




DATE: September 20, 2010

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Vincent Marengo, Director, Public Works 

SUBJECT: Resolution Repealing and Updating Enabling Legislation for the Transit Advisory Committee to Reduce Committee Membership From Nine to Seven Members and Reduce the Quorum From Five to Four Members

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution repealing and updating enabling legislation for the Transit Advisory Committee to reduce Committee membership from nine to seven members and reduce the quorum from five to four members.

BACKGROUND

On February 26, 2007, the City Council approved Resolution 2007-034 N.C.S., establishing the Transit Advisory Committee (TAC). The TAC was established to provide for review of critical issues related to the City's transit operations and the regional bus and rail operations within the City by interested and knowledgeable members of the Petaluma community. The enabling legislation was subsequently repealed and updated on August 4, 2008, establishing a committee of nine voting members, made up of eight at-large Council appointees and one liaison from the City Council. The required quorum was set at five members.

DISCUSSION

Three TAC member terms expired on June 30, 2010, thus applications were sought as part of the City's annual recruitment for boards and commissions. As of the June 14, 2010 deadline, there were no applicants for the Transit Advisory Committee. In light of this, and based on the composition of other City advisory committees, staff recommends that the established number of committee members be reduced, as it is in excess of that needed to carry out the mission of the Committee. Therefore, the purpose of this resolution is to reduce the number of required members from nine to seven, and the quorum from five to four.

Agenda Review:

City Attorney



Finance Director

City Manager



ATTACHMENT 1

**RESOLUTION REPEALING AND UPDATING ENABLING LEGISLATION FOR THE
TRANSIT ADVISORY COMMITTEE TO REDUCE COMMITTEE MEMBERSHIP
FROM NINE TO SEVEN MEMBERS AND REDUCE THE QUORUM FROM FIVE TO
FOUR MEMBERS**

WHEREAS, on February 26, 2007, the City Council approved Resolution 2007-034 N.C.S., establishing the Transit Advisory Committee (“Committee”) to provide for review of critical issues related to the City’s transit operations and the regional bus and rail operations within the City by interested and knowledgeable members of the Petaluma community; and

WHEREAS, the enabling legislation for the Committee was subsequently repealed and updated on August 4, 2008, through Resolution 2008-155 N.C.S., establishing the makeup as consisting of nine voting members: eight members appointed by Council from the community at large, and one member of the City Council as liaison between the Committee and City Council; and

WHEREAS, to achieve consistency relative to the composition of other City advisory committees, while still providing adequate representation of the community and retaining the ability to effectively carry out Committee functions, membership is reduced to seven committee members, with a required quorum of four.

NOW, THEREFORE, BE IT RESOLVED that

1. **Repeal.** All previous resolutions relating to the City’s Transit Advisory Committee (“Committee”) are repealed and superseded by this resolution to the extent that they contain provisions that conflict with this resolution.
2. **Continuance of Current Terms.** Subject to the provisions of this resolution, all current members of the Committee shall continue to serve for the remainder of the terms to which they have been appointed. Current committee members and the expiration date of each term are:

| Name | Term |
|------------------------------|------------------|
| Mike Harris, Council Liaison | 2010 |
| Elece Hempel | 7/1/09 – 6/30/11 |

FINANCIAL IMPACTS

This action has no financial impact.

ATTACHMENTS

1. Resolution
2. Resolution 2008-155

| | |
|-------------------|------------------|
| Carolyn Henderson | 7/1/09 – 6/30/11 |
| David R. Law | 7/1/09 – 6/30/11 |
| Kenneth Lock | 7/1/09 – 6/30/11 |

3. Composition. The Committee shall consist of seven members, as follows:

- Six members shall be appointed by the City Council from the community at large. Members shall be current residents of the City of Petaluma, who have been residents of Petaluma for at least one year.
- One member of the City Council, selected by the City Council, who shall serve as liaison between the Committee and the City Council, and who shall be a voting member of the Committee.

4. Mission. The mission of the Committee is to provide for review of critical issues related to the City's transit operations and the regional bus and rail operations within the City by interested and knowledgeable members of the Petaluma community.

5. Duties/Authority. The Committee's duties may include, in addition to review of critical issues related to City transit operations and regional bus and rail operations within the City, education, public relations and fundraising relating to the needs of transit users in the Petaluma community, providing advice to the City Council regarding such matters, and such other duties as may be prescribed by ordinance, resolution, rule or direction of the City Council. The Committee's duties do not include oversight of Petaluma transit staff or operations. The Committee has no authority to employ any person or to incur any expense or obligation without approval of the City Council. The Committee shall have the right to establish such procedures and regulations as it deems appropriate for the conduct of its meetings, the selection of its officers and the performance of its functions, consistent with applicable law, including all applicable City ordinances, regulations, rules and/or direction of the City Council.

6. Terms. The term of office of each member, other than Council Liaison, shall be two years, commencing July 1st of the year appointed, and no member shall serve for more than three consecutive terms. The Council liaison shall be appointed annually in January by the City

Council to serve for that calendar year. The members' terms shall be staggered such that the terms of no more than four members, not including the City Council Liaison, shall expire in any given year. Notwithstanding the expiration of a member's term pursuant to this provision, and subject to provision 7, members shall serve until a successor is appointed by the City Council.

7. **Resignation/Removal.** The City Council may declare the office of a member vacant: upon the resignation, death, or disability that results in the inability of a member to perform her/his duties; loss of permanent City residency or other status required for the member to be eligible to serve; unexcused absence of a member from three consecutive regular meetings of the Committee; or for any other reason in the Council's sole discretion.
8. **Vacancies.** Upon declaring a Committee office vacant for any reason, the City Council shall thereupon appoint a qualified person to fill the vacancy for the unexpired term.
9. **Quorum/Action.** A quorum of four members is required to meet and conduct business. Fewer than four members, or if no members are present, staff to the Committee may adjourn meetings of the Committee in accordance with all applicable requirements of the Ralph M. Brown Act (California Government Code Section 54950 *et seq.*). All actions or recommendations of the Committee shall be made at a meeting at which quorum of the Committee is present and shall be made by majority vote of the members present. A tie vote shall constitute no action on the motion, proposed action or recommendation.
10. **Staff.** The City's Transit Manager and/or designees of the Transit Manager shall serve as Committee staff and advise and support the Committee as appropriate in the performance of its duties.

**Resolution No. 2008-155 N.C.S.
of the City of Petaluma, California**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA
REPEALING AND UPDATING ENABLING LEGISLATION FOR
THE TRANSIT ADVISORY COMMITTEE**

WHEREAS, the City Council created the Transit Advisory Committee ("the Committee") on February 26, 2007, by adopting Resolution 2007-034 N.C.S.; and,

WHEREAS, the City Council wishes to clarify the duties, authority, composition, voting, terms, vacancies, and criteria for removal for all City Boards, Commissions, and Committees.

NOW, THEREFORE, BE IT RESOLVED that:

1. **Repeal.** All previous resolutions relating to the City's Transit Advisory Committee ("Committee") are repealed and superseded by this resolution to the extent that they contain provisions that conflict with this resolution.
2. **Continuance of Current Terms.** Subject to the provisions of this resolution, all current members of the Committee shall continue to serve for the remainder of the terms to which they have been appointed. Current committee members and the expiration date of each term are:

| Name | Term Ending |
|--|--------------------|
| Baker, Gary | 6/30/TBD |
| Blanquie, Ronald | 6/30/09 |
| Garland, Jerry Lee | 6/30/TBD |
| Hempel, Elece | 6/30/09 |
| Henderson, Carolyn | 6/30/09 |
| Nies, Nathan | 6/30/TBD |
| Smith, Adriana | 6/30/TBD |
| Tacy, Allen | 6/30/TBD |
| Torliatt, Pamela, Council Liaison | 2008 |

3. **Composition.** The Committee shall consist of nine members, as follows:
- Eight members shall be appointed by the City Council from the community at large. Members shall be current residents of the City of Petaluma who have been residents of the Petaluma for at least one year.
 - One member of the City Council, selected by the City Council, who shall serve as liaison between the Committee and the City Council, and who shall be a voting member of the Committee.
4. **Mission.** The mission of the Committee is to provide for review of critical issues related to the City's transit operations and the regional bus and rail operations within the City by interested and knowledgeable members of the Petaluma community.
5. **Duties/Authority.** The Committee's duties may include, in addition to review of critical issues related to City transit operations and regional bus and rail operations within the City, education, public relations and fundraising relating to the needs of transit users in the Petaluma community, providing advice to the City Council regarding such matters, and such other duties as may be prescribed by ordinance, resolution, rule or direction of the City Council. The Committee's duties do not include oversight of Petaluma transit staff or operations. The Committee has no authority to employ any person or to incur any expense or obligation without approval of the City Council. The committee shall have the right to establish such procedures and regulations as it deems appropriate for the conduct of its meetings, the selection of its officers and the performance of its functions, consistent with applicable law, including all applicable City ordinances, regulations, rules and/or direction of the City Council.
6. **Terms.** The term of office of each member, other than Council Liaison, shall be two years, commencing July 1st of the year appointed, and no member shall serve for more than 3 consecutive terms. The Council liaison shall be appointed annually in January by the City Council to serve for that calendar year. The members' terms shall be staggered such that the terms of no more than five members, not including the City Council Liaison, shall expire in any given year. Notwithstanding the expiration of a member's

term pursuant to this provision, and subject to provision 7, members shall serve until a successor is appointed by the City Council.

7. **Resignation/Removal.** The City Council may declare the office of a member vacant: upon the resignation, death, disability that results in the inability of a member to perform her/his duties; loss of permanent City residency or other status required for the member to be eligible to serve; unexcused absence of a member from three consecutive regular meetings of the Committee; or for any other reason in the Council's sole discretion.
8. **Vacancies.** Upon declaring a Committee office vacant for any reason, the City Council shall thereupon appoint a qualified person to fill the vacancy for the unexpired term.
9. **Quorum/Action.** A quorum of 5 members is required to meet and conduct business. Fewer than 5 members, or if no members are present, staff to the Committee, may adjourn meetings of the Committee in accordance with all applicable requirements of the Ralph M. Brown Act (California Government Code Section 54950 *et seq.*). All actions or recommendations of the Committee shall be made at a meeting at which quorum of the Committee is present and shall be made by majority vote of the members present. A tie vote shall constitute no action on the motion, proposed action or recommendation.
10. **Staff.** The City's Transit Manager and/or designees of the Transit Manager shall serve as Committee staff and advise and support the Committee as appropriate in the performance of its duties.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 4th day of August, 2008, by the following vote:

Approved as to
form

City Attorney

AYES:

Barrett, Harris, Nau, Vice Mayor Rabbitt, Mayor Torliatt

NOES:

None

ABSENT:

Freitas, O'Brien

ABSTAIN:

None

ATTEST:


City Clerk


Mayor

Resolution No. 2008-155 N.C.S.

Page 3