

# CITY COUNCIL POLICY CITY OF NATIONAL CITY

**TITLE:** City Council Attendance at Staff Level Working Groups

**POLICY # 118**

**ADOPTED:** June 21, 2016

**AMENDED:** ~~September 6, 2016~~

August 15, 2023

## Background:

The City of National City operates under the Council-Manager form of government. The City Council is the legislative body that represents the community, is empowered to formulate citywide policy, and can establish Boards, Committees, Commissions, and other groups. The City Council is comprised of the Mayor and four Councilmembers.

The City Manager is responsible for the administration of city affairs, day-to-day operations, implementation of council policies, and is the liaison between the City Council and City staff. On occasion and as needed, the City Manager may form a working group of subject matter experts to assist in certain matters. Based on the City Manager's responsibilities, the working group's need, establishment and composition is determined by the City Manager. This type of working group is separate and distinct from a working group or other type of group which is formed by action of the City Council. This Policy is limited to City Manager formed working groups.

The lifespan of a working group can last anywhere between a few months to several years. Such groups have a tendency to develop a quasi-permanent existence when the assigned task is accomplished, hence the need to disband or phase-out the working group once it has achieved its goal(s).

Staff working groups are intended to facilitate the development and completion of established goals and objectives. There may be instances when elected officials may have a particular interest in the subject of the working group and the City Manager may want to provide an opportunity for elected officials to attend the working group meeting(s).

## Brown Act Applicability

City Council attendance at working group meetings must be done in compliance with the Brown Act, [California Government Code section 54950 et seq.](#) Generally, any appointed body created by formal action of the City Council is subject to the Brown Act. The Brown Act defines a legislative body to include:

A Commission, Committee, Board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting

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schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter. [Government Code Section 54952\(b\)](#).

The Brown Act applies to all groups created by formal action of the legislative body. This includes [Boards](#), [Commissions](#), [Committees](#), volunteer groups, task forces, blue ribbon committees, and working groups.

Advisory committees (composed solely of [Councilmembers](#) comprising less than a quorum) are not considered legislative bodies subject to the Brown Act unless they are standing committees. Standing committees are subject to the Brown Act. A standing committee (regardless of composition) is defined as having either: 1) a continuing subject matter jurisdiction; or, 2) a meeting schedule fixed by formal action of the legislative body. Accordingly, an advisory committee comprised solely of less than a quorum of the legislative body that serves a limited purpose for a limited time (temporary) is not subject to the Brown Act (commonly referred to as *ad hoc* committees).

Working groups created by staff and whose participants are determined by staff are not subject to the Brown Act. The legislative body must refrain from taking formal action which could be construed as formal action resulting in the creation of a [Council](#) committee. A body of a [City](#) is "created" if the [City Council](#) "played a role" in bringing...into existence' the...body." *Californians Aware v. Joint Labor/Management Benefits Committee*, 200 Cal.App.4th 972, 978 (2011). (Group was "created" by [City](#) when the [City](#)"played a role in bringing" the group into existence even though no formal action by [City](#) to establish the group. *Epstein v. Hollywood Entertainment District II Business Improvement District*, 87 Cal.App. 4th 862 (2001)). In the event there is action taken that could be construed as creating a legislative body, such action in conjunction with the composition of a working group including various individuals (not limited to solely councilmembers) would result in the working group becoming a standing committee subject to the Brown Act.

## **Purpose**

To establish a mechanism to determine the [Councilmember\(s\)](#) who attend(s) a staff-level working group meeting(s) and the length of time the member(s) would serve in such a role before a rotation, if any, when more than two members have indicated a desire to attend a staff-level working group.

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## Policy

The criteria in the order provided below will be used to determine which member(s) may attend staff-level working group meetings:

1. Position
2. Seniority
3. Availability
4. Desire

The duration for any one member to serve on an established staff-level working group is for a two (2) year period from date of determination.

## Procedure

1. Based on the City Manager's responsibilities, the working group's need, establishment and composition is determined by the City Manager. When the City Manager makes a determination that the working group would benefit from the presence of a Councilmember(s), a written request for attendance availability shall be directed to all members of the City Council.

To assist Councilmembers in determining if they have the availability and desire to participate, the request will include a description of the stated purpose of the working group, the anticipated meeting schedule, and the anticipated duration of the working group (if known). The request will also include a deadline for notification of interest.

2. If more than two (2) members of the City Council seek to attend the working group meetings, the City Manager will determine attendees based on the criteria established by this policy.

The City Manager will send written notification to the full City Council of the Councilmember(s) attending the working group.

3. Using the criteria established by this policy, the attendees will be rotated after a period of two (2) years if the working group is still in existence, following the same process of notification and selection outlined above. Any such rotation will respect the prohibition against serial meetings.

## Related Policy References

City Council Policy #108

National City Municipal Code, Chapter 2.01

Government Code section 34851, *et. seq.*

Ralph M. Brown Act, [California Government Code section 54950 et seq.](#)

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Rosenberg's Rules of Order

Prior Policy Amendments:

April 17, 2007 (Resolution No. 2007-75)

May 15, 2007 (Resolution No. 2007-104)

June 5, 2007 (Resolution No. 2007-120)

June 21, 2016 (Resolution No. 2016-102)\_

September 6, 2016 (Resolution No. 2016-144)