

ORDINANCE NO. 24-0008

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING MANHATTAN BEACH MUNICIPAL CODE
CHAPTER 2.44 PERTAINING TO CITY BOARDS,
COMMISSIONS, AND COMMITTEES

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby amends Manhattan Beach Municipal Code (MBMC) Chapter 2.44 to read as follows:

“Chapter 2.44 – CITY BOARDS, COMMISSIONS AND COMMITTEES

2.44.010 General.

Boards and Commissions shall have powers and duties as established in this Municipal Code or by Resolution. The City Council may create special committees, commissions, and Ad Hoc Committees. The City Council may grant its Commissions, Boards and Committees such powers and duties as are consistent with the provisions of the general laws of the State.

The City Council may review actions of the Commissions, Boards and Committees.

2.44.020 Appointment.

The City Council shall appoint members of Commissions, Committees and Boards. Elected officials and City employees are not eligible to serve on Commissions or Boards.

2.44.030 Membership.

The Parks and Recreation Commission shall consist of seven members. The Cultural Arts Commission and Library Commission shall each consist of six members. The Planning Commission, the Parking and Public Improvements Commission and Board of Building shall consist of five members each. Membership criteria for individual Boards, Commissions, and Committees shall be separately authorized by the City Council.

2.44.040 Appointment procedure.

Appointment process for Commissions, Boards and Committees shall be as follows:

- A. On or before December 31st of each year, the City Council shall prepare an appointment list of all positions on Commissions and Boards to which appointments will be made during the following year, with subject list available to the public.
- B. Upon notification of an unscheduled vacancy not less than five days before a City Council meeting, subject vacancy shall be placed on the City Council Agenda as notification of the vacancy. The recommended City Council action will be to declare the vacancy and provide direction to staff. If less than six months have elapsed from the

annual boards and commissions interviews, the City Council may choose to appoint an individual that previously applied.

C. Subject Commission, Board or Committee vacancy shall be placed on the agenda, following the City Council declaration of the position vacancy, with the recommendation to appoint a member.

D. City Council may elect to conduct public interviews for appointment to fill a vacancy on a Commission, Board or Committee, as they deem appropriate.

2.44.050 Reserved.

Editor's note(s)—Ord. No. 16-0004, § 1, adopted May 3, 2016, effective June 3, 2016, repealed § 2.44.050, which pertained to voting procedure.

2.44.060 Term of office.

The term of office for members of Boards and Commissions shall be for a period of three years from June 1 through May 31, with the exception of the Student Representative members which shall be for a period of one year from June 1 through May 31.

No member of any Board or Commission, with the exception of the Board of Building Appeals, shall serve more than 72 consecutive months or until a successor is appointed and qualified.

For the purpose of term limitation, any individual who has served 72 consecutive months on a Board or Commission shall be eligible for reappointment to the same Board or Commission 12-months from the date said individual terminated service. The same individual may be appointed to a different Board or Commission immediately and is not subject to the 12-month waiting period.

2.44.070 Vacancies.

The term of a member appointed to fill an unscheduled vacancy shall commence the date of appointment by the City Council for a specified term in accordance with the following:

If a member is appointed to fill a vacancy with less than 18 months remaining in the original term, said member will automatically be appointed to a full three-year term without further action by the City Council. The completion of the term that is 18 months or less shall not be included in calculating the 72-month limit.

If a member is appointed to fill a vacancy that has 18 months or more remaining in the original term, said member would complete the term and would then only be eligible for one succeeding three-year term. The completion of the term that exceeds 18 months, shall constitute a full 36-month term for purposes of calculating the 72-month term limit.

2.44.080 Removal from office.

The City Council has authority, at its sole discretion, to remove any member or modify a member's term with or without just cause by a majority vote of the City Council.

2.44.090 Forfeit of membership.

A member of a Board or Commission who is absent from three Regular, Adjourned, Joint, or Special meetings) within a 12-month period (June 1 – May 31) shall, upon occurrence of the fourth absence, automatically vacate the seat on the Board or Commission.

A Student Representative of a Board or Commission who is absent from four Regular, Adjourned, Joint, or Special Meetings within a 12-month period (June 1 – May 31) shall, upon occurrence of their fifth absence, automatically vacate the seat on the Board or Commission.

The member may appeal forfeit of membership to the City Council.

2.44.100 Compensation for members.

Members shall serve without compensation but may be reimbursed for their reasonable and necessary costs and expenses incurred in connection with the performance of their duties.

2.44.110 Regular meetings.

All meetings of the Boards, Commissions or Committees shall be properly noticed and open to the public.

2.44.120 Special meetings.

A special meeting may be called by the presiding officer or in their absence the alternate presiding officer on a minimum prior notice of 24 hours.

2.44.130 Organization.

Upon one year of service as the presiding officer of a Board, Commission, or Committee, or whenever a vacancy shall occur in the position of presiding officer, the alternate presiding officer of the Board, Commission or Committee shall automatically become the presiding officer and the one of its members who has served on the body the longest without being presiding officer shall become the alternate presiding officer. Any refusal to accept an office of presiding officer or alternate presiding officer shall be treated as an acceptance and immediate resignation from such office. The presiding officer of a Commission, Board or Committee shall be considered removed from the position of presiding officer upon his resignation or upon the submission of a petition signed by over one-half of the members, to the City Clerk so requesting the termination.

2.44.140 Powers and responsibilities.

Boards, Commissions and Committees serve in an advisory capacity to the City Council, except for the authority specifically provided by California statute or the Municipal Code.

While the Commission may propose assignments and activities, all assignments and activities other than specific duties and responsibilities of the Commission shall be undertaken by direction of the City Council or the City Manager; all recommendations of the Commission shall be undertaken by direction of the City Council or City Manager; all recommendations of the Commission shall be made to the City Council via the City Manager or designee.

2.44.150 Agendas.

Agendas shall be prepared by the assigned staff liaison in consultation with the presiding officer. Agendas shall be distributed to the members of the Board, Commission or Committee not less than 72 hours prior to the scheduled meeting.

2.44.160 Records.

The Board, Commission or Committee shall cause proper records to be kept of all of their official acts and proceedings, in accordance with their specified retention, and shall provide reports to the City Council as needed.

2.44.170 Minutes and records.

Minutes of all meetings and actions shall be kept by the City Clerk for a period as provided in the City's retention schedule or the California Government Code.

2.44.180 Incurring of indebtedness prohibited.

The Boards, Commissions or Committees shall have no power or authority to bind or obligate the City or any officer or department thereof for any money, debt, undertaking or obligation of any kind.

2.44.190 Rules and regulations—General.

Boards, Commissions and Committees shall establish such rules and regulations as each deems necessary for its government and for faithful performance of its duties. Roberts Rules of Order shall govern the conduct of the meetings.

2.44.200 Quorum.

A majority of the total members of Commissions, Boards or Committees shall constitute a quorum for transaction of business.

2.44.210 Commissions and Boards.

Commissions and Boards shall be established by resolution of the City Council.

2.44.220 Committees.

The City Council may create Committees as specific needs arise.”

Section 2. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

Section 3. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

Section 4. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 5. The Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on September 17, 2024.

AYES:
NOES:
ABSENT:
ABSTAIN:

JOE FRANKLIN
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney