Call to Order & Orders of the Day
Public Comment
Announcements
Consent Calendar
Purpose, Products, & Process
Role of Commissioners
Functions, Powers & Duties of the PRC
Policy-making is often undervalued and misunderstood, yet it is the central role of the city’s legislative body. The policies created by our local government affect everyone in the community in some way. Public policy determines what services will be provided to the residents and the level of those services, what kinds of development will occur in the community, and it determines what the community’s future will be.
The Role - Continued

• The City Council is the final decision-making body. The Commission acts in an advisory capacity on all matters referred to it.

• The Commission acts as a conduit for community input to the Council and the Parks, Recreation and Neighborhood Services Department.

• Commissions are free to seek the advice or input of others in the course of making their recommendations to the Council.

• Refer to Council Policy 0-36 (tab 5) in your binder.
Volunteer citizen advisory boards are an integral part of American local government. The creation of advisory boards is a way for local governments to engage citizens in the democratic process. Their primary purpose is to provide judicious advice from a citizen perspective. The activities of an advisory board may include the study of critical issues, taking public testimony, performing independent research, and reviewing staff reports and recommendations. These prepare the advisory body to discuss, analyze, formulate, and forward well-developed, thoughtful recommendations to the legislative body.
An advisory body can be a board, commission, committee, or task force created by the legislative body.

**San Jose Municipal Code 2.08.3820 - Functions, powers, and duties.**

Study, review, evaluate and make recommendations to the council, city manager and other department heads respecting existing and/or proposed parks, recreation, and community services, facilities and programs; their use and operation; the extent and nature of the services to be rendered to the public; the financing of parks, recreation, and community service facilities and their operations and services; and other matters respecting the city's parks, recreation and community services system.
The Brown Act: Making the Process Work for You
Complying with the Brown Act does not have to cause pain or discomfort. In fact, the Brown Act can be useful as you navigate your role as a commissioner. With a little planning and rule-setting, the Brown Act and parliamentary procedure can help our meetings run smoothly.
“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” California Government Code §54950
What is a Meeting?

- A meeting of a local legislative body (GC 54952.2) occurs whenever a majority of members gather to discuss business within their charge. A majority can meet in the following provided they do not discuss any business within their charge among themselves.
  - Attendance at a conference
  - An open meeting of some other group to address local issues (even a Board-recognized group under the definition of “legislative bodies”)
  - Social gatherings
Does the Brown Act Apply to You?
Committees and Subcommittees

The Brown Act also applies to meetings of all:

- **Standing committees** – a committee that has continuing jurisdiction over a particular topic §54952(b) For example: Ranger Program, Park Master Plan, etc.

- Advisory committees that include a majority of the body and are not standing committees

- Advisory committees that are standing committees (regardless of the size and membership)

**Exception:** The Brown Act does not apply to a subcommittee that is made up of less than a majority of the body, is an advisory committee AND is not a standing committee
Serial Meetings

• Serial meetings are not allowed

• Serial meetings occur when a majority of the members have communicated about an issue and have developed a collective concurrence.

• A collective concurrence is developed when:
  • Members have either directly or indirectly heard each other’s opinion on a topic enough to collectively develop or begin to develop an agreement on an issue.
Types of Serial Meetings

A daisy chain meeting:

- **Example:** When Chuck calls Rudy to talk about a resolution then Rudy calls Daphna to talk about it and finally Rudy calls Brian, etc., until a majority of have commissioners been contacted. A majority of the commissioners have talked about the topic and a collective concurrence has been established.
Types of Serial Meetings

Hub and spoke meeting:

- **Example:** For instance, if a Park Advocate calls Trami and discusses a park issue to get her opinion, then she calls Kelly, then calls Senator Demerris, and then calls Larry telling each what the other has said, eventually a majority of the PRC may have indirectly discussed the topic without public notice and is therefore in violation of the Brown Act.
§5492.2(b):
Except as authorized pursuant to §54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited

...this section of the act applies to email.
The Attorney General’s Opinion Regarding E-mail

• In 2001 the CA Attorney General issued an opinion regarding the use of email. (Opinion #00-906, 2001)

• The opinion concluded: A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act.

• Even if the emails are made public they would still be a violation of the Act because the board would be depriving the public of the deliberative process.

• The opinion also states, “The term ‘deliberation’ has been broadly construed to connotef ‘not only collective discussion, but the collective acquisition and exchange of facts preliminary to the ultimate decision.’ [Citation.]” (Rowen v. Santa Clara Unified School Dist. (1981) 121 Cal.App.3d 231, 234; see Roberts v. City of Palmdale, supra, 5 Cal.4th at p. 376.)

• You can find the opinion at: http://ag.ca.gov/opinions/published/00-906.pdf
Agendas

• Include meeting time and location, including address

• Post agenda in a 24/7 publicly accessible area 72 hours before meeting (physically and virtually)

• Allow for public comments before or during discussion of agenda items

• Include all action items on the agenda, with a brief description

• Can change order of agenda
Meetings and Votes are Open

• Meetings must be held within the PRC’s jurisdiction

• All votes are open!
  • No secret ballots…even for elections (if they are conducted during meetings).

• It is now required that all ayes, nays and abstentions on motions be attributed to member casting a vote!
At Meetings…

• Members may respond to public comments but not take action

• All items distributed by the PRC before or during meetings must be available to the public at the meeting (reasonable fees may be charged for duplication).
Be Prepared!

• Bring extra copies of documents

• If other items are brought for distribution, offer to send copies later to those requesting them in writing

• Be careful what is distributed at meetings – it becomes public document

• Set time limits for discussion, particularly for public comments

• Keep discussion within the scope of the agenda item
54953(b)(1) permits the use of teleconferencing.

Requirements for teleconferences include:

- Teleconferences must comply with the rest of the Act
- All votes taken during a teleconference must be taken by roll call.
- Agendas must be posted at all teleconference locations.
- Each teleconference location must be identified in the agenda.
- Each teleconference location must be accessible to the public.
- At least a quorum of the board must participate from locations within the district boundaries.
- The agenda must provide for public comment at each teleconference location.
Enforcement

• Demand to cure or correct

• Threat to sue

• Lawsuit
A Short Quiz
Who Must Comply with the Brown Act?

A. Parks and Recreation Commission (PRC)

B. Work groups of the PRC

D. Council committees or subcommittees

E. All of the above
Bottom Line

• Commitment to
  • Openness
  • Transparency
  • Public access to information

• Always Remember
  • You live in a glass house
City Council Policies
How to Be Active in the Community
Community Engagement

The process of working collaboratively with *community* groups to address issues that impact the well-being of those groups.
Vision:
National leader of Parks and Recreation in cultivating healthy communities through quality programs and dynamic public spaces.

Mission:
To build healthy communities through people, parks and programs.
Who?

- Residents
- Non-profit groups
- Youth
- Active/Adults 50+
- Parents
- Singles
Where?

- Neighborhood Association Meetings
- Foundation Meetings
- Community Events
- Community Center Programs
How?

- Volunteer
- Become a Provider
- Become a Participant
- Person-to-Person
- Social Media: Twitter, Facebook, Nextdoor
Gather, Connect and Play!

460,000 VISITORS
HAPPY HOLLOW 2014 - 2015
Commission Activity
a. River Oaks
b. Almaden Lake
c. Shady Oaks
a. Camden CC  
b. Almaden CC  
c. Berryessa CC
a. Overfelt Park
b. Alum Rock Park
c. Lake Cunningham
a. Kelley Park
b. Roosevelt Park
c. Guadalupe River Park
a. Hayes Mansion  
b. Agnews Developmental Center  
c. Arcadia Ball Fields
a. Cataldi Park
b. Watson Park
c. Penitencia Creek Park
a. Happy Hollow Park & Zoo
b. Martin Fontana Park
c. Emma Prusch Farm Park
PRC Accomplishments
PRC Work Plan
Development
Election of Officers
Next Steps
Adjournment