

Proposal for a Standing Committee Structure in Council Policy & Practice

December 1, 2025

Councilmember Shane Smith (D4)

Issue

Whether the City Council's existing system of appointing standing committees for an entire Council term, without committee meetings being open to the public, should be replaced with formal standing committees who convene in public, noticed meetings subject to the Brown Act?

Relevant State Open Meeting Laws

- California's open meeting law ("Brown Act") applies to the Merced City Council. Gov. Code § 54952(a); *Boyle*, 70 Cal.App.4th 1109 (1999).
- "The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created." Gov. Code § 54950.
- The Brown Act applies to "standing committees" of Merced City Council having continuing jurisdiction over a particular subject matter. Gov. Code 54952(b).
- Brown Act also applies to "standing committees" created by "formal action" of Merced City Council. Gov. Code 54952(b).

Current Merced City Council Practice

- At a December meeting, Council considers its roster of committees to be empaneled for the upcoming calendar year.
- Committees (and often memberships) carry over from year to year.
- Appoint less than a quorum of Council members to each committee by way of formal action, *i.e.*, a seconded motion carrying a majority.
- Each Council committee serves in that capacity for a calendar year.
- Committee members are briefed on upcoming Council items.
- No action is taken, or recommendations are made for later action by the full Council.
- However, Committee meetings are not agendized, noticed, or opened to the public as required by the Brown Act.

My Perspective

In practice, City Council's committees are "standing committees" created by "formal action," and so the Brown Act applies to their operation.

If Council standing committees will continue, they must operate in accordance with the Brown Act.

Should Council Committees Continue?

Yes, Council Committees Should Continue

- Full Council slowly responds to complex issues happening in real-time.
- Committees:
 - Are a more nimble, responsive element of Council
 - Build subject matter expertise within Council
 - Distribute authority throughout Council as contemplated by the Charter
 - Enable staff to vet ideas and build support within a subset of Council before seeking authorization from the full Council

Proposal

- Condense existing continuous committees into 4 standing committees, each composed of 3 Council members.
- Beginning January 2026, new standing committees operate in accordance with the Brown Act.
- Issue-specific advisory committees continue as such, *provided* Council reaffirms their membership and mission in January 2026, and use diminishes over time.
 - Advisory committees of less than a quorum of council are exempted from the Brown Act. (Gov. Code § 54952(b))
- In line with medium-sized peer cities like Modesto, Bakersfield.

Proposed Standing Committee Parameters

- Regular meeting schedule (*e.g.*, 2-4 times per year)
- Agenda
- Meeting minutes
- Noticed and open to the public pursuant to Brown Act
- Held in Council Chambers with online viewing
- Committee chair elected by Committee members or full Council

Proposed Council Standing Committees

1. Public Safety

- Police Department
- Fire Department
- Code Enforcement
- Homelessness
- Continuum of Care Representative

2. Public Works, Roads, Infrastructure

- Multimodal Transportation
- Roads
- Traffic
- Utilities
- Beautification
- Merced Irrigation District, San Joaquin Air Board Reps.

Proposed Council Standing Committees

3. Finance & Economic Development

- Budget
- Commercial Outreach
- Jobs
- Community Development

4. South Merced

- Raise South Merced perspectives
- South Merced-focused community development

Carry Over Existing Advisory Committees

- High Speed Rail Authority
- Ethics & Governance
- Street Vendor Ordinance
- Anti-Slumlord & Vacant Building Ordinances
- Traffic Committee Re-Imagining
- Ballot Referendum Exploration
 - Council re-affirms membership and mission every six months until project conclusion, then committee terminates

Committees Proposed For Termination

- Downtown Committee: Council delegated authority to Property Based Improvement District covering Downtown.
- Housing & Planning Committee: City Charter already created a Planning Commission to address development projects in the first instance subject to appeal to full Council.
- Recreation and Parks Committee: City Charter already created a Parks & Recreation Commission to advise full Council.

Proposed Timeline

- January 5, 2026: Introduce Council Policy C-8 codifying committee structure and policy.
- January 20, 2026: Council forms standing committees, re-affirms advisory issue committees.
- January – June 2026: Standing committees meet in Brown Act-compliant meetings only as requested by Council or City Manager.
- July 2026 – Onward: Standing committees meet according to regular schedule.
 - City Manager correctly highlighted unfunded staff burden, upcoming SB 707 compliance efforts before next budget year

Request

- Feedback.
- Authority to return to Council's January 5, 2026 regular meeting with a:
 - Proposed Council Policy C-8 codifying a standing committee structure and policy consistent with our discussion.
 - Resolution re-affirming the membership and mission of existing issue-focused advisory committees.