, the debate will be closed (e.g., “Are you ready for the question?, or “Is there any further discussion?”).
6. If no one asks for permission to speak, the chairperson then puts the question to vote.
7. After the vote, the chairperson announces the decision (e.g., “The motion is carried”, or “The motion fails”, as the case may be).

PHRASING AND AMENDING A MOTION

In some situations corrections may be necessary before a motion is acted upon. Until the chairperson states the motion (step 4, above) the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the chairperson restate the motion in order for the members to be clear as to what they are voting on.

Members may wish to write out difficult motions before the meeting. staff can also help in the phrasing of difficult motions.

DIVIDING A MOTION

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the chairperson to divide the motion. If other members do not object, the chairperson may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

ADJOURNMENT

When the Commission, Committee or Board has finished its business, a motion to adjourn is in order. This motion is not debatable, so it is the duty of the chairperson to see that no important business is overlooked. If the Commission, Committee or Board wishes to meet before the next regularly scheduled meeting, the motion may be to adjourn the meeting to a stated date, time and place. If this is done, a notice of adjournment must be posted on or near the door of the meeting place within 24 hours after the time of adjournment,

Since the City Clerk's Office handles all notices, it is important that meeting adjournment information be provided to the City Clerk immediately after the meeting.

MANAGING DIFFICULT MEETINGS

From time to time, Commissions, Committees and Boards may be faced with conducting highly charged controversial meetings. These meetings may involve one unified group or two or more conflicting groups. The group demeanor may also be characterized by aggressiveness and hostility. Such meetings really test the mettle of the Advisory Body and staff. In addition to the points raised in the "Working with the Public" section in Part II of this Handbook, the Advisory Body should consider the following:

Before the Meeting

- It is possible to have the group or groups designate one or more spokespersons? This will help reduce redundancy and make sure that all sides of the issue will be heard.

- Make sure agendas and back-up reports are readily available to participants.
- Make sure adequate room is available for the meeting. Consider moving to larger quarters, if available. Also, make sure sound and recording equipment are adequate and operational.
- Establish ground rules before the meeting. What procedures will be followed?

During the Meeting

- Explain the issues, the possible actions and the procedures that will be followed at the meeting.
- Have speakers address the Commission, Committee or Board and not the audience. Some speakers are very adept at inciting audiences, especially if they are permitted to address the audience.
- Stop applause and shouting early. Explain the reasons why such actions are disruptive and counterproductive.
- Do not hesitate to use recesses to help diffuse hostility or aggressiveness.
- Consider limiting speakers to a set time, such as three to five minutes. If such a procedure is used, make sure it is applied fairly and consistently.
- Consider using speaker cards. These can help identify how many people wish to speak and also whether they support or contest an issue. They are also invaluable tools in the preparation of the minutes and recording the names and addresses of people who spoke. Recognize, however, that if a person does not wish to fill out a speaker card, they still have the legal right to speak.
- Make sure members address colleagues and not the audience. Directly addressing the audience can result in loss of control of the meeting.

THE ART OF ASKING QUESTIONS

Questions are one of the most important tools Commission, Committee and Board members can use to focus or refocus the group and to facilitate decision making. The art of asking questions is a skill that must be developed. It was James Thurber who once said “It is better to know the right questions rather than the answers.” Thurber’s insight that responses are subject to change, but the ability to ask probing questions does not, underlines the importance of developing and refining the questioning skill.

There are two basic types of questions: closed and open.

Closed questions can be answered with a yes or no, or with a simple statement of fact. They are good for getting information in a hurry. They also help keep the Commission, Committee or Board on track. Examples of closed questions include:

1. Are we agreed then?
2. Have we completed our discussion on this item?
3. How many people were involved?
4. Have you completed your report?
5. Was notice given?

Open questions are used to get results and build consensus. They allow the other person(s) to get involved. They also require a more in depth response than yes or no. Open questions are the preferred types of questions to use in a Commission, Committee or Board setting. Some useful examples include:

Asking of Staff:

1. What other alternatives did you consider?
2. What is the history behind this item?
3. What are we trying to accomplish with this law/policy?
4. What are the benefits and drawbacks?
5. Would you please explain the process?
6. Have we ever made an exception to this policy?

Asking of Colleagues:

1. How do you feel about this item?
2. What do you think our action will accomplish?
3. Would you please elaborate on your position?
4. What result are we looking for?
5. What would it take for you to support this?
6. What type of feedback have you received from the residents?

Asking the Public:

1. How will this proposal affect you?
2. What do you think about the proposed action?

LISTENING SKILLS

Effective meetings require team members with developed skills in listening. Although listening often is considered a passive condition, it is exactly the opposite. In fact, listening is hard work and requires definite commitment and personal discipline. The listener must deliberately prepare to listen and the quality of that listening deteriorates as he/she is carried away with the events of the moment.

Perhaps the chief requirement for effective listening is to "have room" to tend to others. If you are preoccupied with your own thoughts and feelings, you will not be available to actively listen. People who give relaxed, open attention to others are rated as effective listeners and have better recall of what has been said. Active listeners signal their attention and availability both verbally ("I would like to listen to you now") and non-verbally (by not fidgeting or looking bored, etc.).

When listening, it is helpful to try to understand the other person's view without superimposing your own views or judgments prematurely. One sure way to prevent communication is to jump in with your own viewpoint before the other person has been able to fully express his/her point. Such discussions frequently deteriorate into wrangles.

Active listening shows others that you respect and value their contribution. It may be difficult to accept the idea that the differences between people offer a resource for progress. If you can manage to bridge these differences, there is much value to be gained. The following are some useful techniques that can help develop listening skills:

- Checking: "May I repeat what you said in order to check my own understanding?"
- Clarifying: "It seems to me that this is what you mean...."
- Showing Support: "I hear you. Please continue."
- Building On: "Building on your last point, I would add...."
- Structuring: "Shall we look at the symptoms, try to define the problem, and then discuss possible solutions?"

Teams that have a low level of listening show the following characteristics:

- Dominance by a few members.
- Cross-talk (several members talking at once).

- Ideas lost (no mechanism for catching and retaining points).
- Repetitive contributions.
- Wordy inputs (individuals use much speaking time for little content).
- Turned-off members.
- Inability to handle consensus decision-making.

An Advisory Body that sets a high standard of listening usually is enjoyed by its members. The group is generally effective and individuals feel a high commitment to the other members.

HIDDEN AGENDAS

Keep in mind the fact that a group continually works on both the hidden and the surface levels. Hidden agendas may prevent the group from working as well together as team members would like or expect. Here are some thoughts:

1. The team leader and members should look for hidden agendas and learn to recognize their presence.
2. A team member may help to surface hidden agendas by making comments such as "I wonder if we have said all that we feel about the issue. Maybe we should take time to go around the table and ask for individual comments so that we can open up any further thoughts."
3. Hidden agendas can be brought into the open and discussed. But not all hidden agendas can be confronted successfully by a team; some are best left under the surface.
4. The chairperson should not criticize the team for the presence of hidden agendas; they exist in every group and must be worked with just like the surface task. The amount of attention that should be given to the hidden agendas depends on the degree of their influence on the Advisory Board's task.
5. The team should spend some time evaluating its progress in handling hidden agendas.
6. As a team matures, hidden agendas are often reduced, thus increasing the amount of energy the team has to devote to its surface tasks.

BRAINSTORMING

Brainstorming is an excellent way to draw upon the group's collective creative energy. When used properly, it permits uninhibited participation by each person and often results in new ideas and solutions to old problems.

The following are suggested steps to follow when brainstorming:

1. All participants face a flip chart with one person recording ideas.
2. Post the problem statement such as "How do we encourage more public participation at commission meetings?"
3. Participants are asked to come up with as many ideas as quickly as possible.
4. Do not evaluate any ideas at this point. Just put them on the chart.
5. The visual display of ideas often generates others.
6. Call time when the group has run out of ideas.
7. Now is the time to judge and evaluate. This can be done by prioritizing, combining thoughts and/or selecting the most important.

REVERSE BRAINSTORMING

Another good group problem solving method is reverse brainstorming. This is used to discover flaws in any solution.

Use the same setting used for brainstorming; but, in this case, participants are encouraged to:

1. Make a rapid-fire listing of all the things that are possibly wrong with the proposed solutions, process or system.
2. Prioritize the weaknesses in order of their significance to the proposed course of action.
3. Take each flaw uncovered and develop ways of overcoming it.

ORIENTATION PROGRAM

Whenever a new member joins a Commission, Committee or Board, a new team is formed. An effective orientation program begins immediately following appointment and before the new member attends a meeting. It should continue until the member is "up to speed". Early orientation of new members helps the Commission, Committee or Board keep up its action momentum instead of marking time while the new member struggles to figure everything out alone. It also helps prevent misunderstandings which may have long-lasting effects. It means that all decisions are based on full-member knowledge.

If the new member is to be able to participate quickly and knowledgeably in decision-making, he or she needs to know such things as the following

before attending the first meeting:

1. How the group operates.
2. The group's goals, objectives and policies.
3. What decisions the group faces immediately.
4. What and why plans and actions have been formulated.
5. Laws affecting the Commission, Committee or Board.
6. Available resources.
7. Where to get help.

An effective orientation program involves the combined efforts of the chairperson, Commission, Committee or Board members and Staff Liaison.

Chairperson's Role

1. Contact new board member immediately following appointment to extend a welcome to the Commission, Committee or Board.
2. Suggest a brief personal meeting promptly to get acquainted and to explain how the group operates.
3. Indicate date, time and place of next Commission, Committee or Board meeting.
4. Brief new member of pending issues to come before the Advisory Board at its next meeting to give the new member maximum time for needed background study.
5. Provide new member a copy of the Advisory Board's operating rules.
6. As soon as possible, involve new member on a committee or a specific project to increase the sense of participation.

(Note: Some or all of these items may be performed by the Staff Liaison.)

All Commission, Committee or Board Members' Role:

1. Introduce yourself as soon as possible and welcome new member,
2. Make new member feel he/she is a welcomed, respected participant.
3. Show no trace of senior member cliques. Make new member feels like a member of the team.
4. Encourage new member's questions and participation, with a willingness to take additional time to provide background on issues and actions which started before his or her term began.
5. Be willing to hear and consider a new, and perhaps quite different, idea or alternate approach to problems and proposed actions. Infusion of new thinking should be viewed as a valued new resource,

not an opportunity for a put down by a senior board member because 'that's not the way we've done it in the past'.

Staff Liaison Role:

1. Make contact as soon as possible and welcome new member.
2. Provide new member a copy of this Handbook to review.
3. Schedule a time to go over the contents of the Handbook, ordinances and/or resolutions pertaining to the Commission, Committee or Board.
4. Arrange a tour of the department and City facilities. Introduce staff members.
5. Discuss Commission, Committee or Board projects and goals and pertinent departmental goals and objectives.

VALUE OF CONTINUING EDUCATION

A well organized and methodically pursued continuing education program for members should be standard operating procedure for all Commissions, Committees and Boards. Members are encouraged to attend conferences and workshops which relate to the Advisory Board's function. Your Staff Liaison can advise you of budgeted training opportunities. Members can also advance their education by attending City Council and other Advisory Board meetings, visiting other cities to see how their boards operate and review books and materials relevant to their area of inquiry. Staff can also suggest sources for continuing education.

TRAVEL POLICIES AND PROCEDURES

General

When a Commission, Committee or Board member attends an approved conference, seminar or meeting, the City of Commerce will reimburse expenses.

Budget Authorization

Each Commission, Committee and Board has a travel budget which authorizes conferences, seminars, meetings and events. The Staff Liaison will advise Advisory Board members if a specific event is budgeted.

Members may attend an event not in the approved budget by demonstrating benefit to the City and obtaining prior approval from the City Administrator.

Transportation

Transportation to and from the approved event will be paid by the City. The member must secure the most economical mode of transportation in keeping with availability, convenience and propriety.

1. When air travel is appropriate, coach class must be utilized.
2. A City vehicle shall be used within a one hundred mile radius from the Commerce City Hall.*
3. A private vehicle may be used with the Department Head's approval and reimbursed at the current rate in effect. Every effort should be made to utilize a City vehicle.*
4. The City Administrator's approval is required if a City or private vehicle is utilized beyond the one hundred mile radius. A private vehicle will be reimbursed at the current rate.*
5. Departments/Liaisons shall seek informal bids for the best possible air fare and make every effort to buy within the City.
6. The current rate for private vehicle reimbursement is the rate authorized for deduction by the Internal Revenue Service.

*Commission, Committee and Board members are not authorized to drive City vehicles.

When a spouse or guest travels with a member outside the local area, it is at the expense of the member. But if a spouse accompanies the member to a local event, expenses will be paid by the City. The City does not advance funds to pay for transportation or meals of spouses or guests. Staff Liaisons are required to collect from the member for travel costs of their spouse/guest prior to the billing from the travel agency. This is to avoid the City advancing funds for the spouse/guest.

Lodging

The cost of accommodations will be paid by the City.

1. The event must be outside a fifty miles radius from the Commerce City Hall in order to get overnight accommodations. Any exception to this policy requires the City Administrator's prior approval.

2. Minimum cost accommodations shall be used by the member in keeping with availability, convenience and propriety.
3. The Staff Liaison may use the City credit card or have the City pay directly to the hotel. If a personal credit card is used, the member must complete a travel expense form for reimbursement.

Registration

All registration fees for the event will be paid or reimbursed by the City.

Advance

Under certain circumstances, an advance of funds for members may be obtained to cover the following expenses while at the event:

1. Meals
2. Travel (bus, taxi, gas, parking, etc.)
3. Entertainment
4. Gratuities (hotel, porter, restaurant, etc.)
5. Miscellaneous (telephone, newspaper, sundries, etc.).

The current per day rate is \$55.00.

Report of Expenditures

Within 10 days after returning from the event, the Authorized Trip and Conference Expense Report must be completed, approved by your Staff Liaison and returned to the Finance Department. List and total all actual expenses and submit receipts for the event, reducing the total by any advance received. If the expenses are greater than the advance, a request for the amount owed to the member may be made. If the advance is greater than the expenses, return the remaining funds to the Finance Department, along with the expense report, to credit the travel account.

**HANDBOOK
FOR
COMMISSIONS,
COMMITTEES
AND
BOARDS**

Part IV

Commissions

**CITY OF COMMERCE
COMMISSIONS, COMMITTEES AND BOARDS
AS OF APRIL 3, 2012**

<u>Commission</u>	<u>Members</u>
Community Services Commission	5
Education Commission	5
Library Commission	5
Parks and Recreation Commission	5
Planning Commission	5
Senior Citizens Commission	5
Traffic Commission	5
Youth Advisory Commission	5

COMMUNITY SERVICES COMMISSION

Overall Purpose

The overall purpose of the Community Services Commission is to formulate policies and recommendations for submission to the City Council with respect to public safety, including law enforcement, fire protection and other related services, and social services programs for the City of Commerce.

Organization and Membership

Five members serve on the Community Services Commission. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee serves as an ex-officio member.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

Review and formulate policies and recommendations concerning:

- Programs which could be undertaken directly by the City for the improvement of public safety or social services.
- Improvement of the coordination between the City government, residents, business and industry with respect to public safety or social services matters.
- Such other matters as the Commission may deem necessary or desirable to improve public safety or social services within the City

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to public safety or social services in the community.

- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, public safety and social services.
- Acting as a clearinghouse and information center on all aspects of public safety and social services activities, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to public safety and social service matters.

Meeting Times and Places

The Community Services Commission meets the second Thursday of each month at 6:00 p.m. in the City Council Chambers.

Staff Liaison

Director of Community Services

EDUCATION COMMISSION

Overall Purpose

The overall purpose of the Education Commission is to advise the City Council in the direction, encouragement and support of the opportunities for education, self-improvement, and lifelong learning within the City of Commerce.

Organization and Membership

Five members serve on the Education Commission. Each City Council member appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee serves as an ex-officio member.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

Advise the City Council on all matters pertaining to:

- Enhancing educational programs and services offered to the residents of the City.
- Implementing programs which supplement educational services.
- Promoting awareness of new and ongoing opportunities for education and lifelong learning.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to educational programs and services offered to the residents of the City.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, educational programs and services.

- Acting as a clearinghouse and information center on all aspects of educational programs and services offered by the City, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to educational programs and services.

Meeting Times and Places

The Education Commission meets the second Monday of each month at 6:00 p.m. in the City Council Chambers.

Staff Liaison

Director of Library Services

LIBRARY COMMISSION

Overall Purpose

The overall purpose of the Library Commission is to formulate policies for the purpose of making recommendations for submission to the City Council with respect to the creation, establishment and maintenance of an adequate library system for the City of Commerce.

Organization and Membership

Five members serve on the Library Commission. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee serves as an ex-officio member.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

- Hears comments and complaints from the public concerning library policies and practices.
- Discuss the need for additional resources, programs and services.
- Propose a schedule of fines and fees for borrowing privileges.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to library services and programs offered to the residents of the City.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, library services and programs.
- Acting as a clearinghouse and information center on all aspects of library services and programs offered by the City, making this information available to the public.

- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to library services and programs.

Historical Background

The City of Commerce Library was established in 1960 when the City withdrew from the Los Angeles County Library System.

The Commerce Municipal Code calls for the appointment of a Board of Library Trustees and the Commerce City Council serves in this role.

Meeting Times and Places

The Library Commission meets the fourth Tuesday of each month at 5:30 p.m. in the City Council Chambers.

Staff Liaison

Director of Library Services

PARKS AND RECREATION COMMISSION

Overall Purpose

The overall purpose of the Parks and Recreation Commission is to formulate policies and recommendations for submission to the City Council with respect to an adequate parks and recreation program for the City of Commerce.

Organization and Membership

Five members serve on the Parks and Recreation Commission. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee serves as an ex-officio member.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

Formulate policies and recommendations concerning:

- The need for additional parks and recreation facilities and programs.
- The use of existing parks and recreation facilities.
- The acquisition of parks equipment and facilities.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to parks and recreation facilities and programs and services offered to the residents of the City.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, parks and recreation programs and services.

- Acting as a clearinghouse and information center on all aspects of parks and recreation programs and services offered by the City, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to parks and recreation programs and services.

Meeting Times and Places

The Parks and Recreation Commission meets the first Thursday of each month at 6:00 p.m. in the City Council Chambers.

Staff Liaison

Director of Parks and Recreation

PLANNING COMMISSION

Overall Purpose

The overall purpose of the Planning Commission is to make recommendations to the Council regarding the future growth, development and beautification of the City of Commerce in respect to its public and private buildings and works, streets, parks, grounds and vacant lots.

Organization and Membership

The Planning Commission consists of five members. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee and the City Attorney serve as ex-officio or advisory members.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

- Prepare, revise and implement the City's General Plan for the physical development of the City.
- Conduct hearings and make decisions and/or recommendations on a variety of land use applications, including Conditional Use Permits, variances, rezoning, subdivision maps and General Plan amendments.
- Review the Capital Projects Budget for conformity to the General Plan.
- Make recommendations concerning proper provision for sanitation, utilities, shipping and transportation facilities.
- Make recommendations to any public authorities or persons with reference to the location of any proposed public buildings, structures or works.

- Recommend approval, conditional approval or disapproval to the City Council of tentative maps of proposed subdivisions of land. The City Council has designated the Planning Commission as its advisory agency with respect to the design and improvement of proposed subdivisions and the Commission acts on each map or plat prior to submission to the City Council.
- Serve as Cultural Resources Management Commission of the City.
- Do such other things as shall be necessary to carry out the provisions of Title 19 (“Zoning”) of the Commerce Municipal Code and the provisions of the Conservation and Planning Act of the State, amendments or an act substituted therefor, and any other ordinance of the City.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to the Zoning Code and General Plan.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to the future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots as these matters affected by the Zoning Code and General Plan.
- Acting as a clearinghouse and information center on all matters relating to the Zoning Code and General Plan, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to the future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, the Zoning Code and General Plan.

Meeting Times and Places

The Planning Commission meets the fourth Wednesday of each month at 6:30 p.m. in the City Council Chambers.

Staff Liaison

Assistant Director of Community Development

SENIOR CITIZENS COMMISSION

Overall Purpose

The overall purpose of the Senior Citizens Commission is to formulate policies and recommendations for submission to the City Council with respect to an adequate senior citizens' program for the City of Commerce.

Organization and Membership

The Senior Citizens Commission consists of five members. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission. The City Administrator or his/her designee and the Director of Parks & Recreation or his/her designee serve as ex-officio members.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating rules and procedures.

Representative Duties

- Formulate purpose, objectives and goals for senior citizen activities.
- Work with other senior citizens groups or agencies on city, County, State or national levels.
- Provide advices on the need of additional facilities.
- Provide advice on the use of existing facilities.
- Suggest the acquisition of equipment and facilities.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to senior citizen programs and services offered to the residents of the City.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, senior citizen programs and services.

- Promoting public understanding of the contribution senior citizens desire to make, and are capable of making, toward the solution of community problems.
- Providing an opportunity for senior citizens to express their opinions, ideas and recommendations to elected and appointed officials of the City.
- Acting as a clearinghouse and information center on all aspects of senior citizen programs and services offered by the City, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to senior citizen programs and services.

Historical Background

The Senior Citizens' Advisory Committee, created in 1972, was changed to the Senior Citizens' Advisory Commission in 1985, which was then changed to the Senior Citizens Commission in 2001.

Meeting Times and Places

The Senior Citizens Commission meets the first Wednesday of each month at 12:30 p.m. in the City Council Chambers.

Staff Liaison

Director of Parks and Recreation

TRAFFIC COMMISSION

Overall Purpose

The overall purpose of the Traffic Commission is to formulate recommendations for submission to the City Council and other City officials regarding ways and means for improving traffic circulation and traffic safety within the City of Commerce.

Organization and Membership

Five members serve on the Traffic Commission. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission.

There are also three ex-officio members of the Traffic Commission.

- a. The City Administrator or his/her designee.
- b. A member of the Traffic Division of the County Road Department.
- c. A representative of the County Sheriff's Department and/or a member of the Community Services Department Public Safety Division.

The Traffic Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

- Consider matters involving traffic safety which may be brought to its attention or which may be referred to it by the City Council.
- Make such recommendations as it may deem advisable to the City Council or to other agencies and individuals regarding ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.
- Receive complaints having to do with traffic matters.
- Do such other things as shall be necessary to carry out the provisions of Section 10.16.010 of Chapter 10.16 ("Accidents:"); Sections

10.20.010, 10.20.040 and 10.20.070 of Chapter 10.20 (“Traffic Control Devices”); Sections 10.24.020 and 10.24.030 of Chapter 10.24 (“Turning”); Section 10.40.010 of Chapter 10.40 (“Crosswalks”) and Section 10.44.180 of Chapter 10.44 (“Parking”) of the Commerce Municipal Code.

- Make determinations pursuant to the Policy and Procedure for Installation of On-street Accessible Spaces.

The Commission carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating improving traffic conditions and safety and enforcement of traffic regulations within the City.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting, and relating to, traffic conditions, safety and regulations within the City.
- Acting as a clearinghouse and information center on all aspects of traffic conditions, safety and regulations within the City, making this information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- In all ways assisting and carrying out the directions of the City Council with respect to traffic conditions, safety and regulations.

Meeting Times and Places

The Traffic Commission meets the first Wednesday of each month at 6:30 p.m. in the City Council Chambers.

Staff Liaison

Assistant Director of Public Services

YOUTH ADVISORY COMMISSION

Overall Purpose

The overall purpose of the Youth Advisory Commission is to act in an advisory capacity to the City Council in all matters pertaining to youth and community interests in the City of Commerce.

Organization and Membership

Five members serve on the Youth Advisory Commission. Each City Councilmember appoints one Commission member with the consent of the City Council. Commissioners serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Commissioners must be residents of the City when appointed and during their membership on the Commission.

In addition, Commissioners may not be less than 13 nor more than 19 years of age. The City Administrator or his/her designee serves as an ex-officio member.

The Commission adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

Undertake investigations and studies for the purpose of making recommendations to the City Council concerning, but not limited to:

- Social, economic and cultural needs of the youth community in the City, and the opinion of youth within the City concerning these needs.
- Leisure time activities and recreational programs.
- Involvement of youth in community activities.
- Development of part-time employment opportunities.
- Programs for the understanding of adolescent problems.
- Formulation of general policies relating to the duties and functions of the Commission.

The Commission carries out its duties by:

- Holding meetings, open to both youth and adults, for the discussion of matters of concern to youth and the community at large.
- Providing consultation to the other City Commissions and interested organizations within the City on matters affecting and relating to youth.
- Acting as a bridge between the youth of the City and the City government.
- Working towards the improvement of communication between the youth and adult members of the community.
- Promoting public understanding of the contribution youth desires to make, and is capable of making, toward the solution of community problems affecting youth.
- Providing an opportunity for young people to express their opinions, ideas and recommendations to elected and appointed officials of the City.
- Acting as a clearinghouse and information center on all aspects of youth activities, making information available to the public.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it. Such records shall be maintained as are records of other bodies and agencies.
- In all ways assisting and carrying out the directions of the City Council for the benefit of the youth of the community.

Historical Background

The Youth Advisory Committee, created in 1972, was changed to the Youth Advisory Commission in 2007.

Meeting Times and Places

The Youth Advisory Commission meets the first Monday of each month at 7:00 p.m. in the Teen Center.

Staff Liaison

Teen Center Supervisor, Parks & Recreation Department

**HANDBOOK
FOR
COMMISSIONS,
COMMITTEES
AND
BOARDS**

Part V

Committees & Boards

**CITY OF COMMERCE
COMMISSIONS, COMMITTEES AND BOARDS
AS OF APRIL 3, 2012**

<u>Committee/Board</u>	<u>Member</u>
Beautification Committee	5
Housing Committee	5
I-710 Local Advisory Committee	14
Environmental Justice Advisory Task Force	9
Pageant Steering Committee	5

BEAUTIFICATION COMMITTEE

Overall Purpose

The overall purpose of the Beautification Committee is to act in an advisory capacity to the City Council on beautification projects and issues for the City of Commerce.

Organization and Membership

Five members serve on the Beautification Committee. Each City Councilmember appoints one Committee member with the consent of the City Council. Committee members serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Committee members must be residents of the City when appointed and during their membership on the Committee. The City Administrator or his/her designee serves as an ex-officio member.

The Committee adopts its own rules and regulations dealing with the time and place of meetings, the time and method of electing officers and meeting operating procedures.

Representative Duties

Undertake investigations and studies for the purpose of making recommendations to the City Council on the following:

- Programs which could be undertaken directly by the City in the advancement of beautification.
- Improvement of the coordination between the City government and private and public property owners with respect to beautification matters.
- Such other matters as the Committee may deem necessary or desirable to advance the beautification of the City.

The Committee carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to beautification of the community.

- Providing consultation to the interested residents and businesses within the City on matters affecting and relating to beautification programs and activities.
- Acting as a clearinghouse and information center on all aspects of beautification programs, making this information available to the public.
- Seeking out sources whereby persons interested in beautification projects may obtain low-cost financial aid for the purpose of carrying out such projects.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- Carrying out the directions of the City Council with respect to beautification matters.

Meeting Times and Places

The Beautification Committee meets the second Tuesday of each month at 3:30 p.m. in the City Hall North Conference Room.

Staff Liaison

Assistant Director of Community Development Department

HOUSING COMMITTEE

Overall Purpose

The overall purpose of the Housing Committee is to provide recommendations to the City Council and staff on the various housing programs and projects administered by the Commerce Community Development Commission.

Organization and Membership

Five members serve on the Housing Committee. Each City Councilmember appoints one Committee member with the consent of the City Council. Committee members serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Committee members must be residents of the City when appointed and during their membership on the Committee. The Mayor and the City Administrator, or his/her designee, serve as ex-officio members of the Committee.

Representative Duties

- Review housing program application procedures.
- Make recommendations concerning housing developments.
- Hear appeals from applicants concerning the Home Improvement Program.
- Make recommendations concerning the Home Improvement Program.
- Encourage housing rehabilitation and improvement throughout the community.

The Committee carries out its duties by:

- Holding meetings, open to all interested persons, for the discussion of matters relating to the housing programs and services offered to the residents of the City.
- Providing consultation to the other City Commissions and/or Committees and interested organizations within the City on matters affecting and relating to housing programs and services.

- Acting as a clearinghouse and information center on all aspects of housing programs and services, making this information available to the public.
- Seeking out sources whereby residents interested in housing programs and services may obtain financial assistance for participation in these programs and services.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- Carrying out the directions of the City Council with respect to housing programs and services in the City.

Meeting Times and Places

The Housing Committee meets the first Wednesday of February, April, June, August, October and December at 5:00 p.m. in the City Hall Conference Room.

Staff Liaison

Community Development Coordinator, Community Development Department

I-710 LOCAL ADVISORY COMMITTEE (AD HOC)

Overall Purpose

The overall purpose of the I-710 Local Advisory Committee is to ensure community participation and input on the issues related to the I-710 Freeway and I-5 Freeway Improvement Projects and their current and future impacts on the City of Commerce and provide relevant information on the projects and make recommendations to the City Council on all aspects of the projects that will assist in protecting the City, its residents and business community from the potential negative effects that may result therefrom.

Organization and Membership

The I-710 Local Advisory Committee consists of 14 members as follows:

- a) Five residents of the City.
- b) Two members of the Commerce business community (either operates a Commerce business or employed by a Commerce business).
- c) Two members of community based organizations located in the City.
- d) One member from the Planning Commission and one member from the Traffic Commission, with each of these Commissions appointing their respective members.
- e) Two members at-large who either live or work in the City of Commerce.
- f) One City Councilmember, who serves as Chairperson and in an ex-officio capacity.

Each City Councilmember appoints one resident Committee member with the consent of the City Council. The Mayor will nominate, and the City Council will ratify appointments of, the business community and community based organization members, provided they meet the membership criteria. The business community, community based organization, Planning Commission and Traffic Commission members may each designate an alternate and provide that individual's name to the City Clerk. Committee members serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Committee members and alternates must satisfy the requisite membership requirements at the time of appointment and maintain the requisite membership requirements during their membership on the Committee.

The Committee adopts its own rules and regulations dealing with the time and place of meeting, time and place of electing officers, with the exception of the Chairperson, and meeting operating procedures.

Representative Duties

- Focus strictly on issues related to the I-710 Freeway and I-5 Freeway Improvement Projects and their current and future impacts on the community.
- Advise as to ways and means to enhance communication about these projects to the local community.
- Prepare meeting notes at all formal, as well as informal, meetings, to be provided to the City Council on its consent agenda.
- Provide status reports to the City Council as may be required.
- Make recommendations to the City Council on project alternatives that will have the least negative impacts on the City.

The Committee carries out its duties by:

- Holding meetings, open to all interested persons, with consultants who represent the stakeholders involved in the projects, for the discussion of matters relating to the I-710 Freeway and I-5 Freeway Improvement Projects.
- Providing consultation to the other City Commissions and/or Committees and interested organizations within the City on matters affecting and relating to the I-710 Freeway and I-5 Freeway Improvement Projects.
- Acting as a clearinghouse and information center on all aspects of I-710 Freeway and I-5 Freeway Improvement Projects, making this information available to the public.
- Keeping the City Council informed about all project developments and alternatives and their potential effects on the City.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- Carrying out the directions of the City Council with respect to the I-710 Freeway and I-5 Freeway Improvement Projects.

Meeting Times and Places

Formal Meetings will be held at a minimum on a quarterly calendar basis beginning the second Tuesday of January 2011 and will require a quorum of the Committee membership. Additional meetings will be scheduled as needed subject to the majority vote of the Committee. Informal meetings will be held on an as-needed basis, but, at a minimum, once monthly.

Staff Liaison

Assistant Director of Community Development

ENVIRONMENTAL JUSTICE ADVISORY TASK FORCE

Overall Purpose

The overall purpose of the Environmental Justice Advisory Task Force is to make recommendations to the City Council regarding environmental health and quality of life issues of the residents of the City of Commerce, ensuring that all of its residents receive equal protection under the law, enjoy a healthy environment and are provided opportunities for consistent input into governmental decision-making.

Organization and Membership

The Task Force consists of nine members as follows:

- a) Five residents of the City.
- b) Two professional members from academic public health, regional environmental, civil rights and public health organizations.
- c) Two members from the large and small businesses and industrial community of the City and organized labor active in the City.

Each City Councilmember appoints one resident Task Force member with the consent of the City Council. All other Task Force members are appointed by consensus of the City Council. Task Force members serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Task Force members must satisfy the requisite membership requirements at the time of appointment and maintain the requisite membership requirements during their membership on the Task Force. The City Administrator and/or his designee serves as an ex-officio member.

The Task Force adopts its own rules and regulations dealing with the time and place of meetings, time and place of electing officers and meeting operating procedures.

Representative Duties

- Promote the protection of human health and the environment via public involvement, and the dissemination of relevant information to inform and educate all residents of the City of Commerce.
- Recognize the need to communicate significant public health and environmental information in languages other than English, by establishing Spanish-language literature including pertinent information and links on the City's website and simultaneous translation at relative events.
- Ensure that all city residents are afforded fair treatment and meaningful involvement in decision-making regardless of race, color, ethnicity, religion income, or education level.
- Periodically review programs and policies that protect and promote protection of human health and the environment to ensure that program implementation and dissemination of information meet the needs of City of Commerce residents.
- Make recommendations to the City Council in fulfillment of the provisions of Resolution No. 04-38 regarding environmental justice.

The Task Force carries out its duties by:

- Holding meetings, open to all interested persons, regarding environmental health and quality of life issues of the residents of the City of Commerce.
- Providing consultation to the other City Commissions and/or Committees and interested organizations within the City on matters relating to environmental justice.
- Acting as a clearinghouse and information center on matters relating to environmental justice, making this information available to the public.
- Making recommendations to the City Council regarding environmental health and quality of life issues of the residents.
- Keeping a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it.
- Carrying out the directions of the City Council with respect to environmental health and quality of life issues of the residents of the City.

Meeting Times and Places

The Task Force meets quarterly.

Staff Liaison

Assistant Director of Community Development

PAGEANT STEERING COMMITTEE

Overall Purpose

The overall purpose Pageant Steering Committee is to act in an advisory capacity to the City Council on Miss Commerce Pageant projects and issues.

Organization and Membership

Five members serve on the Steering Committee. Each City Councilmember appoints one representative to serve on the Steering Committee with the consent of the City Council, provided that such representative is female, 25 years of age or older and a Commerce resident, with it being permissible for a married male Councilmember to appoint his wife as his representative. Steering Committee members serve at the will of the City Council with terms not exceeding two years. All terms expire at the next General Municipal Election. Steering Committee members must be residents of the City when appointed and during their membership on the Committee.

The Steering Committee adopts its own rules and regulations dealing with the time and place of meetings, time and method of electing officers and meeting operating procedures.

Representative Duties

Make recommendations to the City Council on the following:

- Programs which could be undertaken by the City in the advancement of the Annual Miss Commerce Pageant.
- Improvements with respect to pageant matters.
- Meet when deemed necessary or desirable for the advancement and success of the pageant production.

The Pageant Steering Committee carries out its duties by:

- Reviewing, evaluating and attending meetings to discuss pre-pageant, pageant and after-pageant production.

- Promoting and encouraging the City civic and service organizations and local industry to contribute sponsorship support.
- Encouraging quality control on expenditures of supplies and contractual services.
- Developing, formulating and hosting cultural excursions for the enjoyment and education of the Royal Court.
- Hosting at various events, i.e. cultural events, Queen's Breakfast, Fashion Show and Boutique and pageant.

Meeting Times and Places

The Pageant Steering Committee meets on call.

Staff Liaison

Interim Senior Recreation Supervisor



AGENDA REPORT

MEETING DATE: April 3, 2012

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A SERVICES AGREEMENT WITH TRIMMING LAND CO., INC., FOR TREE MAINTENANCE SERVICES IN THE CITY OF COMMERCE

RECOMMENDATION:

Approve the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The City of Commerce entered into a year to year contract agreement with West Coast Arborists, Inc. (WCA) of Anaheim, California, commencing on October 17, 2000, with concurrence of both the City and Contractor that it may be extended for an additional five (5) years in one year periods for tree service. In June of 2005 the City and WCA entered into a five year new contract agreement through June 30, 2010. Currently we are on month to month with WCA. Staff did not solicit proposals sooner due to our budget situation.

On April 5, 2011, the City Council approved the issuance of a Request for Proposal for Tree Maintenance Services.

On June 2, 2011, at 11:00 a.m., in accordance with the Notice Inviting Sealed Bids/Proposals, the City Clerk received three (3) proposals, as follows:

<u>Name</u>	<u>City</u>	<u>Bid Amount</u>
Trimming Land Co., Inc.	South Gate, CA	\$112,864.64
West Coast Arborists Inc.	Anaheim, CA	\$180,000.00
United Pacific Services	La Habra, CA	\$188,160.00

ANALYSIS:

On July 14, 2011, the review panel, composed of Hector Orozco, Daniel Hardgrove (City of Glendale) and Danilo Batson visited the headquarters of all bidders and met with company representative to view first-hand their operation and capacity to successfully perform all work called for in the RFP. The panel ranked and rated each proposal as follows:

	AVAILABLE POINTS	TRIMMING LAND CO.	WEST COAST ARBORISTS	UNITED PACIFIC SERVICES
Quality/Completeness of Proposal	10	7	10	8
Corporate Capability	10	6	10	7
Reference Evaluations	10	7	10	7
Facility Evaluation	10	6	10	7
Information Management	10	6	10	7
Pruning Program	10	7	10	7
Fee Schedule/Schedule of Prices	50*	50	20	17
Community Forestry Study	5	4	5	4
TOTAL SCORE	115	93	85	80

* Score is based on proposed/bid price.

\$112,864.64/50

Based on their proposals, interviews and site visits, the panel developed the following ranking of the candidates:

1. Trimming Land Co. Inc. 93
2. West Coast Arborists, Inc. 85
3. United Pacific Services 64

In addition, for the last several months, staff has conducted an extensive evaluation of Trimming Land, Co., Inc., to ensure that they can fully meet the terms and scope of the agreement by reviewing their trimming practices, examining their fleet of equipment, their responsiveness to other municipal agencies with which they contract with, their tree maintenance software and overall condition. After carefully examination and evaluation of all proposals, and extensive reference check, staff has found that Trimming Land, Co., Inc., submitted the most complete, responsible and responsive bid/proposal for providing the requested services.

Trimming Land will be responsible for providing all labor, materials, equipment, tools and incidentals necessary for the tree maintenance services for the City's Community Forest as referenced in the Request for Proposals.

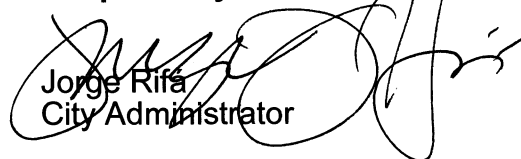
FISCAL IMPACT

Funds for this particular service have been budgeted for in the 2011/12 Fiscal Year Budget. The City Council appropriated \$220,038 for tree maintenance services. As March of 22, 2012, there is a balance of \$33,867.88 in this account (or 15%), which is not unusual. Furthermore, most of the work under this contract will take place next fiscal year under a new budget and appropriation.

RELATIONSHIP TO 2009 STRATEGIC GOALS:


The issue before the Council is applicable to the following Council's strategic goal: *"Protect and Enhance Quality of Life in the City of Commerce."* Although, there are no specific objectives connected to this issue, the City is responsible for the maintenance and care of the City's Urban Forest.

Respectfully submitted:



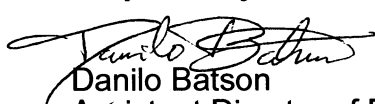
Jorge Rifa
City Administrator

Recommended by:



Robert Zarrilli
Director of Community Development

Prepared by:




Danilo Batson
Assistant Director of Public Services

Fiscal Impact Reviewed by:



Vilko Domic
Director of Finance

Approved as to Form:



Eduardo Olivo
City Attorney

File: 2012 City Council Agenda Reports
Tree Maintenance Services – Agenda Reports File

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE
CALIFORNIA, APPROVING A SERVICES AGREEMENT WITH TRIMMING LAND CO.,
INC., FOR TREE MAINTENANCE SERVICES IN THE CITY OF COMMERCE

WHEREAS, the City of Commerce desires to maintain and care for the City's
Community Forest at a level expected by the City's residents, businesses and visitors;
and

WHEREAS, on April 5, 2011, the City Council approved the issuance of a
Request for Proposal for Tree Maintenance Services; and

WHEREAS, on June 2, 2011, at 11:00 a.m., in accordance with the Notice
Inviting Sealed Bids/Proposals, the City Clerk received three (3) proposals for this
project; and

WHEREAS, after careful examination, evaluation of all bids/proposals received,
reference checks, interviews and site visits, City staff determined that Trimming Land
Co., Inc., of South Gate, California is the lowest, responsive and most responsible
bidder.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE
DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. That the proposal by Trimming Land Co., Inc., is hereby accepted.
The Services Agreement between the City and Trimming Land Co., Inc., is hereby
approved. The Mayor is hereby authorized to execute the Agreement for and on behalf
of the City of Commerce.

Section 2. The remaining proposals received in response to the Request for
Proposals are hereby rejected.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2012.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

THIS AGREEMENT (the "Agreement") dated as of _____, 2012 (the "Effective Date") is made by and between **TRIMMING LAND CO., INC.** ("Contractor") and the City of Commerce, a municipal corporation (the "City").

RECITALS

WHEREAS, Contractor represents that it is specially trained, experienced and competent to perform the special services that will be required by this Agreement; and

WHEREAS, Contractor is willing to render such Services, as hereinafter defined, on the terms and conditions below.

AGREEMENT

1. **Scope of Services and Schedule of Performance.**

Contractor shall perform the services (the "Services") set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, in accordance with the schedule set forth therein.

2. **Term.**

The Agreement will commence on the date of the Notice to Proceed and will terminate three (3) years thereafter. There shall be a provision for extensions of the Agreement of up to an additional two (2) years in aggregate, provided there is mutual agreement between the City and the Contractor.

3. **Compensation.**

So long as Contractor is discharging its obligations in conformance with the terms of this Agreement, Contractor shall be paid a fee by the City in accordance with the fee schedule set forth in Exhibit A and with the other terms of this Agreement. The fees payable hereunder shall be subject to any withholding required by law.

Such fees shall be payable following receipt of an itemized invoice for services rendered. Contractor shall send and address its bill for fees, expenses, and costs to the City to the attention of the City Administrator. The City shall pay the full amount of such invoice; provided, however, that if the City or its City Administrator object to any portion of an invoice, the City shall notify Contractor of the City's objection and the grounds therefore within thirty (30) days of the date of receipt of the invoice; the parties shall immediately make every effort to settle the disputed portion of the invoice.

4. **Financial Records.**

Contractor shall maintain complete and accurate records with respect to fees and costs incurred under this Agreement. All such records shall be maintained on a generally accepted

accounting basis and be clearly identified and readily accessible. Contractor shall keep, maintain and provide free access to such books and records to examine and audit the same, and to make transcripts thereof as necessary, and to allow inspection of all work data, documents, proceedings and activities related to this Agreement for a period of three years from the date of final payments under this Agreement. All accounting records shall readily provide a breakdown of fees and costs charged to this Agreement.

5. Independent Contractor.

Contractor is and shall perform its services under this Agreement as a wholly independent contractor. Contractor shall not act nor be deemed an agent, employee, officer or legal representative of the City. Contractor shall not at any time or in any manner represent that it or any of its agents, employees, officers or legal representatives are in any manner agents, employees, officers or legal representatives of the City. Contractor has no authority to assume or create any commitment or obligations on behalf of the City or bind the City in any respect. This Agreement is not intended to and does not create the relationship of partnership, joint venture or association between the City and Contractor. None of the foregoing shall affect any privilege or protection against disclosure which applies to the services Contractor undertakes under this Agreement.

6. Contractor to Provide Required Personnel; Subcontracting.

Contractor shall provide and direct the necessary qualified personnel to perform the Services required of, and from, it pursuant to the express and implied terms hereof, with the degree of skill and judgment normally exercised by recognized professional firms performing services of a similar nature at the time the Services are rendered, and to the reasonable satisfaction of the City.

Contractor may not have a subcontractor perform any Services except for the subcontractors identified in Exhibit A as such. Such identified subcontractors shall perform only those Services identified in Exhibit A as to be performed by such subcontractor. All labor, materials, fees and costs of such identified subcontractors shall be paid exclusively by Contractor. No subcontractors may be substituted for any of the identified subcontractors except with the prior written approval of the City Administrator.

7. Responsible Principal and Project Manager.

Contractor shall have a Responsible Principal and a Project Manager who shall be principally responsible for Contractor obligations under this Agreement and who shall serve as principal liaison between the City and Contractor. Designation of another Responsible Principal or Project Manager by Contractor shall not be made without the prior written consent of the City. The names of the Responsible Principal and the Project Manager are listed in Exhibit A.

8. City Liaison.

Contractor shall direct all communications to the City Administrator or his designee. All communications, instructions and directions on the part of the City shall be communicated

exclusively through the City Administrator or his designee.

9. Licenses.

Contractor warrants that it and its employees have obtained all valid licenses and/or certifications generally required of professionals providing services such as the Services, by all applicable regulating governmental agencies, and are in good standing with such applicable regulating governmental agencies.

10. Compliance with Laws.

Contractor shall, and shall ensure that its employees and its subcontractors, if any, comply with all applicable city, county, state, and federal laws and regulations (including occupational safety and environmental laws and regulations) in performing the Services and shall comply with any directions of governmental agencies and the City relating to safety, security, and the like.

11. Insurance.

Contractor shall maintain insurance and provide evidence thereof as required by Exhibit B hereto (the "Required Insurance") which is attached hereto and incorporated herein by this reference, for the term provided herein.

12. Performance Bond.

Before commencing work under this Agreement, Contractor shall furnish and file with the City a performance bond in a form satisfactory to the City in the sum of Fifty Thousand Dollars (\$50,000) thereof conditioned upon the faithful performance of this Agreement and upon the payment of all labor and materials furnished in connection with this Agreement.

13. Warranty and Liability.

Contractor warrants that the Services provided under this Agreement will be performed with the degree of skill and judgment normally exercised by recognized professionals performing services of a similar nature at the time the services were rendered. Contractor shall be liable for injury or loss caused by the negligence of, or breach of this warranty by Contractor, its employees, its subcontractors, if any, and/or its agents hereunder. This warranty survives the completion and/or termination of this Agreement.

14. Indemnification.

Contractor shall indemnify and hold the City and their respective officials, officers, agents and employees harmless from and against any and all liabilities, losses, damages, costs and expenses the City and their respective officials, officers, agents and employees hereafter may suffer in connection with any claim, action, or right or action (at law or in equity) because of any injury (including death) or damage to person or property proximately caused by any negligent acts, errors, or omissions by Contractor, its employees, its subcontractors or its agents

in the performance of the Services hereunder. Contractor shall not be liable to the extent that any liability, loss, damage, cost, and expense is caused solely from an act of negligence or willful misconduct by the City or its respective officials, officers, employees or agents. Upon demand, Contractor shall promptly provide a defense to such claims, actions or right of action (at law or equity) and shall promptly pay for all associated and resulting costs, damages, settlements, penalties, judgments, fees and expenses, including attorneys' fees and costs.

15. Confidentiality.

Contractor shall maintain as confidential and not disclose to others, either before or after the termination of this Agreement, any data, documents, reports, or other information provided to Contractor by the City, or employees or agents of the City, or any data, documents, reports, or other information produced by Contractor during its performance hereunder, except as expressly authorized in writing by the City, or to the extent required for: (1) compliance with professional standards of conduct for the preservation of the public safety, health, and welfare, but only after Contractor notifies the City of such need for disclosure; and (2) compliance with any court order or other government directive or requirement, but only after Contractor notifies the City of such an order, directive, or requirement. Contractor shall keep all "Confidential" materials received or generated under this Agreement in separate files marked "Confidential." Any non-compliance by Contractor with this part of the Agreement shall be deemed a material breach of this Agreement. The obligations of this paragraph shall survive the termination of this Agreement.

16. Ownership of Documents.

All original documents, designs, drawings, methodological explanations, computer programs, reports, notes, data, materials, services and other products prepared in the course of providing the Services (collectively, "Products") shall become the sole property of the City and the City shall have authority to publish, disclose, distribute, use, reuse or disposed of the Products in whole or in part, without the permission of Contractor. In the event that this Agreement is terminated by the City, Contractor shall provide the City with any finished or unfinished Products. No documents, designs, drawings, methodological explanations, computer programs, reports, notes, data, materials, services and other products prepared in whole or in part under this Agreement shall be the subject of an application for copyright or submitted for publication by or on behalf of Contractor. Notwithstanding such ownership, Contractor shall be entitled to make and obtain copies or reproductions of such Products for its own files or internal reference.

17. Data and Services to be Furnished by the City.

All information, data, records, reports and maps as are in possession of the City, and necessary for the carrying out of this work, shall be made available to Contractor without charge. The City shall make available to Contractor, members of the City's staff for consultation with Contractor in the performance of this Agreement. The City does not warrant that the information data, records, reports and maps heretofore to be provided to Contractor are complete or accurate; Contractor shall satisfy itself as to such accuracy and completeness. The City and Contractor agree that the City shall have no liability should any of the information, data, records, reports, and maps be inaccurate, incomplete or misleading.

18. Covenant against Contingent Fees.

Contractor warrants that it has not employed or retained any company or person to solicit or secure this Agreement and that it has not paid or agreed to pay any company or person any fee, City or percentage from the award or making of this Agreement, except for subcontractors listed in this Agreement. For breach or violation of this warranty, the City shall have the right, among other available legal remedies, to terminate this Agreement without liability, or in its discretion, to deduct from the consideration payable to Contractor, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

19. Conflict of Interest.

Contractor covenants that neither it nor any officer or principal of its firm have any interests, nor shall they acquire any interest, directly or indirectly which will conflict in any manner or degree with the performance under this Agreement. Contractor further warrants its compliance with the Political Reform Act (Government Code § 81000, *et seq.*) and all other laws, respecting this Agreement and that no Services shall be performed by either an employee, agent, or a subcontractor of Contractor, who has a conflict relating to the City or the performance of Services on behalf of the City.

20. Other Agreements.

Contractor warrants that it is not a party to any other existing agreement that would prevent Contractor from entering into this Agreement or that would adversely affect Contractor's ability to perform the Services under this Agreement. During the term of this Agreement, Contractor shall not, without City's prior written consent, perform services for any person, firm, or corporation other than City if such services could lead to a conflict with Contractor's obligations under this Agreement.

21. Termination.

This Agreement may be terminated, prior to the expiration of its term, only in the following manner:

- a. by the written mutual agreement of the parties hereto; or
- b. by the City, with or without cause, upon 5 days written notice to Contractor pursuant to Section 25 of this Agreement.

Upon receipt of a notice of termination, Contractor shall immediately cease all work and promptly deliver to the City the work product or other results obtained by Contractor up to that time. In the event of termination without cause by the City, the City shall pay Contractor for work completed prior to the date of such termination (based on the percentage of the overall work satisfactorily completed by Contractor in relation to the work required by the entire Agreement or the hours worked by Contractor, as applicable), provided such work is in a form usable by the City.

22. Waiver of Breach.

No waiver of any term, condition or covenant of this Agreement by the City shall occur unless signed by the City Administrator and such writing identifies the provision which is waived and the circumstances or period of time for which it is waived. Such waiver shall be for the specified period of time only and shall not apply to any subsequent breach. In addition, such waiver shall not constitute a waiver of any other term, condition or covenant of this Agreement nor shall it eliminate any remedies available to the City for any breaches of this Agreement which are not excused by such waiver. A delay in communicating a failure of Contractor to satisfy a term, condition or covenant in no way waives that term or any remedies available for its breach.

23. Assignment.

Neither this Agreement nor any rights or obligations hereunder may be assigned or otherwise transferred by Contractor, nor shall this Agreement inure to the benefit of any trustee in bankruptcy, receiver, or creditor or Contractor, whether by operation of law or otherwise, without the prior written consent of the City which may be withheld in its sole discretion. Any attempt to so assign or transfer this Agreement or any rights or obligations hereunder without such consent shall be void and of no effect.

24. Arbitration.

If any dispute arises out of or relates to this Agreement, or the breach thereof, and if such a dispute cannot be settled through direct discussions, the parties agree to settle any disputes involving only monetary amounts less than \$100,000 by binding arbitration pursuant to the rules of the American Arbitration Association by an arbitrator sitting in Los Angeles County.

25. Attorneys' Fees.

In the event an arbitration or a judicial proceeding is brought to enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other party its reasonable costs and attorneys' fees incurred in connection therewith.

26. Notices.

Notices provided hereunder shall be delivered by certified First Class U.S. Mail, postage prepaid, or by personal service as required in judicial proceedings, directed to the address provided below:

For the City:

City of Commerce
2535 Commerce Way
Commerce, California 90040
Attn: City Administrator

For Contractor:

Trimming Land Co. Inc.
10513 Dolores Avenue
South Gate, CA 90280
Attn: Basilio Martinez, President

Notice shall be deemed received three days after its mailing to the above address or upon actual receipt as indicated by return receipt, whichever is earlier. Personal service shall be deemed received the same day personal delivery is effected.

27. Governing Law.

The validity, performance and construction of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California applicable to contracts made to be performed therein. Any litigation commenced by either party to this Agreement shall be venued in Los Angeles County, California.

28. Severability.

Should any part of this Agreement be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexercised portion, can be reasonably interpreted to give effect to the intentions of the parties.

29. No Construction of Agreement against any Party.

Each party has cooperated in the drafting and preparation of this Agreement. Hence, in any construction to be made of this Agreement, it shall not be construed against any party on the basis such party drafted this Agreement or any provision thereof.

30. Entire Agreement and Amendments to Agreement.

This Agreement contains the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersedes all previous communications, negotiations, and agreements, whether oral or written, between the parties with respect to such subject matter, and no addition to or modification of this Agreement or waiver of any provisions of this Agreement shall be binding on either party unless made in writing and executed by Contractor and the City.

31. No Representations Except as Expressly Stated in this Agreement.

Except as expressly stated in this Agreement, no party, nor its employees, agents or attorneys have made any statement or representation to any other party or its employees, agents

or attorneys regarding any fact relied upon in entering into this Agreement, and each party does not rely upon any statement, representation and/or promise of any other party, its respective employees, agents or attorneys in executing this Agreement.

32. Counterpart Signatures.

This Agreement may be executed in one or more counterparts. When this Agreement has been properly signed by an authorized representative of each of the parties hereto, it shall constitute a valid Agreement, though each of the signatories may have executed separate counterparts hereof.

IN WITNESS WHEREOF, the parties hereto have each executed or caused to be executed this Agreement as of the Effective Date.

CITY OF COMMERCE

DATED: _____, 2012

By: _____
Lilia R. Leon, Mayor

ATTEST:

Linda K. Olivieri, City Clerk

CONTRACTOR

DATED: 3-15-_____, 2012

By: 
Name: Basilio Martinez
Title: President

APPROVED AS TO FORM

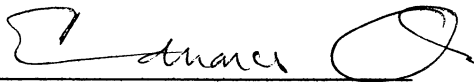

By: Eduardo Olivo
Title: City Attorney

EXHIBIT A

SCOPE OF SERVICES

SERVICES

The City has approximately 5,000 combined trees (parkway, park and median trees) that comprise its Community Forest. The purpose of this maintenance contract is to provide the City of Commerce with the best possible tree care to maintain the City's Community Forest at a level expected by the City's residents, City Council, City staff, and visitors of the community. The Contractor will work closely with City staff to insure the most appropriate care and maintenance of the City's Community Forest with sensitivity to the City of Commerce, its residents and visitors.

It shall be understood that the Contractor will be required to perform and complete the proposed landscape and/or tree maintenance work in a thorough and professional manner, and to provide all labor, tools, equipment, fuel, materials, insurance, supervision, waste recycling/disposal and incidentals necessary to complete all the work in a timely manner that will meet the City's Request for Proposals for Tree Maintenance Services dated June 2, 2011. These services shall include, but not limited to:

1. Tree trimming
2. Tree removal
3. Tree planting
4. Clean up and disposal and/or recycling of generated greenwaste
5. Root pruning and root barrier installation
6. Milling of lumber from removed trees when directed
7. Tree inventory update and management
8. Software installation (if directed)
9. Small tree care

FEE COSTS

CONTRACTOR FEES for the services rendered (based on trimming 3,136 trees per year) shall be \$112,864.64 per year.

Prices for specific items are shown in Contractor's Schedule of Prices submittal per Request for Proposal.

SCHEDULE OF PERFORMANCE

Prior to commencing any work the Contractor shall provide a detailed schedule to the City for review and approval.

EXHIBIT B

REQUIRED INSURANCE

On or before beginning any of the Services called for by any term of this Agreement, Contractor, at its own cost and expense, shall carry, maintain for the duration of this Agreement, and provide proof thereof that is acceptable to the City of its procurement of the insurance specified below from insurers and under forms of insurance satisfactory in all respects to the City. Contractor shall not allow any subcontractor to commence work on any subcontract under this Agreement until all insurance required of Contractor have also been obtained for the or by the subcontractor. Such insurance shall not be in derogation of Contractor's obligations to provide indemnity under Section 14 of this Agreement.

1. Comprehensive General Liability and Automobile Liability Insurance Coverage.

Contractor shall carry and maintain Comprehensive General Liability and Automobile Liability Insurance which provides the following:

Minimum coverage: Bodily injury limits of \$1,000,000 for each person and \$2,000,000 for each occurrence; property damage limits of \$500,000 for each occurrence, \$2,000,000 aggregate.

If a Commercial General Liability Insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned real property and automobiles.

2. Worker's Compensation.

Contractor shall carry and maintain worker's compensation as required by the California Labor Code for all persons employed directly or indirectly in connection with this Agreement by Contractor or any subcontractor.

3. Additional Insureds.

The City, its officers, agents and employees must be named as additional insureds or as additional loss payees in all insurance policies required by this Agreement. An endorsement to this effect shall be delivered to the City prior to the commencement of any work. Satisfaction of any deductible requirement shall be the responsibility of Contractor.

4. Cancellation Clause.

Each of the policies of insurance shall contain a clause substantially as follows:

It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof be reduced until 30 days after receipt by the City Administrator of the City of Commerce of the written notice of such cancellation or reduction of coverage, as evidenced by receipt of a certified letter.

5. Severability Clause.

Each of the policies of insurance shall contain a clause substantially as follows:

The insurance afforded by this policy applies separately to each insured against whom a claim or suit is made or suit is brought, except with respect to the limit of the insurer's liability.

6. Qualifications of Insurer.

All policies of insurance shall be issued by an insurance company acceptable to the City and authorized to issue said policy in the State of California.

7. Approval of Insurer.

The insurance carrier providing the insurance shall be chosen by Contractor subject to approval by the City, provided that such approval shall not be unreasonably withheld.

8. Payment of Premiums.

All premiums on insurance policies shall be paid by Contractor making payment, when due, directly to the insurance carrier, or in a manner agreed to by the City.

9. Evidence of Insurance and Claims.

The City shall have the right to hold the policies and policy renewals, and Contractor shall promptly furnish to the City all renewal notices and all receipts of paid premiums. In the event of loss, Contractor shall give prompt notice to the insurance carrier and the City. The City may make proof of loss if not made promptly by Contractor.