

Parks & Recreation Commission



REGULAR MEETING AGENDA

Date: 4/27/2016
Time: 6:30 p.m.
Arrillaga Family Recreation Center
Cypress Room
700 Alma St., Menlo Park, CA 94025

A. Call To Order

B. Roll Call

C. Public Comment

Under "Public Comment," the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. Presentations and Proclamations

D1. Gymnastics Program Presentation

E. Regular Business

E1. Accept Commission minutes for meeting of March 23, 2016 ([attachment](#))

E2. Review of City Council Goals and discussion of Parks and Recreation Commission Work Plan Update for 2016-2018 – subcommittee report out ([attachment](#))

E3. Review a Report to the City Manager regarding Gymnastics Alternative Services Options and make a recommendation ([attachment](#))

F. Reports and Announcements

F1. Parks and Recreation Commissioner Reports (James Cebrian)

F2. Community Services Director's update and announcements ([attachment](#))

G. Informational Items

G1. Community Services Department Cost Recovery Analysis ([attachment](#))

H. Adjournment

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At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

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Parks & Recreation Commission



REGULAR MEETING MINUTES **DRAFT**

Date: 3/23/2016
Time: 6:30 p.m.
Arrillaga Family Recreation Center
Cypress Room
700 Alma St., Menlo Park, CA 94025

A. Call To Order

Chair Palefsky called the meeting to order at 6:30 p.m.

B. Roll Call

Present: Commissioner Cebrian, Commissioner Cox, Vice Chair Harris, Commissioner Lane, Chair Palefsky, and Commissioner Stanwood
Staff: Derek Schweigart, Community Services Manager

C. Public Comment

There was no Public Comment

D. Presentations and Proclamations

- D1. Presentation of annual report by Kristin Quintana, owner Kuk Sool Won ([attachment](#))

Kristin Quintana gave the Commission a report regarding the Kuk Sool Won program.

E. Regular Business

- E1. Accept Commission minutes for meeting of February 24, 2016 ([attachment](#))

ACTION: Motion and second (Cebrian/Cox) to accept Commission minutes for the meeting of February 24, 2016; passes 6-0

- E2. Review of City Council Goals and discussion of Parks and Recreation Commission Work Plan Update for 2016-2018 ([attachment](#))

Derek Schweigart gave the Commission a review of the City Council Goals and an Update of the Parks and Recreation Commission Work Plan for 2016-2018.

F. Reports and Announcements

- F1. Parks and Recreation Commissioner Reports (Kristin Cox)

Commissioner Cox gave the Commissioner Report. She gave an update on the renovation of Flood Park.

F2. City Council feedback on Commission Quarterly Report (Marianne Palefsky)

Chair Palefsky gave the Commission Quarterly Report. She announced what was addressed to the City Council and gave the Commission the feedback from City Council.

F3. Community Services Director's update and announcements ([attachment](#))

Derek Schweigart gave the Commission the Community Services Director's update and announcements.

G. Informational Items

G1. City Council Work Plan Transmittal and Capital Improvement Program (CIP) process update ([attachment](#))

Derek Schweigart gave the Commission an update on the City Council Work Plan Transmittal and Capital Improvement Program.

H. Adjournment

Chair Palefsky adjourned the meeting at 9:00p.m.



STAFF REPORT

Parks and Recreation Commission

Meeting Date: 3/23/2016

Staff Report Number: 16-007-PRC

Regular Business: Review of City Council Goals and discussion of Parks and Recreation Commission Work Plan Update for 2016-2018

Recommendation

Staff recommends that the Parks and Recreation Commission review and consider the City Council goals and the Commission's current work plan in developing their proposed goals to Council for the period of May 2016 to May 2018.

Policy Issues

Each advisory body to the City Council is required to develop a two-year work plan which needs to be formally presented to the Council for their direction and approval and thereafter reported upon quarterly.

Background

The purpose of the Parks and Recreation Commission work plan is to identify and prioritize the Commission's focus for the next two years, based on discussion and review of the Commission's mission statement and the annual priorities established by the City Council. We will be following the Commission Work Plan Guidelines (Attachment A) which were approved by the City Council and Commissions in 2010.

The purpose of the Parks and Recreation Commission, as defined by Menlo Park Council Policy CC-01-0004, is to:

Advising the City Council on matters related to City programs and facilities dedicated to recreation, i.e., those programs and facilities established primarily for the participation of and/or use by residents of the City. This general charge includes advising on:

- Adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities, and equipment.
- Adequacy, operation, and staffing of recreation programs.
- Modification of existing programs and facilities to meet developing community needs.
- Long range planning and regional coordination concerning park and recreation facilities.

The current mission statement for the Parks and Recreation Commission states:

The City of Menlo Parks and Recreation Commission will strive for excellence in teamwork to: preserve and protect open space and parklands; be responsive to community needs for leisure, cultural, and social programs; affirm the diversity in the community; maintain its availability, visibility, and accessibility to the community and the media; promote safety in all facilities and programs; be financially responsible; and

maintain a liaison between the community and city government.

As in previous commission work plan discussions and updates, the Commission is encouraged to speak with other residents to get community input on its mission and priorities. The discussion planned for this meeting, and possibly subsequent meetings, will focus on brainstorming Commission goals, projects and priorities in the context of the Commission's current work plan and achievements (Attachment B) and the City Council goals (Attachment C). The goals and priorities chosen by the Commission should be consistent with the work the Commission has been charged to do. While the goals may or may not compliment the current City Council goals, the Commission goals may not be in conflict with Council goals.

Another guiding principle for the goals discussion is the foundational idea that designates the difference between high-level Commission or Policy goals and staff deliverables. As a policy advisory body, it is appropriate for the Commission to determine "WHAT" it would like to see accomplished and not to advise staff on staff work, or "HOW" best to achieve results. It is also important to note that the goals and work plan to be developed are the responsibility of the Commission to achieve (with limited staff support given current workloads). The Commission should determine its capacity to achieve the work proposed before finalizing the work plan.

Analysis

Staff suggests the following process and focus questions for structuring the work plan discussion:

1. Environmental Scan – What has changed in our environment (community) in the last two years? Are there items on the current work plan that continue to be important to make progress on?
2. Long Term Vision – What changes (stated as a result or outcome) do you want to see in the next two years?
3. Deliverables – What must be done in the next year in order to make progress toward the desired changes above?
4. Prioritization – What items are the most important considering the available resources?
5. Next Steps – What are the next steps for the discussion?

The discussion and development of the Commission work plan may require several meetings before the Commission has finalized their new work plan and presented it to the City Council for approval. The Commission may want to consider creating a sub-committee to draft the Commission's goals and work plan and prepare updates for the entire Commission at the regularly scheduled meetings. This approach was used to create the existing work plan.

Impact on City Resources

There is no impact on City resources.

Environmental Review

Environmental review is not required.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72

hours prior to the meeting.

Attachments

- A. Commission Work Plan Guidelines
- B. Parks and Recreation Commission Work Plan and Achievements for 2014-2016
- C. City Council Work Plan Adoption Staff Report on February 9, 2016

Report prepared by:
Derek Schweigart
Community Services Manager



Commission Work Plan Guidelines

- Step 1** Review purpose of Commission as defined by Menlo Park Council Policy CC-01-0004.
- Step 2** Develop a mission statement that reflects that purpose.
- Step 3** Discuss and outline any goals and priorities established by Council.
- Step 4** Brainstorm goals, projects, or priorities of the Commission and determine the following:
- A. Identify priorities, goals, projects, ideas, etc.
 - B. Determine benefit, if project or item is completed
 - C. Is it mandated by State or local law or by Council direction?
 - D. Would the task or item require a policy change at Council level?
 - E. Resources needed for completion? (Support staff, creation of subcommittees, etc.)
 - F. Completion time? (1-year, 2-year, or longer term?)
 - G. Measurement criteria? (How will you know you are on track? Is it effective?, etc.)
- Step 5** Prioritize projects from urgent to low priority.
- Step 6** Prepare final Work Plan for submission to Council for review and approval in the following order:
- Work Plan cover sheet, Listing of Members, Priority List, Work Plan Worksheet – Steps 1 through 8
- Step 7** Use your “approved” work plan throughout the term of the plan as a guide to focus in on the work at hand
- Step 8** Report out on work plan priorities to the City Council, which should include:
- A. List of “approved” priorities or goals
 - B. Status of each item, including any additional resources required in order to complete
 - C. If an item that was on the list is not finished, then indicate why it didn’t occur and list out any additional time and/or resources that will be needed in order to complete



Parks & Recreation Commission

Mission Statement

The Parks and Recreation Commission will strive for excellence in teamwork to: preserve and protect open space and parklands; be responsive to community needs for leisure, cultural, and social programs; affirm the diversity in the community; maintain its availability, visibility, and accessibility to the community and the media; promote safety in all facilities and programs; be financially responsible; and maintain a liaison between the community and city government.



Parks & Recreation Commission

Commission Members Listing

Commissioner	Marianne Palefsky (Chair)
Commissioner	Christopher Harris (Vice Chair)
Commissioner	Kristin Cox
Commissioner	James Cebrian
Commissioner	Laura Lane
Commissioner	Vacant
Commissioner	Vacant



Parks & Recreation Commission Priority List

The **Parks and Recreation Commission** has identified the following priorities to focus on during 2016-2018:

1.	
2.	
3.	
4.	
5.	

[Type text]



Commission Work Plan Guidelines Work Plan Worksheet

Step 1

Review purpose of Commission as defined by Menlo Park Council Policy CC-01-0004	<p>Advising the City Council on matters related to City programs and facilities dedicated to recreation, i.e., those programs and facilities established primarily for the participation of and/or use by residents of the City. This general charge includes advising on:</p> <ul style="list-style-type: none">• Adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities, and equipment.• Adequacy, operation, and staffing of recreation programs.• Modification of existing programs and facilities to meet developing community needs.• Long range planning and regional coordination concerning park and recreational facilities.
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Step 2

<p>Develop or review a Mission Statement that reflects that purpose</p> <p><i>Who we are, what we do, who we do it for, and why we do it</i></p>	<p>The City of Menlo Park Parks and Recreation Commission will strive for excellence in teamwork to: preserve and protect open space and parklands; be responsive to community needs for leisure, cultural, and social programs; affirm the diversity in the community; maintain its availability, visibility, and accessibility to the community and the media; promote safety in all facilities and programs; be financially responsible; and maintain a liaison between the community and city government.</p>
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Step 3

Discuss any priorities already established by Council	Updated Council goals attached
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Step 4

Brainstorm goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by Council direction?	Required policy change at Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated Completion Time	Measurement criteria How will we know how we are doing?
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			

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Step 5

List identified Goals, Priorities and/or Tasks for the Commission	Prioritize Tasks by their significance			
	1 Urgent	2 1-year	3 2-year	4 Long Term

Step 6 Prepare final work plan for submission to the City Council for review, possible direction and approval and attach the Worksheets used to determine priorities, resources and time lines.

Step 7 Once approved, use this plan as a tool to help guide you in your work as an advisory body.

Step 8 Report out on status of items completed. Provide any information needed regarding additional resources needed or And to indicate items that will need additional time in order to complete.

[Type text]

Parks & Recreation Commission
Work Plan Goals and Achievements FY 2014-2016

1.	<p>Research and evaluate the social services and recreation opportunities in the Belle Haven neighborhood in support of the Belle Haven Visioning and Neighborhood Action Plan resulting in diverse, high quality programs meeting the needs of neighborhood residents. Ongoing to January 1, 2016.</p>
	<p>Achievements:</p> <ul style="list-style-type: none"> • Received the Aquatics Contractor Annual Report presentation which focused on the year-round operation at the Belle Haven Pool. The Commission provided support and feedback for the year-round pool operation and the partnership with the City and Facebook which has made this possible. • Received a presentation on the Belle Haven Neighborhood Action Plan update that was presented to the Council in August and provided feedback to staff. • Received a presentation from Brenda Villa from Menlo Swim and Sport who introduced some of children in her youth water polo teams and to announce that the Belle Haven Pool will host a Junior Olympics Water Polo Qualifier event. • Received regular presentations from the Belle Haven Community Development Fund on the Belle Haven Mini-Grant Program. Commissioners were impressed with the program and look forward to the completion of more projects and seeing further improvements. The Commission supports the Mini-Grant Program for its high community benefit in building community and increasing pride in the neighborhood. • Reviewed and provided feedback on a pilot proposal to suspend non-subsidized rates for the Belle Haven After School Program and Camp Menlo in order to increase participation and improve cost-recovery.
2.	<p>Research and evaluate opportunities to support and increase arts program offerings for the community resulting in residents having a greater exposure to the arts and improved partnerships with new and existing arts groups and venues. Ongoing to January 1, 2016.</p>
	<p>Achievements:</p> <ul style="list-style-type: none"> • Formed an Arts Sub-Committee that will review the Commission's charter and consider proposals to include the Arts in their purview and include in its name. Commissioners agree that a change in their charter may be pre-mature at this time but may be considered as the Sub-Committee works on their work

	<p>plan goal. Other areas the committee will explore include research of other City-sponsored Arts Commissions on the peninsula and their scope of work, gathering information and identify locations in the City for potential public arts and research potential sources of funding for a public art program.</p> <ul style="list-style-type: none"> • Reviewed the defunct Arts Commission scope of work in helping them determine their next steps in addressing their goal of supporting and helping to promote public art and increase arts programs. The Commission received public feedback on the issue and as a result the Commission agreed to form an Arts Sub-Committee to take a closer look at this goal and propose a scope of work for the Commission and determine their next steps. • Received a presentation from Jean at Kepler's Arts and Lectures, who received a grant from the City's Grant for the Arts Program which helped to sponsor their event at the Menlo-Atherton Performing Arts Center. The Commission advised her to collaborate with MA staff, City staff, and the parent committee to come up with ideas in addressing scheduling challenge. • Discussed ways it could support and increase the Arts in Menlo Park after it was determined that reviving the former Arts Commission was not a viable option given the lack of staff capacity and interest in doing so. The Arts Sub-Committee was convened to prepare a proposal on ways the Commission can support the Arts, as well as by reaching out to existing arts groups for their input and potential partnerships. • The Arts Sub-Committee met and identified two sources for public art in Menlo Park, the first was the Great Spirit Path restoration project in Bedwell-Bayfront Park, and second was identifying two areas in downtown as potential locations where local artists could display their work. • Reviewed and approved the proposed Fremont Park tree repurposing and art project that was the result of creative problem-solving by the Public Works Department employees. • Reviewed and provided feedback to City staff on programs at the Menlo-Atherton Performing Arts Center (PAC) and Menlo Park Grant for the Arts Program. • Preliminary work is proceeding for downtown outdoor or indoor exhibition of works of local artists. The Burning Man organization was contacted for the possibility of featuring local Burning Man artists. • The Commission is currently exploring the possibility of a joint exhibit with the Atherton Arts Foundation.
3.	<p>Study and evaluate City operated parks to ensure their short and long term vitality resulting in park structures and flora being properly maintained; parks being utilized by the community with greater frequency; and ensuring a proper balance of park usage and long term conservation . Ongoing to January 1, 2016.</p>

	<p>Achievements:</p> <ul style="list-style-type: none"> • Reviewed and provided input on the General Plan Update that impacts the Belle Haven neighborhood and connectivity to Bedwell-Bayfront Park and the shoreline recreation opportunities. • Reviewed and provided recommendations regarding Radio Controlled (RC) flying aircraft at Bedwell-Bayfront Park. • Discussed the City's Facility Naming Policy and provided input with regard to monuments and memorials in parks. • Formed a Bedwell-Bayfront Sub-committee comprised of three commissioners and members of the Friends of Bedwell-Bayfront Park. • Met with the Friends of Bedwell-Bayfront Park and developed a wish list for park improvements, as well as began working on a rough draft proposal in addressing the park's short and long term needs. This proposal may include a recommendation for the development of a park master plan to ensure its long term sustainability. • Toured three parks in Menlo Park which included Nealon, Jack Lyle and Willow Oaks. The focus of the tour was on the Dog Parks and field conditions. During the tour commissioners discussed several topics concerning usage, amenities and maintenance. • Received a presentation from the Public Works Department regarding the Fremont Park Pine Tree Removal and Replacement and/or Reuse Options. The Commission was generally supportive of the proposals provided by Public Works but provided feedback that included improved notification to area residents for similar issues in the future and supported multiple uses and repurposing of the tree. • Received a presentation from the Friends of Bedwell-Bayfront Park following the Commission's tour of the park in July. The Friends expressed concern about overall maintenance and the sink fund which is allocated for maintenance which is nearly depleted. The Friends recommended some enhancements including appropriate placement of signage, garbage cans and benches, pathways for disabled, off-leash dog rules enforcement, sanitation, and RC Aircraft regulation and rules enforcement. • Reviewed and considered a proposal from the Menlo Park Historical Association for the installation of storyboards at Fremont Park. The Commission accepted the proposal and recommended that City staff work with the Association on the installation of two storyboards which would cost approximately \$2,000 each. The Association would be required to work with the City's Public Works Department and coordinate the proposed project.

	<ul style="list-style-type: none"> • Received a presentation from the Friends of Bedwell-Bayfront Park and heard public comment on a number of issues which include on-going park maintenance, security and code enforcement issues related to off-leash dogs, radio-controlled planes, parking enforcement etc. and long-term park usage. The Bedwell-Bayfront Park Sub-Committee began meeting to discuss these concerns. The sub-committee also met with City staff to discuss current park maintenance contracts which are set to expire, a proposal for a park master plan and the long-term sustainability of the park. The Commission supports moving forward with a park master plan and plans to submit a proposal to the City Council to address these concerns at a later date. • Received a presentation from the San Mateo County Parks and Rec Department on the status of the County's Flood Park. The County expressed interest in a partnership with the City in helping manage the park and shaping its future. The County is doing a master plan for the park and would like the Commission and the City to help in informing residents to get their input into the process. Following the County's development of a park master plan, the Commission supports potential joint-use of the park in order to increase the park's use and maximize the benefit to residents in Menlo Park. • Received a presentation from San Mateo County on their Passport to Parks Program that the City is partnering with to bring this program to Menlo Park. • Reviewed and approved recommendation for two benches to be installed at Bedwell-Bayfront Park. • Reviewed and considered a recommendation to prohibit the usage of drones and RC aircraft (UAS) at Bedwell-Bayfront Park. The Commission postponed a decision on this issue to allow staff to provide some additional information. • Toured playgrounds at Willow Oaks, Burgess and Nealon Parks to learn more about a recent playground audit the City conducted. • Reviewed and provided feedback to the Environmental Programs Division on draft Integrated Pest Management System (use of pesticides in City parks). • Participated in community engagement processes supporting 2015-16 Capital Improvement Projects for City parks and provided feedback on proposed next steps. • Conducted a study session and public hearing on drones and RC aircraft (UAS) usage at Bedwell-Bayfront Park. • Reviewed and considered options for regulating drone and RC aircraft (UAS) usage at Bedwell-Bayfront Park.
4.	Other Areas and Topics

	<p>Other Achievements:</p> <ul style="list-style-type: none"> • Reviewed and provided direction on the City's Non-Resident Fee Policy as it relates to unincorporated areas of Menlo Park. After a lengthy discussion and debate the Commission was not inclined to make any changes to the current non-resident fee policy, however, would recommend that registration priority would go first to Menlo Park Residents, second to residents of unincorporated Menlo Park and third to general public. • Reviewed and considered a proposal from the Menlo Park City School District to partner with the City on the development of a sports field at the new Laurel School off O'Connor Drive. After a lengthy discussion, the Commission agreed that it is not imperative to enter the agreement with MPCSD until more information on its design, construction and purpose are available. There were concerns about current irrigation and drainage of the field as well as the significant investment by the City. The Commission voted to decline the request of \$600,000 for the installation upgrade to a synthetic turf field, while agreeing to take no action at this time on a joint-use agreement until further information is available. • In support of the City Council's goal of increasing community events in the downtown area and in testing some of the proposed public space amenities included in the Downtown Specific Plan, the Commission supported staff recommendations to offer Movies on the Paseo Friday nights during late summer. • Reviewed and provided feedback on the City's budget for FY 14-15 which includes a proposal to review four City programs for alternative service delivery. One of the proposed programs up for review is the Gymnastics Program. The Commission is requesting that it be involved in the review process and allowed the opportunity to provide feedback to the Council on the matter. • Reviewed and approved the existing field user groups for FY 2014-15 and 2015-16. • Reviewed and provided feedback on the proposed CIP for FY 2015-16 and provided feedback that included prioritizing the restroom projects at Jack Lyle and Willow Oaks Parks, renovation of Nealon Park sports field, relocation of the existing dog park at Nealon Park with expanded hours and amenities, renovation of the Willow Oaks Dog Park in conjunction with the construction of a new Dog Park at Nealon, and the Belle Haven Pool lighting design project to support year-round operation. • Received a presentation regarding recreational programming for disabled adults from Noria Zasslow, a former Parks and Recreation Commissioner who suggested recreational resources and opportunities for disabled adults or those with special needs is limited in Menlo Park. The Commission plans to work with City staff to determine the level of demand and significance of this issue, best practices in other Cities and determining the need for an Inclusion Policy for adults.
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	<ul style="list-style-type: none">• Received the Aquatics Contractor Annual Report and a presentation by Menlo Swim and Sport. The Commission discussed the performance of the pool contractor and the possibility of recommending a renewal of the lease agreement to City Council in lieu of an extensive RFP process. In March, the Commission received public comment and after further consideration approved a recommendation to develop a term sheet for a potential renewal of the pool lease agreement.• Received a presentation on the Community Services Department Operational Review recommendations and provided feedback to City staff.• Reviewed and provided feedback to the Menlo Park Police Department on a draft Homeless Outreach Proposal.• Reviewed joint-use agreements with the school districts serving Menlo Park.• Attended San Mateo County Parks and Recreation Commissioner Training in June 2015.• Reviewed and approved a recommendation to City Council for the approval of a sponsorship policy for Community Services Department events and programs.• Supported the Community Service Department's Anti-Bullying Campaign and Unity Day in the month of October.• Commissioners began conducting park, program and recreation facility site visits in order to learn more and provide feedback to City staff.
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STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-029-CC

Regular Business:

**Approval of the 2016 City Council Work Plan,
Budget Principles and City Council Procedures
Manual**

Recommendation

It is recommended that the City Council approve the

- a) 2016 City Council work plan,
- b) updated budget principles and
- c) revised City Council procedures manual.

Policy Issues

It has been the City Council's policy to adopt its work plan and budget principles annually. Any policy issues that may arise from the implementation of individual work plan items will be considered at that time.

Background

The City Council adopts its work plan at the beginning of the year. These items are typically not funded until the adoption of the budget later in June. At the Jan. 29, 2016, City Council special meeting, the City Council was provided with an update on the work plan items for 2015. Many of the items on the work plan for 2015 are ongoing.

Analysis

The City Council work plan for 2016 includes approximately 70 items, some of which include multiple components. Staff has also been working on a significant number of City Council-approved Capital Improvement Plan projects. Some of the CIP projects overlap with the approved work plan items. A list of work plan items, CIP projects, and other projects within the City was discussed at the Jan. 29 meeting and the list has since been updated based on City Council direction (Attachment A). The list has been grouped into themes and priority levels to help categorize the items. The themes are as follows in no specific order:

- Improving Menlo Park's multimodal transportation system to more efficiently move people and goods through Menlo Park
- Responding to the development needs of private residential and commercial property owners
- Realizing Menlo Park's vision of environmental leadership and sustainability
- Maintaining and enhancing Menlo Park's municipal infrastructure and facilities

- Attracting thoughtful and innovative private investment to Menlo Park
- Furthering efficiency in city service delivery models
- Providing high-quality resident enrichment, recreation, discovery and public safety services

Some of the work plan items were revised to reflect specific direction. Others were added to the list, such as creation of a crosswalk policy, review of bike lanes on Oak Grove Avenue as part of the downtown parking structure study, and consideration of bus shelters along Willow Road and at the Senior Center.

An item to add a Safe Routes to School project at Las Lomitas was discussed; however, that item involves significant additional resources and will be evaluated as part of the CIP and budget discussions. Additionally, some projects were discussed but remained unclear as to the priority or consensus of support among the City Council. An example is the consideration of a minimum wage ordinance.

This process is building toward preparation of the fiscal year 2016-17 budget. The budget is developed based on principles approved by the City Council. The revised budget principles are included as Attachment B.

The City Council is also being asked to approve its City Council procedures manual (Attachment C) which helps guide both City Council and staff protocol.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours before the meeting.

Attachments

- A. Draft City Council work plan
- B. Draft City Council budget principles
- C. Draft City Council procedures manual

Report prepared by:

Clay J. Curtin, Assistant to the City Manager

Responding to the development needs of private residential and commercial property owners

Number	Source	Description	Lead Department
Extremely Important			
1	WP	Complete the General Plan Update	Community Development
2	WP	Process complex development projects	Community Development
Very Important			
3	WP	Implement Downtown/EI Camino Real Specific Plan biennial review	Community Development

Realizing Menlo Park's vision of environmental leadership and sustainability

Number	Source	Description	Lead Department
Important			
4	CIP	Community Zero Waste Policy Draft	City Manager's Office
5	CIP WP	Install EV charging stations as part of the Climate Action Plan	City Manager's Office
6	WP	Update the Heritage Tree ordinance	City Manager's Office

Attracting thoughtful and innovative private investment to Menlo Park

Number	Source	Description	Lead Department
Extremely Important			
7	WP	Implement Housing Element programs	City Manager's Office Community Development
Very Important			
8	WP	Expand downtown outdoor seating program	City Manager's Office
Important			
9	WP	Implement the Economic Development Plan	City Manager's Office
10	CIP WP	Implement Downtown/EI Camino Real Specific Plan streetscape (paseo, parklets)	City Manager's Office Public Works

DRAFT CITY COUNCIL WORK PLAN

Providing high-quality resident enrichment, recreation, discovery and public safety services

Number	Source	Description	Lead Department
Extremely Important			
11	WP	Create a community disaster preparedness partnership (MenloReady) with residents, businesses and schools utilizing the existing agreement with the Menlo Park Fire Protection District	Police
12	WP	Complete the Belle Haven Pool facility analysis for year-round operations	Community Services
Very Important			
13	WP	Complete the Belle Haven Action Plan Phase III implementation	Community Services
14	WP	Enhance Community special events	Community Services
15	WP	Maintain City Council-approved cost recovery levels in all Community Services programs	Community Services
16	CIP	Undertake a community process to rank potential projects for Measure T funding	Community Services
17	WP	Develop a Bedwell Bayfront Park operations / maintenance plan to enhance use, improve access and determine a sustainable funding source for ongoing maintenance	Community Services
Important			
18	WP	Develop an implementation plan for the Sister City and Friendship program	City Manager's Office

Maintaining and enhancing Menlo Park's municipal infrastructure and facilities

Number	Source	Description	Lead Department
Extremely Important			
19	CIP	Complete Belle Haven Youth Center playground replacement	Community Services Public Works
20	CIP WP	Install bicycle and pedestrian improvements on Chilco Street	Public Works
21	CIP	Maintain citywide sidewalk repair program	Public Works
22	CIP	Maintain citywide street resurfacing program	Public Works
23	CIP WP	Improve Haven Avenue streetscape (bike lanes, complete sidewalk gaps, new pedestrian bridge over Atherton Channel) (grant funded)	Public Works
24	CIP	Adopt Urban Water Management Plan update	Public Works
25	CIP WP	Complete sidewalks on Santa Cruz Ave	Public Works

DRAFT CITY COUNCIL WORK PLAN

26	CIP WP	Develop a water master plan	Public Works
27		a. Add an additional emergency water well	
28		b. Develop a recycled water program	
29		c. Enter into an agreement with West Bay Sanitary District for the Sharon Heights Recycled Water Project	
Very Important			
30	CIP	Repair and Upgrade the Bedwell Bayfront Park leachate collection system	Public Works
31	CIP	Install Library landscaping	Public Works
32	CIP	Replace Police radio infrastructure	Public Works
33	CIP WP	Address downtown parking garage (prioritize location, develop design concepts, consider Oak Grove bike lanes)	Public Works
34	CIP	Enter into an agreement with Redwood City and the Salt Pond Restoration Project for the Bayfront Canal Bypass Project	Public Works
35	CIP	Design Pope/Chaucer bridge improvements	Public Works
Important			
36	CIP	Construct restroom at Jack Lyle Park	Public Works
37	CIP	Replace Library interior wall fabric	Public Works
38	CIP	Replace Nealon Park sports field sod and irrigation system	Public Works
39	CIP	Address Nealon Park dog park	Public Works
40	CIP	Replace Willow Oaks dog park and install restroom	Public Works
41	CIP	Initiate Downtown utility undergrounding	Public Works
42	CIP	Complete library space needs study	Public Works

DRAFT CITY COUNCIL WORK PLAN

Furthering efficiency in city service delivery models

Number	Source	Description	Lead Department
Extremely Important			
43	WP	Complete the classification and compensation study and work with labor units to address the study's findings	Administrative Services
44	CIP WP	Complete the Information Technology Master Plan and:	Administrative Services
45		a. Implement key best practices	
46		b. Launch a selection process for replacement of mission critical systems including an enterprise resource planning (ERP) business management system for the city including administrative and land development operations	
47		c. Identify and implement interim upgrades to existing business systems as a bridge to their replacement	
48	WP	Complete a fee study for solid waste and water utilities	Administrative Services Public Works
49	CIP WP	Complete administration building space planning	Public Works
Very Important			
50	WP	Complete an updated cost allocation plan, user fee study for non-utility operations, and cost recovery models for non-development related services	Administrative Services
	WP	Implement recommendations from the department operational reviews:	Community Services Library
51		Develop and implement strategic plans for the Library and Community Services departments	
52		Revise and update departmental policies and procedures in the Library and Community Services departments	
53		Develop and improve cooperative relationships with community stakeholders (school districts, community groups, etc.)	
Important			
54	WP	Analysis and prioritization of alternative service delivery model goals, what outcome is desired (financial, service changes, etc.) and what metrics determine success	City Manager's Office
55	WP	Assess current staffing levels in the Administrative Services department, realign existing resources, and add resources where necessary to support the organization's current and future needs for technology, financial, and human resources support	Administrative Services
56	WP	Improve community communications	City Manager's Office
57	WP	Initiate organizational study for development services utilizing industry best practices	City Manager's Office Community Development Public Works
58	WP	Initiate organizational study for Public Works maintenance services	City Manager's Office Public Works

DRAFT CITY COUNCIL WORK PLAN

Improving Menlo Park's multimodal transportation system to move people and goods through Menlo Park more efficiently

Number	Source	Description	Lead Department
Extremely Important			
59	WP	Develop and implement transit improvements (study transit options including enhancements to existing shuttles and transportation management associations, install new shuttle stop signs and amenities)	Public Works
60	CIP WP	Study and prioritize Willow Road transportation improvement options	Public Works
61	CIP WP	Work with Caltrans and regional funding partners to design and begin construction on 101/Willow Road interchange	Public Works
62	CIP WP	Construct Citywide Bicycle and Pedestrian Visibility Project (add green colored pavement to existing high-use corridors at conflict points and downtown bike racks) (grant funded)	Public Works
63	CIP WP	Construct Menlo Park-Atherton Bike/Pedestrian Improvements Project (Valparaiso Avenue Safe Routes to School project) (grant funded)	Public Works
64	CIP WP	Construct Menlo Park-East Palo Alto Connectivity Project (add Class III bike routes and sharrows to connecting streets and fill sidewalk gaps on O'Connor Street and Menalto Avenue) (grant funded)	Public Works
65	CIP WP	Prepare Project Study Report for Ravenswood Avenue/Caltrain Grade Separation Project (grant funded)	Public Works
66	CIP WP	Explore Dumbarton Rail Corridor activation / re-use	Public Works
67		Install bus shelters at the Senior Center and on Willow Road between U.S. 101 and Bayfront Expressway	Public Works
Very Important			
68	CIP WP	Coordinate with regional agencies on High Speed Rail project, including environmental review	Public Works
69	CIP WP	Begin design and implement El Camino Real Corridor Study	Public Works
70	CIP	Design and construct Sand Hill Road signal modification project	Public Works
71		Establish a crosswalk policy	Public Works
Important			
72	CIP WP	Work with Caltrain to complete Peninsula Corridor Electrification Project design review	Public Works

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CITY OF MENLO PARK BUDGET PRINCIPLES

The City Council-approved budget principles guide the development of the proposed budget each year. These principles, which were first introduced for fiscal year 2013-14 and refined annually since, call for the City to:

-
- Promote the City's long-term fiscal sustainability through strategic investments in programs, services and infrastructure.
- Enhance and maintain baseline city services and infrastructure to positively affect the quality of life in Menlo Park.
- Align and adjust staff capacity to implement the City Council adopted initiatives and strategies and to meet current demands for service.
- Invest in staff development and new technologies that drive efficiency and productivity.
- Actively pursue revenue enhancement opportunities and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy.
- Continue to refine the budget document to enhance the public's access to the City's financial information while also providing for proper internal controls over the city's resources.
- Monitor and report on changes in CalPERS retirement plan liabilities and include those changes in the City's 10-year financial plan.
- Develop an employee vacancy factor assumption and discuss that assumption in the context of the long-term financial forecast.
- Evaluate one-time revenues for highest and best investment and recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life.

Revised January 29, 2016

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Revised January 29, 2016

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Procedures Manual Menlo Park City Council

| *City Council Meeting of January 24, 2006*

CITY OF MENLO PARK

Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions, and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses, and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities, and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

~~Mission Statement adopted by the City Council on July 20, 2004.~~

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~~The City of Menlo Park acknowledges and greatly appreciates the excellent work of the City of Davis, California, and its willingness to share its “procedures manual” as a helpful example.~~

C H A P T E R 1

Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of a public corporation. ~~In Fiscal Year 2005-06, the City has a General Fund budget of nearly \$30 million and a total budget of \$85 million. The City organization is comprised of 150 different services and has assets valued in excess of \$370 million (roads, buildings, parks, etc).~~

Comment [API1]: Update with current budget information

LFP – or you could eliminate so that this information does not need to be regularly updated.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Procedures Manual will be reviewed ~~by each two-year City Council~~ and ~~may be~~ revised from time to time.

Overview of City Documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of ~~a city council~~ the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the ~~code~~ Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The ~~municipal code~~ Municipal Code is available ~~either~~ on the City's website ~~or from the City Clerk~~.

California Government Code: The State-California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the ~~municipal code~~ Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "~~G~~eneral ~~L~~aw" city, which means it is organized in accordance with provisions of the State Government Code. Also described within the ~~government code~~ Government Code is the Council-City Manager form of government. Basically, this form of government prescribes that ~~a city council's~~ the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan: ~~The General Plan is comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas.~~
The General Plan is a legal document, required by ~~state law~~ the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Comment [API2]: Include a more elaborate description of the General Plan

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Orientation of New Council Members

It is important that members of the Council have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

League of California Cities Guide

~~—A publication that provides additional useful information is the *Mayors and Council Members Resource Guide* published by the League of California Cities. The Guide contains general information on the role and responsibilities of city council members and on the specific requirements and laws that govern Council actions. The Guide is available from the City Clerk.~~

Menlo Park City Council: Powers and Responsibilities

City Council Generally

The powers of ~~a city council in California~~ the City Council to establish policy are quite broad. Essentially, ~~councils the City Council~~ may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the Council ~~shall have~~ has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California. ~~(California Government Code section)~~.

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It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park City Councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the members who make up the two-year Council sessions.

~~Limitations are imposed on a Council member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, whether composed of citizen volunteers, city employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government. In fact, A Council member may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Council members are encouraged to and~~ often participate and provide leadership in regional and state programs and meetings. Council members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor & Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" Council Calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence ~~or disability~~. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role in Disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the City Manager/Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County Board of Supervisors would serve in the place of the Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme

Comment [API4]: Confirm info in this section is still accurate – YES, plus additional language

Comment [LFP5]: Need to add text re multi-agency response. I don't have the details, could someone else provide please?

Comment [API6]: Additional language from PD

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peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of Advisory Bodies

The city has a number of standing advisory bodies. ~~Appendix C~~City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains ~~adopted policy #CC-01-0004 guidelines~~ on the appointment, roles and responsibilities of the various ~~Commissions~~commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. Council subcommittees will normally not have direct dealings with staff operations. Council subcommittees may not speak or act for the Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The Council may assign, and specify the role of, one or two Council Members to the task force (if more, it becomes a defacto Council meeting). Unless otherwise specified, Council Members have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

Council Relationship with Advisory Bodies

The City Council has determined that Council Members should not lobby commissioners for particular votes. However, Council Members may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as Council Members to reflect the views of the Council as a body.

Council Members choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commissions – including the right to write to and speak to the Commission during public comment periods.

Role of Commission Liaison

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a Council term in December. The Mayor will ask Council members which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which City Council Members will represent as a liaison. In the rare instance where more than one Council Member wishes to be the appointed liaison to a particular commission, a vote of the Council will be taken to confirm appointments.

City Council Meetings

General Procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding Officer: The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual Council members, shall establish the seating arrangement for regular Council meetings.

Quorum: Three-fifths of the Council members constitute a quorum for the transaction of business.

Meeting Schedule

The Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. ~~Project priorities~~
~~Capital Improvement Plan~~ ~~are is reviewed-ranked~~ in February for the following fiscal year, in order to reflect the commitment of resources required. Other Council priorities are overlayed on the calendar as time permits.

Regular meetings are usually held in the Council Chambers, 701 Laurel Street, on Tuesdays at 7 pm, with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the Council meeting will be held in alternative locations such as the Senior Center. No Council meeting will typically be held in the event that a regular meeting of the Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be cancelled as well. Council Members should inform the City Manager's secretary as soon as possible if they intend to be out of town on a set meeting date. On occasion, arrangements may be made in order for Council Members to remotely participate in Council meetings by telephone conference call when out of town.

Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting Notices and Minutes: Notice requirements of the Brown Act are complied with for all meetings; minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Development of Agenda

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid members and staff with planning and scheduling. A medium-range “tentative” Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week prior to the meeting. Staff is required to submit reports for a Tuesday Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available ~~after 5:30pm on the Thursday~~ evening before the Tuesday Council meeting. Website posting includes a tentative Council calendar that shows Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when Council requests at a Tuesday meeting that a report be prepared for consideration the following meeting week. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports, ~~of course~~, will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing Items on Agenda

City Council: A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council Members. Upon approval of a majority of Council, the item will be agendaized and a staff report may be prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agendaized items: Emergency and non-agendaized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the Council would like to act on. Non-agendaized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a

Comment [LFP7]: There was concern on the Council as to how items get on the agenda. I don't think that the suggestion of "or" instead of "and" is correct.

4/5th vote; if less than five members of Council are present, the findings require a unanimous vote of those present.

Notification and Advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; ~~public comment #2~~; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (*closed to the public*): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session (*Cal Govt Code 54956.8*).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; Council meets in closed session to review its position and instruct designated representatives (*Cal Govt Code §54957.6*).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (*Cal Govt Code §54957.6*).

It is critical to stress that there shall be no disclosure of closed session confidential information. Members of the Council, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion which takes place in a closed session without Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On

occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

2. **Council Member Reports:** Provides members of the Council an opportunity to introduce matters not currently before the Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agendaize future items, or announcements of interest to the public.

State law provides that Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting, or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

3. **Consent Calendar:** Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Council Members may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Council Members are encouraged to contact the City Manager's office prior to 12:00 noon on the day of a Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

4. **Public Comment:** ~~A block of 30 minutes time is set aside at the beginning of the meeting and again at the end to receive~~The City Council receives general public comment about issues not on the agenda. Comments on agendaized items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk prior to Public Comment.

Comments should focus on a specific matter within the Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agendaized or non-agendaized items. When written materials are presented, they should be submitted to the City Clerk for

distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the Council.

Videos, PowerPoint or similar presentations may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from Council Members and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. Council will then hear public comment.

5. **Public Hearing:** In the case of public hearings, once the Council has voted to close the hearing, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
6. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.

7.# **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the Council at a future meeting.

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78. **Written Communications:** The City Council has established a practice of placing written communication between Members requesting items to be agendaized and select letters sent by agencies to Council Members on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the Council Members' positions on the dais.

89. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the Council on matters of importance or to update the Council and community on studies that are underway.

109. **Study Session:** From time to time, the Council will hold study sessions. These meetings are normally scheduled before the regular Council meeting. ~~On occasion, dedicated study sessions are held instead of a regular meeting on the first Tuesday of the month.~~ The purpose of study sessions is to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. ~~Official minutes are not generally kept, but~~ Meetings are open to the public and are broadcast and videotaped when held in the Council Chambers and at the direction of the Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a study session.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Council meetings.

1. **Obtaining the floor:** A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and

limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

2. **Questions to staff:** A Council Member shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.
3. **Interruptions:**
 - a. Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
4. **Discussion:** A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
5. **Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to “continue” an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
6. **Right of protest:** A Council Member is not required to state reasons for a dissenting vote.
7. **Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council Member may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
8. **Conducting business at a late hour.** According to Council policy, all regular meetings of the Council are to end by midnight unless there is a three-fourths vote taken by 11:00 pm to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting.

Voting Procedures

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.

Comment [LFP8]: Isn't voting electronic now?

Comment [LFP9]: What about abstention?

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will step down from the dais and leave the Chambers.

Council members may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Upon the request of any Council Member, a roll call vote will be taken and recorded.

Comment [LFP10]: With electronic voting isn't that essentially a roll call vote each time because it can be seen how each voted. Also, new Brown Act requirements provide that the vote of each member shall be recorded.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions. There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following Council guideline: ~~A Member of the prevailing majority when the previous vote was taken must make a motion for reconsideration.~~ The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Comment [LFP11]: In Robert's Rules of Order there is no discussion of allowing reconsideration past the limited time in the face of new information.

Other Guidelines

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council members and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a

shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of ~~ten~~nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of Respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of Order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open Meeting Laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Comment [API 12]: Confirm this section reflects the most current law - YES

Applicability and Penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

- A. Applicability: The Act applies to Council and all commissions, boards and Council appointed subcommittees (except if comprised entirely of two Council Members) and task forces that advise Council. Staff cannot promote actions that would violate the Act.
- B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of Council contacts more than one other member of the Council or any city staff member contacts more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all

Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City Council Members immediately after their election and prior to their swearing-in ceremony.

- C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. Actions: No action can be taken on any item not appearing on the posted agenda.
Exceptions: 1) An emergency situation exists (determined by a majority of the Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.
- E. Public Input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the Council.
- F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.
- G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.
- H. Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.
- I. Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
- J. Other Provisions: The [Brown Act](#) provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview ~~of the Act~~, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

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Council Communications

Overview

Perhaps the most fundamental role of a Council Member is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

Correspondence from Council Members

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized City Council Member letterhead is available for this purpose, and staff can assist in the preparation of such correspondence. Council Members are required to provide copies of any correspondence on City letterhead to every Council Member and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

Council Members may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required, however, copies will be kept on file.

Speaking for "the City"

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, "While I voted against "X", the City Council voted in support of it." When representing the City

at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any Council Member quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local Ballot Measures

At times measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Members may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State Legislation, Propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City's position is clear, the Council has a practice of requiring analysis and discussion of bills prior to taking an official position. The analysis includes a summary of the legislation's purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

Interaction with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager Form of Government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce ~~its~~ laws, ~~to~~ direct the daily operations of city government, and ~~to~~ prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that Council Members work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual Council Members.

Council-Manager Relationship

The employment relationship between the City Council and City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Council Members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager Code of Ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best

interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code [of Ethics](#).

City Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

Roles and Information Flow

Objectives: It is the intent of staff to ensure Council members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, work loads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Manager. ~~and/or the Assistant City Manager, not the department head.~~ Concerns about a department head must be taken to the City Manager only.

Access to Information: Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, Council Members are asked to "cc" both the department head and the City Manager on all correspondence with staff. Staff further encourages Council Members and constituents to utilize the "Menlo Park Direct Connect" web-based system that is accessed via the home page of the City's website.

Comment [API13]: Needs update

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

Staff roles: The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors [through the City Manager](#). Staff is directed to report to the City Manager any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Manager to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

Dissemination of Information

In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council or of interest to the Council.

Magnitude of Information Request

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff Relationship with Advisory Bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with

advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may ~~serve as secretary, taking~~ minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. ~~The annual work plan for the City's commissions is determined by the City Council at its priority-setting that precedes the adoption of the fiscal year budget. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.~~

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Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the City Council. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support Provided to City Council

Staff Support

General administrative support to members of the City Council is provided through the City Manager's Office. ~~Secretarial-Administrative~~ services including scheduling of appointments ~~and~~ receipt of telephone messages, ~~and word processing~~ are available as needed. ~~In addition to supporting the five City Council members, the two administrative support staff members also assist the City Manager, Assistant City Manager, City Clerk and Business Development Manager.~~ Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office Equipment/~~Technology~~

To enhance Council Members' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The Council can also receive and send faxes.

Council Members may be connected from their home to the City's computer network. Information ~~Technology~~Services staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each Councilmember is provided the use of a tablet device. When individual Council Members have completed their term of office, any ~~installed software and external modem~~technology must be returned to the City.

These technologies facilitate efficient communication by Council Members. However, their use also raises important legal issues to which Council Members must pay special attention. First, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Council Members should not use e-mail, faxes or phones for communicating with other Council Members in order to develop a majority position on any particular issue that may come before the full Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five Council Members, certain staff and to the local newspapers.

Second, be aware that most emails sent by Council Members probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting Rooms

An office is available adjacent to the City Manager's Office for shared use by members of the City Council. Council Members can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each member. Meeting agenda materials are available for pick up Thursday evenings at 5:30pm and are posted on the City's website. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

Financial Matters

Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Council Members receive a stipend of \$640 per month. Council Members are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure Allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than Council Members. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year.

City Council Policy Appendix D includes a copy of #CC-91-0002 pertaining to travel and meeting expenses.

Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts & Liability

Conflict of Interest

State laws are in place to prevent an action by a Council Member that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A Member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Council Member believes that he or she may have any financial interest in a contract that will be before the Council, the Member should immediately seek advice from the City Attorney or the Member's personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the *League of California Cities' Guide*. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that

Comment [API 14]: Have Bill confirm this information/law is up to date - YES

the City Attorney does not represent individual members of Council, but the City Council as a whole.

Conflict of Interest Forms

Annual disclosure statements are required of all Council members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that member's being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training & Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The League has an Internet web site at www.cacities.org. The City of Menlo Park participates in League activities through the Peninsula Division.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars, and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

Municipal Revenue Sources Handbook, 2014

Open & Public IV, Revised July 2010

Rosenberg's Rules of Order: Parliamentary Procedure for the 21st Century

The People's Business: Guide to the California Public Records Act, 2008

Countdown to Success

For publication inquiries, contact Craig Matsumoto at (916) 658-8217

The **Institute for Local Government** also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

Other Reference Material Available

- ~~The Brown Act – Open Meetings for Local Legislative Bodies~~
- ~~Report on City Participation in Ballot Measure Campaigns~~
- ~~A Guide to the Political Reform Act~~

- ~~Elected Officials Handbooks:~~
 - ~~Setting Goals for Action: An Overview of Policy Development~~
- ~~Building a Policy-Making Team~~
- ~~Setting Policies for Service Delivery~~
- ~~Pursuing Personal Effectiveness~~
- ~~City of Menlo Park Municipal Code~~



STAFF REPORT

Parks and Recreation Commission

Meeting Date: 4/27/2016

Staff Report Number: 16-009-PRC

Regular Business: Review the Report to the City Manager regarding Gymnastics Alternative Services Delivery and make a recommendation to the City Manager on the most desirable option.

Recommendation

Staff recommends the Parks and Recreation Commission review the attached report to the City Manager regarding alternative service delivery models for Gymnastics and make a recommendation for the most desirable service delivery model.

Policy Issues

In 2014 the City Council identified reviewing alternative service delivery models as a priority in their annual goal setting session. Alternative service delivery has been a priority for the Council for the past five years as a result of their desire to be fiscally responsible during the Great Recession, although it has not been a goal since 2014. In response to the 2014 goal setting session, the City Manager asked all City Department Heads to identify specific programs in their departments that would be candidates for alternative service delivery. Analysis provided by the Community Services Department resulting in the Gymnastics Program being identified as a potential candidate for either leasing or contracting out.

The City Manager would like the Parks and Recreation Commission's feedback on these options, as well as the existing city-staffed service model before presenting a final recommendation to the City Council.

Background

The Parks and Recreation Commission last reviewed the topic of Gymnastics Service Model in January of 2015 in response to Commissioners receiving email communication from concerned parents of the Sparks Competitive Gymnastics Team. This email was in response to communication that parents received regarding the minutes of the November Commission meeting indicating that the Community Services Organizational Review had suggested there was a proposal to eliminate the Menlo Sparks Team as the only elite program in the Community Services Department. This recommendation was based on best practices for Parks and Recreation agencies which do not typically offer elite programs that serve only select individuals but rather those that are more recreational and instructional in nature.

At that meeting the Parks and Recreation Commission heard from a number of Developmental Gymnastics families who were concerned about the loss of the program following the announcement of this recommendation. Essentially, these families felt that the Menlo Park Developmental program was a healthier alternative to private "elite" programs and offered a "less stress" and more recreational approach to the strict requirements of private gyms. These families believed that the City should maintain the

program as it was meeting the requirements of a broader spectrum of youth than those who were able participate in other “elite” settings. Parents also stated that having a developmental program gave younger children participating in the preschool program something to “aspire to” even if they eventually chose other sports as they matured.

In an effort to continue to follow up on Council direction to review alternative services, the City Manager directed the Community Services Director to prepare an analysis of alternative services options for Gymnastics. That report is included as Attachment A. The City Manager is interested in feedback on these options from the Parks and Recreation Commission prior to sharing the report with the City Council.

Analysis

A complete analysis of the various alternative service delivery models is included in Attachment A.

Impact on City Resources

It is estimated that the Gymnastics program will generate approximately \$350,000 in revenue over expenses for the 2015-16 fiscal year. As one of the Community Services Department’s highest cost recovery programs, it contributes greatly to the Departments outstanding overall cost recovery level of about 85%.

Environmental Review

Analysis of service delivery models is not a project under California Environmental Quality regulations.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Gymnastics Alternative Service Delivery Analysis

Report prepared by:
Cherise Brandell, Community Services Director



MEMORANDUM

Date: 5/1/2016
To: Alex McIntyre, City Manager
From: Cherise Brandell, Community Services Director
Re: Gymnastics Service Delivery Model Analysis

Background

A significant trend in local government, and in particular Parks & Recreation Departments, is the transition from cities directly providing services to cities facilitating delivery of services. Local governments, and by extension Parks & Recreation Departments, no longer provide all the programs and services they once did when economic conditions were more favorable. As pressures have increased for Parks & Recreation Departments to recover a greater percentage of their costs, departments have begun operating alongside other service providers who can either provide similar types of services or specialized and unique services that Parks & Recreation Departments neither have the expertise nor capacity to provide.

The City of Menlo Park and the Community Services Department have been on the cutting edge of contracted services, facilities rentals and lease arrangements for several years. Examples include a lease agreement for Aquatics Services with Menlo Swim and Sport, over 70 contractors for youth and adult classes and lease agreements with marital arts, dance and fitness instructors. In 2014, the City Council prioritized identification of additional City services for alternative delivery and the City Manager has been working with departments since that time to determine the best possible services for additional analysis.

Early in 2014, Community Services analyzed 14 Community Services programs still being delivered by City staff and identified programs where alternative providers existed. Gymnastics and Child Care surfaced as the most appropriate programs to contract out or lease facilities for based on this analysis. As child care had recently undergone a public process to review alternative methods, with Council opting to keep staffing with City employees, Gymnastics was determined to be the most viable option for contracting or leasing and is the subject of this analysis. This report summarizes the current service delivery model used for Gymnastics programming in Menlo Park and compares the potential financial, customer service and staffing impacts of alternative delivery models, including both contracting out and leasing the City's gymnastics facility.

Gymnastics current program overview

Currently, the City provides two different types of gymnastics programming at our new gymnastics facility on Laurel Street in Menlo Park – Preschool Gymnastics and Developmental Gymnastics. The Preschool program offers classes six days per week from 8 a.m. to 4 p.m. for preschoolers and their parents. Popular birthday parties are held on Sundays. Last year over 7500 children participated in preschool programs. The Developmental program provides classes six days a week for school age students, private lessons and both a boys competitive team and a girls

competitive team which have successfully placed gymnasts in the state finals each year. Last year, roughly 2500 youth participated in developmental activities. Although the number of participants in the developmental gymnastics programs is lower than preschool, many of these participants spend two or three times the number of hours participating in these types of programs and total participant hours are similar. Adult classes are also offered and include about 60 participants per year. Contract classes also occur in the facility including a morning boot camp offered by Menlo Swim and Sport; spin classes by Menlo Swim and Sport, Circus Arts classes each evening as well as periodic yoga and aikido classes.

Permanent (benefited) staff for the Gymnastics program includes two Program Coordinators (one each for Preschool and Developmental), a program assistant who serves primarily as the Girls Team Coach, and three 30 hour per week gymnastics instructors. Over 30 temporary gymnastics instructors provide most of the daily class supervision and teaching.

Enrollment in the Gymnastics program has steadily increased since opening the new building in 2012 as seen below. Participation has increased by 39% in the past five years.

Gymnastics participation 2010 - 2015			
Year	Preschool	Developmental	Notes
2010-11	4591	997	Old building
2011-12	4164	1002	Temporary "tent"
2012-13	6878	1940	New building
2013-14	7184	2297	"
2014-15	7473	2485	Does not include waitlists for popular time slots

Cost recovery for gymnastics has also steadily increased over the last five years. As a positive cost recovery program, Gymnastics helps subsidize the Community Services Department overall, with approximately \$250,000 in 2014-15 fiscal year and \$350,000 projected for 2015-16.

Gymnastics 5 year cost recovery				
Year	Revenues	Expenditures	Gain (Loss)	Percent cost recovery
2010-11	\$675,472	\$617,355	\$58,117	109%
2011-12	\$662,104	\$613,211	\$48,893	108%
2012-13	\$1,208,638	\$991,279	\$217,359	122%
2013-14	\$1,314,061	\$1,061,481	\$252,580	123%
2014-15	\$1,441,583	\$1,084,625	\$356,958	133%

To provide some perspective, Menlo Park's Gymnastics program is compared to other city operated programs with a city dedicated facility for only gymnastics below:

City	Other city-operated gymnastics programs			Percent cost recovery
	Revenues	Expenditures	Gain (Loss)	
Novato, CA	\$636,100	\$677,319	(\$41,219)	94%
Davis, CA	\$281,801	\$319,458	(\$37,656)	88%
Charleston, SC	\$194,530	\$252,215	(\$57,685)	77%
Boulder, CO	Not available	\$778,525	-	-
Richardson, TX	Not available	\$513, 825	-	-
Ormond Beach, FL	\$30,985	\$114,424	(\$83,439)	27%

Unlike Menlo Park, the City of Novato and the City of Davis do not include administrative overhead in their calculations -- their cost recovery would be lower if it were included. The other cities also do not include all overhead costs or do not separate their revenues for the specific program in their city budgets. More research would be needed to conduct additional comparison analysis.

Potential alternative - facility lease

Menlo Park successfully uses a modified "lease" service model to provide Aquatics services. Leasing our new state-of-the-art facility to another provider would be one alternative option for providing gymnastics services. Calculating a fair rental rate for the facility is difficult, but it can be anticipated that if Council decides to eliminate gymnastics as a City-staffed program, negotiations with a service provider related to a "fair" market rental rate would occur. For rough comparison, although there is no 20,000 square foot facility currently available for lease in Menlo Park, commercial space in the M2 of that size currently rents for roughly \$10 per square foot per year, meaning that the gymnastics facility would generate \$200,000 per year at that rate.

Staff was not able to determine from the private gymnastics facilities in Mountain View and Redwood City what their rents are as they were unwilling to share this information. An alternative to a lease payment might be to negotiate replacement of the current revenue generated by the program, roughly \$350,000 per year. For comparison, the City collected approximately \$39,000 for the lease agreement with Menlo Swim and Sport for the use of the Burgess and Belle Haven pools last year. However, city-operated Aquatics programs are traditionally subsidized by the general fund. In addition, Menlo Swim and Sport is responsible for maintenance of the facilities.

Besides the regular lease payments, leasing the facility to an alternative provider also has the following impacts:

Financial Impacts – This is unknown, but one could assume at least replacement of

current net revenue (\$350,000 in 15-16) for the annual lease agreement. Negotiations with a provider would determine if the City would still maintain the facility and other considerations that would be included in the agreement, such as equipment replacement, utilities costs, etc. This makes it difficult to predict what overhead expenses would be incurred or eliminated with leasing the facility. Also, approximately \$85,000 of fixed staff overhead costs (a small percentage of time from the director, manager, supervisor, maintenance staff and secretary positions) that are currently being charged to the gymnastics program would be adjusted and potentially reallocated to other programs in the department. These costs would not be eliminated if the facility was leased. The net revenue amount would be adjusted to be \$435,000 if these costs, now charged to gymnastics, were included.

Customer Service impacts – Although it's difficult to determine customer service impacts in advance of actual experience with a different provider, one could assume that an equal or better service provider would replace the City's program. Certain service standards would be a requirement of the lease agreement similar to the Aquatics lease agreement with Menlo Swim and Sport.

Staffing Impacts – Assuming all existing staff would be eliminated except one program coordinator to manage the lease / facility issues. As all six staff are union members, we can also assume the Union would request that those staff losing their positions be assigned to vacant positions in the organization (although their current skill set as gymnastics instructors may limit options).

Management of a lease agreement for gymnastics, then, would result in the elimination of one program coordinator (one would be maintained to oversee the lease), one program assistant, three gymnastics instructors and over 30 temporary employees. The City would most likely issue an RFP for potential leasers and negotiate a lease payment based on qualifications of the provider if the City chooses to move forward in this direction.

Potential alternative – contract instructors

Menlo Park successfully uses contract instructors to provide a number of programs and services including all classes at the Arrillaga Recreation Center, Onetta Harris Community Center, Senior Center and Arrillaga Family Gymnasium. The vast majority of our contract instructors receive 60% of the revenue generated from registrations for their classes while the City retains 40% in exchange for providing facilities, advertising for the classes, registration process and staffing, and program support such as room set up and other equipment if needed. Several classes, including circus arts and Aikido, are already contracted at the gymnastics facility.

The City currently maintains some flexibility in its relationships with contractors, based on existing policy which states the criteria to be evaluated to determine if the split will be modified to 70/30 at the discretion of staff. The criteria includes: Contractor must generate a minimum of \$125k annually in gross revenue; Contractor must have provided 2-3 years of service to the City of Menlo Park before contract revision and demonstrate a consistent pattern of increased revenue and program expansion; program focus must achieve the following core values: fostering human

development, connecting people to others, strengthening families, increasing safety and improving health & wellness. The Contractor must also demonstrate value-added to the Menlo Park community through any of the following:

- Scholarships programs for participants
- Volunteering at City-run events and programs
- Contributions through City sponsorships
- Offering a sliding fee scale to low income families
- Offering free supplemental programs & activities to the community
- Fundraising for local charities

The current policy also requires that contractors must independently conduct additional marketing and advertising to promote programs such as a professional website, use of social media, and other avenues as outlined in our contractor marketing handbook. Finally, contractors must demonstrate the ability to uphold our customer service standards as well as the values and mission of the City.

Three options exist for contracting out gymnastics:

Option A: Contract only developmental gymnastics (Level 1 and above) with eliminating two full time staff positions (1 coordinator and 1 program assistant) and other temporary staff and associated program expenses. The assumption would be that the contractor would collect the same amount of revenue as the current developmental and team program, approximately \$485,000 annually and the City would collect 30% (based on agreements with contractors making over \$125K). The revenue to the City would be approximately \$146,000.

Option B: Contract only developmental gymnastics (Level 1 and above) without eliminating two full time staff positions (1 coordinator and 1 program assistant) and reassign them to other functions within the program or department.

Option C: Contract all of the gymnastics programs, retaining two full-time positions (1 coordinator and 1 front desk staff) to oversee operations, process registrations and provide general office assistance. Unlike the lease option, this option would still pay for utilities, equipment, maintenance, and other facilities and related staff expenses. The assumption would be the contractor(s) would generate the same amount of revenue (\$1.4M) and the City would collect 30% or \$420,000.

Contractor alternatives				
Option	Revenues	Expenditures	Gain (Loss)	Percent cost recovery
A	\$1,104,580	\$755,060	\$349,520	146%
B	\$1,104,580	\$906,860	\$197,720	122%
C	\$420,000	\$263,135	\$156,865	160%

would most likely issue an RFP for potential contractors and negotiate a revenue split based on qualifications of the provider if the City chooses to move forward in this

direction.

Impacts of a contract model include:

Financial – If you assume the current revenue the City makes on this program is similar to what a contractor would make, a 60/40 split would mean the City's annual revenue for the program would be \$140,000. This assumes that staffing and other program costs for a contractor would be similar. Although City staff make less per hour than private gymnastics instructors and coaches, the benefit costs for our permanent staff bring staffing costs to a similar level for most staff.

Option	Hourly base	Benefits @ 40%	Total hourly cost
Contractor Preschool	\$25.00	0	\$25.00
Contractor Devo	\$29.00	0	\$29.00
City Preschool	\$19.00	\$7.60	\$26.60
City Devo	\$27.00	\$11.60	\$38.60

Liability – If a major impetus for contracting out a revenue generating program like Gymnastics is elimination of the pension liability for City employees, it is important to remember that pension liability is determined via a myriad of factors (age, life expectancy, anticipated age of retirement, number of years in the system, etc.) that are not necessarily applied to each covered employee when actuarial calculations are done. Some of the factors are determined by employer history, geographic location, group demographics, etc. Since the assumptions vary, it is nearly impossible to calculate the pension liability of the existing group of employees. The closest responsible calculation would be to take Menlo Park's liability as of June 30, 2015 and divide it by the number of FTEs of covered employees at that time – although this is not totally mathematically valid either, because the calculation includes those that have already retired from the City. Additionally, the people on the gymnastics payroll NOW are already included in the City's liability, and dropping them doesn't decrease that calculation as they are still entitled to benefits. The rate that CalPERS charges employers includes not just current costs, but an amortization of the liability associated with the group. So, it's possible to get an extremely rough estimate of the "savings" if one simply considers the City's PERS rate. Although, one can assume this is a significant consideration and financial concern for long term sustainability, only 6 of the 36 current gymnastics staff receive a retirement benefit and 3 of those 6 are accruing the benefit at a reduced .75 FTE rate.

Customer Service – Although it's difficult to determine customer service impacts in advance of actual experience with a different provider, parents of children in the developmental program who attended a Parks and Recreation Commission meeting last year told the Commission they were NOT in favor of contracting out Developmental Gymnastics as they preferred the more inclusive and less stressful environment of the City's program to that of private gyms where participants are expected to work out several hours every day and competition is fierce. Having more than one contractor for different areas or a contractor for a portion of the program in

conjunction with City programs creates the potential for customer confusion and competing program philosophies, similar to those experienced between SOLO and Menlo Swim and Sport at the Burgess Pool.

Staff – Depending upon the agreement with the contractor, management of a contract for gymnastics would, minimally, result in the elimination of one program coordinator (one would be maintained to oversee the contract), one program assistant, three gymnastics instructors and over 30 temporary employees. Front desk staff may be needed to manage registrations and building operations, again, depending upon the contract agreement. If the contractor were to offer positions to the staff who were eliminated, additional liability to the City for the retirement would be eliminated as well.

Community feedback

In December of last year, the Community Services Department Operational Review included a recommendation to “sunset elite programs” from Community Services offerings as best practices in Parks and Recreation include prioritizing tax payer dollars for all-inclusive recreational activities rather than elite programs benefiting a small number of individuals. The Parks and Recreation Commission heard from a number of Developmental Gymnastics families who were concerned about the loss of the program following the announcement of this recommendation. Essentially, these families felt that the Menlo Park Developmental program was a healthier alternative to private “elite” programs and offered a “less stress” and more recreational approach to the strict requirements of private gyms. These families believed that the City should maintain the program as it was meeting the requirements of a broader spectrum of youth than those who were able participate in other “elite” settings. Parents also stated that having a developmental program gave younger children participating in the preschool program something to “aspire to” even if they eventually chose other sports as they matured.

The Parks and Recreation Commission suggested to these families that, should the Council make a decision to review the service delivery model for gymnastics, a thorough investigation and public engagement process would be necessary that would include input from all of the Gymnastics Program stakeholders, the Parks and Recreation Commission and City staff.

Gymnastics strategic plan

The Community Services Department is currently undergoing a strategic planning process as a result of our operational review last year. In this process, several program improvements for gymnastics have been identified, including: converting the existing spin bike room to a drop in work out space, addition of cheerleading and dance classes on Sunday or other available (low attendance) time periods, and offering preschool classes at Onetta Harris Community Center. In addition, the gymnastics program will continue to implement incremental fee increases to their gymnastics classes annually to assist with continuous improvement for cost recovery for this program and the department overall.

Staff Recommendation

Community Services Staff recommend maintaining the current service delivery model for gymnastics for the following reasons:

1. The lease option, even at “fair market rent” does not generate the program revenue currently generated by the City staff model. As a high cost recovery program along with the Arrillaga Recreation Center, Menlo Children’s Center, and Facilities (mainly field rentals) the excess revenue from Gymnastics supports our low cost recovery programs like Special Events, the Senior Center, Onetta Harris Community Center and Belle Haven Child Care operations.
2. Community feedback from existing participants and other stakeholders indicates that the City’s programs fulfill a unique need in the community for a competitive yet recreational developmental program that serves a broad population and that the program does not meet all the requirements to be considered an “elite” program.
3. Assuming the goal of changing the service model for a successful revenue-generating program is the elimination of the “unfunded pension liability,” this small savings does not appear to warrant the revenue loss of the current model.

Questions to consider

Since there are many unknowns when attempting to describe impacts to customer service, City finances and City staff with either of the alternative models, staff suggests several questions be answered before proceeding with development of an RFP for a lease / contract:

- What is the overall goal that is expected to be achieved with changing the delivery model of a successful (both financially and customer satisfaction) program?
- Is a change in the business model aligned with community values? The original Measure T recreation bonds passed, in large part, because of the gymnastic families who supported the bond measure. Gymnastics was also well supported during the Your City Your Decision budget process that asked community members to prioritize City services. Are there other indicators that the community wants a different model? If not, what will the community response be when an alternative is proposed?

Community Services staff looks forward to a resolution of this pending question soon, as the uncertainty of the program’s future does impact recruiting, retention and staff morale.



STAFF REPORT

Parks and Recreation Commission

Meeting Date: 4/27/2016

Staff Report Number: 16-010-PRC

Informational Item: Community Services Director's Update and Announcements

Recommendation

Staff recommends that the Commission receive the Community Services Director's update and announcements.

Policy Issues

City policies are not affected.

Background

I. Community Services welcomes Program Assistant

Rondell Howard joins the Community Services team as the Program Assistant of Belle Haven Afterschool Program and Camp Menlo Summer Camp. Rondell received his Bachelors of Arts Degree in Communications from Stanislaus State in 2007. After graduating, Rondell returned to the Bay Area to work with at risk youth in low income environments. Rondell has worked as a youth basketball coach for over 10 years and more recently, was the Unit Director at the Boys and Girls Club in San Mateo for 5 years before joining us in Menlo Park.

II. Menlo Park Senior Center

Menlo Park Senior Center will be hosting its annual Volunteer Appreciation Event on Friday, April 22. This year's event, *Volunteer Pageant*, is modeled after Miss America, and will highlight each of the volunteers on the red carpet in front of their peers. Volunteers play an essential role in the delivery of programs and events at the Menlo Park Senior Center. This year alone, the volunteers dedicated over 5,000 hours of their time.

III. Week of the Young Child

The Childcare Programs within the City celebrated Week of the Young Child from April 11-15. The Week of the Young Child is an annual celebration of early learning, young children, their teachers and families. The week involved daily celebrations and special events at each of the childcare sites. Daily celebrations such as Crazy Hair Day, Pajama Day and Mix Matched day allowed children to arrive at school in their creative wear. Special events such as Zumba for Kids, Mad Science demonstrations, and a presentation by Happy Birds kept the children entertained throughout the week.

IV. Belle Haven Spring Fair

The Community Services Department will partner with the Ravenswood City School District to host our 2nd annual Belle Haven Spring Fair. The fair allows neighbors and community partners to share and receive valuable information from local community based agencies including Family Connections, Menlo Swim, Menlo Spark, Job Train, Rebuilding Together, Peninsula Conflict Resolution Center, City of Menlo Park Services and other local agencies. The event is sponsored by Facebook and The Home Depot. Home Depot will provide small plants for giveaways in honor of Earth Day. Both food and entertainment will be provided.

V. Gymnastics

Four Menlo Park Gymnasts qualified to Region 1 Championships. The men's regional championships were held in Santa Clara California on April 10th. Ezekiel Eason, 14, placed 1st in the All Around Competition and Noah Kim, 13, placed 4th. Teams from Nevada, California, Arizona and Hawaii were present at the competition. In the women's Northern California Championship, Sophia Simon, 13, placed fifth all around and won first place on the uneven bars. Alexa Thomases, 14, placed ninth all around. Both girls will compete in the regional championships in Phoenix, Arizona, from April 22 to 24.

VI. Former Parks and Recreation Commissioner passes away

Patricia Armstrong Watkins passed away on March 18. Patricia was a retired employee of Bank of America, American Express and a dedicated genealogist and family historian. Patricia served on the Parks and Recreation Commission for Menlo Park from 2001-2009. Mass services were held at All Hallows Catholic Church in San Francisco and repast held at Onetta Harris Community Center in Menlo Park.

Analysis

Analysis is not required.

Impact on City Resources

There is no impact on City resources.

Environmental Review

Environmental review is not required.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

None.

Report prepared by:

Natalya Jones, Recreation Supervisor



STAFF REPORT

City Council

Meeting Date:

4/27/2016

Staff Report Number:

16-011-PRC

Regular Business:

Review of Community Services Department cost recovery since the Council adopted its Cost-Recovery Policy in FY 2008-09.

Recommendation

Staff recommends that the Commission receive and provide feedback on the Community Services Department cost-recovery progress since the Council adopted their Cost-Recovery Policy in FY 2008-09.

Policy Issues

The City of Menlo Park's Cost Recovery User Fee Policy was passed in 2008 following an extensive cost analysis that helped determine the appropriate overhead and administrative costs for each department and supported Council in setting cost recovery targets for all City programs and activities. The Community Service's Department's 14 programs were grouped in high, medium and low cost recovery categories depending upon the amount of public versus private benefit received from the program. For example, Senior Services, Special events and child care in the Belle Haven neighborhood are low cost recovery programs – with the goal of recovering only 0-30% of their costs with the remainder subsidized by the City's General Fund. High cost recovery programs include Menlo Children's Center, Gymnastics, Arrillaga Recreation Center and Adult Sports – which have the goal of recovery anywhere from 70% of costs to 124% of costs. The Community Services Department uses these policy settings to make decisions about fees, staffing, programming, facilities uses and business approaches.

Background

In 2005 the Your City/Your Decision community driven budget process provided community direction and initial information on approaches to cost recovery of services. In 2007, the Cost Allocation Plan provided further basis for development of a standardized allocation system by providing a methodology for data-based distribution of administrative and other overhead charges to programs and services. The Cost of Services Study completed in 2008 allowed the determination of the full cost of providing each service for which a fee is charged and laid the final groundwork needed for development of a values-based and data-driven User Fee Cost Recovery Policy. A draft User Fee Cost Recovery Policy was presented for consideration by the Council at a Study Session on February 10, 2009 and soon after was adopted. As a result, the Community Services Department adopted multi-year fee increases as part of the overall department strategy to reach the targets set in the policy. CSD programs review annual expenses and make reductions when possible. The result has been incremental progress each year toward policy goals.

Since 2009, fee increases resulted in approximately \$372,000 in new revenue for the department or a 19% increase. However, the cost-recovery policy and subsequent fee increases are only a part of the department's strategy to address long term sustainability. One strategy has also been to increase the sheer volume of programs offered and the overall usage of City facilities. Since FY 2008-09, the Community Services Department has seen a 40% increase in new program and facility business equalling nearly

\$790,000 in new revenue to the City. These increases are attributed to expanded new programs/rentals at Arrillaga Family Recreation Center, Onetta Harris Community Center, Arrillaga Family Gymnasium, Gymnastics and sports fields. In addition to the new fields brought online such as the renovated Kelly Field and Hillview Middle School, new software allowed us to max out field capacity with changes to how the fields are scheduled. Another focused effort was maximizing participation in existing programs such as the Menlo Children's Center (MCC), Gymnastics, Youth and Adult sports leagues/classes which was accomplished with such things as better management of MCC – eliminating part day options to fill rooms and keep numbers higher during summer, along with new improved facilities for Gymnastics and Sports.

While increased business and new revenues made the most impact toward improved department cost-recovery, reducing expenses and innovative business strategies also get credit for the department's progress. Contracting out Aquatics, which includes an annual lease amount with the current agreement, a department reorganization that improved efficiencies and capacity without adding new employees and a reduction of Onetta Harris Community Service hours to coincide with current demand for the facility are a few examples. Reduced expenses and operational changes resulted in a savings of \$ 39,850 annually.

Analysis

The following table provides a comparison of data from FY 2008-09 prior to the Council's adopted Cost-Recovery policy and FY 2014-15 for which we have complete data. For this analysis, cost recovery is based on the direct department and program costs and does not include overhead expenses (i.e. Personnel, Finance, Public Works). Direct program costs do include Community Services administration expenses.

COMMUNITY SERVICES PROGRAMS	YR08-09 (Actual)			YR14-15 (Actual)		
	Revenues	Expenses	CR %	Revenues	Expenses	CR %
Youth Sports	\$ 175,098	\$ 326,901	53.6%	\$ 552,557	\$ 498,737	110.8%
Adult Sports	\$ 67,627	\$ 140,941	48.0%	\$ 209,364	\$ 247,572	84.6%
Gymnastics	\$ 756,756	\$ 641,396	118.0%	\$ 1,463,418	\$ 1,130,913	129.4%
Aquatics	\$ 141,045	\$ 290,218	48.6%	\$ 210,281	\$ 278,201	75.6%
Community Classes	\$ 586,512	\$ 777,608	75.4%	\$ 909,831	\$ 849,001	107.2%
Special Events	\$ 16,191	\$ 172,965	9.4%	\$ 56,615	\$ 276,002	20.5%
Outdoor Facilities	\$ 235,037	\$ 459,235	51.2%	\$ 360,813	\$ 277,670	129.9%
Seniors	\$ 72,831	\$ 411,225	17.7%	\$ 75,808	\$ 443,344	17.1%
MCC Preschool	\$ 622,611	\$ 738,506	84.3%	\$ 976,117	\$ 965,716	101.1%
Belle Haven Child Development Center	\$ 889,639	\$ 1,316,559	67.6%	\$ 885,687	\$ 1,144,744	77.4%
Community School	\$ 78,691	\$ 228,235	34.5%	\$ -	\$ 169,989	0.0%
MCC Afterschool	\$ 435,306	\$ 512,083	85.0%	\$ 393,582	\$ 490,670	80.2%
Belle Haven Afterschool	\$ 49,845	\$ 351,632	14.2%	\$ 90,951	\$ 349,552	26.0%
Teens	\$ -	\$ 53,870	0.0%			
Onetta Harris Community Center	\$ 32,690	\$ -		\$ 61,028	\$ 424,398	14.4%
Total	\$ 4,159,879	\$ 6,421,374	64.8%	\$ 6,246,052	\$ 7,546,509	82.8%

* Data unavailable for OHCC during YR08-09 since budgets were combined with ARC and FTE reallocated.

Since FY 2008-09, the department saw an increase of \$1,125,135 in expenses primarily the result of an increase to temp staff (\$200K) and benefit increases. However during this period the department experienced a decrease in overall FTE. The other major increase was to contractor services which are the result of program expansion of fee classes, sports programs and other areas where we bring in independent contractors. During this period the department also saw an increase of \$ 2,086,173 in revenue which was

the result of the adopted Cost-Recovery Policy and expansion of programs and facility usage. The net benefit to the City from these moves was annual savings to the City's general fund of approximately \$1 Million. The department's cost recovery was a respectable 65% in FY 2008-09 which is consistent with many parks and recreation departments throughout California, but it is now nearly 83% which is considered rare for any agency of this size and scope. See Attachment A for detailed analysis.

Difference		
Revenues	Expenses	Gain(Loss)
\$ 377,459	\$ 171,836	\$ 205,623.00
\$ 141,737	\$ 106,631	\$ 35,106.00
\$ 706,662	\$ 489,517	\$ 217,145.00
\$ 69,236	\$ (12,017)	\$ 81,253.00
\$ 323,319	\$ 71,393	\$ 251,926.00
\$ 40,424	\$ 103,037	\$ (62,613.00)
\$ 125,776	\$ (181,565)	\$ 307,341.00
\$ 2,977	\$ 32,119	\$ (29,142.00)
\$ 353,506	\$ 227,210	\$ 126,296.00
\$ (3,952)	\$ (171,815)	\$ 167,863.00
\$ (78,691)	\$ (58,246)	\$ (20,445.00)
\$ (41,724)	\$ (21,413)	\$ (20,311.00)
\$ 41,106	\$ (2,080)	\$ 43,186.00
\$ -	\$ (53,870)	\$ 53,870.00
\$ 28,338	\$ 424,398	\$ (396,059.71)
\$ 2,086,173	\$ 1,125,135	\$ 961,038.29

Impact on City Resources

The Community Services Department's improved cost recovery has saved the City roughly \$1 million per year for the last 5 years.

Environmental Review

The City's Cost Recovery Policy is not a project under California Environmental Protection regulations.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Detailed cost recovery analysis 2008 – 2016.

Report prepared by:

Derek Schweigart, Community Services Manager

COMMUNITY SERVICES PROGRAMS	YR08-09 (Actual)			Revenues
	Revenues	Expenses	CR %	
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MCC Preschool	\$ 622,611	\$ 738,506	84.3%	\$ 976,117
Belle Haven Child Development Center	\$ 889,639	\$ 1,316,559	67.6%	\$ 885,687
Community School / BH Visioning	\$ 78,691	\$ 228,235	34.5%	\$ -
MCC Afterschool	\$ 435,306	\$ 512,083	85.0%	\$ 393,582
Belle Haven Afterschool	\$ 49,845	\$ 351,632	14.2%	\$ 90,951
Teens	\$ -	\$ 53,870	0.0%	
Onetta Harris Community Center	\$ 32,690	\$ -		\$ 61,028
Total	\$ 4,159,879	\$ 6,421,374	64.8%	\$ 6,246,052

NOTES

FTE

51.5

FY 14-15 - Senior expenses do not include Vehicle Replacement Cost

FY 14-15 - There was no Community School after 2013; we charged the BH Visioning to this a

YR14-15 (Actual)	
Expenses	CR %
\$ 498,737	110.8%
\$ 247,572	84.6%
\$ 1,130,913	129.4%
\$ 278,201	75.6%
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General Fund Savi

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