


TO: HONORABLE CITY COUNCIL 

ATTN: POLICY AND SERVICES COMMITTEE

FROM: CITY MANAGER DEPARTMENT: City Manager's Office

DATE: OCTOBER 16, 2007 CMR: 383:07

**SUBJECT: DISCUSSION AND RECOMMENDATION ON OPTIONS FOR
"ENVIRONMENTAL COMMISSION" STRUCTURE**

RECOMMENDATION

Staff requests that the Policy and Services Committee discuss the options for a sustainability commission or other similar body and make a recommendation to the full Council.

BACKGROUND

On April 23, 2007, Council received and discussed a Colleagues Memo from Mayor Kishimoto, Vice Mayor Klein, and Council Member Drekmeier recommending the creation of an environmental commission and additional staffing for environmental matters in the City Manager's Office.

After brief discussion, Council decided the matter of the environmental commission would more appropriately be considered by the Policy and Services Committee, and that the matter of the addition of a staff position be referred to the Finance Committee. The Finance Committee decided on May 1, 2007 to proceed with funding a Sustainability Coordinator position beginning in FY 07-08.

DISCUSSION

Staff recommends that Council consider replacing "environmental" with "sustainable" in the title of the proposed body. "Sustainability" connotes the promotion of not only environmental health, but also the economic health and social equity of the community. Thus, the proposed body's name would recognize the "three legs" of sustainability rather than just the environmental leg.

Creating a citizen body focused on sustainability issues would achieve:

- Continuous advocacy for sustainability. With the City's limited resources and competing priorities, having a standing body focused on sustainability would

create a long-term balance and partnership with other City priorities, ensuring that sustainability gets sufficient consideration.

- Broader community participation in achieving sustainability goals.

A year prior to preparing this report, staff conducted a brief survey of environmental governance structures in other cities that are considered leaders in environmental management. Within the last few weeks, staff spoke in detail with staff from Minneapolis, Portland, and Santa Monica – all of which have outstanding sustainability programs, and all of which had useful suggestions regarding how to create a citizen body to maximum advantage.

Council has a number of options to consider in establishing the particular structure of this body, be it a traditional commission structure or an alternative model. Variables to consider in determining the body's ultimate structure include: the number of members, criteria for selecting members, whether the members are appointed by Council or by the City Manager, and whether the body reports to Council or to staff.

A traditional commission structure, modeled after the Utilities Advisory Commission, Library Advisory Commission, or Parks and Recreation Commission, could include seven members appointed by Council, each of whom could be Palo Alto residents and serve for a period of 2-4 years (with staggered terms to ensure continuity). The Brown Act would apply to this type of commission. Therefore, City staff would be required to notice all meetings with agendas, and prepare packets and minutes. Commission discussion must follow the published agenda, without the option of discussing other matters.

Another structural alternative is to create a body that is not subject to the Brown Act. The advantages of this include less staff time required and greater flexibility in the body's topics of discussion and action. No formal noticing requirements would apply, no agenda packets would be required, and the group could informally collaborate with staff and Council. Other advantages are discussed below. Examples of these types of bodies are the Zero Waste Task Force, the Green Ribbon Task Force, and the Palo Alto Child Care Advisory Committee. In creating this type of structure, the body would be appointed by the City Manager and report to City staff or to a single decision maker.

In discussing the options, Council is advised to consider the following objectives:

1. **Ensuring the broadest possible representation from all sectors of the community.** In either the commission or alternative models, staff suggests that appointments should be representative of all sectors of the community: neighborhood groups, schools, nonprofits and service clubs, businesses, and the faith community. This would facilitate input from throughout the community and provide the body with wider visibility throughout the City.
2. **Maximizing available expertise.** Staff suggests that the body include members with specific, sustainability-related areas of expertise. A Brown Act-exempt

body would have more flexibility in inviting outside expertise as appropriate to consider solutions to varying problems.

3. **Minimizing overhead associated with staffing the sustainability body.** Existing commissions require considerable staff resources. For example, Utilities staff estimates that 10% of five top managers' time and 10% of two administrative staff members' time are spent on UAC matters – an estimated \$147,000 per year. Planning and Transportation Department staff cost to staffing the Planning Commission is estimated at \$356,000. These costs do not include administrative offices' time expenditures, such as City Attorney and City Clerk staff time. A Brown Act-exempt body would require somewhat less staff time, since agenda packets, noticing, and minutes requirements would not apply. For any type of body, it is critical to make staff time spent as efficient and productive as possible.
4. **Leveraging the City's limited staff resources.** The City now funds a single full-time Sustainability Coordinator position, and several other staff members pursue sustainability projects they can fit in with their "regular" jobs. The sustainability body could help the City more effectively implement these initiatives if it provided a gateway to a broad cross-section of the community and if it were committed to helping implement key initiatives. This type of body would magnify the impact of City initiatives towards sustainability.
5. **Achieving maximum flexibility to adjust to rapidly changing priorities.** A traditional commission structure does not allow for deviation from the published agenda. A Brown Act-exempt body would have more flexibility in determining and adjusting the focus of meetings.
6. **Ensuring the body's priorities do not conflict with the approved work plans of City staff or the priorities of Council.** Establishing an annual goal-setting retreat to be conducted with staff and Council members would help ensure that all entities' goals are aligned. Moreover, increased routine communication between the citizen body, staff, and Council would encourage the synchronization of priorities. A commission tends to report to Council once or twice a year, due to administrative constraints. A Brown Act-exempt body could conduct more frequent and informal communication with staff and Council Members.
7. **Maximizing the tangible output of the body.** Establishing a task force or other Brown Act-exempt body with a specific output goal would more likely produce tangible results, without depending upon staff for 100% of the implementation. A standing steering committee with the authority to establish task forces could accomplish a variety of policy and/or implementation goals.
8. **Facilitating the City in its role as convener of the community, rather than as sole implementer of solutions.** Given the enormity and urgency of several sustainability issues, the entire community, not just the City, will need to

mobilize to address the challenges. The City can be most effective if it serves as a catalyst for community initiatives. A commission would be constrained to recommend City-implemented initiatives, whereas a Brown Act-exempt task force or advisory/steering committee could recommend and help implement whole-community initiatives.

RESOURCE IMPACT

No direct allocation of funds is suggested at this time for the models discussed above, but significant indirect resource impacts are anticipated, and eventual direct resource impacts may result. As stated above, the City’s existing commissions require considerable staff resources. In addition to the departmental staff time required for staffing the commissions, each of these bodies impacts the City Clerk’s, City Attorney’s, and City Manager’s offices. Adding new citizen bodies may eventually cause additional staffing needs in those offices.

Brown Act-exempt task forces, steering committees, and advisory committees are likely to require comparable amounts of staff time, but the absence of a monthly agenda packet requirement would help lighten the load. In addition, any citizen body may develop recommendations for new City sustainability programs that would require funding. At that time, the Council would need to determine whether to expend additional City funds on those proposed initiatives.

The difference in impact between the possible models is in the efficiency and productivity of the expenditure of staff resources. With the Brown Act-exempt models, less time would be spent fulfilling administrative requirements, and it is more likely that the citizen body, staff and Council would be pulling in the same direction. The City would enjoy greater returns on its investment of staff resources.

POLICY IMPLICATIONS

The actions described in this report are consistent with existing City policy.

ENVIRONMENTAL REVIEW

The actions described in this report are exempt from the California Environmental Quality Act (CEQA), pursuant to California Code of Regulations, Title 14 §15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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