

LEGISLATIVE DIGEST

(Additions are shown in double underline; deletions are shown in ~~strikeout~~)

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

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 be permanent and~~ shall have powers and duties as established ~~herein~~ in this Municipal Code or by Resolution. The City Council may create ~~by resolution~~ special committees, ~~and~~ commissions, ~~and~~ ~~such temporary~~ Ad Hoc Committees ~~as in its judgment are required~~. 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.

~~All~~ The City Council may review actions of the Commissions, Boards and Committees ~~established by the City Council shall be subject to the review, modification and approval of the City Council.~~

2.44.020 Appointment.

The City Council shall appoint members of Commissions, Committees and Boards, ~~shall be appointed by the Council from persons who are not e~~ Elected officials ~~of the and~~ City employees are not eligible to serve on Commissions or Boards. ~~or employed by Manhattan Beach City government.~~

2.44.030 Membership.

~~Members of Boards, Commissions, and Committees shall be appointed by the City Council.~~ 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 ~~and approve~~ 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. Whenever an unscheduled vacancy occurs on a Commission, Board or Committee, a special notice is to be posted in the City Clerk's Office, and in other places as directed by the City Council within 20 days after the City receives notice of the vacancy.~~

B. C. Upon notification of ~~the~~ an unscheduled vacancy ~~(scheduled or unscheduled)~~ not less than five days ~~preceding~~ before a the scheduled 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. ~~read: "Declare Vacancy or Expiration of Current Term and Appoint or Reappoint at" (the date inserted will be the date of the following council meeting).~~

~~D. Applications for a specific vacancy must be submitted to the City Clerk's Office before 5:00 p.m. on the Tuesday following the meeting of the City Council declaring said vacancy. All submitted applications shall be retained and eligible for consideration for a three year period.~~

C.E. Subject Commission, Board or Committee vacancy shall be placed on the agenda ~~of the next regularly scheduled Council meeting~~, following the City Council declaration of the position vacancy, with the recommendation to appoint a member ~~of "Appoint or Reappoint Commission, Board or Committee Member."~~

D.F. 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 terms of office for members of Boards and Commissions shall be for a period of three years from June 1st through May 31st, with the exception of ~~Park and Recreation Commissioner No. 7~~ the Student Representative members which shall be for a period of one year from ~~June~~ July 1st through ~~May~~ June 31st.

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. ~~Provided however, that the completion of a term for an unscheduled vacancy, where the term is 18 months or less, should not be included in calculating the 72-month limit. However where the remaining term of the unscheduled vacancy exceeds 18 months, completion thereof shall constitute a full 36-month term for purposes of calculating the 72-month term limit.~~

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 12-24 months from the date said individual terminated service. The same individual may be appointed to a different ~~or to another~~ Board or Commission immediately and is not subject to the 12-month waiting period. ~~immediately.~~

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 vacant seat has 18 months or less remaining in its term, the new member would complete the original term and automatically be re-appointed to a three-year term without further ceremony.~~

~~If a vacant seat has more than 18 months remaining in its term, the new member would complete the original term and then seek reappointment via the regular procedures for the next three-year term.~~

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 ~~said~~ 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~~four~~ Regular, Adjourned, Joint, or ~~and~~ Special meetings ~~(two with no explanation required and two for medical emergencies)~~ within a 12 month period (June 1 – May 31) shall, upon occurrence of the

fourth absence, automatically vacate the seat ~~his or her 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.

~~Said~~ 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 ~~M~~meetings.

~~The Boards, Commissions or Committees shall meet as provided for by separate resolution of the Council at such places as the Council may designate.~~ 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~~his~~ 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.

~~The Board~~s, ~~Commission~~s ~~or and~~ ~~Committee~~s ~~shall be limited to serve in an advisory capacity advising to~~ the City Council, except for the authority specifically provided ~~to the Board, Commission or Committee~~ by California statute or the Municipal Code, ~~and shall~~

~~have the responsibility for holding public meetings and performing proper analysis of assignments or designated activities pursuant to instruction by the City Council.~~

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 ~~secretary~~ 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 ~~make brief annual reports to the Council, in writing, signed by at least a majority of its members, within 30 days following the end of a presiding officer's term.~~

2.44.170 Minutes and records.

~~The originals of the proper m~~Minutes of all meetings and actions shall be kept by the City Clerk for a period as ~~stipulated with~~ provided in the City's retention schedule or the California Government Code ~~of the State of California~~. ~~Copies shall be furnished to the City Council and other appropriate agencies or departments. Actions shall be reported to the City Council via the City Manager in resolution form whenever practicable with said resolutions reflecting the minority as well as the majority views, if any.~~

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 in excess of the appropriation which the Council may have made for the purposes of the Board, Commission or Committee in any fiscal year.

~~2.44.190 Duties of the City Clerk.~~

~~The City Clerk shall notify the Boards, Commissions or Committees of any matters which may be pending before the Council which may be pertinent to them and shall forward to the Boards, Commissions or Committees any and all documents, proceedings and installments which may be useful in their deliberations.~~

~~2.44.200 Ex-officio members.~~

~~A Staff Member shall be assigned by the City Manager as a secretary of each Commission, Committee or Board and shall have no power to vote, but may participate in discussions before the Board, Commission or Committee on any subject, and shall keep record of all procedures and notify all persons concerned of findings, determinations and decisions of Board, Commission or Committee. Such member shall not be considered or counted in determining a quorum for the transaction of business.~~

2.44.190~~210~~ 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 (~~Revised~~) shall govern the conduct of the meetings.

2.44.200~~20~~ Quorum.

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

2.44.210~~30~~ Commissions and Boards.

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

2.44.220~~40~~ Committees.

~~Committees shall be ad hoc and shall be created by t~~The City Council may create Committees as specific needs arise.”