



TOWN OF FAIRFAX

STAFF REPORT

October 28, 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.

CONTINUED FROM OCTOBER 7th AND SEPTEMBER 2nd MEETINGS
Note: The staff report has been revised for this meeting.

RECOMMENDATION

Schedule one special meeting per month over the next six (6) months and evaluate the results in month 7.

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 now scheduled for the November Council meeting.

The Council discusses its 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 Council's goal is to adjourn meetings by 11:30 pm, the Council would most likely only be able to discuss 1-2 items of significant public interest per regular meeting.

Over the 20-week period from April 15 through September 2, there were 14 meetings, which includes 9 regular/special Council meetings, 2 special closed sessions, and 3

workshops/forums. Not counting the two closed sessions, the Council 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 the 20-week period. In comparison, in the 12 months (52 weeks) preceding this 20-week period, the Council held 16 meetings.

To date the Council has held 11 special meetings, including closed sessions, workshops, listening sessions, in 2020. Typically, the Council would probably hold 4-6 special meetings (e.g., budget workshop, Council retreat) per year. We have doubled the number of special meetings compared to a typical year.

There are obviously other practices the Council can consider to reduce the time of meetings and/or getting to items earlier such as the reducing the times for speakers and groups, limiting announcements, and/or moving consent items or “open time” to later in the agenda. However, the focus of this discussion is to consider the merits of scheduling two Council meetings per month.

DISCUSSION

The Council briefly discussed this matter at its September 2nd meeting. In previous staff reports, we tried to focus the discussion on the purpose/objective of having two regular meetings per month. We also attempted to quantify the costs and impacts to staff for conducting two regular meetings per month. However, we believe this information just muddled the issue and did not allow the Council to focus on the core policy issue.

Based on Council discussions, staff believes the primary objectives of two regular meetings per month are:

- To get to agenda items deemed of significant community interest earlier in the evening. These agenda items are typically public hearing or regular agenda items which will solicit a significant number of public comments (e.g., 20 public speakers @ 3 minutes per speaker = 60 minutes).
- To increase the opportunity to discuss more items of significant interest each month.
- To adjourn meetings by 11:30pm.
- To provide a set schedule so the community knows when the Council plans to meet to discuss issues.

Note: The Council policy is to review the agenda at 10:00pm to determine if items should be continued to the next meeting. Also, if any matter is not started by 11:30pm, it will be continued to the next meeting unless the Council votes to discuss the matter after 11:30pm. As a result, we used 11:30pm as the desired ending time for meetings.

Staff recognizes the value of the Council discussing significant issues earlier in the evening and, if the above objectives reflect the Council's objectives, then there are two options which best meet those objectives:

- One regular meeting per month and one special meeting per month with a 6-month schedule of the special meetings.
- Two regular meetings per month

Please note if the Council objectives as stated are inaccurate, then the staff recommendation could possibly change.

Below is a brief analysis of each option with our recommendation.

One regular meeting per month and one special meeting per month with a 6-month schedule of the special meetings.

We recommend this approach because it provides for the greatest opportunity for the Council to ensure it gets to items earlier in the meeting as well as allows the Council to discuss more issues of significant community interest per month.

Specifically, special meetings are not required to have "Open Time for items not on the agenda", no announcements, and we usually only have a few, if any, consent calendar items. The Council also has the flexibility to start special meetings earlier in the evening and can select days with no other meeting conflicts. While the 3rd Wednesday every month appears to work for Councilmembers, there may be times when it conflicts with other Councilmember obligations to attend other agency meetings.

Typically, at a regular meeting the Council does not get to the regular agenda items until after 8:00 pm because of Open Time, announcements, and/or consent calendar items. If the window for discussion is 8:00 pm to 11:30 pm, with the goal of completing discussions by 11:30 pm, the Council will usually only be able to discuss one (1), maybe two (2), matters of substance per regular meeting.

At a special meeting, the Council can usually discuss three (3) significant issues and, if the discussion is less than 1.5 hours per issue, perhaps even four (4) issues by 11:30pm. With a special meeting, the Council can start discussions shortly after 7:00 pm because there are no Open Time comments, announcements, and limited, if any, consent calendar items. (Note: there is still a public comment time for each agenda item.) Special meetings also give the Council the flexibility to start the special meeting earlier than 7:00 pm.

Under this option, the Council may be able to discuss 4-6 significant issues per month and adjourn meetings by 11:30pm. The establishment of a special meeting schedule is meant to address the issue of informing the community well in advance of potential special meeting dates. Similar to a regular meeting, the Council has the flexibility to cancel a meeting if there is no pressing need to meet to discuss items.

Two regular meetings per month

The primary differences between a regular meeting and a special meeting are: 1) a regular meeting is required to have Open Time for public comment on items *not* on the agenda and 2) a regular meeting must have an established day, time, and place for meetings in the Town Code (e.g., 1st and 3rd Wednesday of every month at 7:00pm in the Women's Club).

As stated above, the Council typically does not get to the regular agenda until after 8:00pm because of Open Time, announcements, and/or consent calendar items. This means the Council would only be able to discuss one (1), maybe two (2), matters of substance per meeting before 11:30pm. With two regular meetings, it is likely the Council will only be able to discuss 2-4 matters of significant interest per month.

Under a hybrid approach, where one regular meeting only has consent items, presentations, and items of less community interest and the other regular meeting has the items of significant interest, the Council would only have one meeting to discuss matters of significant public interest. Similarly, to split a regular meeting over the course of two days, with the first day being consent items, presentations, and items of less community interest and the other day being reserved for matters of significant interest, the Council would also only have one meeting to discuss issues of significant community interest. Either of the aforementioned structures would only allow the Council to discuss 2-3 issues per month.

However, two regular meetings would provide the community with two opportunities to comment on items not on the agenda (Open Time) and 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.

Illustration of the Benefits of a Special Meeting

We used the Council's recent October 7th regular meeting as an example of the allocation of time at a meeting. The following are the key observations:

- Opening meeting (reading protocols and land acknowledgement, announcements, and thank you to RCS staff) – 15 minutes

- Open for items not on the agenda- 16 speakers approx. 45 minutes

While this is long by even Fairfax standards, the result was that the Council did not get to the consent calendar until approximately 8:10 pm. As stated above, the Council typically does not get to the regular agenda until after 8:00 pm due to public comment, announcements, and consent calendar items that are routine in nature.

- An item was pulled from the consent calendar and the ensuing discussion took 2 hours (includes 15 public comments taking 45 minutes). The rest of the consent calendar took 25 minutes (includes 4 public comments taking 10 minutes). The Consent Calendar took a total of almost 2.5 hours.
- Two regular agenda items were continued to this meeting (October 21st).
- The remaining three items on the regular agenda, in order of discussion, took 25 minutes, 85 minutes, and 40 minutes, respectively. A total of 21 public comments (50 minutes) were received for those three items.
- Cumulative time spent on consideration of the four (4) items plus the consent calendar: 295 minutes (approx. 5 hours). Of the 295 minutes, 105 minutes were for public comments from 40 speakers (average of 2.5 minutes/speaker).
- The meeting ended at 1:12 am.

Findings

For the meeting to end by 11:30 pm, the Council would have only been able to discuss 2 of the 4 items.

Under a special meeting format with the meeting starting at 7:00 pm, all 4 items would have been completed by 12:00 pm or 3 items by 11:30 pm.

Under a regular meeting and special meeting structure, two items of the above six (6) items could have been completed at the regular meeting with the other four (4) items continued or scheduled to this special meeting.

It should be noted that it is difficult to predict how long an item will take to discuss because of the unknown amount of public comment to be received. However, it does appear that virtual meetings have increased meeting times and have increased the number of public comments during meetings.

Other Considerations (staff resources)

In previous staff reports, staff attempted to quantify the costs of an extra regular meeting and the impacts to staff. There are no costs for staff to attend the extra meeting 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.

The out-of-pocket costs are nominal and, we believe, should not be a major factor in the decision-making process to hold two regular meetings or one special meeting per month. Similarly, whether other communities meet twice a month should also not be a factor in the decision-making process. However, all the Marin communities meet twice a month, except for Ross and Belvedere. All the communities do conduct special meetings as needed (e.g., budget workshops).

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.

The primary impact of two meetings a month, whether a regular or special meeting, is the staff time necessary to prepare for (e.g., staff reports) and run the Town Council meeting. Staff does not believe we need additional assistance to produce the packets and post the agendas on the Friday before the meetings. The production of the packets is only a minor portion of the total time needed to prepare an agenda packet. Also, no additional software is needed to perform the work; nor would it expedite the process.

Staff has raised the issue that the effort to regularly prepare staff reports for another monthly meeting may result in other work being delayed or deferred while staff prepares the materials for the agenda packet. To offset this impact, we indicated there could be a need for additional professional assistance such as deputy Town Clerk, management analyst, and/or Public Works Director. However, we believe it would be premature to have this discussion now, especially with the unknown status of the economy.

We recommend waiting until after we have had some time to evaluate the efficiencies of the meetings and the level of work to prepare the agendas. Please note it is difficult for us to explain the impacts on staff because of the numerous variables. For example, the work to prepare a staff report for an item scheduled for a special or regular meeting is the same.

However, the Council does tend to continue items and/or discussions to the next meeting. As a result, staff may need to provide additional information and rewrite staff reports for these meetings which does take additional time (e.g., Meadow Way Bridge environmental). This additional time is what affects our ability to work on our other job responsibilities. On the other hand, we may find that the bulk of the additional amount of work is primarily the time to conduct the additional evening meeting. The solutions for offsetting the impact to staff will vary depending on the problem.

Next Step

We recommend over the next six months the Council schedule one special meeting per month. During the six-month trial period, staff would closely track the data on time spent per item, including public comments. In month 7, staff would report to the Council on the data collected and the impacts on staff to hold the extra meeting per month, including any recommendations regarding the need for additional staff resources.

At that time, Council would have better information to evaluate the merits of converting the monthly special meeting into a regular meeting.

Should the Council want to establish a schedule of special meetings for the next six months, staff would return in November with a proposed schedule and more detail regarding how items would be placed on the special meeting agenda.

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 November and second reading in December.

FISCAL IMPACT

n/a

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: 5.4 hours

Shortest: 2.5 hours

Longest: 7.5 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 this 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 held 2 to 3 meetings per month during the 20-week period.