



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Liza Tamura, City Clerk
Terri Aliabadi, Senior Deputy City Clerk

DATE: October 16, 2007

SUBJECT: Consideration of a Work Plan Item Regarding Board & Commission Issues

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction regarding changes to the Board & Commission handbook, interview and appointment process and other general issues.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

As part of the City Council's 2007-2008 Work Plan Meeting and the recent Annual Board & Commission Appointment Process, the following issues arose which the City Council communicated they would like to address:

INTERVIEW PROCESS

The interview process between applicants and the City Council is modified year to year depending on the number of interested applicants. In recent years, as the number of interested applicants continues to grow, the interview process has become a lengthy and arduous process for both applicant and Council.

If the Council would like to address a formal interview process, direction to staff is required in order to prepare a policy with guidelines and procedures.

VOTING PROCEDURE

Each city has their own unique way of appointing Commissioners. Some cities have a 1:1 ratio, meaning each Councilmember makes their own appointment to each commission. When the term of the Councilmember is over, so is the term of the Commissioner. Some cities distribute confidential ballots to each Councilmember in open forum and then read the nominations aloud. For example, if there are 3 seats open on a commission, the ballot will have the name of all interested individuals. Each Councilmember will vote and the 3 applicants with the highest number of votes are then appointed. Other cities continue to rely on established voting procedures

Agenda Item #: _____

with a simple motion, a second and a vote.

While Manhattan Beach’s procedure for Commission appointments has been in place for decades, it is certainly the prerogative of Council to change or modify. Per Municipal Code Section 2.44.050 “Voting Procedures”, any change or modification to the appointment process would require staff to prepare an ordinance for Council’s consideration at a future meeting.

GENERAL BOARD & COMMISSION ISSUES CURRENTLY IN HANDBOOK

- **Business Representative** The current definition, established by Resolution No. 5362 (Cultural Arts Commission Seat No. 3) and Resolution No. 5366 (Parking and Public Improvements Commission Seat Nos. 2 & 4), is: **MUST BE OWNERS, EMPLOYEES OR OFFICERS OF BUSINESSES LOCATED AND OPERATING WITHIN THE CITY.**

Should the business community restriction be modified? If so, Council would need to direct staff to amend Resolution Nos. 5362 & 5366 for Council adoption at a future meeting.

- **Absences** Currently the Handbook for Board & Commission Members designates that any member who is absent from three meetings within a twelve month period shall automatically forfeit their Board or Commission seat. This has been interpreted to include all duly called meetings (most commission meetings are held once or twice a month) but on occasion special meetings are called. Does Council want to change the three meeting interpretation? Should an excused absence policy be considered for medical or family emergencies?

In addition to the issue regarding absences, if a Commissioner misses the specified number of meetings established by Council, shall the City Clerk declare the seat vacant without receiving a letter of resignation from the Commissioner?

Per Municipal Code Section 2.44.090 “Forfeit of Membership”, any change or modification regarding this matter would require staff to prepare an ordinance for Council’s consideration at a future meeting.

- **Voter Registration** Currently the Handbook as well as each Board & Commission Resolution states that Board & Commission members shall be qualified electors and residents of the City. Should applicants continue to be required to be registered voters of the City?

Any changes regarding this matter require Resolution amendments to “Membership” requirements for it currently states that, “The Commission shall be composed of five (5) qualified electors and residents of the City of Manhattan Beach...”.

HANDBOOK

The Handbook for Board & Commission Members is an administrative document which outlines the Council-Manager Form of Government, explains the roles and responsibilities of Commissioners and Board members and can be revised as Council directs.

CONCLUSION:

Staff recommends that the Council discuss these issues and provide direction. Any recommended changes by Council will be reflected in the revised Boards & Commissions Handbook and brought back as a Consent item on a future City Council agenda.

Attachments: Boards & Commissions Handbook
Resolution No. 5362
Resolution No. 5366
Municipal Code Section 2.44.050 – Voting Procedure
Municipal Code Section 2.44.090 – Forfeit of Membership



HANDBOOK FOR BOARD &
COMMISSION MEMBERS

City Government

The City of Manhattan Beach was incorporated as a General Law City in December 1912. In 1948, a “Vote of the People” during a special election established the current Council-Manager form of government.

Council–Manager Form of Government

The Council-Manager form of government is the most common form of local government in California. There are a variety of ways to select Councilmembers; by district, at-large, or a combination, as well as a variety of ways to select the Mayor.

In Manhattan Beach, there are five City Councilmembers elected at-large as opposed to other cities where City Councilmembers are elected by specified districts. Councilmembers in Manhattan Beach are elected to four-year terms. The Mayor’s Office is rotated among all the Councilmembers, providing approximately nine months of service as Mayor during each Councilmember’s four-year term of office. In 1996 voters overwhelmingly voted to limit members of the City Council to two terms in office with the provision that allows a member to hold office again after being out of office for a period of at least two years.

The City Council appoints the City Manager who is responsible for the efficient administration and day to day operation of the City. The primary responsibilities of the City Manager, as stated in Section No. 2.04.070 of the Municipal Code, include ensuring that all laws and ordinances are properly enforced; exercising control over all public buildings, parks, property, departments and divisions of the City, and over all appointed officers and employees; recommending adoption of measures and ordinances deemed necessary and expedient; and preparation and implementation of the City’s operating budget.

In essence, the City Council functions as the Board of Directors, while the City Manager functions as the Chief Administrative Officer. In this relationship the authority and responsibility for public policy rests with the City Council, while the City Manager has responsibility and authority for the administration and operation of the City. The City Manager is either directly or indirectly responsible for the appointment of all City employees. The only exception is the City Attorney who, like the City Manager, is appointed by the City Council.

Boards & Commissions

As previously stated the City Council is the policy-making body for the City. The City Council is responsible for establishing local laws, setting public policy, rejecting or approving City programs, appropriating funds, and, in general, representing the citizens of Manhattan Beach.

To assist the City Council with these duties, the City has six Boards/Commissions. The purpose of the City's Boards/Commissions is to provide recommendations to the City Council regarding policy issues that are presented to the Commission from either the City Council or City staff. It is important to understand the role and responsibility of a Board or Commission.

Boards and Commissions do not have the authority to expend City funds or to direct City staff. The role of the City's Boards and Commissions is advisory, with the exception of the Planning Commission which has certain powers and authority granted under state law.

Manhattan Beach Boards, Commissions & Committees

In Manhattan Beach, Boards and Commissions are officially appointed bodies empowered to perform certain acts or assume certain responsibilities of a public nature.

Boards and Commissions are of a permanent nature as opposed to committees, which may be established for specific and/or temporary purposes.

Manhattan Beach has the following Boards & Commissions:

- **BOARD OF BUILDING APPEALS:** Established by Resolution No. 5361, pursuant to provisions of the California Building Code, the Board of Building Appeals hears requests for interpretation of Uniform Code provisions, alternative materials and methods of construction. Resolution No. 5702 amended the composition of the 5-member board stating that members shall be qualified by *experience and training*. Members shall first be selected from qualified electors and residents of the City of Manhattan Beach. If there are insufficient applicants, the City Council may appoint qualified members serving concurrently on another Commission or Board. This Commission meets on an as-needed basis.
- **CULTURAL ARTS COMMISSION:** Established by Resolution No. 5362, the Cultural Arts Commission is responsible for the continued development and implementation of the master plan for cultural arts in the City, encouraging and supporting art education programs in the community and schools, visual and performing arts and Art in Public Places. Consists of five (5) members: three (3) members selected at-large, one (1) member of the business community and one (1) member selected as an artist representative. The Commission meets the 2nd Tuesday of every month at 6:00 p.m.
- **LIBRARY COMMISSION:** Established by Resolution No. 5363, the Library Commission serves in an advisory capacity to the City Council regarding library services provided by the Los Angeles County Library System to the citizens of Manhattan Beach. Also, the Commission acts as a liaison between the City and public/private community groups supportive of library services. Consists of five (5) members who meet the 2nd Monday of each month at 6:30 p.m.

- **PARKING & PUBLIC IMPROVEMENTS COMMISSION:** In 1997 the City Council merged the Public Works Commission and Board of Parking Place Commissioners, and established by Resolution No. 5366, the Parking & Public Improvements Commission. The Parking & Public Improvements Commission is responsible for public parking issues, capital improvement projects, traffic management and activities within the public right-of-way including encroachment permits. Consists of five (5) members: three (3) members selected at-large and two (2) members shall be members of the business community. The Commission meets the 4th Thursday of each month at 6:30 p.m.
- **PARKS AND RECREATION COMMISSION:** Established by Resolution No. 5365, the Parks & Recreation Commission is responsible for the recreational needs of all citizens, and shall promote supervised public recreation within the City. Consists of seven (7) members: five (5) at large members, one (1) representative from Manhattan Beach Unified School District and one (1) Mira Costa High School student. The Commission meets the 4th Monday of every month at 6:30 p.m.
- **PLANNING COMMISSION:** Established by Resolution No. 5367, pursuant to the State Planning and Zoning Law, the Planning Commission is responsible for 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. Consists of five (5) members who meet on the 2nd and 4th Wednesdays of each month at 6:30 p.m.

Your Role as a City Board/Commission Member

As a member of a City Board or Commission, you play a very important role in making Manhattan Beach a great place to live and work. As a City Board or Commission member, you are asked to make recommendations on a number of issues, many of which have an equal number of supporters and opponents. You may find that making these recommendations is not always an easy task.

You will soon realize that the services the City provides, many of which require careful thought and planning, ensure the highest quality service while remaining cost efficient. You will learn that there are different rules and/or procedures required to accomplish goals and/or complete projects for a public agency than for a private company. Many of these requirements and regulations are unfamiliar to the average citizen. Finally, you will learn that it is much easier to criticize the decisions made by you and other appointed or elected officials than it is to actually make the decision.

However, you should take comfort in knowing that you are making a positive difference in your community. Without you and your fellow Board/Commission members help and the personal insight the City of Manhattan Beach would not be the great place that it is!

To assist you with having a successful and enjoyable term as a Board or Commission member, the following guidelines are provided for your information:

1. **Know Your Responsibilities As Well As Your Limitations** – As a member of a City Board or Commission you will be asked to provide recommendations about specific issues. The type and nature of those issues will vary depending upon the Board or Commission of which you are a member. Keep in mind that your appointment does not empower you to remake City government or supervise City staff. You are there to provide, as a group, recommendations regarding a number of issues to the City Council. Commissioners are encouraged not to speak individually before the City Council regarding matters that have already been presented to the Commission.
2. **Keep An Open Mind** – Board and Commission members should refrain from prejudging any matter they are considering or about to consider. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgement or take a position. Also, it is important that members not be swayed by how many people attend a meeting to discuss an issue. Just because a number of citizens are calling for a particular action, does not mean that action is in the best interest of the entire community. Remember that you represent the interests of all the citizens of Manhattan Beach not just the individuals present at a meeting.
3. **Ask Questions If You Are Unsure About Something** – Each Board or Commission has a City Staff Liaison assigned to provide information to assist the members with the decision-making process. If you are unsure about something or would like further information, please ask your staff liaison for help. Written information along with a meeting agenda is prepared for all Board & Commission meetings. This information is provided to members for review in advance of the meeting. If you have questions regarding the information, call your liaison before the meeting to ask questions or request further information. Most of the City's Boards & Commissions meet once a month so asking questions before the meeting will help prevent unnecessary delays.
4. **Know And Understand The Relationship Between The Commission Members & The Staff Liaison** – The City's Staff Liaison is support staff provided to assist with the duties of the Board or Commission. The role of the liaison is to provide information to the members to assist them in making a recommendation to the City Council. The liaison is responsible for preparation and delivery of the agenda, preparation of all written communication for the meeting, and eventually forwarding the member's recommendation to the City Council for consideration. If you have any questions about your role as a Board or Commission member, procedures during a meeting, or need clarification about an issue, ask your liaison. Your liaison is there to help you!
5. **Different Opinions Are Welcome** – Everyone sees the world in a slightly different way and the five or more individuals serving on a Board or Commission are no different. You will have your own opinions and views with respect to certain issues as will your colleagues. You should respect the opinions and views of others whether they are other Board/Commission members or individuals speaking before your Board or Commission.

Also, as a Board or Commission member you invest a great deal of time and energy to arrive at a meaningful recommendation for the City Council's consideration. Don't be upset or frustrated if staff members disagree with the Board/Commission's recommendation. City staff is motivated by the same goals as the Board or Commission members – namely, the best interest of the City, and they too have an obligation to present their best recommendations to City Council. The ultimate decision rests with the City Council and it is incumbent upon City staff to provide the City Council with all the relevant information for them to make the best decision. At times this may include information that conflicts with individual Commission member's position or the Commission's recommendation.

- 6. Understand Your Role And The Role Of The City Council** – The citizens of Manhattan Beach elected the City Council as the policy making body for the City. The City Council appointed you as a member of one of the City's Boards or Commissions. Your role is to hear public testimony, review written material, discuss the alternate points of view among your colleagues, and ultimately, as a group, forward a recommendation to the City Council for consideration. In order to present the City Council with a recommendation, members of certain Commissions may occasionally be required to make site visits and/or attend neighborhood meetings. The City Council then reviews the Commission's recommendation and may receive additional public testimony and ultimately renders a decision. Board & Commission members should not be offended if the City Council rejects or modifies their recommendation. The City Council must consider all facets of an issue, some of which may be unknown to Board & Commission members, including budgetary implications, staffing issues, internal relationships, the overall merits of the program, and other projects/programs competing for available resources.

Once the City Council has rendered a decision, it is incumbent upon the Board/Commission members to accept the Council's position. After all, the City Council members are elected as the policy makers for the City.

This does not mean you must agree with the City Council's policy. However, you should refrain from disagreeing with the City Council's policy decision in a manner that questions their integrity, judgement, and wisdom. Also, you should refrain from using your appointed position as a "soapbox" from which you publicly disagree with a decision by the City Council.

- 7. Public Agency Requirements** - Individuals unfamiliar with the restrictions and regulations placed on public agencies are often surprised and/or frustrated at the cost and/or the length of time required to complete a public project. Competitive bidding is a method used to ensure that the City receives a fair price commensurate with the quality required. Purchase of supplies, equipment or services of an estimated value less than \$20,000 are informally bid by the General Services Manager. Requirements equal to or in excess of \$20,000 require formal, sealed bidding with the Council awarding the contract (Council can waive this requirement if deemed in the City's best interest). The City awards bids to the lowest responsible bidder. This means the bidder who best responds to price, quality, service, fitness or capacity to the particular requirements of the City; price alone is not the determining factor. The bid process can

be very time consuming including a Request for Proposal that must be developed, advertised, and distributed. Then proposals must be received, evaluated, and presented to the City Council for approval. This process can easily take 3 - 4 months. Of course, these legal requirements are in place to ensure that contracts are awarded fairly and in a manner that safeguards public funds.

The cost to complete a project often surprises people. As a member of a Board or Commission you may hear people complain that the cost of a City project is much more than they have paid for similar work. What people don't know is that, as a public agency, the City must require contractors to pay prevailing wages to all their employees as defined by state or federal guidelines. In addition, the selected contractors must meet the City's insurance requirements as well as provide a performance bond. All of these requirements add to the overall cost of the project but help ensure a high quality of work by a reputable company.

8. **Avoid Conflicts Of Interest** – Since the City's Boards & Commissions address a wide range of issues it is likely that matters will be discussed which directly or indirectly impact the Board & Commission members. State law prohibits certain conflicts of interest and provides that they can be treated as criminal acts. If you have a personal interest in a matter, the law may require you to disqualify yourself from discussing and voting on the matter. The proper operation of local government requires that public officials, including Board & Commission members, are independent, impartial, and responsible to the people. If you or a member of your family has a financial interest in a matter that is being discussed, you should disclose that during the meeting, prior to the discussion of the item, and refrain from participating in the discussion or vote. (More information regarding conflict of interest can be found under the Assuming Office section)
9. **Avoid Violations Of The Brown Act** - The Ralph M. Brown Act, described as the strictest open meeting law in the United States, requires that all meetings of the City's Boards & Commissions be open to the public without any restriction on the right of the public to attend and that all actions taken be set forth on the Board or Commission's written agenda. This Act also requires that all Board & Commission business be conducted in public. To this end, Board & Commission members should not discuss Board/Commission business with other Board/Commission members outside of a public meeting.

Email communications between commissioners can result in violation of the Brown Act. As a general rule, off-agenda discussions of agenda items or commission business among a quorum of commissioners are prohibited. Such discussions may occur indirectly when carried on piecemeal or channeled through another individual. For example, if commissioner X e-mails commissioner Y regarding commission business and forwards commission Y's response to commissioner Z, a Brown Act violation may have occurred. If a citizen or staff member e-mails commissioners X, Y and Z soliciting their opinions about an agenda item and each replies, a Brown Act violation has probably occurred. Commissioners should be careful what they put in, and to whom they send e-mails. Should you have questions regarding the Brown Act, please contact your main departmental contact for further clarification.

10. **Enjoy The Experience** - knowing that you are making a positive contribution to your community!

Board & Commission Member Eligibility Requirements And Terms Of Appointments

In February 1998, the City Council enacted Ordinance 1975 which established that all Board & Commission members shall be qualified electors and residents of the City of Manhattan Beach and shall serve three-year terms, with the exception of the student member of the Parks & Recreation Commission who shall serve a one-year term. The term of all Board & Commission members shall run from June 1st to May 31st, three years later. No member of any Board or Commission, with the exception of members of the Board of Building Appeals, shall serve longer than 72 consecutive months (exception for members filling unscheduled vacancies) or until a qualified successor is appointed. Members of the Board of Building Appeals are not subject to any term limitations.

For the purpose of term limits, any individual who has served 72 consecutive months on a Board or Commission shall be eligible for reappointment to the same Board or Commission 24 months from the date the individual terminated service with said Board or Commission. This person may, however, immediately be appointed to serve on another Board or Commission.

Filling Unscheduled Vacancies

From time to time Board & Commission vacancies occur prior to the expiration of the term. In these instances, accommodations must be made to prevent deviation from the formal appointment schedule of June 1st through May 31st. These accommodations are accomplished in the following manner:

If a vacant seat has 18 months or less remaining in its term, the new member will complete the original term of office and automatically be re-appointed to a three-year term without further ceremony. Following the three-year term, the member would be eligible for re-appointment by the City Council to another three-year term. In essence the 18 months or less the member serves during the original term of office is not included in the calculation of the 72-month term limitation. Conversely, if a vacant seat has 18 months or more remaining in its term, the new member will complete the original term of office and then be eligible for reappointment, by the City Council, to one succeeding three-year term. The 18 months or more served during the original term of office constitutes a complete 36 month term for purposes of calculating the 72-month term limitation.

Forfeiture Of Membership

As a member of a City Board or Commission you play an important role in assisting the City Council with making policy decisions about City projects or programs. The City Council needs your help to make these important decisions and they want to hear from you. However, the City Council can only consider your point-of-view if you are present at the Board or Commission meeting. Therefore, the City Council has established that any member who is absent from three meetings within a twelve month period shall automatically forfeit their Board or Commission seat.

Assuming Office

The Political Reform Act of 1974 requires that public officials must file statements of economic interests. The Act also requires public officials to disqualify themselves from participating in decisions which may affect their financial interests or the financial interests of family members. The Fair Political Practices Commission (FPPC) is the agency with the primary responsibility for interpreting and enforcing the Act. The Act requires local agencies, such as the City of Manhattan Beach, to administer the processing of statements of economic interests.

After your appointment by the City Council, the City Clerk will provide you with the necessary forms to be completed, as required by the State of California. If you have questions regarding the forms, you may contact the City Clerk at 310-802-5056. If you have questions regarding which economic interests you are required to disclose, you may contact the Fair Political Practices Commission in Sacramento at 916-322-5660 or toll free at 866-275-3772.

A similar form must be completed on an annual basis and upon leaving office.

Teamwork

We are honored to have you as part of our team. Your appointment places you among others who share your commitment to the community and your fellow citizens of Manhattan Beach. You will realize that in order for a local governmental agency to effectively serve the needs of its businesses and residents, there must be cooperation and teamwork at every level including the City Council, Board & Commission members and City staff. It is our sincere hope that you find your term serving on a City Board/Commission enjoyable and rewarding.

Agenda Item #: _____

City of Manhattan Beach
City Clerk's Office
1400 Highland Avenue
Manhattan Beach, CA 90266
(310) 802-5056

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RESOLUTION NO. 5362

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A
CULTURAL ARTS COMMISSION AND RESCINDING
RESOLUTION Nos. 4465, 4710, 4993 AND 5196 AND ANY
OTHER RESOLUTIONS INCONSISTENT HEREWITH

WHEREAS, pursuant to Chapter 2.44 of the City of Manhattan Beach Municipal
Code and Resolution Nos. 4465, 4710, 4993 and 5196, a Cultural Arts Commission has been created
and established; and

WHEREAS, the City Council desires to rescind previous resolutions and re-establish
said Commission as set forth in this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN
BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

that Resolution No. 4465, passed and adopted on the 5th day of January, 1988, Resolution No. 4710,
passed adopted the 15th day of May, 1990, Resolution No. 4993, passed and adopted on the 16th
day of March, 1993 and Resolution No. 5196, passed and adopted the 17th day of October, 1995
shall be and is hereby rescinded and Resolution 5362 is established as follows:

SECTION 1. A Cultural Arts Commission.

A Cultural Arts Commission ("Commission") is hereby established.

SECTION 2. Duties and Responsibilities.

(a) The Commission shall recommend a master plan for cultural arts in the City
which shall include written policies and guidelines for an annual art program.

(b) Advise and encourage cultural arts endeavors to meet the cultural needs of the
community.

(c) Encourage and support, where possible, art education programs in the
community.

(d) Foster understanding and cooperation among the various community groups
providing programs in the cultural arts field.

(e) Assist in the Art in Public Places selection process: review and recommend
projects for City Council approval; recommend project architects for City Council approval;
recommend precise site(s) location of the art for City Council approval; recommend a selection
process for City Council approval.

(f) Make recommendations to City Council as to the deaccession of art work.

(g) Advise the City Council on the physical development of all City-owned cultural
arts facilities.

SECTION 3. Membership.

(a) The Commission shall be composed of five (5) qualified electors and residents of
the City of Manhattan Beach, appointed and subject to removal by a majority of the City Council.

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(b) One (1) Commissioner shall be selected by City Council as a representative of the business and development community of Manhattan Beach. This commissioner shall be an owner, officer, or employee of a business firm or corporation in and doing business within the City of Manhattan Beach; capable of engaging effectively in a committee process; and open minded and responsible.

(c) Three (3) Commissioners shall be selected by City Council from the community at large of Manhattan Beach. These commissioners shall be individuals interested in the arts who are capable of engaging effectively in a committee process; and open minded and responsible.

(d) One (1) Commissioner shall be selected by City Council as an artist representative. This commissioner shall be a professional artist in the visual, performing, or literary arts who is respected in his/her field; knowledgeable about contemporary visual, performing, or literary arts; capable of engaging effectively in a committee process; and open minded and responsible.

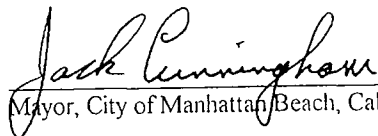
(e) Gallery owners, dealers, producers, agents, and other profit-orientated intermediaries are not eligible for appointment to the commission.

SECTION 4. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

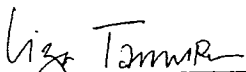
PASSED, APPROVED and ADOPTED this 3rd day of February, 1998.

Ayes: Jones, Wilson, Lilligren, Mayor Cunningham
Noes: Napolitano
Absent: None
Abstain: None



Mayor, City of Manhattan Beach, California

ATTEST:



City Clerk

1 RESOLUTION NO. 5366

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A
4 PARKING AND PUBLIC IMPROVEMENTS COMMISSION.

5 WHEREAS, pursuant to Chapter 2.44 of the City of Manhattan Beach
6 Municipal Code, a Parking and Public Improvements Commission has been created and
7 established; and

8 WHEREAS, the City Council desires to re-establish said Commission as set
9 forth in this Resolution.

10 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
11 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:
12 that Resolution No. 5366 is established as follows:

13 SECTION 1. Parking and Public Improvements Commission.

14 A Parking and Public Improvements Commission ("Commission") is hereby
15 established.

16 SECTION 2. Duties and Responsibilities.

17 (a) The Parking and Public Improvements Commission shall have the
18 responsibility for conducting public meetings for performing the proper analysis to make
19 recommendations to the City Council regarding the following:

20 1. Policy matters related to public parking within the City including
21 but not limited to the following areas:

- 22 • CD (Commercial Downtown)
- 23 • Public Parking Lots 7 & 8(Valley/Ardmore)
- 24 • Civic Center
- 25 • CL (Commercial Local) at Marine Ave. & Highland Avenue
- 26 • CNE (Commercial North End) including the D-6 Overlay
- 27 • El Porto Parking Lots (County-owned)
- 28 • Upper & Lower Pier Lots (State-owned)
- 29 • CG (Commercial General) at MBB & Aviation
- 30 • All other metered public parking spaces within the City
- 31 • Any additional public parking spaces acquired as a result of
32 developing private parking spaces for public use through
cooperative agreements between the City and the property
owner.

2. Capital Improvement Program review and formulation including
project priority recommendations for City Council consideration.

3. Activities within the public right-of-way which are not subject to
administrative permit procedures including encroachments and
undergrounding of utilities.

4. Traffic management including review of matters germane to traffic circulation, regulatory traffic control devices which require action by the City Council, special parking and traffic studies, and temporary street closures.

SECTION 3. Membership.

(a) The Commission shall be composed of five (5) qualified electors and residents of the City of Manhattan Beach, appointed and subject to removal by a majority of the City Council.

(b) Two (2) of the five (5) members shall be from the business community of Manhattan Beach. The commissioners shall be owners, officers, or employees of business firms or corporations in and doing business within the City of Manhattan Beach.

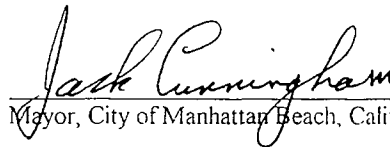
(c) Current members of the Board of Parking Place Commissioners and Public Works Commission shall be installed and shall serve the remainder of their term as members of the Parking and Public Improvements Commission.

SECTION 4. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 3rd day of February, 1998.

Ayes: Jones, Wilson, Lilligren, Mayor Cunningham
Noes: Napolitano
Absent: None
Abstain: None



Mayor, City of Manhattan Beach, California

ATTEST:



City Clerk

of seven (7) members. Membership criteria for individual Boards, Commissions, and Committees shall be separately authorized by the City Council.

(as amended by § 1, Ord. 1661, eff. Nov. 3, 1983, and § 1, Ord. 1975, eff. March 16, 1998)

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, 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 twenty (20) days after the City receives notice of the vacancy.
- C. Upon notification of the vacancy (scheduled or unscheduled) not less than five days preceding the scheduled Council meeting, subject vacancy shall be placed on the Council Agenda as notification of the vacancy. Recommended Council action will 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 (3) year period.
- E. Subject Commission, Board or Committee vacancy shall be placed on the agenda of the next regularly scheduled Council meeting, following the Council declaration of the position vacancy, with the recommendation of "Appoint or Reappoint Commission, Board or Committee Member."
- 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.

(as amended by § 2, Ord. 1975, eff. March 16, 1998)

2.44.050 Voting procedure.

Each Councilmember may nominate not more than one (1) person for each vacancy, with each vacancy to be filled separately, and with each Councilmember commenting upon why he is making his particular nomination.

- A. Each Councilmember may cast one (1) or two (2) votes with not more than one (1) vote per nominee.
- B. Any nominee who receives one (1) or no votes will be eliminated.
- C. Each Councilmember may cast one (1) vote for any remaining nominee. Any nominee receiving three (3) votes, is appointed. If no nominee receives three (3) votes, the nominees who receive one (1) or no votes shall be eliminated and step (C) shall be repeated.

2.44.060 Term of office.

The terms of office for members of Boards and Commissions shall be for a period of three (3) years from June 1st through May 31st, with the exception of Park and Recreation Commissioner No. 7 which shall be for a period of one (1) year from July 1st through June 31st.

No member of any Board or Commission, with the exception of the Board of Building Appeals, shall serve more than seventy-two (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 eighteen (18) months or less, should not be included in calculating the seventy-two (72) month limit. However where the remaining term

of the unscheduled vacancy exceeds eighteen (18) months, completion thereof shall constitute a full thirty-six (36) month term for purposes of calculating the seventy-two (72) month term limit.

For the purpose of term limitation, any individual who has served seventy-two (72) consecutive months on a Board or Commission shall be eligible for reappointment to the same Board or Commission twenty-four (24) months from the date said individual terminated service or to another Board or Commission immediately. (as amended by § 2, Ord. 1562, eff. August 9, 1979, and § 3, Ord. 1975, eff. March 16, 1998)

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 eighteen (18) months or less remaining in its term, the new member would complete the original term and automatically be re-appointed to a three (3) year term without further ceremony.

If a vacant seat has more than eighteen (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 (3) year term. (as amended by Ord. 1870, eff. April 15, 1993, and § 4, Ord. 1975, eff. March 16, 1998)

2.44.080 Removal from office.

The City Council has authority, at its sole discretion, to remove any member or modify said member's term with or without just cause by a majority vote of the Council. (as amended by § 5, Ord. 1975, eff. March 16, 1998)

2.44.090 Forfeit of membership.

A member of a Board or Commission who is absent from three (3) meetings within a twelve (12) month period shall, upon occurrence of the third absence, automatically vacate his or her seat on the Board or Commission. Said member may appeal forfeit of membership to the City Council. (as amended by § 1, Ord. 1558, eff. July 5, 1979, and § 6, Ord. 1975, eff. March 16, 1998)

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 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 his absence the alternate presiding officer on a minimum prior notice of twenty-four (24) hours. (Ord. No. 1870, Amended, 04/15/93)

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