

# City of Hawaiian Gardens



## COMMISSIONER'S INFORMATIONAL HANDBOOK

*Updated: October 2023*

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## **SECTION I**

### **INTRODUCTION AND GENERAL INFORMATION**

#### **INTRODUCTION**

Congratulations! The Mayor and Members of the City Council have appointed you as a Commissioner and/or member of a committee.

This handbook has been prepared to help orient you concerning the functions, duties and activities of the Commission or Committee to which you have been appointed. The handbook is designed to contribute to your general knowledge and understanding of public affairs, and to aid in identifying the scope and parameters of your duties and responsibilities.

We sincerely appreciate your commitment to our community and wish you a fulfilling tenure with the City's team.

#### **MISSION STATEMENT**

Residents and businesses are the most important people to enter the office; in person, by mail or by telephone. Residents and businesses are not dependent upon us; on the contrary, we are dependent upon them. Residents and businesses are not an interruption to our work; they are the purpose of it.

Our work begins and ends with the residents and the businesses of Hawaiian Gardens, California and is measured by how well we serve them.

The City's Mission Statement was amended and adopted on May 14, 2002.

#### **PURPOSE**

The City Council establishes advisory Commissions to provide a communication link between the community, the City Council and staff. As City leaders, the City Council relies on the Commissioners to be their "eyes and ears of the community." The Commissioner's contributions will help achieve a better quality of life for the community.

The Commissions are advisory in nature and their input, usually in the form of recommendations to the City Council or staff, are considered in evaluating the effectiveness of programs and policies established for the benefit of the community.

Commissioners are expected to learn, as quickly as possible, the scope of their responsibility as delegated by the City Council. In addition, it is quite important that individual Commissioner gain an understanding of their relationship with the City Council, staff, and the community.

This Guideline's main objective is to encourage Commissioners to motivate citizens through tasks and community leadership development. This Guide aims to help

Commissioners in local government expand their views and methods of working with others. It emphasizes the role of motivated volunteers in serving fellow residents and achieving expectations.

The following sections contain an explanation of the duties and responsibilities of Commissioners. This handbook includes a brief discussion of the relationships between fellow Commissioners, staff, City Council, and the community. It also provides information regarding business procedure, parliamentary procedure, the Brown Act Open Meeting Laws, and Conflicts of Interest Laws.

## **HISTORY OF THE CITY OF HAWAIIAN GARDENS**

The City of Hawaiian Gardens was incorporated on April 9, 1964, as a General Law City. Consequently, the municipal government is organized and operated in accordance with California state laws rather than a local charter.

The City operates in the Council-Manager form of government. The five (5) member City Council, who are elected at large at two-year intervals with a City Manager to manage the administrative functions of the City and be responsible for an effective and economical municipal operation.

## **GOVERNMENT STRUCTURE**

The Government Structure operates under a Council-Manager form of government and serves the residents according to the California General Law. The City contracts out for City Attorney and City Prosecutor services. The City contracts with the Los Angeles County Sheriff's Department with the main Station located in Lakewood, although the City has created the Public Safety Center located on Carson Street, it operates with restricted hours and is staffed by the L.A. County Sheriff's Department. The City also contracts with the Los Angeles County Fire Department, and Fire Station No. 34, is located at 21207 Norwalk Boulevard, Hawaiian Gardens. The City has entered into a franchise agreement with Waste Resources, Inc., to provide trash collection. The City also contracts with the Los Angeles County Animal Care and Control, which is located in Downey. The utilities are provided by the following investor-private owned utilities: Southern California Edison, Golden State Water and The Gas Company.

The City government is composed of the following departments:

- City Manager
- City Attorney
- City Clerk
- Community Development
- Finance
- Recreation and Community Services
- Human Resources
- Public Works
- Public Safety

## **CITY COUNCIL**

The City Council is the legislative governing board of the City of Hawaiian Gardens and is composed of five (5) members. The Mayor and Mayor Pro Tem are selected from among the members and serve for a one (1) year term. The City Councilmembers are elected at large to serve four (4) year terms, which overlap every two (2) years. The Mayor serves as the presiding officer, although his/her authority does not exceed that of the other members. The Mayor Pro Tem presides in the Mayor's absence.

The City Council governs the City by setting policies, enacting laws, and setting priorities. The City Council adopts ordinances, resolutions and provides directives to the City Manager and staff, in accordance with State and local laws. They are responsible and generally monitor the City's annual budget, prioritize capital improvement projects, establish, and monitor City services and programs, and make appointments to committees and Commissions.

## **SECTION II** **COMMISSIONS**

### **COMMISSION APPOINTMENTS**

Citizens provide a source of knowledge about the community and therefore make it more likely that projects/programs will address their needs. Through these volunteers, the City can generate support that will inspire other residents to be active in the community to fulfill a philanthropic need to serve humanity.

There are three (3) Commissions serving the residents in the City of Hawaiian Gardens.

- PLANNING COMMISSION (Required by State law)
- RECREATION AND PARKS COMMISSION
- PUBLIC SAFETY COMMISSION

### **COMMISSIONER TERMS**

As per the Hawaiian Gardens Municipal Code, a Commissioner will hold office for a term of four (4) years from the date of appointment. If a Commissioner resigns, a new Commissioner shall be appointed by the Mayor, with the consensus of the Council, to complete the balance of an unexpired term and shall continue in office until their respective successors qualify.

### **COMMISSION VACANCY**

A vacancy in a Commission will be filled by appointment by the Mayor, with the consensus of the City Council, subject to passing a background check.

The Commissioners may be removed from the Commission at the discretion of the Mayor and City Council. The Commissioners may also be moved from one Commission to another at the will of the Mayor and City Council with or without any explanation or discussion.

## **GENERAL PROVISIONS APPLICABLE TO THE COMMISSIONS**

Each Commission has specific staff members, known as a staff liaison, assigned to aid in the fulfillment of its responsibilities, to provide technical information and research capabilities for the Commission.

## **COMMITTEE/ SUBCOMMITTEES/ AD HOC COMMITTEES**

Committees are a body of persons appointed by the City Council/Commissioners to perform specific duties. A committee acting for a larger committee is referred to as a subcommittee. There are occasions where a Commission will appoint a committee, also known as an ad hoc committee, to perform a specific duty. For example, a committee may investigate whether to change meeting times, or change policies and procedures for Commission business, then report back to the full Commission with recommendations.



## **SECTION III** **COMMISSION RELATIONSHIPS**

### **RELATIONSHIP WITH APPOINTING AUTHORITY**

A Commissioner's relationship with the City Council may vary. The Staff Liaison may report Commission activity to the City Council at one of the Council's meetings. The City Council may visit Commission meetings or may invite the Commission to attend their City Council's meeting for direct input. There may be occasions when the City Council and the Commission will hold joint meetings.

Individual contact with the City Council or individual Councilmembers to discuss issues is neither encouraged nor discouraged. These are better handled on an individual basis. Should a controversy arise within the Commission, counsel and guidance are available from staff, as well as from the City Council. However, it would be inherently unethical for an individual Commissioner to attempt to influence or persuade the City Council to assume a posture which may be in opposition to the Commission as a whole.

In performing his/her duties, each Commissioner should keep the following in mind:

### **RELATIONSHIPS WITH PROFESSIONAL STAFF**

Misunderstandings and problems can develop in the relationship between the staff and the Commission if an enthusiastic Commissioner attempts to take on duties that are not within the framework or responsibility of the Commission. Each Commissioner must be alert to the difference between advisory policy-setting and performing the function of the Commission.

A Commissioner may be asked to do work as a volunteer. When this occurs, it is important to recognize and communicate the difference to ensure that there is no question about the role on the Commission and the individual's volunteer assignment.

City staff members are assigned to assist the Commission and handle the administrative duties as required. These duties include providing analysis and technical data necessary to develop recommendations for the City Council, prepare agendas, reports and maintain minutes of Commission actions and activities to serve as the official record.

The role of City staff is limited to support and advisory functions. City staff members are not voting members of the Commission and consequently do not participate in the decision-making process. Due to the purely supporting role of staff, staff members will not respond to questions from the public unless requested to do so by the Chairperson.

The regular support position for each Commission consists of a management staff or Staff Liaison who is appointed by the City Manager to direct the staff effort and a Recording Secretary who maintains the minutes of the Commission. Additional staff assistance is assigned, as needed, to produce staff reports and provide other support services.

The staff serves the Commission in an advisory capacity, much the same as the Commission serves the City Council. Staff members are selected on the basis of their technical abilities and are expected to guide the Commission with recommendations based upon a technical analysis of the specific situation, regardless of opinion.

The Commission should be aware of the staff member's responsibility to provide his/her technical advice to the Commission and the City Council. In instances where there may be a disagreement between the Commission recommendation and the recommendation of staff, staff is obligated to advise the City Council, through the City Manager. The City Council will consider the advice of both the Commission and the Staff Liaison, as well as other interested individuals, and render a final decision.

With this in mind, the following Commission role, supportive and advisory to staff and agency objectives, may be used as guidelines when dealing with staff:

- (1) Contacts should be with the staff member assigned to the Commission rather than to other City staff. Individual Commissioners should feel free to make contact with higher-level supervisors, such as the City Manager, provided the assigned staff person is also notified of this contact. Commissioners may also contact individual Council Members, provided that the Commissioners should be aware that discussions with more than two Council Members may require the discussion to take place in a noticed public meeting as required under the Brown Act, which is discussed in the section entitled "A General Discussion about the Brown Act" and under "Commission Meetings".
- (2) Contacts with staff members should clearly be in the framework of the Commission assignment.
- (3) It is important for Commissioners to know the public facilities of the City. A visitation program, both on an unscheduled and a scheduled basis, will allow members to become fully knowledgeable of the programs, services and facilities the City makes available to the public.
- (4) Commissioners should not ask for individual reports, favors or special consideration. Staff will share with the remaining members of the Commission any information requested by any Commissioner.
- (5) Commissioners should realize that the assigned staff person works with the Commission and reports directly to the City Manager. He/she is limited in his/her scope of authority to carry out recommendations made by the Commission.
- (6) The staff is trained in the areas for which the Commission works and should be regarded by the Commission as the expert on all matters pertaining to organization, administration, and inner workings of the department the staff member represents.

## **RELATIONSHIPS WITH THE PUBLIC**

Commissioners should consider that his/her actions and comments are often interpreted to be that of the Commission and/or City. Thus, comments to the press or other public comments may be misinterpreted as those of the Commission even though the Commissioner may state that he/she is speaking for him/herself. Such public comments may be at odds with the Commission goals, objectives, or overall policy.

The following guidelines are offered for communicating with the public:

- (1) Statements to the public should flow through the City's designated Public Information Officer and/or City Manager.
- (2) There should be no promises made to the public about any action that may be taken by the Commission. Individual Commissioners cannot bind the Commission, staff or City Council on any particular matter. If the matter is subject to a public hearing, no promises or pre-committees shall be made.
- (3) Comments to the public and to the press must be factual, as opposed to opinion and are to be reported to the City Manager immediately.
- (4) Commissioners have an obligation to listen to comments or complaints from the public. Commissioners should forward such comments or complaints to staff for follow-up. Follow-up may include a memo, correspondence, staff report and, where indicated, a recommendation for action by the Commission.

## **RELATIONSHIP WITH CITY ATTORNEY**

The City Attorney is responsible for advising the City Council, Commissioners and staff on legal matters affecting the City, its officials, and volunteers. Usually, it is sufficient for the Administrative Staff Liaison or the Departmental Heads to gain the advice of the City Attorney prior to meetings on those issues requiring legal review.

However, for particularly complex legal matters, the City Attorney may be used as an additional staff resource during Commission meetings, or an issue may be referred to the City Attorney for written opinions.

Generally, contacts with the City Attorney will be made through the City Manager by presenting issues to the Staff Liaison at the Commission level. Potential conflicts of interest issues may be directed to the City Attorney directly.

## **COMMISSIONS RESPONSIBILITIES**

Each Commission must know, understand, accept, and accomplish delegated responsibilities if it is to be an effective and viable force in the community. The areas of responsibility discussed in the following pages may or may not apply to each Commission, depending on the individual Commission, the state of parks and recreation facilities in the City, community needs, political climate, and general acceptance of Advisory Commissions.

Commission involvement in accomplishing City objectives will vary. In some instances, the Commission will be asked and expected to serve in an advisory capacity only to formulate policy. In other instances, the Commission, individually or collectively, may be asked to serve in other capacities, such as:

- (1) Membership in special committees.
- (2) Volunteer work.
- (3) Technical consultant utilizing an area of expertise he/she may possess.
- (4) Acting as a legislative advocate.

In each instance, Commissioners must recognize the change in role and identify parameters of his/her responsibility. Commissioners may perform a function additive to the primary purpose of his/her Commission – that of being an advisory body.

Responsibilities of the Commission may include participation in reviewing and updating of the City's departments, short and long-term goals, and objectives. All other responsibilities and activities should be supportive of those objectives.

## **SECTION IV** **COMMISSION MEETINGS - DEFINITIONS**

### **OVERVIEW**

The Commission meeting is the time and place for decisions. The quality of those decisions, and the impact upon the community, is the responsibility of each Commissioner.

Each Commissioner has an obligation to attend meetings where he/she will prepare, discuss, evaluate, review, and select the best possible alternative solutions for community needs and requirements coming before their Commission.

There are five (5) categories of Commission meetings. All are open to the public and must be conducted in accordance with established procedures. As previously stated, all Commissioners should be aware of the Brown Act, which is designed to ensure that meetings of public agencies are conducted openly without restrictions on the right of the public to attend and participate. All meetings are scheduled and publicized. Adequate notice must be given when a Special, Adjourned or Regular Meeting or study session is called.

The five (5) types of meetings are:

- (1) Regular
- (2) Adjourned Regular
- (3) Special
- (4) Joint
- (5) Study Session

### **REGULAR MEETING**

Meetings scheduled on a set basis by ordinance or resolution are referred to as Regular Meetings. Formal action is not necessary to call a Regular Meeting; but to enable adequate public discussion, an agenda is prepared showing the items planned for discussion. Although all items for discussion should be included on the agenda, emergency or urgent items may be brought up as acceptable additional items from time to time in accordance with State Law.

The Brown Act, Government Code Section 54950 and following sections, requires the public posting of the meeting agenda seventy-two (72) hours before the Regular Meeting. It further requires that the agenda contains a brief description of each item of business to be transacted or discussed at the meeting.

A meeting requires a quorum to be present. A quorum is the minimum number of Commissioners necessary to hold a meeting. In the City, all Commissions are comprised of five (5) individuals, and the number of Commissioners required for a quorum is three (3), which is a majority of the members of the Commission. If a quorum is not present, the Secretary of the Commission or the Chairperson may adjourn it for a lack of quorum.

## **ADJOURNED REGULAR MEETING**

An Adjourned Regular Meeting is one, which is adjourned by the Chairperson and scheduled to a later date (not past the next regular meeting date). Although the Secretary can adjourn a meeting for a lack of quorum, a date for an Adjourned Regular Meeting can only be set with the direction of the Chairperson or a majority of the Commissioners. A notice announcing the date, time, and place of the Adjourned Meeting must be posted on the door of the meeting room the day following the Regular Meeting.

An Adjourned Meeting is considered a Regular Meeting for purposes of business transactions.

## **SPECIAL MEETINGS**

Meetings, which are called by the Chairperson, or majority of Commissioners outside of Regular Meetings, are referred to as Special Meetings. The Brown Act allows a majority of Commissioners to meet without notice to the public through a posted agenda only to set the date of a meeting in which the Commissioner will comply with the posting and noticing provisions of the Brown Act.

When a Special Meeting is called, notice of the meeting must be given to all the members of the Commission and to the press at least 24 hours before the meeting. The notice must include the date, time, and place of the meeting, and topic(s) to be discussed. Additionally, a notice announcing the meeting must be posted in a visible place where the public may view it at any time at least 24 hours in advance of the meeting. The staff will ensure proper notice and posting is accomplished. In the case of Special Meetings, Commission discussion is limited to those items that have been publicized on the notice and no other topic may be discussed at the meeting.

## **JOINT MEETING**

Joint Meetings are those meetings that are requested by the Chairperson or the majority of each Commission to be conducted with another Commission, the City Council or other public agency. They are intended to enable more than one Commission or agency to meet jointly to review particular issues that may require input and consideration by both or all agencies. All Commissions involved must take action to call the meeting and to agree on the scheduled time. Joint Meetings are subject to the Brown Act and must be posted with the appropriate amount of time (24 hours for Special Meetings) so that the public can participate.

In order to hold a Joint Meeting, a quorum must be present from each Commission or agency involved. The members participating in the Joint Meeting will designate a Chairperson to preside over the meeting.

Action taken on specific agenda items is done jointly with a motion and a second. A majority vote (one-half plus one of all the members present) must be made in order to have successful motion. On certain decisions made by each Commission at a Joint Meeting, each Commission must vote independently.

## **STUDY SESSION/WORKSHOP**

Study sessions are occasionally held to thoroughly discuss complex issues. These are official meetings and must be open to the public and held in compliance with the Brown Act. They may be scheduled at the convenience of the Commission and require the same prior notice as pertains to Special Meetings, or study sessions may be held as part of a Regular Meeting or Adjourned Regular Meeting. Normally, no action is taken at study sessions, except to direct staff to finalize a report and agendaize the matter for action at a subsequent Regular, Adjourned, Special or Joint Meeting.

**SECTION V**  
**AGENDA PREPARATION AND MEETING FOLLOW-UP**

**AGENDA PREPARATION**

To facilitate the conduct of the meeting and provide advance notice of the business scheduled for discussion, staff prepares an agenda of the business scheduled for discussion. An agenda provided for the Commission prior to the meeting includes staff reports and material necessary for the decision-making process. Materials will be background information: staff reports, maps, traffic engineer reports, reports of studies, and similar documentation. Additional copies of the agenda are available for interested members of the public.

The items submitted to staff for inclusion in an agenda may be discussed with the City Manager for clarification, as needed. Any Commissioner may submit items for the agenda. While the final agenda may differ, the general order of business for Commission meetings is as follows:

Call to Order

Pledge of Allegiance

Roll Call

Approval of minutes

Public Comment – This is the time reserved for those in the audience to address the Commission regarding any subject on or off the agenda.

Business Items – New Items, Old Items, Public Hearings, Resolutions

City Council Reports

Commissioner reports

Staff reports

Adjournment



## **MEETING MINUTES**

The Staff Liaison is responsible for the preparation of the minutes of Commission meetings. These minutes provide an official record of the action taken and the vote or abstention on the action of each member present.

At each meeting, the Commissioners will be given the opportunity to review minutes of previous meetings and must vote on whether or not to accept them as presented. Prior to the vote, minutes may be ordered corrected at the request of the Commission to ensure that they reflect the prior proceeding accurately. Minutes only become the official record of a meeting after they have been approved by the Commission.

## **MEETING FOLLOW-UP**

Normally, Commission recommendations are included in a staff report from the Staff Liaison to the City Council through the City Manager. In the report, the Staff Liaison summarizes the recommendation as well as the pertinent discussion, which led to the Commission's recommendation for action. If the Commission adopted a formal resolution, it will also be included in the report.

## **SECTION VI** **MEETING PROCEDURES**

### **ROLE OF CHAIRPERSON / VICE-CHAIRPERSON**

Each Commission chooses a Chairperson from one of its members to serve for one year. Another member may be chosen to serve as Vice-Chairperson. The function of the Chairperson is to preside over the meetings and to promote liaison between the staff and the Commission. He/she is responsible for conducting efficiently run meetings and has the power to limit the discussion to the issue under consideration and/or listed on the agenda. The Chairperson is at all times on an equal level to fellow Commissioners and has no added powers other than to preside over the meetings.

The selection of the Chairperson/Vice-Chairperson will be conducted annually by the members of the Commission. In the Chairperson's absence, the Vice-chairperson assumes the role of presiding officer. If both the Chairperson and the Vice-Chairperson are absent, the Executive Secretary will call the meeting to order, and the Commissioners present will select a temporary Chairperson to serve until adjournment or the arrival of the Chairperson or Vice-Chairperson.

The Chairperson is the key to effective and organized meetings. He/she is responsible for maintaining order and decorum throughout the meeting. This will include directing discussion and limiting debate when and if it ceases to be productive, but a Chairperson has to listen to all opinions, even if he/she does not agree with what is being said.

Meetings should be conducted according to established procedures. The Chairperson directs the progress of the meetings and his/her orders must be followed unless they are overruled by the Commission or are contrary to established procedures.

In the event that a Commissioner disagrees with the Chairperson's order, the member may appeal it. In this case, the Chairperson must call for a roll call to see if the order is upheld. The majority vote of the Commissioners will decide whether or not the Chairperson's order is upheld.

### **PUBLIC TESTIMONY AT REGULAR MEETINGS**

The Brown Act requires that every agenda for Regular Meetings shall provide an opportunity for the public to directly address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda. Subject to the provisions listed below, every resident, property owner of the City or member of the public has the right to address the Commission during that portion of the meeting allocated for such comments. In addition, any interested person may request permission from the Chairperson to address the Commission regarding the subject under consideration. When possible, oral or written requests should be made prior to considering a motion on the subject.

When granting permission to speak, the Chairperson should request that the speaker state his name and address for the record. However, the speaker may decline to provide this information. Comments from the audience should be directed at the Commission, not at the staff members present. If a response is necessary from staff, the Chairperson may direct the question to the appropriate staff member who may then be directed to respond to the Chairperson or public.

The body may adopt reasonable regulations limiting the total amount of time allocated for the public testimony on particular issues and for each individual speaker. The Chairperson may also request that speakers avoid reiterating arguments previously presented. Any established procedure should be explained at the beginning of the meeting and applied uniformly by the Chairperson. Any person making impertinent, slanderous, or profane remarks or becomes boisterous while addressing the body may be called to order by the Chairperson with the possibility of being ordered barred from further discussion or expelled from the meeting if the disruptive conduct continues.

## **ADJOURNMENT**

The meetings end with a motion to adjourn or by the order of the Chairperson to adjourn to a time and place specified in the motion or order for adjournment. In the event that there is less than a quorum, the Secretary or Staff Liaison may adjourn the meeting. This applies also if all members are absent.

## **DEBATE AND DECORUM**

A Commissioner wishing to speak shall first gain recognition by the Chairperson and then confine his/her comments to the question under debate. Commissioners shall be respectful to each other, staff, and members of the public.

Once he/she has the floor, a Commissioner shall not be interrupted unless he/she is called to order by the Chairperson or he/she yields to another member. After recognition by the Chairperson, members of the public and city staff will likewise hold the floor until withdrawn by the presiding officer.

## **SECTION VII** **PARLIAMENTARY PROCEDURE**

### **OBSERVING THE RULES OF ORDER**

The City Council has adopted Rosenberg's Rule of Order as the parliamentary procedures for use by the City Council, City Commissions, Committees, and Boards. These rules were adopted to simplify the procedures into a practical and logical format. No action taken may be invalidated or the legality of it affected by a failure to follow Rosenberg's Rules. What is important is to have a clear record of the action taken at the meeting by the majority of City Council on any particular issue.

### **MOTIONS**

A motion is the formal statement of a proposal or question to the Commission for consideration or action. Each member of the Commission has the right to present motions. Under Rosenberg's Rules of Order, motions may only be discussed and/or voted on if they receive a second by another Commissioner.

When making a motion, remember that the Brown Act prohibits discussion and action on any item not appearing on the agenda. Commissioners may direct staff to include items on the next agenda.

When a motion is before the Commission, no other motion may be entertained except the following, which have precedence over others in the following order:

|                          |  |
|--------------------------|--|
| ADJOURN                  | End the meeting.   |
| RECESS                   | Permit a break in the meeting and set a definite time to resume.                         |
| POSTPONE                 | Delay action on a motion for a later consideration at the same or a subsequent meeting.  |
| PREVIOUS QUESTION        | End discussion and require a vote on a pending motion.                                   |
| LIMIT (OR EXTEND) DEBATE | Remove time limitations imposed on discussion of a motion.                               |
| REFER TO COMMITTEE       | Refer a question to a Committee or staff for further study and report.                   |
| AMEND                    | To modify or change a motion to more adequately reflect the intent of the Commissioners. |

POSTPONE  
INDEFINITELY

To prevent further discussion or voting on the main motion. If passed, the subject cannot be raised again during the remainder of the meeting.

## **THE VOTE FOR AND AGAINST**

After a motion has been made and seconded, all members of the Commission have the opportunity to vote unless they have not reviewed the information provided for or at the meeting or did not participate in the matter. Only those motions that receive a majority vote of the quorum of the members become official actions of the Commission.

## **THE VOTE/ABSTENTION**

Members may abstain from voting. In doing so, they must explain for the record why they wish to abstain and leave the room only if there is a financial conflict of interest that requires the Commissioner to leave the room. The most common reason for abstentions is that a potential conflict of interest exists. A Commissioner who abstains is, in effect, permitting the majority to act for him or her. No Commissioner can be forced to vote on an issue, although abstentions that would result in a tie vote should be avoided. Failure to vote or refusing to vote when present or abstaining shall be deemed to be a concurrence to the prevailing vote on the subject of a motion or action.

## **SECTION VIII** **CONFLICTS OF INTEREST**

### **CONFLICTS OF INTEREST- GENERAL OVERVIEW**

The City Council attempts to appoint Commissioners who will represent a cross section of the community. Therefore, inevitably, matters will be considered by the Commission in which one or more members may have a direct or indirect financial interest. In these situations, a member must decide if the interest will cause him/her to be biased in his/her opinion, or if the State's Conflict of Interest Laws will require them not to participate in the decision involving the interest. If he/she feels bias exists, or if State law requires it, he/she must disqualify himself/herself from participating in the deliberations and must abstain from voting.

Recent amendments to the State's Conflict of Interest Laws include provisions requiring public disclosure of financial interests of public officials, which potentially create bias. Each Commissioner is required to be aware of the applicable Conflict of Interest Laws. However, the Staff Liaison of your Commission can supply Commissioners with more detailed information about these laws and the forms necessary to comply with the laws pertaining to public disclosure of financial interests. Remember, each individual Commissioner must individually determine whether he/she is biased because of personal financial interests in a particular matter and must disqualify himself/herself in instances where a conflict may exist.

Under the State's Political Reform Act, any public official who knowingly or willingly acts in cases where a financial conflict of interest exists is guilty of a misdemeanor and will be subject to criminal and civil penalties.

As a rule of thumb, a financial conflict of interest exists if a decision being considered by the Commission will probably increase or decrease the assets or liabilities of a Commissioner, a member of the Commissioner's immediate family, or a source of income for the Commissioner.

The Political Reform Act is complex and broad, and applies to each Commissioner, and possibly a member of immediate family members. If any Commissioner has a question regarding a potential conflict of interest, the Commissioner is urged and encouraged to discuss the matter with the City Attorney before participating or taking action on the matter in which the conflict may exist, preferably prior to the meeting.

## **SECTION IX**

### **A GENERAL DISCUSSION ABOUT THE BROWN ACT**

#### **OVERVIEW**

As stated earlier, the Commission is subject to the Brown Act, Government Code Sections 54950 through 54962. The Brown Act has been described as the strictest open meeting law in the United States and is designed to ensure that meetings of organizations supported with public funds are conducted openly without restrictions on the right of the public to attend. The right under the Brown Act to open disclosure at meetings, deliberations, and actions of local legislative bodies is guaranteed so that any “interested person” can understand and petition against secrecy in local government and insure their right to public testimony. As members of a public legislative/advisory body, Commissioners must always comply with the Brown Act.

The Brown Act as it applies to Commissions requires that meetings at which a majority of the Commission attends must be open to the public. Commissioners violating the Brown Act are subject to criminal penalties if they knowingly take an action at a meeting held in violation of the act.

If meetings are scheduled, publicized, and held as outlined in the section of this Guideline entitled “Preparation for Meeting: Agenda Preparation” and “Commission Meetings”, the Brown Act requirements for public discussion will have been met.

#### **MEETINGS ACCORDING TO THE BROWN ACT**

All meetings are required to be open and public.

All deliberations and actions must be undertaken and acted upon only at the public meeting. Basically, a meeting is defined as any gathering of a quorum, no matter how informal, where public business is discussed or transacted.

The concept of “meeting” has been interpreted by the courts to include, “informal sessions at which the body commits itself to future decisions concerning public business.”

#### **SERIAL MEETINGS - PROHIBITED**

Serial meetings at any one time involve only a portion of the Commission, but eventually involve a majority. They are also referred to as “daisy chain” serial meetings where individuals’ commitment or promises are polled to reach a majority without a full open meeting. The collective decision-making process consists of “actions” and “deliberations” involving a majority of Commissioners, even when not present together, outside the public view, which should have occurred and conducted in open meetings. Serial meetings violate the Brown Act and may occur in informational conferences that permit crystallization of secret decisions. They may also occur through phone calls, letters, emails, or through intermediaries that carry the message between the Commissioners involved.

An attempt to obtain a majority consensus, whether successful or not, constitutes a prohibited “deliberation.” “Deliberation” is sufficient to constitute a violation of the Brown Act, so that even if no action took place, a violation is still to have occurred.

NOTE: It is recommended, though not required, that actual decisions be reserved for Regular Commission Meetings to ensure adequate public participation.

Members of all Commissions shall observe the following rules in the conduct of their meetings and business:

- (1) All meetings shall be open to public attendance.
- (2) Rules for the transaction of business shall be adopted and followed by all Commissions.
- (3) A public record (minutes) shall be prepared indicating resolutions, findings, and determinations of each Commission.
- (4) A written agenda packet shall be prepared, posted, and circulated to all members of each individual Commission at least seventy-two (72) hours before a regular meeting.

## **PENALTIES**

It is a misdemeanor to attend a meeting where action is taken with knowledge of the fact that the meeting is in violation of the Brown Act.

Civil proceedings, by way of mandamus or injunction, can be brought by any interested person to stop or prevent violations or threatened violations, including the rescinding of action taken in violation of the Brown Act. Successful parties are entitled to recover their attorney’s fees.

## **DEFINITION - ACTION**

The act generally defines that action taken means a collective commitment or promise to make a positive or negative decision, or an actual vote by a majority when sitting as a body. More specifically, the Act defines an “action” as follows:

- (1) A collective decision made by a majority of the members.
- (2) A collective commitment or promise by the majority of the members to make a specific decision.
- (3) An actual vote by a majority of the members when sitting as a Commission upon a motion, proposal, resolution or order.



## **CURE AND CORRECT A BROWN ACT VIOLATION**

The Brown Act allows for correction of action taken in violation of it, which protects against civil liability. Common violations are unintentional and involve the failure to post an agenda within the required timeline, or discussion of an item that was not on the agenda. For this reason, any Commission member may address the subject of a suspected violation by providing a written report to the office of the City Manager, who will then review the subject with the City Attorney. If, after review, the City Manager and City Attorney determine that a violation has occurred, the Commission may correct the violation by posting the matter on the agenda for the following meeting of the Commission.

## **SECTION X** **PLANNING COMMISSION**

### **PLANNING COMMISSION – GENERAL INFORMATION**

The Planning Commission shall consist of five (5) members, to be appointed by the Mayor, with the consensus of the City Council, subject to passing a background check (paid by the City).

The Planning Commission is the only Commission established pursuant to the provisions of the laws of the State of California Law more specifically referred to as the “Planning Law” (Title 7, California Government Code), specifically Government Code 65100. The City Council established the Planning Commission since 1965 and is governed by Chapter 2.28 of the Hawaiian Gardens Municipal Code.

The Planning Commission exercises the powers, duties, rights, privileges, and authorities set forth in the State’s “Planning Law” and as directed by the City Council in various provisions of the Municipal Code relating to land use and planning, such as the City’s zoning and subdivision ordinances.

The Planning Commission is authorized and empowered to review, conduct hearings and make recommendations to the Council upon applications for zone changes, variances, conditional use permits, divisions of land, General Plan Amendments and plot plan approvals, and other approvals that require review under the zoning ordinances of the City.

### **STAFF RECOMMENDATION TO PREPARE FOR MEETINGS**

- 1) Read and review the agenda prior to a meeting.
- 2) Read and review all documents including: staff reports, resolutions, attachments.
- 3) Inspect and evaluate project sites and locations regarding items on the agenda prior to attending a meeting.
- 4) Prepare questions that are not answered in the staff reports.
- 5) Report and disclose any potential conflict of interests prior to attending a meeting or discussing an item during a meeting (i.e., discussion of CUP, if you own a property within 500 feet).
- 6) Allow public input prior to taking action on an agenda item.
- 7) Be in attendance before the meeting and begin the meeting promptly.

## **CITY COUNCIL'S EXPECTATIONS OF THE PLANNING COMMISSIONERS**

- 1) Serve as “eyes and ears of the community” and report matters requiring immediate attention to the staff or Sheriff’s Department, accordingly.
- 2) Attend seminars and/or conferences relating to your role as a Commissioner and inform staff of availability. (All seminars that you are required to attend will be paid for by the City in advance, upon proper notice to staff).
- 3) Attend meetings and notify in advance of absences.
- 4) Do not be absent from more than three (3) consecutive meetings.
- 5) If you are unable to fulfill your position and cannot attend all or most meetings every month, you will be required to relinquish your seat and allow another member of the community an opportunity to serve. Excessive and/or unexcused absences will be brought to the City Council’s attention for immediate action.
- 6) Be prepared and participate in the Commission meeting.
- 7) Be familiar with Brown Act requirements.
- 8) Be familiar with Parliamentary Procedures.
- 9) Conduct orderly and organized meetings.

## **HAWAIIAN GARDENS MUNICIPAL CODE - CHAPTER 2.28**

### SECTIONS:

|          |                           |
|----------|---------------------------|
| 2.28.010 | Created and established.  |
| 2.28.020 | Membership -- Appointment |
| 2.28.030 | Membership – Terms.       |
| 2.28.040 | Membership – Absence      |
| 2.28.050 | Powers and duties.        |
| 2.28.060 | Recommendations           |
| 2.28.070 | Records.                  |
| 2.28.080 | Obligation of City.       |
| 2.28.090 | Rules of procedure        |
| 2.28.100 | Documents submitted.      |

2.28.010 Created and established. A Planning Commission which may be known and referred to as the “Planning Commission” of the City, is created and established and pursuant to the provisions of that certain act of the Legislature of the State of California, which is designated and referred to as the “Planning Law” (Title 7 of the Government Code of the State of California) as amended to date and as same may hereafter be amended. (Ord. 33 §1, 1965).

2.28.020 Membership – Appointment. That said Planning Commission shall consist of five members, who shall be designated respectively as Commissioners Nos. 1, 2, 3, 4 and 5. Said Commissioners shall be appointed by the Mayor, with the approval of the City Council, of said city. In addition to the five appointed members of the Commission, the City Manager shall be a non-voting member thereof. An appointed member of the Planning Commission may be removed at any time by the Mayor, subject to the approval of the Council, or by a majority vote of the City Council. (Ord. 33 §2, 1965).

2.28.030 Membership – terms. A. Of the members of the Commission first appointed under the provisions of this chapter, Commissioner No. 1 shall be appointed for a term of one year, Commissioners Nos. 2 and 3 shall be appointed for terms of two years, and Commissioners Nos. 4 and 5 shall be appointed for a term of three years.

B. Upon the expiration of the respective terms of the Commissioners referred to in subdivision A above, their respective successors shall be appointed for terms of four years.

C. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the un-expired portion of the term. Such appointment shall be made by the mayor with the approval of the city council. (Ord. 33 §3,1965).

2.28.040 Membership – Absence. A. Notwithstanding any of the other provisions of this chapter, any Commissioner who absents himself from any three consecutive regular meetings of said Planning Commission, unless excused from such attendance by consent of such Commission expressed by action of record in its minutes or who is absent from a total of five regular meetings of said Commission in any six month period without such consent of such Commission so expressed of record, shall thereby automatically forfeit his or her position or office as a member of said planning Commission, and the name of such person shall be automatically removed from the

membership of said Commission immediately after the adjournment of any such third consecutive meeting or of any such fifth meeting in any such six month period, as the case may be, at which such Commissioner has not appeared.

B. The chairman or the secretary of the Commission shall thereupon promptly notify the City Council and any such person so ceasing shall be filled by appointment as contemplated under the provisions of Section 2.28.030C. (Ord. 33.§4, 1965).

2.28.050 Powers and duties. A. The said Planning Commission and the members thereof shall respectively have and exercise each and all of the powers, duties, rights, privileges, and authorities of city planning Commissions and of members of such Commissions, all as set forth, provided for, and contemplated in this chapter and under the provisions of said "Planning Law" as same now exists and as same may hereafter be amended, and shall perform the duties, acts and functions of such city Planning Commissions, and members thereof, respectively, all as indicated, set forth and referred to in, and as contemplated by, said "Planning Law" and in the manner therein stated.

B. The Planning Commission shall conduct such hearings as may be required by law upon receipt by the city of any application of petition for a change of zone and upon direction of the City Council, shall conduct such hearings upon any proceedings for a change of zone otherwise initiated. The Planning Commission shall thereafter transmit its recommendations with reference to said application of proceedings for a change of zone to the City Council.

C. Upon direction or request of the City Council, and only upon such direction or request, or as may be required by law or ordinance, the Planning Commission is further authorized and empowered to review, conduct hearings and make recommendations to the council upon applications for zone exceptions, special use permits, divisions of land, building and plot plan approvals, other approvals as must be obtained under the zoning ordinances of the city and upon such other matters as the City Council may deem appropriate.

D. The Planning Commission shall make reports and recommendations to the City Council regarding matters affecting vehicular and pedestrian traffic, public health and safety in the city. The Planning Commission shall hold such meetings and hearings as it deems necessary to affect these purposes. (Ord. 274 §2, 1984; Ord. 33 §5, 1965).

2.28.060 Recommendations. Notwithstanding any other provision of any ordinance of the city after the Planning Commission has conducted a hearing and made recommendation to the City Council upon an application for zone exception, special use permit, division of land, building or plot plan approval, or other approval as must be obtained under the zoning ordinances of the city, the City Council shall not be required to hold a public hearing on said matter. Upon receipt by the City Council of the recommendation of the Planning Commission upon any of said matters, the City Council may affirm, reverse, or modify the recommendation of said Commission with or without a further public hearing. (Ord. 33 §6, 1965).

2.28.070 Records. The said Commission shall cause proper records to be kept of all its official acts and proceedings, and shall make reports to the City Council of said City, all as contemplated in and by said "Planning Law." (Ord. 33 §7, 1965).

2.28.080 Obligation of city. Said Commission shall have no power or authority to bind or obligate said city or any officer or department thereof for any money, debt,

undertaking, or obligation of any kind in excess of the appropriation, which the City Council may have made for the purposes of said Commission in any fiscal year. (Ord. 33 §8, 1965).

2.28.090 Rules and Procedure. Except as otherwise provided in this chapter or by law, said Commission shall have power to and shall provide for its own organization; shall adopt rules and regulations for the transaction of business before it; and shall designate the time and place for the regular monthly meeting or meetings of said Commission. (Ord. 33 §9, 1965).

2.28.100 Documents submitted. The City Clerk is authorized and instructed to notify said Planning Commission of any matters which may hereafter be pending before the City Council and to forward to said Planning Commission from time to time any and all documents, proceedings, and instruments, according to law, are required to be submitted to such Planning Commission prior to final action thereon by said City Council. (Ord. 33 §10, 1965).

**SECTION XI**  
**PUBLIC SAFETY COMMISSION**

**PUBLIC SAFETY COMMISSION – GENERAL INFORMATION**

The Public Safety Commission shall consist of five (5) members, to be appointed by the Mayor, with the consensus of the City Council, subject to passing a background check (paid by the City).

The Public Safety Commission operates pursuant to Hawaiian Gardens Municipal Code Section No. 6.32.

The Public Safety Commission is responsible for making recommendations regarding matters affecting public health and safety (the City’s emergency preparedness, police and fire services, traffic safety, neighborhood safety, emergency medical services, and animal control).

Absent direct instruction or guidance from the City Council, the staff liaison to the Public Safety Commission shall have the authority to interpret which matters considered by the Commission constitute “public health and safety.”

**STAFF RECOMMENDATION TO PREPARE FOR MEETINGS**

- 1) Read and review the agenda prior to a meeting.
- 2) Read and review all documents including: staff reports, resolutions, attachments.
- 3) Prepare questions that are not answered in the staff reports.
- 4) Report and disclose any potential conflict of interests prior to attending a meeting or discussing an item during a meeting (i.e., an incident with law enforcement involving your family).
- 5) Allow public input prior to taking action on an agendized item.
- 6) Be in attendance before the meeting and begin the meeting promptly.
- 7) In making inquiries, do not ask for confidential or private information relating to pending investigations or crime scenes. Commissioners do not have the right to that information.
- 8) Commissioners will not be notified of any specific law enforcement activity or investigations.
- 9) Do not get involved with and do not dictate to law enforcement officials and their operations.
- 10) Report items in the City pertaining to safety issues (i.e., streetlights, stop signs, crosswalks, drugs, gangs, graffiti, or concerns specifically about children’s health & well-being).

## **CITY COUNCIL'S EXPECTATIONS OF THE PUBLIC SAFETY COMMISSIONERS**

- 1) Serve as “eyes and ears of the community” and report matters requiring immediate attention to the staff or Sheriff’s Department, accordingly.
- 2) Attend seminars and/or conferences relating to your role as a Commissioner and inform staff of availability. (All seminars that you are required to attend will be paid for by the City in advance, upon proper notice to staff).
- 3) Attend meetings and notify in advance of absences.
- 4) Do not be absent from more than three (3) consecutive meetings.
- 5) If you are unable to fulfill your position and cannot attend all or most meetings every month, you will be required to relinquish your seat and allow another member of the community an opportunity to serve. Excessive and/or unexcused absences will be brought to the City Council’s attention for immediate action.
- 6) Be prepared and participate in the Commission meeting.
- 7) When making recommendations to the City Council, the Public Safety Commission shall:
  - a) Analyze, in partnership with law enforcement and first responders, the best practices in community-oriented policing for the fair treatment, safety, and well-being for all;
  - b) Develop practical recommendations that effectively address the community’s needs;
  - c) Consider the community’s values and objectives in relation to public health and safety within the City;
  - d) Consider citizen input and community concerns; and
  - e) Explore and propose alternative policy recommendations to address public health and safety challenges and issues within the City.
- 8) Be familiar with Brown Act requirements.
- 9) Be familiar with Parliamentary Procedures.
- 10) Conduct orderly and organized meetings.



## **HAWAIIAN GARDENS MUNICIPAL CODE - CHAPTER 6.32**

### SECTIONS:

- 6.32.010 Created and established.
- 6.32.020 Membership.
- 6.32.030 Terms of Office – Vacancy
- 6.32.040 Recommendation – Hearings
- 6.32.050 Power and Authority
- 6.32.060 Rules of organization and procedure

6.32.010 Created and established. A Public Safety Commission which shall be known as the Public Safety Commission of the city is created and established. (Ord. 301 §1 (part), 1986).

6.32.020 Membership. A. The Commission shall consist of five members who shall be appointed by the Mayor with the approval of the City Council. All members serve at will and pleasure of the City Council.

B. Youth Representative. In addition to the five regular members of the Commission, the Mayor with the approval of the City Council shall appoint a youth representative to the Public Safety Commission. Said representative shall serve at the will and pleasure of the City Council and be qualified and serve in accordance with youth representative guidelines as adopted by the City Council. (Ord. 363 §1, 1990; Ord. 301 §1 (part), 1986).

6.32.030 Terms of office – Vacancy. A. Members to the Commission shall be appointed for terms of four years or until their successors are appointed.

B. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by appointment for the un-expired portion of the term. (Ord. 301 §1 (part), 1986).

6.32.040 Recommendation – Hearings. The Public Safety Commission shall be charged with the responsibility for making recommendations regarding matters affecting public health and safety in the city, and such related matters that may be directed by order of the City Council, and in that connection shall hold such meetings and such hearings as the Commission deems necessary to affect these purposes. Actions of this Commission shall take the form of recommendations and reports to the City Council. (Ord. 301 §1 (part), 1975).

6.32.050 Power and authority. The Public Safety Commission shall cause proper records to be kept of all its official acts and proceedings. The Commission shall have no power or authority to bind or obligate the City or any officer or department thereof for any money, debt, undertaking, or obligation of any kind in excess of the appropriation which the City Council may have made for the purpose of the Commission in any fiscal year. (Ord. 301 §1 (part), 1975).

6.32.060 Rules of organization and procedure. Except as otherwise provided in this chapter or by law, the Commission shall have the power to and shall provide for its own organization, shall adopt rules and regulations for the transaction or business before it, and shall designate the time and place for the regular monthly meeting or meetings of the Commission. (Ord. 301 §1 (part), 1975).

**SECTION XII**  
**RECREATION AND PARKS COMMISSION**

**RECREATION AND PARKS COMMISSION – GENERAL INFORMATION**

The Recreation and Parks Commission shall consist of five (5) members, to be appointed by the Mayor, with the consensus of the City Council, subject to passing a background check (paid by the City).

The City Council established the Recreation Commission in 1965 and operates pursuant to Hawaiian Gardens Municipal Code Section No. 2.32.

The Recreation Commission investigates, studies, and makes recommendations to the City Council on all matters pertaining to parks and recreation.

**STAFF RECOMMENDATION TO PREPARE FOR MEETINGS**

- 1) Read and review the agenda prior to a meeting.
- 2) Read and review all documents including: staff reports, resolutions, attachments.
- 3) Prepare questions that are not answered in the staff reports.
- 4) Report and disclose any potential conflict of interests prior to attending a meeting or discussing an item during a meeting.
- 5) Allow public input prior to taking action on an agenda item.
- 6) Be in attendance before the meeting and begin the meeting promptly.
- 7) Report items in the City pertaining to safety issues at parks and events.

## **CITY COUNCIL'S EXPECTATIONS OF THE RECREATION AND PARKS COMMISSIONERS**

- 1) Serve as “eyes and ears of the community” and report matters requiring immediate attention to the staff or Sheriff’s Department, accordingly.
- 2) Attend seminars and/or conferences relating to your role as a Commissioner and inform staff of availability. (All seminars that you are required to attend will be paid for by the City in advance, upon proper notice to staff).
- 3) Attend meetings and notify in advance of absences.
- 4) Do not be absent from more than three (3) consecutive meetings.
- 5) If you are unable to fulfill your position and cannot attend all or most meetings every month, you will be required to relinquish your seat and allow another member of the community an opportunity to serve. Excessive and/or unexcused absences will be brought to the City Council’s attention for immediate action.
- 6) Be prepared and participate in the Commission meeting.
- 7) Be familiar with Brown Act requirements.
- 8) Be familiar with Parliamentary Procedures.
- 9) Conduct orderly and organized meetings.

## **HAWAIIAN GARDENS MUNICIPAL CODE - CHAPTER 2.32**

### SECTIONS:

- 2.32.010 Established.
- 2.32.020 Powers and duties.
- 2.32.030 Rules of procedure
- 2.32.040 Membership.

2.32.010 Established. A Recreation and Parks Commission is established as an advisory Commission to the City Council of the City. (Ord. 37 §1, 1965).

2.32.020 Powers and duties. This Commission shall have the power and duty to investigate, study, and make recommendations to the City Council on all matters pertaining to parks and recreation activities within the city. (Ord. 37 §2, 1965).

2.32.030 Rules of procedure. The Commission shall consist of five members, two of who shall be appointed for one year, one for two years, one for three years, and one for four years. Upon the expiration of the respective terms of the Commissioners, their respective successors shall be appointed for terms of four years. The Commission shall elect its own chairman from among its members and shall establish such rules for procedure as it may find necessary. (Ord. 286 §1,1985; Ord. 37 §3, 1965).

2.32.040 Membership. The City Council shall appoint the members of the Recreation and Parks Commission and they shall serve at the pleasure of the City Council. (Ord. 37 §4, 1965).