



Legislation Details (With Text)

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In control: City Council Regular Meeting

On agenda: 12/1/2020 **Final action:**

Title: Consideration of Resignation from Planning Commissioner Burkhalter, Declare Vacant Planning Commission Seat No. 4 (Burkhalter), and Direct the City Clerk to Return with a List of Interested Applicants (City Clerk Tamura).

- a) ACCEPT RESIGNATION
- b) DECLARE VACANCY
- c) DIRECT THE CITY CLERK TO RETURN WITH A LIST OF INTERESTED APPLICANTS

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resignation Letter - Commissioner Burkhalter

Date	Ver.	Action By	Action	Result
12/1/2020	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk

Martha Alvarez, Senior Deputy City Clerk

Patricia Matson, Deputy City Clerk

SUBJECT:

Consideration of Resignation from Planning Commissioner Burkhalter, Declare Vacant Planning Commission Seat No. 4 (Burkhalter), and Direct the City Clerk to Return with a List of Interested Applicants (City Clerk Tamura).

- a) **ACCEPT RESIGNATION**
- b) **DECLARE VACANCY**
- c) **DIRECT THE CITY CLERK TO RETURN WITH A LIST OF INTERESTED APPLICANTS**

RECOMMENDATION:

Staff recommends that the City Council: a) accept the resignation from Planning Commissioner, Benjamin Burkhalter; b) declare vacant Planning Commission Seat No. 4 (Burkhalter); and c) direct the City Clerk to return with a list of interested applicants that participated in the 2020 annual Boards and Commissions interview and appointment process.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Planning Commission consists of five members and meets on the second and fourth Wednesday of each month. The Commission is responsible for long-range planning activities, including use permits, commercial planned development permits, zone changes, code amendments, and modification to long-range planning documents, including the City's General Plan and Local Coastal Plan.

On November 11, 2020, Commissioner Burkhalter tendered his letter of resignation to the City; effectively leaving the Planning Commission, Seat No. 4, vacant as of November 13, 2020.

DISCUSSION:

The term for Planning Commission Seat No. 4 is due to expire on May 31, 2023. The Manhattan Beach Municipal Code (MBMC) Section 2.44.070 states, "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."

The City Clerk's office historically declares vacancies and conducts public outreach for interested candidates to immediately fill unscheduled vacancies. Manhattan Beach Municipal Code (MBMC) Section 2.44.040 states, "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 twenty (20) days after the City receives notice of the vacancy."

As part of the 2020 annual Boards and Commissions interview and appointment process, staff advertised for several Board and Commission vacancies in the Beach Reporter, the Easy Reader, City Hall posting boards, Manhattan Heights Community Center and Joslyn Community Center bulletin boards, the City's website, the City's social media channels, and sent e-notifications to website subscribers. Given the significant advertising efforts that were made from January 2020-May 2020, staff is recommending that the City Council appoint from the list of candidates that participated in the 2020 annual interview and appointment process.

On May 28, 2020, 19 individuals interviewed for two available Planning Commission seats. Two individuals were appointed, Benjamin Burkhalter and Gerry Morton, leaving 17 individuals for the City Clerk to contact and determine if interest still exists. Below are the remaining applicants that indicated an interest in the seat:

- Richard Ackerman (appointed to the Board of Building Appeals)
- George Apostol (appointed to the Parking and Public Improvements Commission)
- Paul Beswick
- Andrew Bronstein
- Ilia Terrazas Dickey
- Jim Dillavou
- Dina Doll
- Stephen Doran
- Joseph Fusco
- Allen Kirschenbaum (appointed to the Parking and Public Improvements Commission)

- Anne Marie Knott
- Jake Larson
- Matthew Luce
- Joe Marcy (appointed to the Cultural Arts Commission)
- Kathleen Paralusz (reappointed to the Parking and Public Improvements Commission)
- Tarek Shaer
- Robert Tokashiki

Should the City Council prefer an alternative to the staff recommendation, staff has prepared a policy alternative for consideration in the next section below.

POLICY ALTERNATIVES:

ALTERNATIVE #1:

Upon City Council's approval to declare this seat vacant, the City Council can direct the City Clerk to conduct public outreach and advertise the vacant seat in the Beach Reporter, Easy Reader, City Hall, Manhattan Heights Community Center and Joslyn Community Center bulletin boards, the City's website, the City's social media channels and e-notification to website subscribers. Staff will then schedule interviews and agenda the appointment to this seat at a future City Council meeting.

PROS:

-Provides an additional opportunity for the community to apply for the open seat.

CONS:

-Staff resources will be dedicated towards advertising the vacancy, gathering applications, and scheduling the interviews.

-Conducting the interview process may be duplicative for the City Council as there could be several interested applicants from the most recent list established through the interview and appointment process on May 28, 2020.

-Advertising for the one vacancy will use funds that are allocated to advertise for the annual Boards and Commission vacancies. The available boards and commission advertising funds for Fiscal Year 2020-2021 were reduced by half in response to the COVID-19 budgetary cuts.

CONCLUSION:

Staff recommends that the City Council accept the resignation from Planning Commissioner Benjamin Burkhalter, declare Vacant Planning Commission Seat No. 4, and direct the City Clerk to return to the December 15, 2020, City Council meeting with a list of interested applicants from the 2020 annual boards and commissions interview and appointment process.

PUBLIC OUTREACH:

If the City Council directs staff to conduct public outreach, a notice will be published in the Beach Reporter, the Easy Reader, City Hall bulletin boards, the City website Boards and Commissions page, the City social media channels and an e-notification to website subscribers.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines

the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resignation Letter - Commissioner Burkhalter