



TOWN OF FAIRFAX

STAFF REPORT

September 2, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Discuss/consider the concept of holding two regular Council meetings per month and direct staff

RECOMMENDATION

Discuss/consider the concept of holding two regular Council meetings per month and direct staff.

BACKGROUND

During the May 15th budget workshop, the Council discussed the concept of holding two regular Council meetings per month. At its June 17th meeting, the Council requested staff to analyze the cost of conducting two regular Council meetings per month. At the public hearing for the budget and the adoption of the budget, staff indicated it would report back on this issue in September/October. We recommended it would be beneficial to discuss it within the context of the midyear budget review, which is scheduled for the October meeting. However, it may be helpful for the Council to begin its discussions prior to the midyear review.

The Council discusses the concern of how to get to items of significant public interest earlier in the meeting every year at its retreat. The Council has discussed moving the Consent Calendar and "Open Time for Public Expression" (public comment for items not on the agenda) to different portions of the agenda. However, when the Council suggested the idea, the public responded that they wanted open time at the beginning of the agenda. From April 2019 to March 2020, "Open Time" took an average of 22 minutes, with a median time of 20 minutes.

If you combine the time for Open Time with the time for Announcements, Protocols and the Consent Calendar, the Council generally does not get to the Public Hearings/Regular Agenda until approximately 8:00pm (+/- 15 minutes). If the optimal time is to complete discussions on matters of community interest by 10:00pm every meeting, the Council would probably only be able to have 1-2 such items for discussion every meeting. We usually have a minimum of two items per meeting requiring significant Council discussion.

Over the past 20-week period, there have been 14 meetings, which includes 9 regular/special Council meetings, 2 closed sessions, and 3 workshops/forums. Not counting the two closed sessions, the Council has held 12 meetings, which comes out as an average of approximately

one meeting every other week (20 weeks/12 meetings). Attached are meeting statistics for 20-week period. In comparison, in the 12 months (52 weeks) preceding this 20-week period, the Council held 16 meetings.

DISCUSSION

Below are several key policy/questions for the Council to discuss regarding a second regular meeting. The list is not intended to be comprehensive, but it is meant to show the issue requires an in-depth discussion.

- What is the purpose of two regular meetings per month?
 - To get to public hearing/regular items earlier in the agenda.
 - Allow for more discussions of consent calendar items
 - To make meetings shorter. The two meetings each run as long if not longer than the former one regular meeting.
 - To take the place of the current special meetings.

- What is the optimal time for discussions (e.g., 7:00pm to 10:00pm)?
 - Typically, the Council does not get to the regular agenda until after 8:00pm. If the window for discussion is 8:00pm to 10:00pm, the Council will only be able to discuss one (1), maybe two (2), matters of substance per meeting.
 - Change the order of agenda items to get to the Public Hearing/Regular Agenda items earlier (e.g., Consent or Open Time at the end of the agenda).

- When to start/schedule regular meetings?
 - Start meetings earlier, at 6:00 or 6:30pm. While this would allow the Council to get to discussion items earlier in the evening, the concern was it would be too early for residents who commute to attend.
 - Keep Wednesday. The 3rd Wednesday of the month seems to be the only choice if the Council wants to continue to meet on Wednesday. There are regular conflicts with other meetings (e.g., Ross Valley Fire, MCCMC) on the second and fourth Wednesdays of every month.
 - Regular meetings should be on the same day and need to start at the same time.

- Would the Council use the 2nd regular meeting in place of scheduling special meetings?
 - There will still be the need for a few special meetings, such as the Council Retreat and Budget Workshop, but this could eliminate the need for others.
 - The Council may want to consider having only one meeting in specific months due to holidays and vacation (e.g., December, January, August).

- With the formation of the RESJ, it is highly likely the Council will be scheduling more special meetings over the next several months. These special Council meetings would probably affect the implementation of a second regular meeting per month.
- Should the agendas for the first or second meeting be limited only to specific items?
 - No planning items should be discussed at the second meeting (e.g., 3rd Wed) since the Planning Commission meets the next day (3rd Thursday). This would avoid staff having to attend back-to-back evening meetings.
 - The Council could try to limit one of the meetings to presentations and routine consent items. However, this would not address the issue of trying to get to items of substance on the agenda earlier.
 - The Council may begin to routinely pull consent items because of the availability of time to discuss.
 - The Council has a tendency to continue items to the next meeting for further discussion. If an item is continued to the next meeting that only leaves approximately 2 weeks, which is very little time, for staff to conduct research/follow-up and rewrite/update the staff reports to reflect the Council's comments and/or requests for additional information.
 - If the intent is to limit staff time to prepare the agenda items, then the Council would have to limit its requests for additional information at the next meeting.
 - Please remember that regular meetings require Open Time. We also include announcements. Special meetings do not require Open Time and we do not list announcements.
 - A second regular meeting would provide an opportunity for the Town to adopt ordinances sooner. The second reading/adoption of an ordinance can only be considered at a regular Council meeting.
- What is the impact to available staff resources?
 - The Town Clerk has added an average of 7 hours per work week since the addition of special meetings.
 - Other staff responsibilities are being given less attention.
 - The combined time of two meetings far exceeds the time spent in one meeting.
 - The extra meeting is in addition to other evening meetings staff attends.
 - It will be unsustainable in the long term without additional staff resources.

ANALYSIS

Below is a brief analysis of the key issues/concepts that the Council should consider before deciding on the second regular meeting per month.

Direct Cost

The estimated out-of-pocket direct costs to conduct a second regular Council meeting a month are approximately \$365 per hour of the meeting, broken down as follows:

- Town Attorney attendance (\$225/hr.)
- CMCM to broadcast/live stream the meeting (\$100/hour).
- Contractual clerk to prepare the minutes (\$40/hour)

The meeting preparation time required by the Town Attorney would be an additional out-of-pocket direct cost, but we are focusing on meeting time only. There are obviously more costs involved, such as meeting preparation time required by the Town Attorney and CMCM, but we simplified the hourly costs for the sake of discussion.

While it is difficult to estimate the incremental direct costs for the extra meeting, we are basing the estimate on the combined hours for two meetings versus one meeting. For illustrative purposes, let's assume two meetings per month are a combined 10 hours (5 hours/meeting) and one meeting per month is 6 hours. This would result in 4 more hours of meeting time per month. Using the 4 hours per month x 12 months= 48 hours per year, 48 hours x \$365/hr. = approx. \$18,000 per year. The incremental costs would most likely range between \$15,000 to \$20,000 per year.

However, the incremental cost estimate does not include staff costs because management staff are not paid hourly, and thus do not receive/accrue overtime to attend evening meetings. Management staff receive 80 hours of annual administrative leave in recognition of attendance at evening meetings. Part-time staff, who are paid hourly, usually adjust their work schedules to attend evening meetings so that there are no additional costs to the Town.

Indirect Costs

The indirect cost of adding a regular meeting each month is the significant staff time necessary to prepare for and run a Town Council meeting, and resulting impact to other work. Meeting preparation consists of the agenda, staff reports and associated materials, as well as the production of the packet. Production includes the final printing, exporting, uploading and posting to website, and physical posting at three bulletin boards in town, plus emailing the agenda to all who request it. We estimate the time as follows:

- Production: 3 to 5 hours.

- Preparation time: 20 to 40 hours - very difficult to estimate, depends on the number and complexity of agenda items.
- Running a Council meeting: 5 to 8.5 hours, which includes the duration of the meeting plus 45 minutes for set-up/breakdown.

Most staff reports are prepared by the Town Manager (TM) and Town Clerk/Assistant to the TM, with Planning and Finance staff also preparing one to two per month. In general, the Town Manager prepares or is intimately involved with the staff reports regarding complex or potentially controversial matters. For a regular Council agenda, the TM spends an average of 50% of his time, the 10 days before the meeting, on staff reports, research, follow-up, Council questions prior to the meeting, and/or presentations. From April 2019 to March 2020, there were a total of 219 agenda items, which is an average of 18 per meeting, with one monthly regular meeting.

In addition to the preparation and production, the Town Manager and Town Clerk review and edit all staff reports, compile and complete attachments, and coordinate with professional third parties. The need for virtual (Zoom) meetings adds another dimension – and more time – to the preparation and running of meetings, as well as the need for training time. There is also follow-up work for each meeting.

Please note that all the other Marin communities that regularly meet twice per month have significantly more staff available to assist with the agenda preparation and meetings. In addition, their meetings are much shorter, on the average, than a typical Fairfax Council meeting. For example, prior to virtual meetings, they did not have the same level of “open time” participation by the public as we do in Fairfax.

Other Considerations

Adding a second regular meeting per month will impact staff’s ability to accomplish other necessary tasks and projects with the current staff resources, as demonstrated by the past five months of 2 to 3 meetings per month. The challenges of COVID-19 and the programs developed in response to COVID-19, make it clear that staff does not have the resources to continue to have Council meetings every other week. For example, the Town Clerk/Assistant to the TM has been sustaining on average 9-hour days plus a 14- to 16-hour day for each Council meeting. As a result, other tasks and assignments being set aside due to the lack of time. Similarly, the TM has been forced to put on hold almost all public works capital projects because of other pressing priorities and the time needed to prepare meeting materials.

To create more bandwidth will require the hiring of more professional staff, rather than administrative support. (Note: if additional administrative staff is also intended to support Town

committees, that is a different consideration that would be best discussed during the mid-year budget review.) The hiring of a Public Works Director/Town Engineer would free up significant time of the Town Manager who currently also serves as Public Works Director. Another alternative would be to hire an analyst level position to work on budget and special projects/programs which would also free up significant time of the Town Manager. An analyst could also assist the Town Clerk/Assistant to the TM with some of her responsibilities.

The estimated net costs of either position would be a minimum of \$100,000 per year. The net cost assumes that a portion of the outside project management and engineering costs could be shifted to the Public Works (DPW) Director. While the analyst position is paid a much lower salary than a DPW Director, there is no offsetting cost savings. Given the projected shortfall in General Fund revenues, it would not be ideal to add such a significant cost to the FY20-21 budget, although it should be discussed during the midyear review. Please note that every year, the Council discusses this issue during its Budget Workshop. The irony is that since the Council has not filled this position for quite some time, the Town has been able to build its operating reserves up in the event of such a downturn in the economy. While a Public Works Director would help the Town Manager, it would only provide minimal support to other staff working on the agenda packets.

Next Step

Staff recommends the Council defer any decision until after the midyear budget review. Presumably, the Council would be interested in identifying potential resources for alleviating the burden on staff caused by another regular meeting per month. Should the Council want to have two regular meetings per month, it will be necessary to modify Town Code Chapter 2.08.010. This will require a minimum of two Council meetings to adopt and it would take effect 30 days after the second meeting. The earliest this could happen is a first reading in October and second reading in November.

FISCAL IMPACT

To be determined

ATTACHMENT

Council Meeting Statistics

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Council Meeting Statistics

Staff has collected the data below pertaining to Council meetings to inform the Council's discussion.

March 2019 to March 2020 (52 weeks)

Number of Council regular/special meetings: **16 meetings** (avg. 1.3 meetings/month)

Average meeting length: 5.5 hours

April 15 to September 2, 2020 (20 weeks)

Number of Council regular/special meetings: **14 meetings** (avg. 2.7 meetings per month)

Average meeting length (not counting tonight): 4.5 hours

Shortest: 2.5 hours

Longest: 7.33 hours

- 1) 4/15 **Regular** Council meeting (replaced the canceled 4/1 regular meeting)
- 2) 4/21 Special Council **Closed** Session
- 3) 5/1 **Regular** Council meeting
- 4) 5/15 Council Budget **Workshop**
- 5) 5/20 Special Council **Closed** session
- 6) 5/27 Council Outdoor Public Space **Forum**
- 7) 6/3 **Regular** Council meeting
- 8) 6/17 Special Council meeting
- 9) 7/1 **Regular** Council meeting
- 10) 7/15 Special Council meeting (**Listening Session**)
- 11) 8/5 **Regular** Council meeting
- 12) 8/12 Special Council meeting
- 13) 8/19 Special Council meeting
- 14) 9/2 **Regular** Council meeting

Over a 20-week period, there have been 14 Council meetings, which includes: 9 regular/special Council meetings, 2 closed sessions, and 3 workshop/forum/listening sessions. Not counting the two closed sessions, the Council has held 12 public meetings, which comes out as an average of approximately one meeting every other week (20 weeks/12 meetings). This is an average rate of 2.7 meetings per month (12 meetings divided by 4.5 months). In other words, the Council has held 2 to 3 meetings per month since April 15.