

#11

City of Sebastopol Planning Department *Memorandum*

Date: July 9, 2014
To: GPAC
From: Kenyon Webster, Planning Director
Subject: Meeting Management

There are many elements to successful board and committee meetings. This memorandum, similar to orientation memorandums provided to other City boards, touches on some of the parameters.

Understanding the Process

Understanding and communication are key elements in having successful meetings.

This isn't just about your understanding as Committee members, but also that by members of the public who attend your meetings.

Although experienced board and commission members are accustomed to our procedures and jargon, it is useful to think about the assumptions that someone new to our processes might make. One of the things they might assume is that it's a different type of meeting.

There are many different types of meetings--'information-sharing'; 'problem-solving'; 'creative/idea-generating'; 'social or ceremonial'; and 'legislative/administrative or quasi-judicial meetings.' Confusion and possible disfunction will result if participants do not understand the nature of the meeting.

The GPAC is an information-gathering and policy-formulation committee, but, like other City boards, it has a formal structure, has assigned responsibilities to the City, and operates under the direction and parameters established by the City Council. As such, the Committee has duties different than those of the general public, and has a need for procedural structure in order to accomplish its mission. This structure can be frustrating to persons who want to freely interact with the Committee, or want to have an equal role in shaping policy, but structure is necessary in order to fulfill the Committee's responsibilities.

Members are also bound by laws including the Brown Act and conflict of interest rules, which constrain the kinds of interactions you are allowed to have as compared to the general public.

So, particularly if you see new faces in the audience, or if there is a large crowd, the Chair should consider briefly explain the meeting process, including when different parties will get to speak, and how the Committee conducts its duties. While audience members still may not agree with policies, if they have a fuller understanding of the process, there is an enhanced potential that they will respect the outcome.

GPAC Mission

Be conscious of the Committee parameters set by the City Council and the roles of the consultant and City staff.

There are budget and time constraints for this project. In addition, there are countless ways the process could be structured; the Council has provided a framework for the General Plan update, and the Council expects that the Committee will support that framework.

Key Factors for Successful Meetings

- Preparation. Review your packet, and if possible, ask any questions of staff before the meeting.
- To the extent that members of the public contact you, you can also help them prepare, by directing them to the web site with information about the General Plan update, the Planning Department staff, or other resources.
- Get to the meeting at least five minutes early, so the meeting can start on time.
- Follow the agenda.
- Because you are in a perceived position of authority that may be intimidating to persons unaccustomed to public testimony, it is also not advisable to argue with or 'cross-examine' persons making public testimony; however it is appropriate to ask clarifying questions if needed.
- Enforce the process as necessary. It is allowable, reasonable, and necessary to set limits on people's conduct in public meetings. While some flexibility can of course be appropriate, remember that allowing procedural deviations can appear unfair to others, or license participants to disrespect or disregard the official process later in the meeting.
- If there is ongoing disruption and persons do not respond to admonitions from the Chair or members, the Chair should call a break in the meeting, and staff or members can attempt to reason with the persons or persons disrupting the meeting. If necessary, the Police Department should be contacted to send an officer to talk with disruptive persons, and remove them from the room if necessary.
- Keep a sense of perspective. Consider the significance or scale of the matter as it relates to the broad reach of the General Plan. Act with a sense of proportionality.
- Try to foster a respectful process that feels fair and open. In some ways, 'Process is our most important product.' The actual policy outcome may be less important than people feeling that there was a fair and respectful process.
- Moderate your words, facial expressions and body language. By virtue of your appointment, you are a public official of the City of Sebastopol. Public officials are held to a higher standard than members of the public generally. Members of the audience may sometimes be disrespectful or make inflammatory statements, but you should not respond in kind. If you do so, not only is it likely that your actions will be spotlighted and used against you, you are part

of the City government, and your words and actions reflect on the entire organization. Maintain a polite and patient demeanor with each other, the public, the consultant and staff.

- Particularly in difficult situations, it can be helpful for members to demonstrate support for the Chair in efforts to maintain an orderly and respectful process, where disruptions are minimized, and participants feel comfortable stating their opinion. The Chair has a critical role in the character of the meeting--setting a friendly, open, but firm tone, maintaining order, moving the process along at an appropriate pace, facilitating a reasonably-efficient process, and projecting a respectful attitude. This is a difficult job. The consultant and staff can provide advice to the Chair, and other members can also assist the Chair in the meeting process by voicing support for the process.

Attachments:

Brown Act summary

Electronic communications and Brown Act article

City conflict of interest policy

Tips for successful meetings

LEGAL ISSUES FOR PLANNING COMMISSIONERS

2003 PLANNERS INSTITUTE

Note. The following materials have been excerpted from the Planning Commissioners Handbook, published by the League of California Cities (2000) and various materials published by the Institute for Local Self Government (2000-2002). They are intended only to provide basic information about legal issues and are not intended as legal advice. Planning Commissioners and others should consult with their counsel to determine how the laws discussed here apply in specific situations.

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I. The Brown Act and Planning Commissioners

Meetings and deliberations of local legislative bodies, including planning commissions, must be open and public and are subject to the Ralph M. Brown Act (Government Code § 54950 and following). This open meeting law is commonly referred to as the Brown Act. The courts have consistently interpreted the Brown Act broadly to ensure open deliberation and open decision making so the public can be fully informed and retain such control. Several provisions of the Brown Act are particularly important for planning commissioners to understand.

MEETINGS

The following are defined as “meetings” in Government Code section 54952.2 and are, therefore, subject to the Brown Act requirements:

-
- **Any congregation of a majority of members** of the commission at the same time and place to hear, discuss, or deliberate upon any matter within the commission's jurisdiction; and
 - **Use of direct communication, personnel intermediaries, or technological devices** (such as telephone, e-mail and FAX machines) **by a majority** of the commissioners to develop a collective concurrence as to action to be taken. (Also known as "seriatim" or rotating meetings). "Action taken" is defined broadly to mean a collective decision, commitment or promise, or an actual vote on a motion when sitting as a body (§ 54952.6).

The following are NOT meetings:

- **Individual contacts or conversations** of a commissioner with any other person;
- Attendance of a majority of the members of the commission at a **conference or similar gathering** open to the public involving a discussion of public issues, or issues of interest to public agencies of the type represented by the commission, provided a majority of the commissioners do not discuss among themselves, other than as part of the scheduled program, specific business within the commission's jurisdiction. A meeting is "open to the public" even if the conference organizers charge a fee for attendance;
- Attendance of a majority of the members of the commission at an open and publicized **meeting organized to address a topic of local community concern** by a person or organization other than the local agency, provided a majority of the commissioners do not discuss among themselves, other than as part of the scheduled meeting, specific business within the commission's jurisdiction; and
- Attendance of a majority of the members of the commission at a **purely social or ceremonial event**, provided a majority of the commissioners do not discuss among themselves specific business within the commission's jurisdiction.

What constitutes a "meeting" sometimes may present a difficult question. Of course, all special and regular meetings of a legislative body, including a planning commission, are "meetings" and must be noticed in advance and open to the public. Sometimes questions arise concerning informal meetings of a majority of the members of a board. However, a meeting is **any gathering of a quorum of a legislative body where business is transacted or discussed**, no matter how informal and whether or not any action is contemplated.

In addition, a series of meetings or conversations, each of which technically involves less than a quorum of the agency's membership, but which taken as a whole involves a majority of the agency's members, is a "meeting." For example, a series of telephone

conversations, each between a member of the governing body of the local agency and its attorney, for the commonly agreed purpose of obtaining a collective commitment by the majority of that body concerning public business, constitutes a "meeting" within the purview of the Brown Act. *Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton*, 171 Cal.App.3d 95 (1985).

MEETING NOTICE AND AGENDA REQUIREMENTS

The time for regular meetings is established by the planning commission. Subject to specific limited exceptions, meetings must be held within the city boundaries. (§ 54954). Any person may request a mailed copy of the agenda and agenda packet for every meeting; the city may establish a fee for the costs of providing such notice. (§ 54954.1)

The agenda for each regular meeting must be publicly posted at least 72 hours prior to the meeting. The agenda must specify the time and location of the meeting and shall be posted in a location that is freely accessible to the public. The agenda for all regular and special meetings must contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.

The planning commission may only discuss and act on items included in the posted agenda, except that commissioners or staff may briefly respond to statements made or questions posed by persons exercising their public comment rights. Items may be added to the agenda only if they involve an emergency or if the need to take action arose after the agenda was posted (§ 54954.2). A regular meeting may be adjourned to a time and place specified in the order of adjournment. The resulting continued meeting is considered a regular meeting for all purposes. (§ 54955)

SPECIAL AND EMERGENCY MEETINGS

The chairperson or a majority of the planning commissioners may call a special meeting, but an agenda must be posted 24 hours in advance and 24-hour written notice must be given to each commissioner and each newspaper, radio or television station requesting notice of meetings. Any commissioner may waive the written notice by filing a written waiver of notice with the clerk or merely by attending the special meeting (§ 54956). The commission may meet in certain defined emergencies without complying with the 24-hour notice requirement. (§ 54956.5)

CLOSED SESSIONS

A legislative body may meet in closed or non-public session under limited circumstances, but it is important to note the courts have consistently construed this authorization for

closed sessions narrowly. Most of the exceptions to the open meeting requirement do not apply to a planning commission. However, the planning commission may meet in closed session to confer with or receive advice from, its legal counsel regarding pending or reasonably anticipated litigation. Prior to holding a closed session, the planning commission must disclose in an open meeting the reasons for holding the closed session, including the title of the case if an action has been filed. (§ 54956.9)

Closed session agenda descriptions should be drafted in accordance with the guidelines contained in Government Code section 54954.5. Certain actions taken in closed session must be reported to the public in open session at the meeting during which the closed session is held. (§ 54957.1)

VIDEO AND AUDIO TAPING MEETINGS

Anyone attending an open commission meeting may record it with an audio or video tape recorder or still or motion picture camera, unless the commission makes a reasonable finding that the noise, illumination or obstruction of view will persistently disrupt the meeting. If the agency makes a tape or film record of an open session for any purpose, the tape or film becomes a public record which may not be destroyed for 30 days and must be available to the public for viewing or listening on an agency recorder without a charge. (§ 54953.5)

THE PUBLIC'S RIGHT TO SPEAK

Every *regular* meeting agenda must provide an opportunity for the public to directly address the commission on items of public interest within the commission's jurisdiction. However, *unless otherwise authorized*, no action may be taken unless the item is on the agenda. All regular and special meetings must include an opportunity for members of the public to directly address the commission concerning any item that on the agenda for the meeting before or during consideration of that item.

The planning commission may adopt reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. However, it may not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the commission. (§ 54954.3)

SIGN IN REQUIREMENTS

Members of the public cannot be required to register their name or fulfill any other condition for attendance at a meeting. If an attendance list is used, it shall clearly state that registration is on a voluntary basis. (§ 54953.3)

DISRUPTIVE BEHAVIOR

In the event a meeting is willfully interrupted by a group and cannot be continued, and order cannot be restored by removal of the individuals who are willfully interrupting the meeting, the room may be cleared and the session may continue. Members of the press shall be allowed to remain and the legislative body may only consider matters on the agenda. (§ 54957.9)

WRITINGS DISTRIBUTED TO COMMISSIONERS

Any writings, including agendas, distributed to all or a majority of commission members by any person in connection with a matter subject to discussion or consideration at a public meetings of the commission are "public records" under the California Public Records Act and must be made available to the public "without delay." The law does not, however, require public access to documents that are exempt from public disclosure by various provisions of the California Public Records Act.

If a disclosable public record document is distributed to the commission during a public session of the commission meeting, it must be made available for public inspection at that meeting if prepared by the agency or a commission member. If prepared by some other person, it must be made available for public inspection after the meeting. (§ 54957.5)

EFFECT OF BROWN ACT VIOLATION

Any member of a commission who attends a meeting of that body where action is taken in violation of any provision of the Brown Act, with intent to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act, is guilty of a misdemeanor. (§ 59459) In addition, the district attorney or any interested person may sue to obtain a judgment that certain actions are null and void or to seek to stop continued violations of the Act. (§ 54960 and § 54960.1)

FOR FURTHER READING ON THE BROWN ACT

- The Brown Act: Open Meetings for Local Legislative Bodies, 1994 (published by and available from the California Attorney General's Office). Although out-of-print, the pamphlet may be printed from the Attorney General's Internet website at <http://www.caag.state.ca.us/>. The 1997 and 1998 supplements are not posted on the website, but hard copies may be ordered by calling 916/322-3360.
- Open and Public II: A User's Guide to the Ralph M. Brown Act, 1994 (published by and available from the League of California Cities: call 916/658-8253).

II. Conflicts of Interest

The goal of the conflict of interest laws is to require public officials to make decisions without being influenced by personal financial interests. Toward this goal, the laws require disclosure of certain private financial interests and disqualification from decision-making under certain circumstances.

Conflict of interest laws balance two competing interests. On the one hand, decisions must be made to benefit the public, not private financial interests. At the same time, conflict of interest laws are not designed to insulate officials from difficult decisions. Making difficult decisions is, after all, one of the primary duties of a public official. If officials fail to participate when they do not have a genuine conflict of interest, they are not carrying out the responsibilities for which they were elected or appointed.

POLITICAL REFORM ACT

There are a number of laws which define conflict of interest standards. The Political Reform Act (Government Code § 81000 and following) is the most comprehensive. It says, “[n]o public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.” (§ 87100).

- ***The Fair Political Practices Commission.*** The state Fair Political Practices Commission (FPPC) is charged with enforcing the Political Reform Act. The FPPC provides advice and opinions to officials concerning potential conflicts of interest arising under the Political Reform Act. The FPPC’s telephone number is 916/322-5660. Be aware the FPPC staff accepts telephone inquiries at specified times only and written advice can take weeks or several months.
- ***Disclosure.*** The Political Reform Act requires public officials to file periodic statements disclosing their financial interests. Disclosure is made on forms called “Statements of Economic Interests.” The city clerk ordinarily administers these requirements and should be consulted when preparing the forms. Filed Statements of Economic Interests are available for public inspection. The statements must include sources of income including gifts and loans, real estate holdings and investments in business entities.
- ***Disqualification.*** The Political Reform Act also requires public officials to disqualify themselves on a particular issue if they have a conflict of interest. A public official or employee has a conflict of interest when all of the following occur:

- The official makes, participates in, or uses his official position to influence a governmental decision;
- It is foreseeable the decision will affect a financial interest of the official;
- The effect of the decision on the official's financial interest will be material; and
- The effect of the decision on the official's financial interest will be distinguishable from its effect on the public generally.

All of these factors are subject to detailed FPPC regulations, opinions and case law that cannot be easily summarized. Financial interests that may require disqualification include:

- A business entity in which the official has an investment of \$1,000 or more;
- Real property in which the official has an interest of \$1,000 or more;
- A person or business entity from which the official has received, in the past 12 months, the sum of \$250 or more, or the official's spouse has received the sum of \$500 or more in the past 12 months;
- A business entity in which the official is a director, officer, partner or trustee, employee or holds a position of management; and
- A donor, or an agent or intermediary for a donor of gifts worth \$300 or more and which were received by the official within 12 months prior to the decision.

These provisions apply to financial interest owned by the spouse or dependent children of public officials, or by business entities or trusts in which the official, official's spouse or dependent children own a 10 percent or greater interest. (§ 87103)

- **When in Doubt.** The Political Reform Act is quite complex. In practical terms, when officials have an interest in a business, a piece of real property, a source of income, or have recently received a contribution of \$250 or more relating to a matter coming before the commission, they should consult with the city attorney or with the FPPC before acting so any potential conflicts can be avoided. Moreover, such consultation should occur as early as possible (in other words, not five minutes before the vote on the matter in question).
- **Effect of Disqualification.** When an official has a conflict, the official must not only disqualify himself from voting, but must also refrain from participating in any debate

on the matter. The **disqualification must be made on the record**. Planning commissioners participate in the making of governmental decisions when they make recommendations, prepare reports or letters, or otherwise give advice to the city council or other decision-makers. Public officials illegally use their position to influence a governmental decision if they appear before their own agency, or contact any member or employee of the agency. Thus, a member of a planning commission who also is an architect or attorney is prohibited from representing a client before the commission. A commission member may prepare architectural or engineering drawings, but only if the member does not have direct oral or written contact with the agency, except staff contact necessary to review the drawings. The FPPC has adopted regulations which allow commission members who are sole practitioners to present architectural drawings in certain limited circumstances. (2 Ca. Code of Regulations § 18700.1(b)(5)).

- **Gift Limits.** Planning commissioners should also be aware the Political Reform Act creates a strict gift limit. With certain limited exceptions, officials may not accept gifts, including gifts of travel, from a single source in a given year when the value of such gifts exceeds \$300. The limit is adjusted with the Consumer Price Index. Inheritances and gifts from family members are not subject to the limit, provided that the family member is not acting as an intermediary for another person.
- **Campaign Contributions Issues.** One section of the Political Reform Act (§ 84308) is of particular importance to members of planning commissions who are running for office or active in political campaigns. It prohibits elected or appointed officers, alternates, or candidates who serve on quasi-judicial boards or commissions from receiving, soliciting, or directing campaign contributions of \$250 or more coming from applicants or others with a financial interest in a pending matter.

The prohibition is in effect while the application is pending and for three months after the decision is rendered. The officers of such agencies must disclose any such contributions received within 12 months preceding the date of the application. City councils, however, while acting as a body, are exempt from section 84308. If members of a planning commission have been involved in any way in soliciting or receiving campaign contributions, or have run for office and received contributions from an applicant, they should check with the FPPC or city attorney.

- **Penalties.** The Political Reform Act provides both civil and criminal penalties, with the district attorney responsible for enforcing local violations. The FPPC also enforces provisions of the Act through administrative proceedings and recently has expanded its enforcement staff to substantially increase its activities at the local level. In addition, any person residing in the jurisdiction may file a citizen's action. Persons who violate the conflict of interest laws may be liable for fines of up to three times the value of an economic benefit realized as a result of the violation. In addition, any person convicted of a criminal violation is prohibited from running for office for four

years following the date of conviction. The court also has authority to set aside an official action in which a conflict of interest occurred.

ILLEGAL CONTRACTS

Problems also may arise when a local government contracts for goods, services, public works projects or other activities involving expenditures of public funds. Government Code section 1090 prohibits city officers or employees from holding a financial interest in any contract made by them in their official capacity, or made by any body or board of which they are members. This law is intended to ensure that a public officer is guided solely by the public interest when dealing with contracts in an official capacity.

Section 1090 prohibits city officers and employees from being “purchasers at any sale or vendors at any purchase made by them in their official capacity.” In the case of city contracts, it is not enough for officials to disqualify themselves from the decision-making process. The law forbids the local government body from even entering into a contract with a firm in which a member of that body has a financial interest.

A contract in violation of section 1090 is void. Any city officer who violates this section may be subject to civil sanctions and criminal prosecution.

INCOMPATIBLE ACTIVITIES

Local agencies, officers and employees may not engage in any employment activity, or enterprise for compensation, which is inconsistent or incompatible with their official duties (Government Code §1126). Officers and employees are prohibited from performing work for compensation if the decision to contract for such work is subject to approval by any other officer, employee, board or commission of the public entity unless otherwise approved in the manner prescribed by the statute.

The appointing power or agency may determine which outside activities conflict with appointed duties and may adopt rules regarding the provision of notice to employees for engaging in prohibited activities, disciplinary action and appeals regarding determinations of conflict. See *Mazzola v. City and County of San Francisco*, 112 Cal.App.3d 141 (1980).

There is also a common law prohibition against incompatible activities which prevent a public official from holding another official position that is incompatible with the first office. This issue arises when a public official holds two public offices in which there is an overlap in functions or responsibilities.

LOCAL REGULATIONS

Some city charters and ordinances also contain conflict of interest provisions. Sometimes these provisions are more comprehensive or more rigid than state law and they should be thoroughly understood.

To avoid the pitfalls of conflict of interest law, officials should be mindful of circumstances in which private interests are affected by public decisions. Whenever an official suspects he or she may have a conflict of interest, the official should consult with the city attorney. It is important to remember public officials can be removed from office for misconduct. (Government Code §3060 and §3074)

FOR FURTHER READING ON CONFLICTS OF INTEREST

A Local Official's Guide to Ethics Laws, published by the Institute for Local Self Government and available from the League of California Cities.

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The Brown Act and the Perils of Electronic Communication

BY KARA UEDA



Kara K. Ueda is a partner with the law firm of Best Best & Krieger, LLP, and can be reached at kara.ueda@bbklaw.com or (916) 551-2822.

About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

Local public officials are often frequent and zealous users of technology and social media. Given the rapid speed with which people can now send e-mails and text messages and post comments online, a casual e-mail conversation between two city council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a “meeting” under the Brown Act.

About the Brown Act

Most members of legislative bodies (including city councils, commissions, boards and committees) soon learn upon taking office that a quorum of their membership may not meet to discuss official business unless the meeting complies with the Brown Act. Often referred to as California’s open meeting law, the Brown Act provides that members of a legislative body may hold a meeting when a majority of them — at the same time and place — “hear, discuss, deliberate or take action on” an item within their subject matter jurisdiction.¹

To hold a lawful meeting under the Brown Act, a local agency must, among other things, provide public notice about the meeting for a certain time period and ensure that the public can access the meeting. Thus, if a city council (for example)

has five members, three of the five may not meet at a restaurant to discuss city business unless the city has posted public notice about the meeting and otherwise complies with the Brown Act.

The Brown Act does not prohibit individual members of a legislative body from separately providing their own comments and opinions about a matter. A commissioner may write a newspaper editorial about an item the commission approved, and a city council member may give a speech or tweet about local projects under way in the city. Nor does the Brown Act prohibit “one-way” communications where, for example, a city manager transmits a communication to the entire council by e-mail.² The “passive receipt” of a document by public officials is different from a commission's or city council's collective action or discussion.

E-Mail Exchanges May Constitute Serial Meetings

Similarly, the Brown Act prohibits public officials from doing in successive steps what they cannot do in one step. More specifically, the Brown Act provides that a majority of a legislative body may not use any series of communications, either directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the legislative body's subject matter jurisdiction.³ Serial meetings typically occur by either a “hub and spoke” or a “daisy chain” meeting.

Hub and Spoke Meetings

A hub and spoke meeting occurs when one person acts as the center and communicates with members of the legislative body. For example, Council Member Newman cannot call Council Member Oliver to discuss an item of city business and then call Council Member Peoples to discuss his conversation with council member Oliver. In this meeting Council Member Newman was the hub, and the other two council members were the spokes. Hub and spoke meetings may also occur by e-mail if the individual members e-mail each other instead of calling.

Daisy Chain Meetings

A serial meeting may also occur if Council Member Newman calls Council Member Oliver to discuss an item of city business, and then Council Member Oliver calls Council Member Peoples to discuss the same thing. This type of communication is also called a daisy chain meeting. This type of meeting is particularly likely to occur by e-mail due to the ease of forwarding e-mails.

Serial Meetings in Cyberspace

The Internet provides numerous opportunities for local officials to post their thoughts and opinions about city issues. Local bloggers report on city news and sometimes provide a running commentary of council and commission meetings as they happen. And most newspapers have websites where members of the public can — and frequently do — comment on the articles. When these entries or articles are especially timely or controversial, they practically invite comments by interested residents and local officials.

As of this writing, no court has specifically ruled on the intersection of comments posted on the Internet and the Brown Act's requirements. However, the same serial meeting rules that apply to e-mail may likely apply to other online conduct such as commenting about online news stories.

The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body. For example, a local blogger may post an entry about an upcoming planning commission agenda item. Proponents and opponents both weigh in on the blog comments. A planning commissioner reads the entry and also posts a comment about the item. A second planning commissioner also decides to post a comment, and then a third planning

commissioner responds to the first two commissioners. Thus, a discussion among the three of them ensues electronically on the Internet.

Did the planning commissioners violate the Brown Act? At first glance, it may seem that the planning commissioners did not violate the Brown Act if the blog is available for any member of the public to read. The planning commissioners may believe that basic open government principles were followed because they were not trying to have a secret meeting to discuss official business, and anyone could read their electronic conversation. But the planning commissioners also did not have their electronic conversation pursuant to a noticed meeting under the Brown Act.⁴ Instead, they used a series of communications to discuss and deliberate on an item within their subject matter jurisdiction.

The sheer openness of a conversation is not the critical factor under the Brown Act. For example, the three commissioners could have instead met in one of their living rooms and livestreamed their conversation on the Internet as it was occurring. That video would also be public and available for everyone to see and possibly to comment on as it was happening. This in-person living room conversation about city business, though, would not comply with the Brown Act.

In addition, an issue may raise particular legal and practical sensitivities where any type of comment may not be wise. For example, if a local agency will consider a matter where a person is owed certain due process rights or if an agency is involved in pending litigation, local officials should first contact their city attorney for advice on whether they should be making *any* type of comment, regardless of the forum or medium. These considerations are separate and apart from Brown Act issues.

Conclusion

While the use of new technology offers important advantages in keeping individuals up to date and informed, the speed with which messages may be sent and comments posted can have drawbacks if public officials inadvertently find themselves in the midst of an e-mail conversation or conversation thread with other members of their commission or city council. The law may eventually catch up to the current technology, but until it does public officials should continue to abide by the general Brown Act principles regardless of whether the communication is in person or online.

An In-Depth Guide to the Brown Act

The League publishes a guide to the Brown Act for the non-lawyer, which is updated periodically. *Open & Public IV: A Guide to the Ralph M. Brown Act* is available free online at www.cacities.org/opengovernment.

Additional Related Resources

For related information, read these *Western City* articles.

Social Media and Public Agencies: Legal Issues You Should Know About

Reading Employees' Text Messages: A Heads Up for Public Agencies

U.S. Supreme Court Rules That City Review of Employee Text Messages Was Reasonable

Taking the Bite Out of Blogs: Ethics in Cyberspace

Footnotes:

¹ Gov't Code § 54952.2(a).

² See *Roberts v. City of Palmdale*, 5 Cal. 4th 363 (1993).

³ Gov't Code § 54952.2(b)(1).

⁴ See also 84 Ops. Cal. Atty. Gen. 30 (2001) (opinion of the attorney general that the Brown Act does not allow a quorum of a legislative body to discuss agency business over e-mail even if those e-mails are made publicly available and posted to the agency's website).

TO : All Elected and Appointed Bodies, Consultants
and Staff of the City of Sebastopol
FROM : City Council
SUBJECT : CONFLICT OF INTEREST POLICY

The City Council recognizes that the City Council, appointed Commission members, Consultants and Staff are increasingly confronted with difficult policy roles. The increased level of public participation have placed greater responsibility on our policy makers.

Situations arise where members of the City Council, Boards, Commissions, Consultants and City Staff may have conflicts of interest as defined in the statutes. Where such conflict of interest exists, the individual shall abstain from participation in any decision involving the subject matter creating the conflict.

GUIDELINES

To carry out the above goals the City Council adopts the following general policy guidelines for itself and all appointed Commissions, Consultants and Staff:

A. Procedure

All members of the City Council, Board and Commissions will review their respective agendas prior to commencement of a meeting to determine those items, if any, on which the member has a conflict of interest.

Where a member determines there is a conflict of

interest, he shall, prior to the commencement of the meeting, announce publicly and to the presiding member those items on which he will abstain for conflict of interest and the member shall step down from the meeting and shall abstain from any discussion on the item as a member of the respective body.

B. Mutual responsibilities:

1. Members are urged to attend all the meetings of the respective board on which they serve.

2. Members are urged to limit the number of abstentions on votes unless there are conflicts of interest.

3. Members who are compelled to abstain too frequently due to conflict of interest, should consider stepping aside from their public office.

C. Interaction:

1. The Chairman of any appointed Commission has the right to remove any person from a meeting where such person is ruled out of order. The Chairman has the right to call for the assistance of the City Police Department if necessary.

2. No Councilman shall appear before or comment to any appointed body of the City without the express consent of the City Council unless that Councilman is presenting to the appointing body, an agenda item in which he is personally involved, or unless the Councilman is making a specific

report on a County or City Study Committee to which he has been appointed by the City Council, and the report has been placed on the appointed body's agenda.

3. Statements by City Council members at Planning Commission hearings or other Commission meetings, may lead to disqualification of City Council member at subsequent City Council hearing, as the Councilman may have disqualified himself by prejudging the matter in question.

D. Appearances before City Boards.

1. On various occasions members of the City Council, Boards and Commissions have had an occasion to make a presentation to one of the City bodies on behalf of a client or other third party. Technically, such presentation is not in violation of the Political Reform Act of 1947, other statutory provisions and the City's adopted Conflict of Interest Code.

Notwithstanding the legality of such presentations, they have the potential for calling the fairness of the government action into question.

2. To establish a policy that will ensure government action having the appearance of fairness as well as fairness in fact, the following rules shall be applicable to all members of the City Council, Boards, Commissions, Consultants and Staff:

a. No member of the City Council, Boards Commissions, Consultants or members of the City Staff shall appear before any body of the City of Sebastopol representing a client or other third party without the prior approval of the City Council, except in the following circumstances:

(1) This policy shall not prevent such member from representing himself or his firm on their own business as distinguished from client business before a City Board or Commission.

(2) This policy shall not apply to any member who is a sole practitioner who, were this policy to be applied, would be forced to refuse to represent a client or resign his office.

(3) Nothing in this policy shall preclude other agents, employees, associates or partners of a member of a respective Council, Board, Commission or Consultant from appearing before any of the bodies.

E. Appointments:

It is the policy not to appoint persons to public bodies that will have repeated conflict of interest.

F. Outside Responsibilities:

Councilmen and appointed Commission members shall refrain from using or advertising their City position in advancing their private occupation and profession.

G. Penalties:

Violation of this policy may result in censure or request for the resignation of the public official, or the City Council may take such other action as it deems appropriate.

Adopted by the City Council on Jan. 7, 1986



MAYOR

ATTEST: 

CITY CLERK

SUGGESTIONS FOR PLANNING COMMISSION SUCCESS

Prepare well for commission meetings

- Read and understand the staff report
- Visit the sites under consideration (upon advice by your legal counsel)
- Contact staff with questions if you have them

Have a bias for action

- Decisions are the value you add to the planning process.
- Prepare for the meeting with the intent of making a decision
- Avoid unnecessary continuances, a burden to all interested parties

Don't blindside staff with difficult questions at the meeting

- Let staff know prior to the meeting if you have concerns so they can prepare
- Follow the protocol for contacting staff, either through the director or with the staff members directly

Be civil to each other so the public will be civil to you

- Your example establishes the tone for the meeting

Seek to understand each other's positions and opinions

- One of your objectives should be to identify points of consensus

View every meeting as an opportunity to communicate with the residents

- This may be the first (and/or last) meeting they will attend
- It will establish or reinforce their view of local government.

Establish new policy or policy modification separately from individual projects

- No individual project should dictate your long range goals

Explain your rationale, but don't lecture the public

- The public will be more accepting of broad concepts if presented in a different format and venue

Keep the meeting tempo the same at the end as at the beginning

- Citizens who waited through earlier items deserve the same courtesy as those heard earlier

Strive for consistency, but acknowledge unique situations in projects

Make your final action clear to the public

- The public should leave the meeting clearly understanding what you did

Communicate with the city council frequently

- Joint study sessions to discuss key issues

Wayne G. Goldberg, AICP
Center for Sustainable Communities
Sonoma State University
707.664.2306
wayne.goldberg@sonoma.edu



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Leading the Commission: The Effective Chair

by Elaine Cogan

About the Author

From Issue 12 of the PCJ, Fall 1993

This month's column is especially written for planning commission chairs. It also should be helpful to commission members who suffer through poorly run meetings or may be future chairs.

The planning process suffers if the chair is either weak and unfocused or too strong and intimidating. An alert and united commission can work to overcome such shortcomings, but it is an uphill and never-ending battle if the chair does not realize there is a problem.

First, a word about the use of the designation "chair" rather than chairman, chairwoman, or chairperson. All are in common use, and all are correct. However, the neutral term "chair" is more in keeping with similar terms for other leadership positions such as administrator, president, and chief executive officer.

Most of us know good leadership when we see it, though we may not be able to define its exact qualities. One easy clue is attendance. **Lagging attendance is a clear signal that something is wrong with the leadership.** If the commission has an effective chair, members will not want to be absent very often because too many productive and important decisions will be made without them.

Another sign of problems is when there is little or no discussion on major issues. If this happens consistently, the leader's style may either have bored or bullied the other commissioners into apathy or submission. Either way, the process is in trouble. It is far better to have more discussion about important matters than less, no matter how heated the debate.

Still another indicator of poor leadership is the behavior of staff. If the professionals seems to take over the meeting so that the chair is just the ceremonial or titular head, the commission is not fulfilling its proper role as the citizens' voice on planning issues. On the other hand, if staff is always meek and passive, either the chair is keeping the commission from having the benefit of professional assistance, or you have the wrong staff.

What, then, are the principles of effective leadership that you should follow if you are a planning commission chair? As chair, you should:

- **Be conversant with all the issues under discussion; but you need not be an expert in any .** In fact, knowing too many technicalities may get in the way of encouraging laypeople to express themselves, which is the role you are expected to play.
- **Always show fairness and leave personal opinions behind, except when it is time to vote.** If you must speak out, turn over the gavel to your vice chair. But if you do that too often, your ability to be an unbiased presiding officer will be questioned. Fairness also means you give everyone a chance to speak and deal quickly and decisively with those who try to dominate the discussion.
- **Disdain the trappings of power.** The gavel is all you should need to keep order, and it should be used sparingly. Neither request, require nor countenance special consideration from staff or from anyone else.
- **Maintain the proper balance between formality and informality.** Many people still like to be called by their last names, but first names are acceptable if you know them well or it is in your community's style. Never exhibit the negative paternalism inherent in calling women or members of minority groups by their first names when you address others more formally. Shirtsleeves and denims or business attire? This is dictated more by the mores of your community than by any style manual.
- **Display energy and enthusiasm,** even at a hearing that has dragged on into the early morning hours. Of course, a good leader will not have allowed the meeting to go on that long, but in any event, you must always strive to be upbeat and positive, fair and courteous.
- **Use praise unsparingly.** A good leader does not need praise; a good leader dispenses it, but always sincerely. There should be much to laud: staff work on a particularly difficult or onerous issue; public testimony that is fair and non-belligerent on a contentious subject; forbearing and intelligent discussion among the commissioners.
- **Stimulate and synthesize the group process without overwhelming it.** You should always, figuratively at least, be looking to the right and the left and keeping your antennae out for verbal and nonverbal signals from the commission, staff, and the public. As chair, you should be able to move the group more often to consensus than to a win/lose posture.

Most of all, a good planning commission chair enjoys the role and realizes that tomorrow is another opportunity to exert enlightened and informed leadership.

Hints for Conducting a Successful Meeting

Here are ten tips for conducting a successful and effective council meeting.

1. Have a regular set of procedures and operations for all your meetings. Some things to consider are:

- A regular time and place for meetings and study session
- Preparation and distribution of agenda before the meeting
- A set order of business
- Procedures for consent calendar
- Duties of presiding officer
- Quorum and roll call requirements
- Rules of procedures (parliamentary rules)
- Limitation on addressing the council
- Decorum by council members and others
- Enforcement of provisions of this ordinance
- Preparation of council minutes
- Council committees and their authority
- Public hearings and procedures
- The handling of supplemental agendas

2. Have a well-prepared agenda. Some items which aid in creating effective agendas are:

- Information that is made available for study sufficiently prior to meeting
- Information should be as succinct as possible to aid both council and public
- A recommended action for each item

- Additional material, such as background reports are provided separately (when needed)
 - Distinctions made between policy matters and administrative matters (purely administrative matters should be avoided)
 - Try to deal with important issues early in the agenda, when the council is "fresh."
- 3. Do your agenda homework. This will help you to be prepared for the meeting and understand the issues more completely. Some ways to prepare are:**
- Research items prior to meeting, especially things which might be controversial.
 - Try to learn both sides of each issue.
 - Discuss items with staff before meeting to avoid throwing them curves. Catching staff off guard will make everyone look bad.
- 4. Whenever possible, use committees. Some things to consider with committees are:**
- Committees can reduce time needed in full council session by delegating some responsibilities.
 - They allow for an in-depth study by a few elected officials of a particular issue or concern.
 - Committees can facilitate the development of expertise in certain issue areas which will benefit the entire council.
 - In order for them to function smoothly, the council needs to trust and accept the committee's recommendations without restudying the matter.
- 5. If possible and appropriate, use visual aids for presentations. Some things to consider when using multi-media are:**
- Visual aids can greatly enhance the understanding of a topic and promote sound decisions.
 - Examples of visual aids are: maps, charts, photographs, samples and drawings.
 - Some more elaborate aids include: video tapes, film and slide projection, computer print-outs and graphic displays, and audio and video networking.

6. Learning and practicing good meeting habits will help the meeting run much more smoothly. Some helpful tips to achieve this are:

- Develop skills to promote active listening and to understand others.
- Check your understanding of others statements before responding, and be sure to ask lots of questions if you do not understand.
- Know the rules of procedure for your meetings and be sure you follow them.
- Use your questions effectively (they can allow you to make your point without alienating or offending).
- Stay on the agenda and help the presiding officer stay on the agenda by moving discussions along when appropriate.

7. Remember that you are not alone on council and you will be working with your fellow council members on a variety of issues. Work to develop a "team attitude" toward accomplishing work of council. Some things to consider in team building are:

- Develop the respect of and for your colleagues on the council; a simple rule is treat your fellow council members how you would like to be treated yourself.
- Learn to disagree with respect and dignity.
- Place the interests of city and community before and personal interests.
- Focus on the issues, not on the people.

8. Your job is to set policy, so you should concentrate on this and let staff administer your policy directions within those guidelines.

- Develop policies which are clear enough to be followed, but have enough flexibility to be implemented effectively.
- Utilize your staff to carry out council policies and programs and follow up to ensure implementation.
- Make clear what council expects of staff and demand that follow-through.

9. Establish and follow an understood procedure for receiving public comment because this is critical to maintaining your credibility as council members. Some items to consider with your public comment process are:

- Publicize the time and place of your meetings and be sure the public understands the procedure for making comments.
- Listen to the public and be sure they know you have heard and understand their concerns.
- Exhaust all reasonable means of resolving an individual's concern before bringing it in front of council.
- Avoid trying to solve an individual's problem in a council meeting, especially when you can do this on your own.
- Know and respect the difference between a public hearing and council meeting.
- Know and respect the difference between someone appearing before the council as a citizen/owner of the city and as a customer. In the latter capacity, staff can usually best deal with the concerns.

10. Finally, respect yourself and your personal needs and priorities:

- Do not let the council responsibilities consume endless time and energy, leaving too little for yourself, your family, your work, and other personal interests.
- Learn to manage your time efficiently.
- Learn to manage the stress that comes with the position.
- Learn how to say "no" gracefully -- remember that you cannot always be all things to all people.

Making Meetings Manageable: Meeting Management Tips for Mayors and Council Members*

I. Goals Of Meeting Management

- A. Complying with legal requirements for public participation in a way that balances public participation with the need to get the city's business done
- B. Making meetings shorter, while allowing thorough and meaningful discussion
- C. Relieving council members and city staff of "meeting anxiety"
- D. Dealing effectively with disruptive people
- E. Preventing rules of parliamentary procedure from become obstacles to, rather than tools for, meeting management
- F. Presenting a "public face" for the city of competence, civility, and efficiency
- G. Accomplishing these goals without violating the Brown Act, due process rights of constituents, or the privacy rights of city employees

II. Public Participation Requirements

There are four sources of public participation requirements in public meetings:

- A. The Brown Act. Since 1987, the Brown Act has required that the agenda of every regular meeting of a legislative body (such as a city council, a standing council subcommittee, or a Planning Commission) include a time for public participation (Government Code Section 54954.3). If a council generally allows public comment on all agenda items when the item is being considered, the public comment period is usually reserved for items not on the agenda. The public comment period may be placed anywhere on the agenda. The Brown Act requires that the public have an opportunity to address every item before it is acted on by the council. Therefore, unless you wish to allow public comment on every item of business, some portion of the public comment period must appear at the beginning of the agenda. Comments may be limited to those matters within the subject matter jurisdiction of the body. Reasonable time limits may be imposed; you should probably hear everyone who signs up (the law is silent on this point) unless the lateness of the hour makes it unreasonable to do so.

* By Michael Colantuono, City Attorney Cudahy and La Habra Heights and Michael Jenkins, City Attorney, Diamond Bar, Hermosa Beach, Rolling Hills, and West Hollywood.

- B. Other Statutes. A number of state statutes compel legislative bodies to conduct "public hearings" on various subjects. Examples include zoning matters, the establishment of some fees and the formation of assessment districts. Members of the public must be accorded the right to participate in public hearings. Reasonable time limits may be imposed on speakers, consistent with the importance of the matter at hand and the number of speakers. You have greater leeway with a "legislative" matter (such as the adoption of a zoning ordinance), than with a "quasi-judicial" matter (such as a conditional use permit).¹ You may establish reasonable rules for hearing the testimony, such as sequence of speakers, or whether to give an applicant or a spokesperson for a group more time than others.
- C. Due Process Clause. The Due Process Clause of the 14th Amendment to the United States Constitution, and similar provisions in the California Constitution, require that in a quasi-judicial proceeding in which a "property" or "liberty" interest is at stake.² In those cases, those with an interest in a matter must be given due process -- that is, reasonable notice of the matter and a meaningful opportunity to be heard, whether or not a statute requires a public hearing. The rules here are the same as those stated above regarding public hearings. You should show some flexibility in your procedure and evaluate what "process" is required in each situation. Not every applicant, or business licensee, or disciplined employee can present a case in your standard allotment of time -- the amount of time required depends on the importance and complexity of the matter at stake. A variance for a lot line adjustment on an existing house probably takes less time to discuss than a subdivision proposal for several dozen hillside houses. The difficulty here is balancing two competing concerns. On the one hand, rigid reliance on fixed rules may violate due process if the interests at stake are so significant that a more lenient rule is required. On the other hand, deviation from usual rules without good reason creates the appearance of arbitrary, and perhaps discriminatory, conduct. Therefore, you must use your judgment. It is helpful when deviating from usual rules to explain to the audience why a change is needed. When in doubt, ask the city attorney for guidance about what due process requires.
- D. First Amendment. The "free speech" clause of the First Amendment to the United States Constitution and the parallel provisions of the California Constitution do not accord citizens a "right" to speak at a city council meeting. The courts have recognized that meetings are business sessions, and not unlimited First

¹ While you should ask your city attorney if a particular matter is legislative or "quasi-judicial," as a rule of thumb, if the matter involves a request from a particular person for a decision which will affect only that person or a small group of which he or she is a part, it is more likely to be "quasi-judicial" than is a matter which involves the formulation of a rule to govern a large class of people in the future.

² Many court decisions are devoted to defining the "property" and "liberty" interests protected by the Due Process Clause. For now, it is enough to note that most land use decisions affect the "property" interests of all who own or lease land near the site which is the subject of the decision, as well as the owner of the site and applicant. Employees who cannot be fired without legal cause have a "property" interest in their employment and employees and others have a "liberty" interest in their reputation in the community. "Liberty" interests most commonly arise in "name clearing" hearing for terminated employees. "Property" interests arise in many settings.

Amendment forums as are parks and streets, where people may freely express themselves. Citizens do not possess the right to speak at a meeting, or to speak whenever they want, or on any subject they want. The First Amendment permits "reasonable time, place, and manner rules" as well as rules designed to limit comments to the subjects with which city government is concerned. Apart from this general subject matter restriction, however, the First Amendment does forbid the city to regulate speech based on its content, unless it is disruptive. You cannot suppress someone's speech merely because you do not like what they are saying; if you do, you violate the First Amendment, and potentially put the city, and yourselves personally, at risk of liability for damages under the Federal Civil Rights Statute, Section 1983 of Title 42 of the United States Code.

- E. Unless they disrupt a meeting, people can say just about anything at a city council meeting. You can require speakers to stick to matters relevant to the city's business. What's "relevant?" Speaking about political freedom in China might be safely regarded as irrelevant, unless the council has passed a resolution supporting greater freedom in that country. A subject is irrelevant if it simply has no bearing on the issue at hand, or on matters within the jurisdiction of the city (or of the Commission or Board the speaker is addressing).

- F. Citizens may denounce council members and call for their defeat. The Brown Act specifically provides that the city "shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body." (Government Code Section 54954.3(c).) They may make personal attacks, to the extent that they involve city business. All comments in a meeting are absolutely privileged from liability for defamation under Civil Code Section 47(c).

So, how do you deal with persistent, vicious public commentary?

- 1) Rise above it by ignoring it, smiling, and thanking each speaker for his/her comments; effective use of appropriate humor can also be helpful.
- 2) Respond in kind.
- 3) Periodically remind the audience to be civil and observe commonly understood rules of decent behavior.
- 4) Meet with the offenders privately to see if their concerns can be resolved.
- 5) Compliment them when they behave well, praise their commitment to the community in attending meetings, and give them the attention they may be seeking in positive ways that encourage positive behavior.
- 6) All of the above.

Each alternative has its pros and cons, and its predictable consequences. There is no one single solution; sometimes only time, patience, and peer pressure to observe the rules of common courtesy will work in your favor.

It is always best to treat the audience with respect and in a manner that responsible adults prefer to be treated. In general it is better to serve as an example than to be perceived as a bully or an object of ridicule.

Be aware of your body language, both positively and negatively. Reaching for the microphone is a non-disruptive way to ask for the floor. Crossing your arms, rolling your eyes, turning your chair, etc., tell the speaker that you are not listening. Facing the speaker, sitting still, making eye contact, say that you are listening.

III. Types Of Meetings

Formal

Roles of participants are strictly observed.
Audience speaks only when called on.
Time limits established for speakers.
Council members speak when called on.
Everyone sticks to the issue at hand.
Debates are not allowed; one-way communication only.
Rules of decorum and procedure are strictly followed.

Informal

Fewer barriers between audience and council.
Town-meeting atmosphere.
Participation is encouraged and less structured.

Every council must decide on the degree of formality that works best to accomplish its goals. Some factors to consider include:

- 1) How many people come to the meetings?
- 2) How controversial are the issues?
- 3) How well does the mayor or chairperson keep the meeting on track?
- 4) Is audience disruption a regular problem?
- 5) How long is a typical agenda?

- 6) How big is the council chamber?
- 7) Where does the council sit vis-à-vis the audience?
- 8) Are the meetings broadcast or videotaped?

Each council must decide what degree of formality works best depending on the combination of these factors. Generally, more control can be obtained if the meeting is more formal. Meetings need not be uniformly of one type or another; each meeting may be more or less formal than the last, depending on how the above factors are operating; but if so, the inconsistency should be explained. (Example: "We've got a lot more folks here than usual tonight, so in order to stay organized, we're going to use speaker slips and limit everyone to three minutes.")

Formality has the advantage of keeping tighter control over the meeting, appearing more businesslike, and moving through the agenda more quickly. However, it is less personal, more intimidating to the public and allows less spontaneity. Less formal meetings offer a more approachable government, but are more difficult to manage, especially with larger audiences. Even with a small audience, an extremely informal approach, where the audience is given free reign to participate, often leads to long-winded discussions and lengthy meetings. Obviously, though, an overly formal meeting style would look silly if only a handful of people regularly attend meetings. Thus, you should adjust to your own particular situation and use those elements of formality necessary to accomplish your objectives.

IV. Why Meetings Go On ... And On ... And On

- A. Audience problems: hostile audience, disruptive "regulars," exceeding time limits, wandering from the subject, speaking on every issue, speaking when it's obvious the council is doing what the speaker wants, rude behavior and personal attacks.
- B. Staff problems: unprepared staff, incomplete staff reports, non-responsive answers to questions, overly talkative staff.
- C. Agenda problems: poorly organized agenda, overly packed agenda, timing of closed sessions, placing matters on the agenda before they are ready for decision or after the time when productive discussion can be had.
- D. Mayor problems: a mayor who is too passive and fails to move the meeting along, an autocratic mayor who invites resistance and argument from the council or audience, an unprepared mayor, a disorganized mayor, a mayor who fails to perceive the feelings and desires of the audience and council and allows one person to drag on a discussion when the bulk of the group is ready to move on.
- E. Council member problems: council members who talk too much, who don't distinguish between important and unimportant issues, who aren't prepared and

delay the meeting while they read the staff report, who are disorganized and waste time trying to remember what it is they wanted to know or say about an item.

Knowing the source of the problem is the key to managing it. We are all given to these behaviors at one time or another and often effective meeting management requires collective effort by all council members to cooperate toward a common goal of effective meetings.

V. Techniques For Managing Meetings

- A. Tell people what is going on as you work through the agenda so that the audience is fully informed. People are more likely to participate if they don't feel lost and intimidated. Borrow from television news practice of telling people where you are on the agenda and what's coming up, and what the evening's rules are for participation. Try to make the public feel comfortable participating in the meeting and get "buy in" for your decisions.
- B. Meetings are, in a loose sense, a form of theater -- organize your agenda in a way that makes the most sense, prevents pent-up frustration due to long waits and is responsive to the audience.
- C. Consider placing a limited audience participation period (perhaps 15 minutes) at the beginning of the meeting (allowing overflow later) so people don't have to wait all night to comment on something not on the agenda and people who have come to speak about something that is on the agenda are not delayed indefinitely.
- D. Put your public hearings early, especially if you know people are present to testify, so people can speak on the item they came for and then leave. Similarly, you may want to schedule early on the agenda items of interest to children, invited guests and others who may not wish to stay for the whole meeting.
- E. If your consent calendar tends to take longer than it should, put it later in the agenda, because it usually contains routine items. It is a good practice not to take items "pulled" from the consent calendar up right after (or before the consent calendar), but at the end of meeting, under "new business."
- F. Be prepared and organized so the business moves along smoothly, in an orderly and businesslike fashion. Read the agenda well in advance and direct routine questions to staff before the meeting. Write down your comments and questions in anticipation of the meeting. Remember, there are two different reasons to ask a question: to get the answer and to make a public point. You can get your answers before or after the meeting. Making a public point may require a public question. Even if the question must be asked at the meeting, staff will be grateful, and answers will be more useful, if you let staff know to prepare for the question.

- G. Start on time and finish at a reasonable hour; otherwise you communicate to the public that you do not mind wasting their time and do not invite their participation.
- H. Be polite and encourage politeness; but do it firmly. The audience can be told to quiet down and a speaker can be told to conclude politely, rather than by bullying. Be firm about heckling, booing and harassment of other speakers.
- I. You can accord speakers a meaningful opportunity to be heard without giving them unlimited time:
- use speaker slips; announce who will speak next so they can be ready and it isn't necessary to wait for them to get up to the podium;
 - enforce reasonable time limits;
 - insist that the speaker address the council as a whole and not the audience, the television audience or an individual council member (think about positioning the speaker table or podium to subtly reinforce this rule);
 - allow council members to ask questions of speakers but avoid debates between the council and speakers or among audience members, but avoid cross-examination and abusive exchanges;
 - avoid debates between council members and staff;
 - consider using a "council member response" period after audience comments so council members can respond or give staff direction immediately, yet not when a speaker is at the podium; a "staff response" time can avoid encouraging debates between members of the public and staff.
- J. You can eject disruptive people from meetings, but before doing so, you should establish a "record" by giving them clear and ample warnings and alternatives, providing the person an opportunity to leave or reform his/her behavior voluntarily, and calling upon the sergeant at arms as a last resort. Alternatives include clearing the room under Government Code Section 54957.9 or simply taking a short recess to cool things down. Consider efforts outside the public meeting to address the concerns of persistent or regular citizen complainers. This could be a conversation with the complainers or with the council members or staff who react to the complainers in a counterproductive way. Whatever your style, don't make threats you won't carry out. Ejecting someone from a council meeting and clearing the room are serious legal matters and can lead to lawsuits, so we recommend consulting with your city attorney before doing so.

- K. When you have a full house and many members of the audience want to speak, you can encourage people to avoid repetition (and even interrupt to remind them not to repeat what prior speakers have said), ask for a showing of hands as an alternative to individual comments, ask for a "spokesperson" from a group and give him or her more time than the others, firmly curb straying from the subject, discourage applause and other demonstrative activity, enforce time limits, prohibit dialogues and encourage written testimony. Written testimony is especially useful in complex matters. "Reflective listening" -- in which the mayor or a council member summarizes what has been said and encourages input which is not repetitious -- tells people that you are listening, that they have been heard, and they needn't belabor the point.
- L. Use study sessions to tackle difficult and time-consuming issues in a more informal setting, so that they do not interfere with regular council meetings. Schedule closed sessions so that they do not interfere with the public portion of the agenda.
- M. Avoid using meetings as a forum for micro-managing the city. Meetings should primarily be for setting policy, making decisions outside the jurisdiction of staff, and listening to the public. Day-to-day management should be left to those hired to manage.
- N. In your enthusiasm to increase efficiency and shorten meetings, be careful not to pre-decide issues outside the meeting by use of so-called "daisy chain" or "seriatim" meetings (in which a series of conversations among council members effectively resolves an issue out of public view), to prematurely cut-off audience input (especially in a public hearing setting), or otherwise give the impression that you are steam rolling through the agenda in a predetermined direction without regard to public input.
- O. Develop a process for placing items on agendas so that they are not unrealistically long.
- P. Cooperate to create a positive image for the city. Like it or not, the council is likely to be perceived by the community as a whole, not as five individuals. Therefore, you all have an interest in creating a positive public perception.
- Q. Don't send people home angry if you can avoid it, even if only by thanking them for coming and speaking.
- R. Encourage staff to summarize, rather than read, their staff reports; reading the entire report wastes time and suggests to the public (and council members) that the council is not (or need not be) prepared. Do provide enough information to allow the public to following the meeting.

- S. Rotating the chair among council members can expose the city to a variety of meeting management styles and give all council members an appreciation for the mayor's job.
- T. Manage conflict. Conflict among council members can lead to repeated debates which waste time. It may be best to agree to disagree respectfully and to encourage the mayor to manage or prevent debates. Obviously, the mayor should not get so involved in debate that he or she forgets that it is his or her primary responsibility to manage the meeting. If the mayor gets into a prolonged debate, it is difficult for anyone else present to get the meeting back on track (although the mayor pro tem or vice-chairperson might take on this role). It may also be useful to attempt "team-building" via retreats, study sessions, and social contacts among council members.
- U. Don't attack or embarrass staff. The city will look better, and the council, too, if you avoid "ambushing" or embarrassing staff. You look like a bully if you attack the people who work for you: they can't fight back. You also increase disrespect for the city as an institution and ultimately for you -- you hired these people (or didn't fire them), didn't you? You can respectfully disagree with their recommendations; but address the issues, not the personalities. If you have serious questions about the performance of a staff, take it up with the city manager or schedule a closed session to evaluate his or her performance. This will also avoid suits claiming that a council member has invaded the privacy of a staff.

VI. Written Procedures

- A. Consider written rules of decorum. Disseminate written rules governing meeting procedures and public participation by placing them at the back of the room with the agendas and speaker slips.

City of Sebastopol
Discussion of Core Services

Sometimes, in the debate over particular issues or projects, we lose sight of what we are really here for as a city. The issues of the day sometimes take up a lot of time, energy, and resources. It is important to keep some perspective on those issues, and not let them drain resources or focus from the City's most critical functions.

The City of Sebastopol exists to provide basic services to this community. This is our most critical mission and our reason for being.

The founding of the City of Sebastopol had everything to do with core services. In the late 1800's, sewage flowed through open ditches and into the streets of Sebastopol. There were Diphtheria outbreaks in the County. The most pressing reason why Sebastopol was incorporated was the threat to public health from the sewage situation, and the need for a community entity to organize a means of addressing this situation.

Among the first actions taken by the new city were addressing the sewage situation, establishing a volunteer fire department and building a firehouse and buying equipment, digging wells for fire protection and shortly thereafter for City water, building a jail, and addressing the threat of a smallpox epidemic.

Addressing these core community needs is why the City as an organization was created.

Key 'core services' include:

- Water supply. Water is essential for daily living. Provision of adequate and safe water is our most critical function.
- Wastewater disposal. Without a functioning sewer system, communities face significant threat from disease. Sewer problems and the threat of disease was the principal reason for the creation of the City of Sebastopol over 100 years ago.
- Both sewer and water systems are often taken for granted. Malfunctioning of these systems can create severe community impacts and costs. Providing the resources to maintain these systems is a critical City function. Water and sewer projects should generally be given a high priority.
- Circulation. Streets and sidewalks provide access that is essential for the functioning of the community. Street functionality and safety are critical community needs. A lack of investment today will result in higher costs in the future.

- Public safety. Maintenance of public safety and order is another critical function of local government—life and property safety, and protection from criminal activity create a baseline that allows civil society to function.
- Major capital improvement projects typically take years of effort to accomplish. Obtaining funding, preparing designs, getting regulatory approvals, and going through the public bidding process often requires years of focused work—aspects that members of the public eager to see desired improvements often do not understand. Due to these factors, the first Street Smart projects were implemented 6 years after being conceived; the bike path extension took 13 years to complete; and the skatepark took 10 years.

Secondary functions of the City include:

- Administrative services. Management is critical to have a functioning organization—this includes financial, personnel, facilities, systems, and legal management. This is particularly challenging for a small organization with constrained resources and increasing demands.
- Facilities. Provision and maintenance of public facilities such as City Hall, the Police and Fire stations, Ives Pool, Community Center, Senior Center, the Library etc. is another major function of the City. This also includes major equipment needed to maintain these facilities. The City has taken a creative approach to maintenance of some of these facilities, by delegating a number of responsibilities to non-profits (which still do require some City support).
- Parks. Parks provide recreational opportunities and a connection to nature and open space, particularly for children. However they require ongoing maintenance. In the last 15 years the City has expanded park resources (the Town Plaza, the Laguna Preserve, and the Skategarden were developed as new parks). At least one additional new park area will be developed in the coming years (conversion of the Village Park campground).
- Community development. This function responds to long-term community needs—for infrastructure, facilities, parks, affordable housing, and for economic development that generates revenue to operate. This function also provides for orderly development, ensuring that private projects meet high standards. This function also shapes community character and amenities, protects public health and safety, and can enhance the environment and quality of life, helping to ensure local provision of goods and services, and adding dimensions of community, environmental responsibility, beauty, and identity. Some of these aspects can serve as a model for others.

Summary:

A consensus on identification of 'core services' helps create a baseline for assessment of the needs, threats, and opportunities that face the City in each of these areas, helping to set priorities for allocating limited resources when there are competing demands. Given the City's limited financial and staffing resources, an ongoing focus on core objectives and priority projects is critical.

8



MEMORANDUM

June 25, 2014

TO: Sebastopol General Plan Advisory Committee (GPAC)

FROM: Ben Ritchie and Beth Thompson, De Novo Planning Group

SUBJECT: General Plan Advisory Committee Role and Structure

DATE: June 25, 2014

This memo provides an overview and summary of the roles and responsibilities of the GPAC, and a summary of the format and structure of GPAC meetings. All GPAC members are encouraged to read this memo prior to the first GPAC meeting on July 9th. The information contained in this memo will be reviewed and discussed during the first GPAC meeting.

WHAT IS A GENERAL PLAN?

State law requires every city and county in California to prepare and maintain a planning document called a general plan. A general plan is a “constitution” or “blueprint” for the future physical development of a county or city. All future planning decisions and project approvals must be consistent with the general plan, including, but not limited to: specific plans, subdivisions, public works projects, and zoning decisions.

A general plan has four defining features:

- **General.** As the name implies, a general plan provides general guidance for future land use, transportation, infrastructure, environmental, and resource decisions.
- **Comprehensive.** A general plan covers a wide range of social, economic, infrastructure, and natural resource issues. The Sebastopol General Plan Update will include goals, policies and implementation programs (actions) to address: land use, circulation, housing, conservation, open space, safety, noise, community health and wellness, urban design and community character, and economic sustainability.
- **Long-Range.** A general plan provides guidance on achieving a long-range vision of the future for a city or county. To reach this envisioned future, the general plan includes goals, policies, and implementation programs that address both near-term and long-term needs. The City of Sebastopol General Plan Update will look ahead approximately 20 years, to the year 2035.
- **Integrated and Coherent.** The goals, policies, and implementation programs in a general plan must present a comprehensive, unified program for development and resource conservation. A

general plan uses a consistent set of assumptions and projections to assess future demands for housing, employment, public services, and infrastructure. A general plan has a coherent set of policies and implementation programs that enables citizens to understand the vision of the general plan, and enables landowners, businesses, and industry to be more certain about how future planning decisions will be made and implemented.

WHAT IS A GPAC?

The General Plan Advisory Committee (GPAC) is an ad hoc committee established by the Sebastopol City Council for purposes of the General Plan update. The GPAC will serve as one of the primary channels for the community to make recommendations to the City Council on the updated Sebastopol General Plan.

The purpose of the GPAC is to provide recommendations to City staff and to the consultant team regarding strategic milestones in the process (Vision, Land Use Plan, Issues and Opportunities, etc.). Another crucial function of the GPAC is to assist in the formation of City goals. What do people say they want in their city? How can this be translated into a set of compatible, consistent, long and short-range City goals?

Through its recommendations the GPAC can help make these goals a part of the decision-making process, recognizing that the determination of what items are included in the General Plan ultimately rests with City Council.

Participation by members appointed to the GPAC is temporary; the roles and responsibilities of its members will terminate with City Council adoption of the General Plan, which is anticipated to occur in approximately two years.

PARTICIPANT ROLES AND RESPONSIBILITIES

City Council- Legislative body directing the affairs of the City

- Authorized the preparation of the General Plan update and approved the budget.
- Provides overall policy direction for the General Plan.
- Resolves City policy issues and budget/scope adjustments as necessary throughout the General Plan update process.
- Certifies the Environmental Impact Report (EIR) that accompanies the General Plan.
- Conducts public study sessions and/or hearings on the General Plan and EIR.
- Adopts the General Plan as recommended by the Planning Commission, or as modified by the City Council.

Planning Commission- Chief advisory body on community planning and development matters

- Conducts public study sessions and/or public hearings on the General Plan and EIR.
- Advises the City Council on recommendations for approval, modification, or deletion of goals, policies, or actions proposed in the General Plan.

GPAC- Appointed special advisory body on the General Plan update

- Provides feedback to City staff and the consultant team on the planning process and its products.
- Informs City staff and the consultant team of information that is valuable to the process or issues/opinions that should be taken into consideration as part of the General Plan preparation.
- Passes on knowledge to the community on General Plan related topics.
- Reviews and discusses items proposed by City staff or the consultant team.
- Stays familiar with, and seeks policy consistency with the City's Vision during General Plan policy deliberations.
- Serves as an ambassador for the General Plan process; provides the community at large with information about the General Plan process.
- Irrespective of individual perspectives or preferences, seeks the benefit of the entire community in recommendations

City Staff- Facilitators of the General Plan update and providing key technical and logistical support

- Provides input regarding professional, technical, administrative, and policy insights and implications on topics being discussed.
- Manages consultant team's work program and products.
- Reviews and modifies consultant products as necessary to ensure consistency with City policy and practice.
- Arranges for logistics and support of each meeting/workshop.
- Distributes materials for the GPAC approximately one week prior to scheduled meetings.
- Prepares and presents staff reports as appropriate.
- Oversees schedule modifications and compliance.
- Keeps consultant team informed of current City activities and issues that relate to the General Plan.

Consultant Team- Advisors hired by the City to provide technical support and serve as an extension of City staff during the General Plan update process

- Complies with the adopted Scope of Work and Budget.
- Submits draft documents identified in the Scope of Work to City staff for review, revision and distribution as required.
- Prepares consultant technical reports as specified in the Scope of Work.
- Provides input regarding professional, technical and policy insights.

- Assists in clarifying issues, providing options and evaluating the implications of topics being discussed.
- Recommends methods to resolve policy issues when conflict arises.
- Advises on schedule or procedural matters.
- Presents consultant-prepared work products to decision-makers, City staff, and the public.
- Coordinates with agencies and other organizations outside of City Hall in the preparation of work products.

PARTICIPATION IN THE GENERAL PLAN ADVISORY COMMITTEE

Selection as a member of the Sebastopol General Plan Advisory Committee provides an opportunity to serve the City at an important role as the City continues to shape its future. The following is a summary of important considerations to keep in mind as you undertake your commitment to the City:

Representing the GPAC:

Individual GPAC members must be careful not to represent their own views or recommendations as those of the body unless the majority has officially voted on the issue.

Maintaining Community-wide Perspective:

Although GPAC members may be selected in part on the basis of representing clearly defined groups or neighborhoods, in order to assume that all interests are voiced and considered, each member should represent the overall public and not that of an exclusive group or interest.

Keeping the Lines of Communication Open:

The GPAC members will serve as liaisons between the City and the general public in helping to educate and receive input from the community. Therefore, each member must serve as a communication link between the community and the City, explaining City programs and recommendations, as well as providing a channel for citizen expression. To properly represent the community, members must be accessible to the public so they can receive input as to the sentiment and opinions of their fellow residents.

Be Conscious of your Relationship to the City Council, City Staff, and the Consultant Team:

Good relations with the City Council, City staff, and the consultant team are necessary for the successful operation of any Committee. It is important that each member respect the authority of those who, in the end, will be charged with the final responsibility for action taken by the City. To facilitate effective communication, your actions as a member should be done with the approval of the body. In contacting City personnel or the consultant team on business matters, the proper channel is through the staff liaison appointed to your advisory group (in this case it is the Planning Director).

Establishing a Good Relationship with Other Members:

On many occasions, the success or failure of a GPAC will depend upon the degree of cooperation among the individual members. In order to build a consensus around common goals and objectives, members will often first have to reconcile contradictory viewpoints and show a willingness to objectively consider the issues.

Another way of developing this cooperation is for each member to do their part to ensure that meetings proceed in an orderly manner. The Chairperson is primarily responsible for seeing that meetings are conducted in an expeditious and thorough fashion, and the consultant team will directly assist in facilitating the meetings. However, each member can help by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing for meetings.

Other Important Points to Consider:

GPAC participants should always show respect for other individuals' viewpoints and shall allow other members adequate time to present their views before making comments. It is essential to be open and honest at all times, welcome new members and see that they become acquainted with their duties. Be aware that, in the public's eye, GPAC members represent the City they serve. Comments and actions of the GPAC, therefore, should express sensitivity to the diverse viewpoints held within the City.

OFFICIAL CHARGE OF THE GPAC

Ensure City staff and the consultant team is aware of and understands community concerns, values and expectations.

- Assist City staff and the consultant team in identifying critical issues that should be addressed in the planning process.
- Identify areas of existing or potential conflicts and find ways to constructively resolve them.
- Capitalize on the creative ideas and insights within the Sebastopol community for input into the General Plan.
- Keep community organizations and interested citizens informed about the status of the planning process.
- Provide recommendations to the Planning Commission and City Council supporting the General Plan.

RULES AND PROCEDURES

1. All meetings of the General Plan Advisory Committee must be open to the public pursuant to the Ralph M. Brown Act enacted in 1953. The intent of the Act is to ensure that "actions be taken openly and that deliberations be conducted openly." Once selected, the time, place and date for regularly scheduled GPAC meetings shall be publicly posted or announced.
2. A Chairperson and Vice Chairperson will serve as the representatives for the GPAC. The Chairperson will be responsible for calling the meeting to order administering the public comment period (order of speakers, enforcement of speaker time limits, relevance of comments to the topics before the GPAC, etc.), assisting the consultant team with keeping GPAC members focused on relevant topics before the GPAC at a given meeting, and adjourning the meeting

However, all GPAC members act as "ambassadors" of the General Plan to the community and are encouraged to share their knowledge about the process to ensure the community's exposure to the process is as far-reaching as possible. Prior to any commitments, GPAC members that receive requests from the community for information or presentations about the General Plan should advise the Planning Director who will coordinate all outreach activities.

3. The General Plan update is subject to a constrained time schedule. GPAC members need to have done their "homework" for each meeting and be prepared to make recommendations and decisions in a timely manner that allows the process to move forward according to the adopted schedule.
4. The GPAC is not involved in the administration or operation of City departments, and should not direct the administrative staff or its consultants to initiate programs, conduct studies or establish official policy. GPAC members however, are encouraged to review and comment on relevant department programs as they pertain to the formulation and implementation of the General Plan.
5. It is hoped that agreement can be reached by the full GPAC for as many issues as possible. Where a committee member does not agree with the direction being taken by the committee, he or she is expected to offer a constructive alternative approach or approaches. Concerns and issues need to be brought up early in the process so that they can be addressed to the extent possible. Lack of comment will be considered an agreement with the majority opinion.
6. The GPAC will not be asked to formally vote on issues or items. Rather, the GPAC will be asked to consider information, provide input, listen to other GPAC members, and strive to find consensus and compromise in order to facilitate the preparation of a General Plan that addresses a wide and diverse range of community priorities and issues. If fundamental disagreements exist between GPAC members on key issues, the City Council will be asked to provide input and direction, or the Planning Commission and City Council will resolve such issues in the course of their review.

7. Conflict of Interest: The Political Reform Act is intended to prevent conflict of interest by requiring designated public officials to disclose financial interests which could potentially cause conflicts. You may be required to disqualify yourself from making, participating in, or attempting to influence any governmental decision which will affect your financial interests, including those required to be reported on a statement of economic interest where appropriate.

The Fair Political Practices Commission's Guide to the Political Reform Act, California's Conflict of Interest Law for Public Officials, explains what a conflict is and when disqualification is required by law. If in doubt, the staff liaison person will assist in acquiring legal clarification.

8. Community input is a very important component of the General Plan update process. GPAC members will need to carefully consider input from a wide range of stakeholders. GPAC members should bring other stakeholder comments to the process, as appropriate.
9. In accepting appointment to the GPAC, each member accepts responsibility for devoting sufficient time to the project to effectively represent the views of the community. Attendance is required at every GPAC meeting, approximately 10 meetings are scheduled over the duration of the process. If you cannot attend a meeting, let the Planning Director know, otherwise your absence will be counted as "unexcused."
10. If members have questions or are concerned with particular issues, the Planning Director should be contacted to review the matter.

KEY INFORMATION THAT GPAC MEMBERS SHOULD BE AWARE OF

- A total of 10 meetings are planned with the GPAC.
- Each meeting may run three or more hours in length.
- Reading materials will be assigned prior to each meeting, and members should expect approximately 50 or more pages of materials to read prior to each meeting. It is imperative that all members come to each meeting having read and thought about the materials.
- Reading materials will generally include:
 - Select portions of the Existing Conditions Report
 - Select portions of the Issues and Opportunities Report
 - Existing General Plan Elements
 - Memos and materials prepared by the consultant team
 - Draft General Plan policy sets prepared by the consultant team
- Reading materials will be provided to GPAC members approximately 7 days prior to each meeting.
- It will be expected that all GPAC members attend all GPAC meetings.

- Meetings will generally be held once a month, but may occur more or less frequently, depending on the project schedule.
- The GPAC members will elect a Chair and Vice-Chair. Per City Council direction, the Chair must be one of the Planning Commissioners on the GPAC. The Vice-Chair may be any other member of the GPAC.
- The agenda for future meetings will be established by the GPAC Agenda Committee, which will consist of the Planning Director, the consultant team, the Chair, and Vice-Chair.
- The consultant team will serve as meeting facilitators for each meeting. This role will include:
 - Preparing all meeting materials and meeting summary notes.
 - Facilitation of discussions during each meeting, including answering questions, providing additional information, and explaining possible approaches to addressing key topics in the General Plan.
 - Preparing all technical reports and General Plan policy documents.

Role of the GPAC:

- Assist the General Plan Update team in the identification of key issues and topics to address in the General Plan, and assist in developing a range of solutions and approaches to address these key topics.
- Represent the community-at-large during the General Plan Update. This includes providing input and guidance that each member feels will best serve Sebastopol as a whole over the next 20 years, and serving as an ‘ambassador’ to the community through sharing information about the General Plan Update and gathering input from residents, neighbors, businesses, community groups, and community organizations.
- Review draft materials (draft policy sets) prepared by the consultant team to ensure that the priorities of the community are being addressed in the General Plan Update.
- In general, the GPAC will be presented with either new topics to discuss at each meeting or a policy set to review for topics discussed at previous meetings. Following 2-3 meetings of new topic discussions, the consultant team will prepare draft policy sets addressing the previously discussed topics, and bring these policy sets to the GPAC for review, refinement, and discussion. This process will be repeated 2-3 times during the GPAC’s time together.
- The result of the GPAC’s time together will be a Draft General Plan that is prepared and submitted to the Planning Commission and City Council for further review, input, and refinement. The City Council will have the final word regarding the content of the General Plan Update.

Role of the public during GPAC meetings:

- Members of the public are invited and encouraged to attend any and all GPAC meetings.
- Structured opportunities for public input and comment will be provided at each meeting. However, the public will not be permitted to participate in open discussions with the GPAC members during meetings. In order for the GPAC to operate effectively, each member must be able to speak freely and openly with other members, free from interruptions and questions from the public.
- Members of the public wishing to speak at a GPAC meeting will be asked to identify themselves so that the Chairperson can determine and enforce the appropriate time-limit per speaker in order to stay within the allotted public comment period.

File #01

From: Kenyon Webster <kwebster@cityofsebastopol.org>
Subject: Re: Housing Element Update Comments
Date: November 26, 2013 6:43:04 AM PST
To: pcampos@biabayarea.org
Cc: Larry McLaughlin <lwmclaughlin@juno.com>

Mr. Campos-

Our City expects to begin a major General Plan update in January, which will include the Housing Element. We note your comments and questions, will include them in our project file, and will provide them for our consultant to consider as the update process begins.

Let me know if you have any questions.

-Kenyon Webster

Kenyon Webster, Planning Director
City of Sebastopol
(707) 823-6167
kwebster@cityofsebastopol.org
<http://ci.sebastopol.ca.us/>

On Nov 25, 2013, at 4:29 PM, BIA Bay Area wrote:



November 25, 2013
Kenyon Webster
Planning Director
Sebastopol
Sent via email to kwebster@cityofsebastopol.org



Dear Mr. Webster,

Bay Planning Coalition

The undersigned members of the Bay Area Business Coalition advocate for a vibrant regional economy and outstanding quality of life for existing and future residents of the San Francisco Bay Area. A necessary--though by no means sufficient--condition to achieve these goals is for the region to provide an adequate supply of housing within the region. State housing element law generally--and the governmental constraints component in particular--can be important tools to advance these goals. With Bay Area cities and counties currently updating their housing elements, our organizations respectfully request that your jurisdiction consider and address the following comments as part of the public review process.



We recognize that the housing element process can be resource intensive and sometimes difficult. We hope that by identifying certain priority issues and questions, this letter will assist in focusing resources on policies and practices that are of significant and recurring interest to the regulated community. We also would support incorporating these standardized issues into the framework for local jurisdictions to be able to take advantage of the housing element certification streamlining developed by the California Department of Housing and Community Development (HCD).



I. Overview of the statutory provisions.

The California Department of Housing and Community Development (HCD) has prepared formal guidance interpreting the constraints analysis portion of housing element law (http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php).



HCD's overview of the requirements and their purpose provides:

The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.... The analysis of potential governmental constraints should describe past





or current efforts to remove governmental constraints. Where the analysis identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.

II. Requested specific areas of focus

We have identified certain policies that generally represent significant potential constraints in the Bay Area and we request that as you conduct the constraints portion of your housing element review, these issues in particular be addressed:

- **Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element?** If so, what was the constraint and what has been done to address it?
- **Does your jurisdiction have a mandatory inclusionary zoning policy?** If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a "like for like must build requirement" such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer's option or with staff approval—but without need for Council or Board approval on a project-by-project basis?
- **Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov't Code Section 65915)?** Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013)?
- **What is the cumulative fee and exaction burden on new housing in your jurisdiction?** This analysis should include not only development fees that are "formally" reflected in published fee schedules, but also include exactions imposed via a housing allocation program/ "beauty contests," community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.
- **Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?**
- **Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?**
- **Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a "planned" or "potential" PDA?** Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?
- **What were the sites relied on for the adequate sites compliance of the existing housing element?** What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to "by right" development procedures?
- **Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?**
- **Has your jurisdiction provided for "by right" housing development in any areas?**
- **Are there zoning or other development restrictions (such as voter approval**

requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?

· Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?

· What are your jurisdiction's historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?

· Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?

· In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space? For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee?

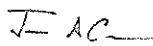
· In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District's CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)? Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?

· Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?

Our organizations intend to monitor housing element updates throughout the region, and we respectfully request that your jurisdiction formally respond to these questions early in the update process. We also ask that you send a paper or electronic copy of the responses to:

BIA of the Bay Area
Attn: Paul Campos
101 Ygnacio Valley Road, Suite 210
Walnut Creek, CA 94596
pcampos@biabayarea.org
415-223-3775

Yours very truly,



John Coleman
Bay Planning Coalition
Council



Paul Campos
BIA Bay Area



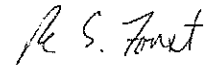
Tom Terrill
East Bay Leadership



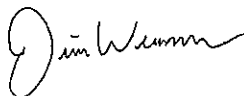
Gregory McConnell
Jobs & Housing Coalition



Cynthia Murray
North Bay Leadership Council



Rosanne Foust
SAMCEDA



Jim Wunderman



Joshua Howard

Bay Area Council

California Apartment Association

cc: California Department of Housing and Community Development



Santa Rosa Office
555 Fifth Street, Suite 300 B
Santa Rosa, CA 95401
(707) 575-3661

April 14, 2014

City of Sebastopol
Attn: Kenyon Webster
Planning Director
7120 Bodega Avenue
Sebastopol, CA 95472

Dear Mr. Webster:

RE: Sebastopol General Plan Update

For over 50 years, Greenbelt Alliance has been the champion of the places that make the Bay Area special. We work to protect the region's open spaces and make sure cities grow in a way that creates great neighborhoods for everyone. Accomplishing these goals will create a region that is more economically competitive, environmentally sustainable, and socially equitable. To realize this vision, Bay Area cities must prioritize the creation of new homes near jobs and transit and housing solutions to help meet the needs of all residents. As such, we urge the City of Sebastopol to include these priorities in its General Plan Update.

We are excited about the City of Sebastopol's General Plan Update and want to help make the city an even better place to live, work, and play. A good General Plan not only includes the seven mandatory elements: Land Use, Circulation, Housing, Open Space, Conservation, Safety, and Noise, but should also include: Health, Community Design, Public Facilities, and Economic Development Elements. By incorporating these elements, the City of Sebastopol can create policies and programs to; increase the public's health and fitness, protect biologically diverse areas like Laguna de Santa Rosa, maintain the community's rural character, improve aging infrastructure, and increase the City's economic vitality by concentrating commercial and civic development in its historic Downtown.

We truly appreciate that the City of Sebastopol was among the first cities in Sonoma County to adopt an urban growth boundary (UGB). As you know, an effective urban growth boundary is one that directs urban growth to create compact development and preserve open space. Greenbelt Alliance values the protection of Sonoma County's treasured natural and agriculture landscapes through city centered growth; therefore, Greenbelt Alliance encourages the city to maintain and renew its existing UGB before it expires in 2016.

Thank you for considering our suggestions. We hope that the City's future vision incorporates these good planning principals and includes policies to maintain and renew its existing urban growth boundary.

Sincerely,

Lana Russell-Hurd
Regional Representative
Greenbelt Alliance
707-575-3661

City of Sebastopol General Plan Update: Housing Issues

Sebastopol-area Realtors May 21, 2014

STRENGTHS: List the top 2 to 3 strengths in providing, maintaining, or addressing housing issues

Strengths

Location is a blessing and a curse. No matter what happens, we will always have traffic problems (unless a bypass is built). We are the gateway to a nationally renowned resort area, Guerneville, to everyone to the East and South of us. We are also the gateway to a world famous beach and resort area, Bodega Bay.

NEEDS: Identify the top 2 to 3 housing needs or concerns

Housing needs to be built but NOT mixed use—financing is almost impossible

Barriers---What is affordable housing? Creating jobs is one thing but how about a livable wage.

∩.

CONSTRAINTS/BARRIERS List the top 2 to 3 constraints or barriers to providing adequate housing or addressing housing needs

1.

The city spends hundreds of thousands of dollars hiring experts to do studies and then questions everything they say or suggest—why spend the money? One hires experts because that is what they are—experts. Just because you do not like the results they come up with doesn't mean they aren't right!

Urban Design

CHALLENGES: What are Sebastopol's 2-3 top aesthetic challenges?

1. The number one challenge is the corner of HWY 116 and Bodega Avenue. It looks awful and this could have been avoided and saved the city LOTS of money.
2. Keeping the Barlow occupancy high. With the extreme limits the town has put on the type of business tenants, the high rents could become burdensome and tenants will vacate. Only the future will tell what the turn over will be.
3. If parking is indeed a problem—I don't think it is, there is a parcel for sale on Brown street that would make a great parking lot. It could have been half paid for with the money spent of legal fees.

IMPROVEMENTS: What 2-3 actions can be taken to make Sebastopol a more beautiful place?

Improvements

People coming west on Hwy 12 going to Guerneville; why not direct them down Morris to McKinley. This would eliminate some of the traffic going to the other busy intersection.

So. Main from McKinley to Burnett should only be two lanes—widen the sidewalks and make downtown more pedestrian friendly.

A city ordinance—if you have a garage, you must park at least one car in your garage!

From: Paula Shatkin pdshat@sonic.net
Subject: Re: Sebastopol's General Plan Update-first workshop April 30
Date: April 26, 2014 at 12:15 PM
To: Kenyon Webster kwebster@cityofsebastopol.org

how can we plan for health and wellness without a hospital and an emergency room?
what is the city doing to keep Palm Drive Hospital going? I think the city has a huge obligation to do this.
lives are at stake.
Paula and David Shatkin

On Apr 23, 2014, at 11:15 AM, Kenyon Webster wrote:

| <General Plan Update Newsletter 4-22-14.pdf>

From: shane5@sonic.net
Subject: [Contact Us] notice below sent to large email list
Date: April 26, 2014 at 3:08 PM
To: britchie@denovoplanning.com, kwebster@cityofsebastopol.org, bthompson@denovoplanning.com

Helen Shane (shane5@sonic.net) sent a message using the contact form at <http://sebastopol.generalplan.org/contact>.

Friends,

This Wednesday, April 30th, at 6:30pm the people of Sebastopol will be gathering at the Center for the Arts at 282 High St. to create a vision for our future.

This General plan update is our town constitution and when complete is meant to reflect the values, policies and plans for our town. This vision can and must be translatable into actual laws that can be enforceable so it is important that we be clear and precise in our work together.

One element that can be incorporated into the plan aligns with a visionary movement that is becoming planetary, called "The Rights of Nature". Already Ecuador and Bolivia have taken the lead and made these rights a part of their constitution.

Here in the US, environmentalists have been repeatedly thwarted in their efforts to protect our beautiful land and all its varied species because property rights continue to trump the rights of all other life forms. To protect our water, air and earth as well we need to join the grassroots movement to bring rights of nature to our local communities. The Community Environmental Legal Defense Fund is a group of lawyers who helped Ecuador in their work and have helped over 3 dozen US cities create laws that protect our precious land. Pittsburg Pa became the first US city to BAN FRACKing on the grounds that it violates the rights of nature.

Please take some time to check out their work and the video, to come prepared to be once again leaders in a movement towards a bright future for our town and generations to come.
<http://www.celdf.org/>
<https://www.youtube.com/watch?v=4DUGB-kmMoM> 15 min and you will get the gist!

Questions? call Magick 707 327 7940 or email magick@magicktarot.com

From: **Helen Shane** shane5@sonic.net
Subject: General Plan Visioning
Date: April 26, 2014 at 3:08 PM
To: Helen Shane shane5@sonic.net

Friends,

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Questions? call Magick 707 327 7940 or email magick@magicktarot.com

From: **Colin Doyle** DoyleArchitect@hotmail.com ✉
Subject: RE: Visioning meeting
Date: May 13, 2014 at 3:19 PM
To: Kenyon Webster Sebastopol City kwebster@cityofsebastopol.org

Thanks Kenyon,

Attached are the current drawings (4 sheets) and written description for my proposed alternate vehicular route improvements around Sebastopol. Please forward this to the General Plan Consultant. Please contact me with any questions or comments. Thanks.

Colin Doyle
Architect
(707) 823-5020

From: kwebster@cityofsebastopol.org
Subject: Visioning meeting
Date: Tue, 13 May 2014 14:55:25 -0700
To: DoyleArchitect@hotmail.com

The consultants are planning more focus on circulation issues at Wednesday's meeting.

-Kenyon

Kenyon Webster, Planning Director
City Hall, City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

(707) 823-6167
kwebster@cityofsebastopol.org
<http://ci.sebastopol.ca.us/>

Proposed Alternate Routes Around Sebastopol

Presently, two primary West Sonoma County vehicular routes extend right through the center of Sebastopol. As the population of the West County has grown, the traffic through downtown Sebastopol has increased. Although we want to encourage people to visit this wonderful town, it would be desirable that drivers to other destinations were provided with alternate routes (bi-passes) around Sebastopol. With certain road improvements and proper signage, drivers could get to their final destinations more quickly and efficiently by going around Sebastopol instead of going through it. See attached drawing Sheet ONE.

North-South Access:

1. Reconfigure intersection at Gravenstein Highway (Hwy 116) and Llano Road so that northbound Gravenstein Hwy traffic could merge onto Llano road without slowing down. Signage at this location would direct the driver to continue straight for Sebastopol and Bodega Bay, and exit right for Forestville and Jenner. Southbound traffic from Llano Road would travel through this intersection, which would be controlled (stoplight) in this direction, onto southbound Gravenstein Hwy. See drawing Sheet ONE.
2. Extend Llano Road north from Highway 12 to Occidental Road. It appears that this would require acquisition of a portion of only five existing parcels. Llano Road would terminate at the existing intersection of Occidental Road and Piezzi Road, and a new stoplight would be installed at this location. Signage at this intersection would direct the driver to turn left (west onto Occidental Road) for Occidental, Forestville, and Jenner. See drawing Sheet 2.
3. Appropriate new signage at the existing intersection of Occidental Road and Gravenstein Hwy would guide drivers toward the various destinations. See Sheet One.

The current route from the intersection of Gravenstein Hwy and Llano Road to the intersection of Gravenstein Hwy and Occidental Road, driving through Sebastopol, is about 6.9 miles. The proposed alternate route, as described above, is about 8.0 miles. About a mile longer in distance, but much faster in time, as the driver does not have to slow down, and wait at multiple stoplights, driving through Sebastopol.

East-West Access:

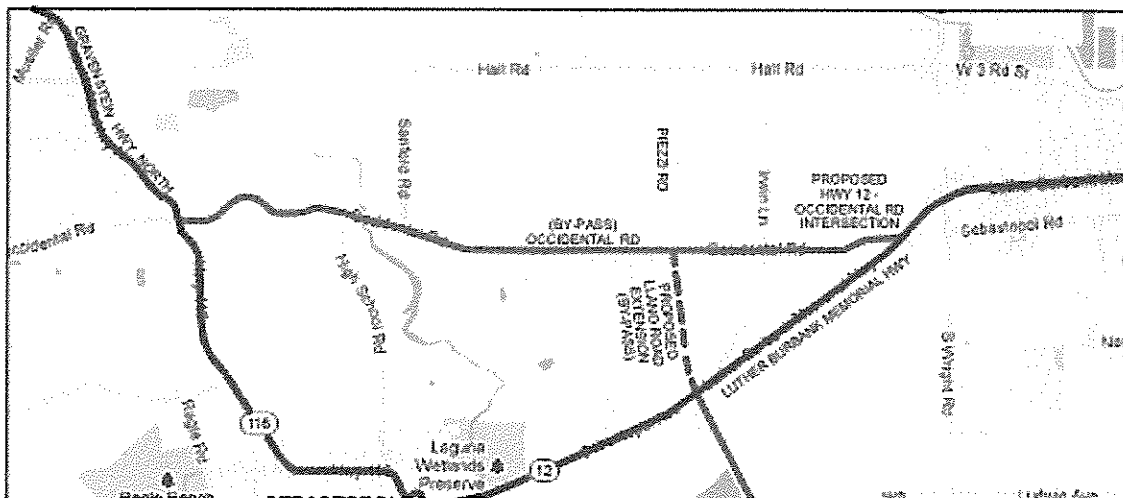
Provide new intersection between Highway 12 and Occidental Road, about 0.3 miles west of the existing intersection of Hwy 12 and Fulton Road. Westbound traffic on Hwy 12 could merge right onto Occidental Road without slowing down. Signage at this location would direct the driver to continue straight for Sebastopol and Bodega Bay, and exit right for Occidental, Forestville, and Jenner. To accomplish this new westbound merge lane from Hwy 12 to Occidental Road, a short portion of Occidental Road would be removed, between this new intersection and the parking lot of the existing church at the corner of Occidental Road and Fulton Road. Eastbound traffic from Occidental Road would travel through this new intersection, which would be controlled (stoplight) in this direction, onto eastbound Hwy 12. I believe that all this could be done within existing road right-of-ways. See drawing Sheets 3 and 4.

Both the proposed North-South and East-West alternate routes would put increased traffic onto Occidental Road between Fulton Road and Gravenstein Hwy. This project would include future improvements to Occidental Road, including left turn lanes at cross streets, and wider shoulders on each side of the roadway for bicycles and pedestrians.

Attachments:

Proposed road improvement schematic drawings, 4 sheets dated 20 February 2013.

6 May 2014
Collin Doyle, Architect



Proposed Alternate Routes Around Sebastopol

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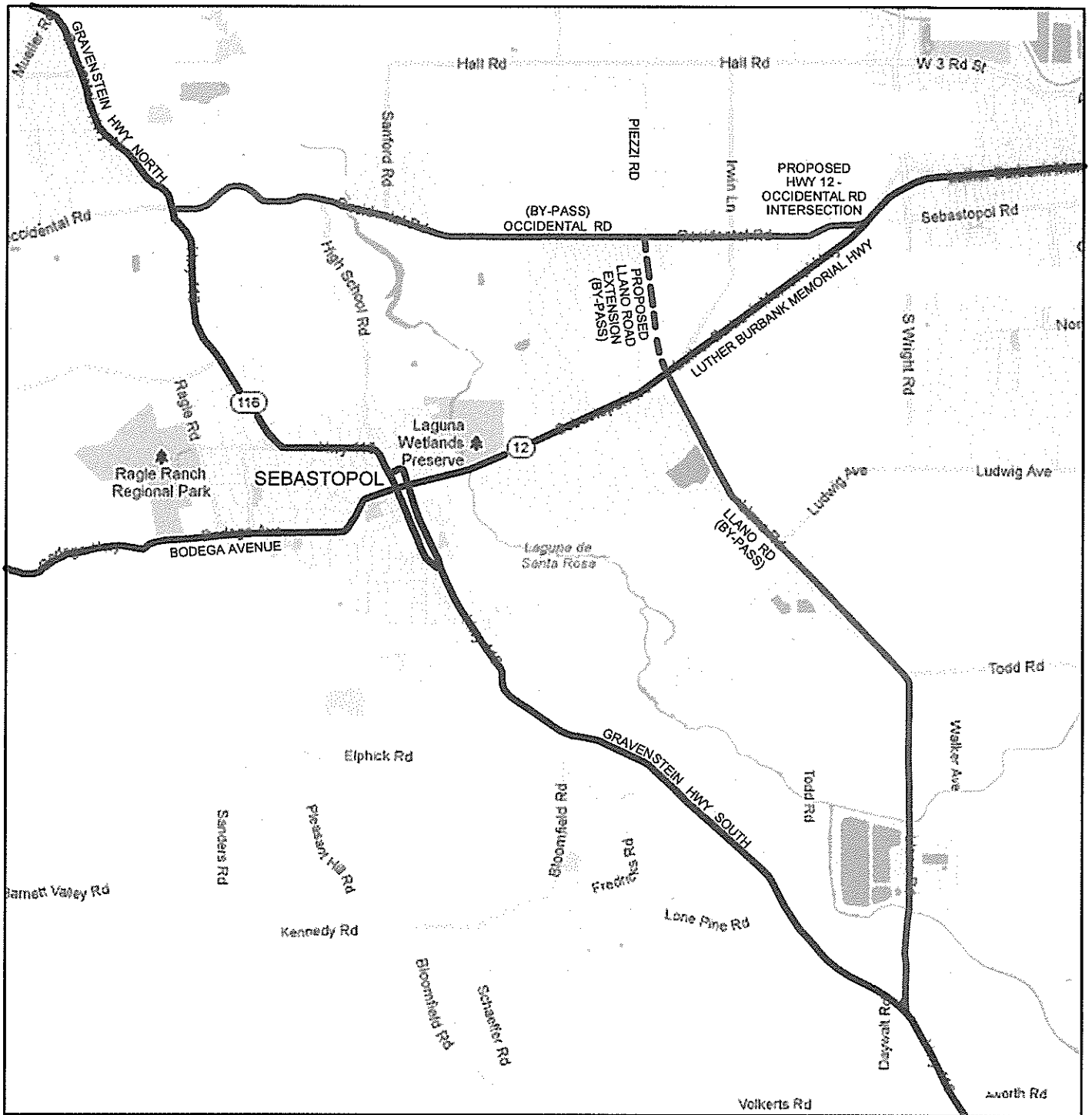
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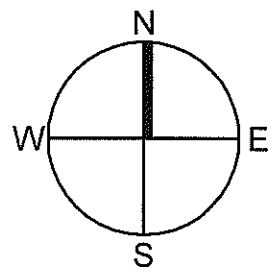
Attachments:

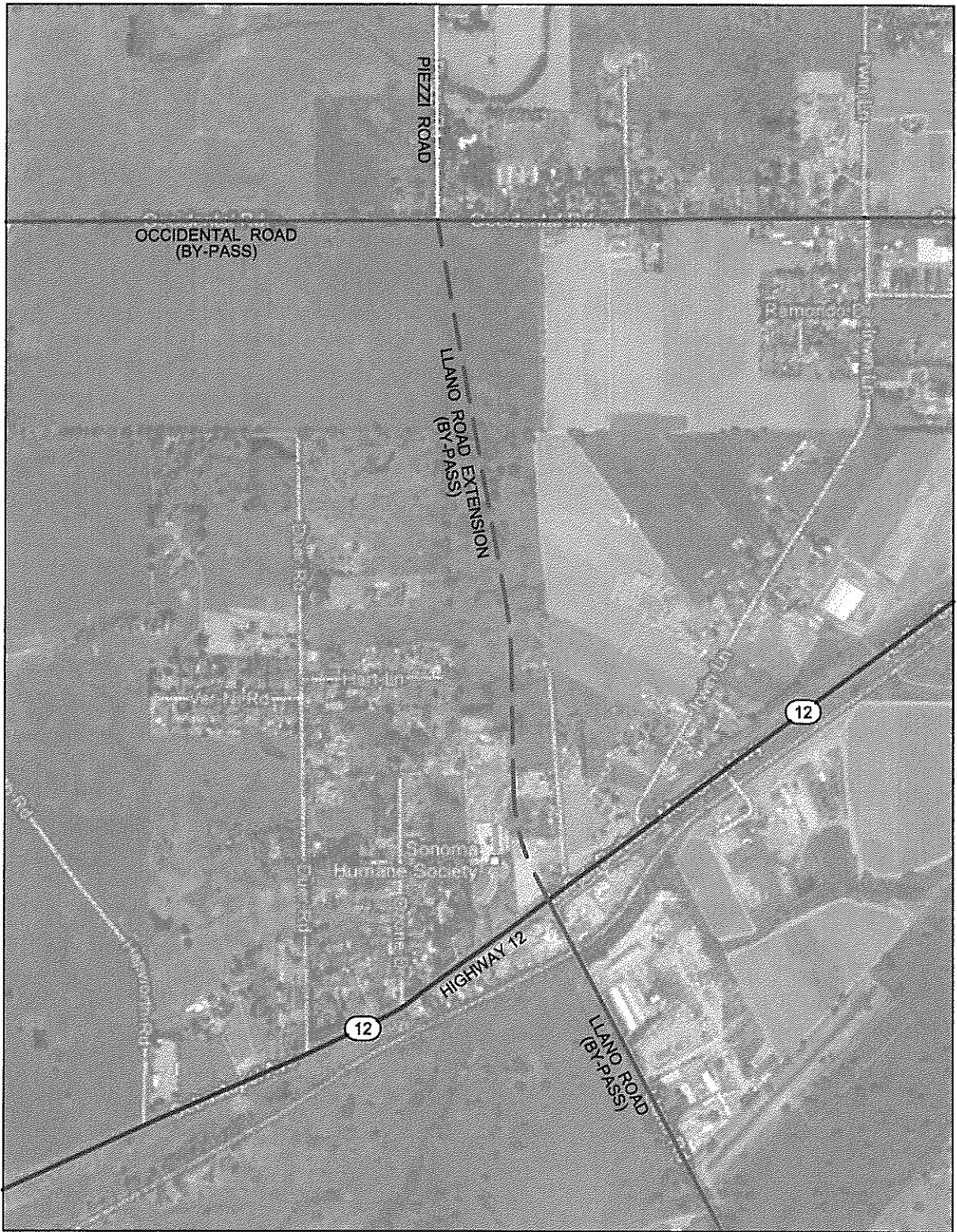
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———— EXISTING PRIMARY VEHICULAR ROUTES THROUGH SEBASTOPOL

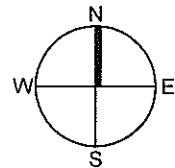
----- PROPOSED BY-PASS ROUTES

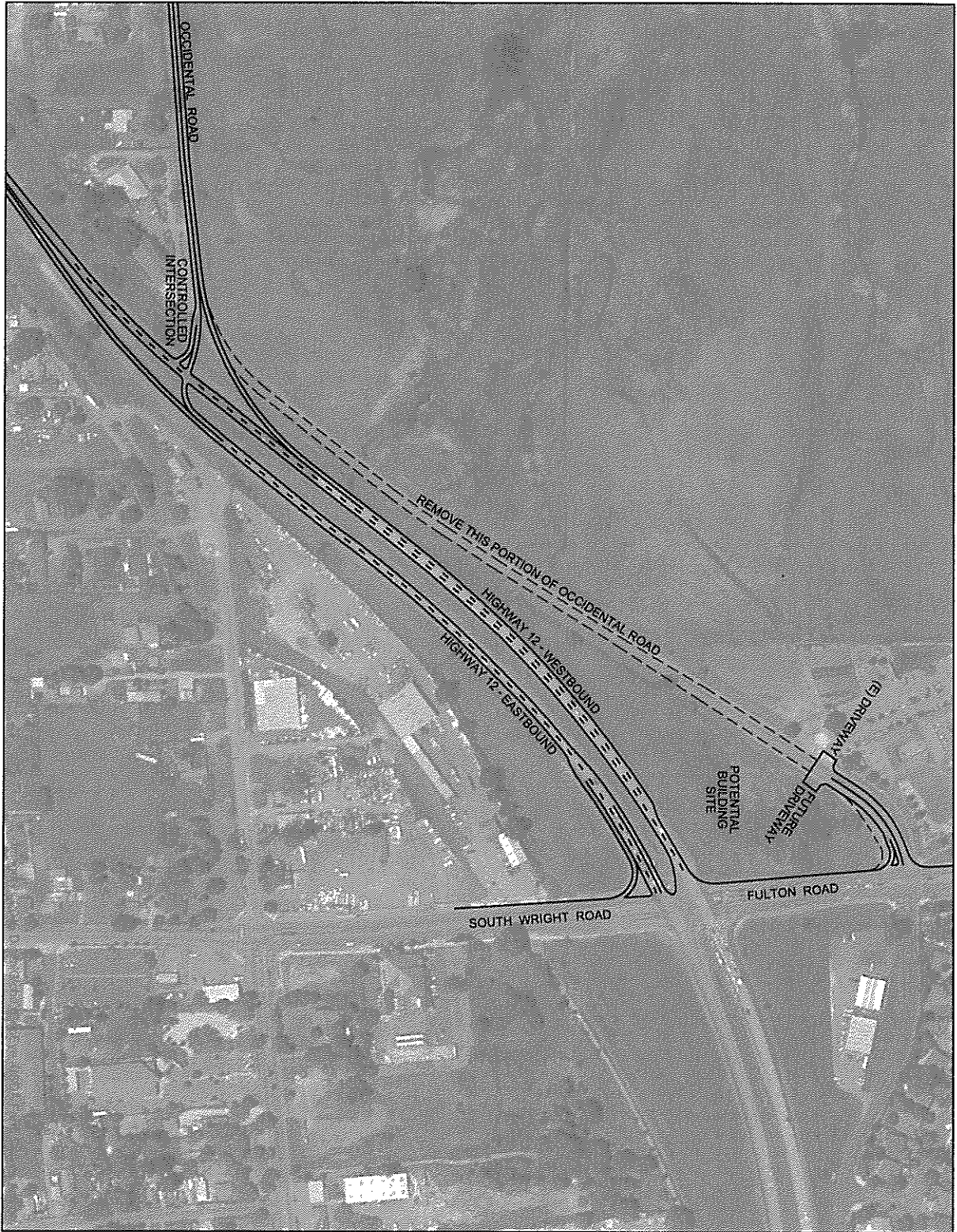




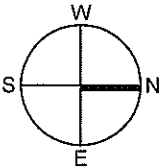
PROPOSED LLANO ROAD EXTENSION BETWEEN
HIGHWAY 12 AND OCCIDENTAL ROAD

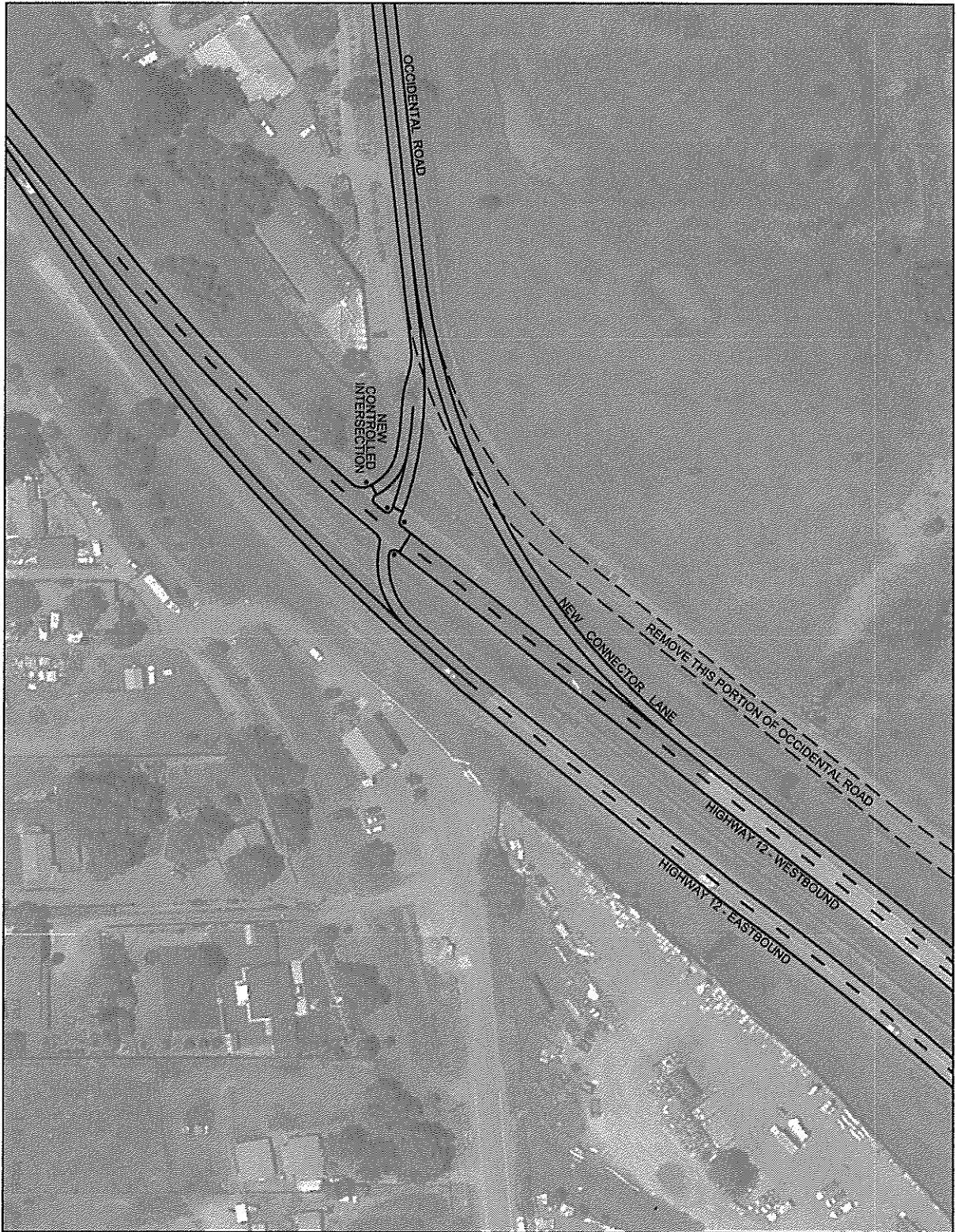
- EXISTING PRIMARY VEHICULAR ROUTES THROUGH SEBASTOPOL
- PROPOSED BY-PASS ROUTES



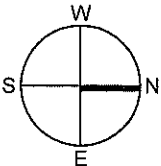


PROPOSED ROADWAY IMPROVEMENTS AT
HIGHWAY 12, OCCIDENTAL ROAD, FULTON ROAD





PROPOSED HIGHWAY 12 - OCCIDENTAL ROAD INTERSECTION



From: **Michael Elson** michaelelson@sbcglobal.net
Subject: SEB General Plan Update
Date: May 14, 2014 at 5:36 PM
To: kwebster@cityofsebastopol.org

Mr. Webster,

I was not able to locate the survey form on the Website. Is there place I can locate it.

After being involved in Public Safety for over 30 years and being a SEB resident, I have a desire to get involved in local planning.

I am unfortunately unable to attend the meeting tonight, however I do want to express a few of my opinions regarding SEB.

Community Health and Wellness

With the uncertainty of the Palm Drive Hospital closure, SEB needs to explore other health care resources for our community, both emergency and non-emergency.

While the City has been focusing a tremendous effort in the safe operations and passage for both pedestrians and cyclist, the City has failed at holding those pedestrians and cyclist accountable for their poor judgment or their unlawful acts. With all the safety systems in place around SEB, we are still having issues with pedestrians and cyclist.

I think the City has been very successful at promoting local foods and community activities. The farmers market is a wonderful event, however Windsor's is better. It's worth taking a look.

I still do not believe the City is reaching a majority of the City's citizens, those of us in the middle to upper class who live quietly in the City, however do not attend most events in SEB because we are not interested in bicycles, art or solar. Both the City's of Windsor (Thursday night) and Cloverdale (Friday night) sponsor community events in which are attended by middle and upper class families. Simply by the nature of these events, the community is closer and neighbor communications is improved. It's worth examining what other City's are doing.

Economic Sustainability

If the City truly was interested in providing local jobs and fostering a sound economy, then the City would not be involved in a lawsuit. I believe the City does a horrible job at providing any support to local businesses, at least those businesses that a majority of us citizens shop at or use their services. Most of local businesses owners don't have a voice at the City level. I believe the frustration level is high.

Land Use

I believe that the City has done an excellent job at promoting this category. The City does provide wonderful public parks. One the major problems for the family/parks relationship is our homeless population that tends to use the public parks as their daily hangout. Families will not visit parks if the homeless are camped out there.

Circulation

Traffic is a major concern. There must be things the City can do to make improvements in this category. By the way, I hated the idea of "turnabouts". Creating obstacles and or delays for Public Safety is not worth it, when truly every second counts.

delays for Public Safety is not worth it, when truly every second counts.

Urban Design and Community Character

We need future development for our City to continue to be progressive. Revitalization projects are wonderful and does in fact help the urban form and character. The City needs to more opinions from the middle and upper class citizens on this issue.

Safety and Noise

As it is widely know, our Fire and Police departments are fantastic. For the cost of the service, we are getting outstanding public safety. We need to do more work as far as earthquake safety and preparedness. The City has a noise ordinance, perhaps it just needs to be enforced more strictly. The past proposed ban on leaf blowers within the City was a joke. A majority of the middle and upper class citizens lost a lot of respect for the City government during that process.

Housing

If the City continues to promote low cost and high density housing, then eventually that will have a negative effect on the charm of the City.

Conservation

Most of the middle and upper class of citizen in SEB are in support of conservation. We all want clean air and water. I thinks it's fantastic that the City is passionate about protecting our natural resources, a majority of us recreate in the outdoors and would do just about anything to preserve it. All this debate about the "Smart Meters" was also a joke.

Parks and Open Space

I believe the City has done a good job at this category. The cleaning up of the Village Park area is a huge improvement for our City. Good job.

I would be happy to attend any future meetings if they are scheduled.
Thank you for your time.

Mike Elson
Valentine Ave.

SURVEY

Can you take a few moments today to jot down a few thoughts on issues and ideas for the General Plan?

What do you see as Sebastopol's biggest housing issue?

CHEAPER - HIGHER DENSITY
- AFFORDABLE SENIOR.

What is the most important housing policy or development regulation change that the City should consider?

LESS PARKING REQS.

What actions can be taken to make Sebastopol a more beautiful place?

MOVE I16 TO
- LEONARD - OCE. RD

Please place your completed survey **at the back table**. Thank you!

Planning Department, City Hall, 7120 Bodega Avenue, Sebastopol 707-823-6167

SURVEY

Can you take a few moments today to jot down a few thoughts on issues and ideas for the General Plan?

What do you see as Sebastopol's biggest housing issue?

Availability of housing in the downtown.
Lack of mixed use projects. More affordability —
price range in the \$350 - \$550 range

What is the most important housing policy or development regulation change that the City should consider?

Mixed use & multi-family on ^{SFR} property
— especially in downtown.

What actions can be taken to make Sebastopol a more beautiful place?

— more bike friendly roads
— get the CVS/Chase site built.
(give up the lawsuit & save
Sebastopol \$150k/year!)

Please place your completed survey **at the back table**. Thank you!

Planning Department, City Hall, 7120 Bodega Avenue, Sebastopol 707-823-6167

From: **sally evans** slyevans@yahoo.com
Subject: General Plan Update - Cultural Resources
Date: June 1, 2014 at 7:55 PM
To: kwebster@cityofsebastopol.org

Hello General Plan Update Team,

I am a resident and home owner here in Sebastopol and have been semi-following the general plan update process. I decided to contact you regarding my interest in seeing that cultural resources (prehistoric and historic sites, historic buildings, etc.) are addressed in the general plan update. I was excited to see the existing General Plan does address historic resources (although the programs and goals, particularly in regards to archaeological resources, definitely need updating). I am inquiring if the general plan update addresses the need to identify and preserve significant prehistoric and historic archaeological resources and historic buildings in Sebastopol? If a cultural resource consultant has not yet been retained to advise you on this I would be happy to talk with you further, I have a M.A. in Cultural Resource Management from Sonoma State University. Thank you for your time and consideration regarding the need to include cultural resources in the general plan update and please let me know if you have any questions.

Sincerely,

Sally Evans
(707) 484-9628

From: **Ron Jenkins** hearwell@sonic.net
Subject: Re: [Contact Us] survey and involvement
Date: June 2, 2014 at 6:00 PM
To: Kenyon Webster kwebster@cityofsebastopol.org
Cc: Hear Well HearWell@sonic.net

Thank you for adding me to the info list?

Have lived in our home since 1981 and am especially concerned about the possible addition of more hotel rooms. Don't want to live in Sonoma or Healdsburg. Traffic is crazy already with very few options for bypasses. and CVS smack in the middle. ????

Ron Jenkins

On Jun 2, 2014, at 8:47 AM, Kenyon Webster <kwebster@cityofsebastopol.org> wrote:

Mr. Jenkins-

Thanks for your message. Sorry the City newsletter got to you late in the game.

Surveys are not yet up but we will put out word once that happens.

Will add you to the email list for the Update.

Let me know if you have any other questions.

-Kenyon Webster

Kenyon Webster, Planning Director
City Hall, City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

(707) 823-6167
kwebster@cityofsebastopol.org
<http://ci.sebastopol.ca.us/>

On May 30, 2014, at 7:15 PM, hearwell@sonic.net wrote:

Ronald Jenkins (hearwell@sonic.net) sent a message using the contact form at <http://sebastopol.generalplan.org/contact>.

Received the May newsletter on May 30th making it difficult to be involved with the workshops on May 14th. Would like to be added to the Gen plan mailing list. Also tried to find the survey on the web site. Please point it out for me. Unable to locate it.

From: **sally evans** slyevans@yahoo.com
Subject: Re: General Plan Update - Cultural Resources
Date: June 2, 2014 at 7:20 PM
To: Kenyon Webster kwebster@cityofsebastopol.org

Kenyon,

Thank you for your quick reply. I am happy to hear that cultural resources are being addressed in the update, and look forward to reading more about the general plan update on your website and newsletters. Thanks again!

Best Regards,
Sally Evans

On Monday, June 2, 2014 10:23 AM, Kenyon Webster <kwebster@cityofsebastopol.org> wrote:

Ms. Evans-

Thanks for your email. The General Plan update will address cultural and historical resources, including prehistoric resources, archaeological resources, and historic buildings. A qualified cultural resources specialist is included on the General Plan update team. Background information on these resources will be included in the Existing Conditions Report, and policies and actions to address appropriate protection for these resources will be included in the General Plan Update.

Let me know if you have any other questions.

-Kenyon Webster

Kenyon Webster, Planning Director
City Hall, City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

(707) 823-6167
kwebster@cityofsebastopol.org
<http://ci.sebastopol.ca.us/>

On Jun 1, 2014, at 7:52 PM, sally evans <slyevans@yahoo.com> wrote:

Hello General Plan Update Team,

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prehistoric and historic archaeological resources and historic buildings in Sebastopol? If a cultural resource consultant has not yet been retained to advise you on this I would be happy to talk with you further, I have a M.A. in Cultural Resource Management from Sonoma State University. Thank you for your time and consideration regarding the need to include cultural resources in the general plan update and please let me know if you have any questions.

Sincerely,

Sally Evans
(707) 484-9628

From: Sonic wdr2@sonic.net
Subject: Re: [Contact Us] Committees
Date: June 6, 2014 at 4:01 PM
To: Kenyon Webster kwebster@cityofsebastopol.org

Thanks, Kenyon. At this point, I have just a couple thoughts.

Regarding housing downtown, I am a big fan of live/work spaces like the one at Main Street and Fannen Avenue, as well as the one on Florence behind Peter Lowell's.

Regarding the Noise Ordinance, it currently states that refuse collection can begin in "commercial/industrial areas" at 5 AM. With all the infill of recent years, I'm not familiar with any commercial areas within the city limits that don't have residential neighbors. So I would hope that could be changed to 6 AM.

Thanks for taking note of those ideas and for adding me to the update list. Have a good weekend.

Bill

On Jun 6, 2014, at 2:43 PM, Kenyon Webster <kwebster@cityofsebastopol.org> wrote:

Bill--

The General Plan Advisory Committee will start meeting in earnest in August, and there may be meetings or subcommittees on focussed subjects. I have you on the update list for the General Plan and will advise when meetings are scheduled.

In the meantime, if you want to send me an email detailing concerns or ideas, I am collecting that kind of input.

Thanks.

-Kenyon

Kenyon Webster, Planning Director
City Hall, City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

(707) 823-6167

kwebster@cityofsebastopol.org

<http://ci.sebastopol.ca.us/>

On Jun 6, 2014, at 1:38 PM, wdr2@sonic.net wrote:

Bill Roby (wdr2@sonic.net) sent a message using the contact form at <http://sebastopol.generalplan.org/contact>.

Hello,

I am interested in two elements of the GP.. encouraging housing development in the downtown area and updating the Noise Ordinance. Are there committees for those topics that I can contact for possible involvement?

Thank you,

Bill

From: kambrosino@singler-ernster.com
Subject: [Contact Us] General Plan Concerns Re: Parking
Date: June 7, 2014 at 12:36 PM
To: britchie@denovoplanning.com, kwebster@cityofsebastopol.org, bthompson@denovoplanning.com

Kimberly Ambrosino - CFO Singler-Ernster, Inc. dba Round Table Pizza (kambrosino@singler-ernster.com) sent a message using the contact form at <http://sebastopol.generalplan.org/contact>.

As an employee of the corporate offices for Round Table Pizza here in Sebastopol for the last 24 years, I see a lack of adequate parking for the downtown area. I also think it would help if at each parking lot available to the public, that is showed the other lots available. I see it every WED - SAT evening here in the main Burnett Street lot where people are not aware that they can park behind the chamber now or the lot across from the Center for the Arts. During the holidays last year I had temporary signs that we put at each entrance to the Burnett Street lot letting our guest know that there was parking behind the chamber. We get several complaints each week about how guest order pizzas for take-out and then they cannot find a parking space to come pick it up or they wanted to come eat, could not find a parking space and went home instead. Something has to be done as we are probably all losing revenue as a result.

From: **Sue Ungewitter** sungewitter@sbcglobal.net
Subject: SURVEY
Date: June 9, 2014 at 11:24 AM
To: Kenyon Webster kwebster@cityofsebastopol.org

Question #1 Biggest Issue?

A big issue is parking, and traffic control.

Question #2 Policy or regulation changes?

Encourage business growth. Being Business friendly should be a new and strong policy of the city of Sebastopol.

Question #3 Beautiful Sebastopol?

Allowing, and encouraging the development of run down property will go a long way in creating a beautiful city.

SURVEY

Can you take a few moments to help identify issues and ideas for the General Plan?

What do you see as Sebastopol's downtown biggest issues?

Parking. Slowing down traffic. Building a bridge over the river of traffic between the Barlow and the downtown core. Inspire the business owners to think for the good of the whole, build stronger community, attend city council meetings, take part in building a solid future for our town.

What are the most important policy or regulation changes that the City should consider to assist the downtown?

Make the city a more welcome place for new business. I live green and love green. Many (possibly the majority?) of the residents here do not - I would like them to be considered in the global decision making.

Once the work on the bridge begins we might have an opportunity to divert traffic and see if the results increase or decrease city vitality.

What actions can be taken to make Sebastopol a more beautiful place?

Visual appearance is a bordering on cluttered. How can we inspire shop keepers to take ownership of their outside storefront area? Can we regulate hand made signs? For starters -help replace the banner on the theatre with an actual sign. Some of our streets (west Burnett) are looking shabby.

Thank you for the survey - bravo!

Please return your completed survey to the Planning Department via email to kwebster@cityofsebastopol.org, or mail or drop off at the address below. If you have other, or more detailed comments feel free to send an email. Thank you!

Planning Department, City Hall, 7120 Bodega Avenue, Sebastopol 707-823-6167

Doesn't say deadline.

Hope this arrives in time!
Thank you for asking us.

SURVEY

Can you take a few moments to help identify issues and ideas for the General Plan?

What do you see as Sebastopol's downtown biggest issues?

Connecting the downtown & Barlow Traffic

What are the most important policy or regulation changes that the City should consider to assist the downtown?

Bump out at Burnett & Main St.
Bump out at McKinley & Petaluma to help pedestrians cross. Possible stop light.
Complete sidewalk down McKinley on south side
Eastside Parking lot ^{on Morris} with shuttle or ? to downtown
Banners, ~~signage~~ landscaping, Mural on inner block building (private property)

What actions can be taken to make Sebastopol a more beautiful place?

Something that celebrates the Laguna Greenway pedestrian connectors (SDAT concept)
Mural on north face of Basso Building
Year round bridge at the Wetlands, connecting downtown to the Laguna Trail

Please return your completed survey to the Planning Department. Thank you!

Planning Department, City Hall, 7120 Bodega Avenue, Sebastopol 707-823-6167

zip?



From: omichaelanthony@aol.com
Subject: Sebastopol 2034:
Date: June 18, 2014 at 10:47 PM
To: kwebster@cityofsebastopol.org

The year is 2034 and this vision imagines me as a tourist visiting Sebastopol.

I am driving from Cotati toward Sebastopol on Highway 116 and when I near Llano Road, I see two signs; one directing me right toward Forestville and Guerneville, and the other straight to Sebastopol. I travel straight and shortly thereafter, the air seems cleaner, the traffic is diminished, and the pace of life slows down.

A few miles more and the speed limit drops to 25 as I arrive at the southern entrance to the City of Sebastopol. Here I see ample parking; a non-contact electric light rail station with trams travelling in the center of the road; two wide paved lanes reserved for bicycles and pedestrians, one on each side of the tracks; and two outermost lanes for automobiles, one lane travelling in each direction with diagonal parking that continues on to the northern city limits where there is another rail station with ample parking.

I park my car and jump on the next tram north. The map received at the rail station and the signs inside the tram inform me of the many things to do in Sebastopol which is known as the eco-friendly, pedestrian, bicycle, and alternative vehicle hub of west Sonoma County. There are restaurants, mom & pop stores, unique retail shops, small manufacturers, an outdoor amphitheater, and wide pedestrian only sidewalks and outdoor cafes all along the route, just to mention a few. The tram stops nearby almost everything with alternative transportation [including horse and carriage] making connections from there.

When the tram nears the circa 1904 historic Sebastopol Train Station located at the middle of town, the sign inside the tram lights up alerting passengers that this is the exit for the connection to the *Smart Train* in Santa Rosa. When the tram stops; some riders exit as more *Smart Train* arrivals board and continue north with me. This day I will dine at the north end of town before coming back downtown to shop and enjoy the pleasant atmosphere and quiet, friendly community of Sebastopol.

As the tram continues onward, I look out the windows and see many bicyclists and pedestrians happily travelling about town. There are even some persons riding horses. It seems like everyone who lives in Sebastopol shops here and that nearly everyone rides their bicycles or walks. The whole of Main Street extends to both ends of Sebastopol and is lined with business establishments that serve every need of the citizens who live in and around the city. In fact, there are many prospective new business owners waiting in queue to receive their business licenses because Sebastopol is such an excellent place to establish a business.

After I eat lunch, I exit the tram at the downtown museum to learn the history of Sebastopol. I see old photographs of when 33,000 plus cars and trucks passed through Sebastopol each day, most never stopping but rather, expelling thousands of pounds of carbon that smothered downtown and blew east over and into Laguna de Santa Rosa. I see the environmental impact reports on the Laguna and the City of Sebastopol as it was then compared with its pristine condition now. I listen to an audio exhibit of the noise pollution created by all the traffic back then and when the recording stops, the clear sound of birds and soft talk of the passerby outside resumes. And the people in the photos living in the Laguna ecosystem back then seemed happy, but not nearly as happy as they appear to be now.

Today, Sebastopol as a whole has reduced its carbon footprint, improved its air quality, and solved its traffic and sound pollution problems thereby elevating the general happiness of her citizens while at the same time, generating municipal revenue.

Finally, after dining, shopping, and hanging out with the wonderful people living and converging in the bubble of Sebastopol, I feel that it's time for me to go.

Sebastopol 2034: same country, different planet.

SURVEY

Sebastopol is updating its General Plan, which expresses a long-term vision for the town, and establishes broad policies and programs. Can you take a few moments today to jot down a few thoughts on key issues and ideas for the General Plan?

- **What do you see as Sebastopol's downtown biggest issues?**

THE LACK OF SPACE FOR HUMAN INTERACTION AS A WALKER. THE SQUARE IS AT THE WRONG SIDE OF TOWN! NO SENSE OF PLACE

X/ NO HABITAT FOR NATURE / KIDS TO EXPLORE NATURE.

- **What are the most important policy or regulation changes that the City should consider to assist the downtown?**

- **What actions can be taken to make Sebastopol a more beautiful place?**

CREATE A MORE WALKING FRIENDLY DOWNTOWN

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SURVEY

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- **What do you see as Sebastopol's downtown biggest issues?**

TRAFFIC, SPEEDING
LARGE TRUCKS

- **What are the most important policy or regulation changes that the City should consider to assist the downtown?**

ZONING TO LIMIT SIZE OF COMMERCIAL
BUILDINGS

- **What actions can be taken to make Sebastopol a more beautiful place?**

MORE PUBLIC AWARENESS OF THE "FACT"
THIS IS A WALKING & BICYCLE COMMUNITY

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From: Kenyon Webster kwebster@cityofsebastopol.org
Subject: Re: [Contact Us] Highest priority
Date: June 30, 2014 at 8:19 AM
To: khatiba@sonic.net
Cc: Ben Ritchie britchie@denovoplanning.com, Beth Thompson bthompson@denovoplanning.com

Thanks for your comments. The City is working on engineering plans for bike lanes on the State highway--the firm retained for this recently started work. Caltrans earlier gave concept approval for this plan.

Once this work is completed, the next challenge will be finding funding for construction--likely in the \$800,000+ range; and working through the Caltrans process.

-Kenyon Webster

Kenyon Webster, Planning Director
City Hall, City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

(707) 823-6167
kwebster@cityofsebastopol.org
<http://ci.sebastopol.ca.us/>

On Jun 28, 2014, at 8:00 PM, khatiba@sonic.net wrote:

Khatiba Grais (khatiba@sonic.net) sent a message using the contact form at <http://sebastopol.generalplan.org/contact>.

Hello Team members,

I am a local senior and have lived in Sebastopol for over 30 years. My highest priority for changes in Sebastopol would be to have bike lanes going in and out of downtown. I don't feel safe riding on Petaluma Ave (I live by Fircrest Mkt) so my cycling is curtailed and that is such a loss for me as it is such a good form of exercise to keep me healthy and fit.

Thanks for considering bike lanes.

Sincerely,

Khatiba Grais

City of Sebastopol General Plan Update 2014/ SURVEY

- What do you see as Sebastopol's downtown biggest issues?
 - (1) A congested downtown area with too much traffic and many street crossings that pedestrians have to negotiate just to get around the basic downtown area, and (2) a lack of inviting green spaces to stroll through, rest in, take refuge from heat and sun and to enjoy.

It is difficult to get away from major intersections, cars and traffic noise. Though the Barlow is quieter, there are no inviting green spaces, little shade if any, and what meager plantings exist are not terribly imaginative. Making Sebastopol easier on the eyes and the psyche with inviting connecting green corridors, linking the downtown to the Barlow and nearby neighborhoods, would help lessen the impact of the intersecting town highways and make it much more inviting for locals and out-of-town visitors to spend time in. It could be an opportunity to showcase California native plants appropriate for our area, and other Mediterranean plants that are low-water use and that also offer nectar and food for birds and pollinators. So little of the charm of the downtown neighborhoods carries over to the business section, unlike Healdsburg and even downtown Sonoma. One of the most important actions we can take to make Sebastopol a more beautiful place would be to create these "green" pathways and corridors.

Nancy Bauer
707-829-3910
www.calwildgarden.com

SURVEY

Can you take a few moments to help identify issues and ideas for the General Plan?

What do you see as Sebastopol's downtown biggest issues?

Parking is definitely the biggest issue!!!

What are the most important policy or regulation changes that the City should consider to assist the downtown?

Change one way streets
make them two way streets.
Present system creates alot more
driving around town.

What actions can be taken to make Sebastopol a more beautiful place?

Connecting downtown & Barlow
would be nice.

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SURVEY

Sebastopol is updating its General Plan, which expresses a long-term vision for the town, and establishes broad policies and programs. Can you take a few moments today to jot down a few thoughts on key issues and ideas for the General Plan?

• What do you see as Sebastopol's downtown biggest issues?

- ① Not enough attraction for locals, visitors from West County, and tourists to bother to walk on Main St. Consider approving some new construction on the Rite-Aid parking lot facing Main St., a combination of storefronts with rentals or second story. Thus, we'd have three blocks, both sides from Keating to Burnett

• What are the most important policy or regulation changes that the City should consider to assist the downtown?

- ② Limit (to zero!) any chain stores that have made problems for other small towns, bullying their way past environmental, health, traffic, etc. considerations.

• What actions can be taken to make Sebastopol a more beautiful place?

- ③ Give away to businesses and homeowners and ~~the~~ non-profits a large quantity of trees (natives and Mediterranean) and Shasta daisies (thanks to Luther Burbank)

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