

Community Services Advisory Commission  
Special Meeting  
Redding Civic Center  
777 Cypress Avenue  
Redding, CA 96001  
February 24, 2005, 4:15 p.m.

## MINUTES

### 1. Attendance

Community Services Advisory Commissioner Vice Chair Jason Waybright opened the meeting with the following commissioners present: Leonard Bandell and Leona McCoach.

Commissioner DeAnne Parker arrived at 4:23 p.m.

Commissioner Gerrine Peckenpaugh arrived at 4:30 p.m.

Staff present: City Councilperson Mary Stegall, City Attorney Rick Duvernay, Community Services Director Kim Niemer, Support Services Director Gerry Kersten, Community Projects Manager Terry Hanson, Community Projects Manager Karen McGrath, Planning Manager John Keaney, Convention Center and Visitors Bureau Manager Andy Green and Community Services Executive Assistant Mari Szynal.

### 2. **Primer on the Brown Act Conflicts and Subdivision Park Requirements that pertain to conditions and credit obligations for park, trail and open space amenities**

Staff requested that the City Attorney and Planning Department provide a primer on the Subdivision Map Act, Quimby Act and Redding Municipal Code that pertain to conditions and credit obligations for park, trail and open space amenities.

#### **The Brown Act**

City Attorney Duvernay provided an overview of the Brown Act, touching on issues as they might pertain to the Commission. It was pointed out that this was one of the “Sunshine Laws” enacted in the 1970's to provide the public with more information about the activities of public agencies.

The purpose of the Brown Act is as follows:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. Government Code §54950

The passage of Proposition 59 this past fall is a renewed effort to strengthen the Brown Act. This proposition is primarily an affirmation of the Brown Act and states in part:

Proponents believe that making public access to government information a constitutional right will force courts to interpret the existing access laws more favorably while invoking privacy protection only in cases where it is warranted. They believe that it will raise the barrier on legislative limitations to public access and introduce a “constitutional framework” into the disclosure-privacy debate.

The Commission was told the Brown Act boils down to the following:

- All meetings of a legislative body of a local agency shall be open and public; and
- All persons shall be permitted to attend any meeting of the legislative body of a local agency.

This Commission is a legislative body, as defined by the Brown Act:

- The governing body of a local agency plus any board, commission, committee task force, or any other advisory board created by charter, ordinance, resolution or formal action of a legislative body.
- Includes permanent, temporary, decision-making and advisory bodies.
- Does not include temporary advisory committees made up of less than a quorum of the members of a legislative body (i.e., ad hoc committees).

Regarding meetings:

- Regular meetings are held per the established, published schedule and require 72 hours notice.
- Special meetings may be called at any time by either the chair or a majority of the members and require 24 hours notice to each member and the media.
- There should be a standard memo form for chair to sign-off on for special meeting.

For purposes of the Brown Act, a meeting is defined as follows:

- All aspects of the decision-making process: discussion, debate and acquisition of info
- Informal meetings
- Retreats and workshops
- Serial meetings: any means to develop a collective concurrence as to action to be taken on an item through a series of contacts (i.e., a series of emails or a ‘telephone tree’)

Meetings must:

- be in a place freely accessible to the public; and
- be held within the City of Redding

The following situations are not considered meetings under the Brown Act:

- Individual communications between a member of a legislative body and another person
- Conference open to the public
- Open and noticed community meetings organized by someone else
- Open and noticed meetings of a different legislative body
- Social gatherings and ceremonies

The Commission inquired into what type of matters, if any, Commissioners may discuss with each other outside of the regular meetings. City Attorney Duvernay pointed out that the members of the Commission cannot hold conversations about substantive matters that are either on the agenda or expected to be on the agenda in the future. This does not preclude City staff from sharing information with Commissioners outside of a public meeting.

The City Attorney noted that by happenstance, or accidentally, a phone tree could happen. The Brown Act is in place to prevent this from purposely happening. Commissioners must hold each other accountable and be sure they are not putting themselves or each other in an inappropriate situation.

### **The Political Reform Act**

By virtue of sitting on an advisory commission which was created by an act of the City Council, members of this Commission are public officials and fall under the Political Reform Act.

The Commission inquired whether, as members of the public, they are allowed to represent their own interests before this Commission, the Planning Commission or the City Council. City Attorney Duvernay cautioned the Commissioners against presenting before their own Commission. They may attend a meeting where they have opted-out based on a conflict of interest, but they should not present. When presenting in front of other legislative bodies, as an individual, Commissioners must be sure to state that they are not appearing as a public official but as a member of the public.

### **Park Conditions and Credits for Subdivisions**

Planning Manager Keaney provided an overview on the City of Redding's Subdivision Park Requirements and what conditions the Commission has the discretion to impose. A copy of Redding Municipal Code §17.41 and §17.42, along with a sheet denoting "Estimated Fees for Typical Single-Family Dwelling" were distributed to the Commission.

- The City does not have the authority to require land set aside for park space if the residential subdivision is 50 parcels or less. An 82 lot subdivision would provide 1 acre of land.
- The Commission has the authority to provide credit to developers where joint facilities are developed with school sites.
- The ability to use the Quimby Act for dedication of park site is limited to projects with more than 50 units.
- Park in-lieu fees can be used for park development.
- The State Map Act covers everything related to approving a subdivision, not just parks and streets.

The Commission inquired into the decision-making process for agreeing to let a developer use trails in place of park dedication. Director Niemer advised that once a subdivision is over 50 units, that determination is at the discretion of the City and is a decision for this legislative body to make.

City Attorney Duvernay noted that the Quimby Act was put into law to preclude local government from becoming over-exacting on developers. Local government may exact either fees or land or some combination thereof.

In summary -

- This Commission has the authority to require the dedication of land for projects above 50 lots
- The collection of in-lieu fees occurs with the filing of the subdivision map
- Impact Fees which fund park development are paid with the building permit
- This Commission has the authority - as part of the subdivision review - to require reservation of land that is over and above what you can require for park dedication.
- A development agreement between a developer and the City can allow the negotiation of conditions that the City might not be able to require through the regular process.

No action was required on these informational items.

### **3. Public Comment: Non-Agenda Items**

None presented.

### **4. Commissioner Comments**

Chair Peckenpaugh requested a discussion of the Soccer Park, including project funding, be placed on the March 9 Commission agenda.

### **5. Director's Comments**

The regular April meeting, April 13, will be a sneak preview of the McConnell Arboretum and Gardens. We will meet at 4:00 p.m. on the south plaza.

### **6. Adjournment**

There being no further business, at the hour of 6:29 p.m., Vice-Chair Waybright declared the meeting adjourned.

Respectfully submitted,

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JASON WAYBRIGHT, Vice-Chair