

Baumb, Nelly

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To: Council, City
Subject: Item 9: BCC Handbook

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Thank you to the ad-hoc committee, staff, and others who have contributed to the handbook as of this stage.

A few comments:

1. Length of a Term

Consider shortening the term on all boards and commissions to three years.

Two terms of four years (8 in all), often longer when first filling an unexpired time is way too long.

Shortening to three 3 year a term, provides more opportunities for review, and more change of faces.

2. Addressing the Media and the Public

In my view, there should be no limitation on what commissioners can say to anyone, on a legislative issue, with the exception of any statement, email, letter to the editor, etc, that could foreseeably lead to a Brown Act violation.

3. Quasi-Judicial Procedure

Council should set policy for commissions (i.e., PTC and ARB) to follow, overriding specific commission or board handbooks. It should state that communications with an applicant or any member of the public is strongly discouraged *beginning from the time an application has been submitted and until final decision is reached*. This was the policy at PTC for a number of year years, it worked very well, and led to higher public confidence in the work of the commission.

Toward the end of "The Eduardo Martinez Era" newer members moved away from the policy, and eventually a majority voted to allow such interactions. Ironically it occurred just as council was tightening its own rules on the issue (i.e., council maintained the right to ex-parte conversations, but would only begin after PTC finished its deliberations).

<https://www.paloaltoonline.com/news/2010/12/16/planning-commissioners-back-private-meetings>

Two-time, and consecutive Chair Martinez, the extremely good-natured soul that he was said he would try it and dive in. His commentary the next year was not positive. Phones ringing frequently, and the meetings often with a purpose.

The current policy at PTC and ARB on QJ matters should revert back to what it was at PTC. In other words, keep all interactions and discussions on Q-J items in public

3a. Related Meeting Processes

In a related move, I recommend increased time be allotted time for applicants to give presentations so they can be as complete as possible.

Afterward, mandate that public comment *not* begin until all clarifying questions and follow-ups from staff and/or the applicant have been provided.

Keep the process as open and transparent as possible; you set rules for the PTC and other bodies, not those bodies.

4. Window for Staff Submission prior to BCC meeting

Incorporate rules for staff report submission for PTC, ARB, and possibly other BCCs hearings to be the same as mandated in council procedure, i.e., no application submissions outside of a 5 day window prior to the release of the packet. As per Council Procedure and Protocols Handbook Page 7, Section 2D:

Late Submittal of Correspondence or Other Information Related to Planning Applications

In order to allow for adequate staff review and analysis, and to ensure public access to information, all plans, correspondence, and other documents supporting planning applications being heard by the City Council must be submitted to staff not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline to Council Members or staff, and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. If a Council member receives planning application materials from a project applicant he or she shall notify the City Clerk and the City Manager as soon as possible.

Thank you,
Fred Balin
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