



DATE: November 4, 2009
TO: Honorable Mayor and City Councilmembers
FROM: City Manager's Office
SUBJECT: **EL CORAZON ENABLING RESOLUTION AND BYLAWS**

SYNOPSIS

Staff recommends that the City Council adopt the enabling resolution to establish the El Corazon Commission (ECC) and approve the bylaws for the ECC, and dissolve the El Corazon Oversight Committee (ECOC).

BACKGROUND

At the City Council's June 3, 2009, meeting, Council provided the following direction:

"that a new commission be formed (dedicated to El Corazon) that will follow all City procedures and dissolve the El Corazon Oversight Committee, with recommendations on the structure returned to Council".

The ECOC was established in November 2005 with the mandate to complete the Specific Plan and EIR for the site; both documents were approved on June 3, 2009.

ANALYSIS

At the June 3, 2009, Council meeting, Council directed:

"that a new commission be formed (dedicated to El Corazon) that will follow all City procedures and dissolve the ECOC, with recommendations on the structure returned to Council".

As such, staff is returning to the Council, per its direction, to establish a Commission dedicated to El Corazon. Staff is recommending that the Council adopt the enabling resolution and approve the bylaws to establish a new Commission: the El Corazon Commission. This new entity will replace, per Council's June 3, 2009, direction, the El Corazon Oversight Committee (ECOC). Consequently, the ECOC would be dissolved on November 4, 2009, per the Council's June 3, 2009, action.

FISCAL IMPACT

No fiscal impact beyond the cost of staff support.

COMMISSION OR COMMITTEE REPORT

Staff reviewed the enabling resolution and bylaws with the ECOC at its July 20, 2009, and October 19, 2009, meetings. The ECOC desires that the Council know that they would be willing to serve until the new Commission is seated. The ECOC feels that there should not be a gap in service between the ECOC and the new Commission.

CITY ATTORNEY'S ANALYSIS

The enabling resolution and bylaws have been reviewed by the City Attorney and approved as to form.

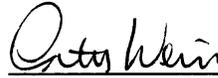
RECOMMENDATION

Staff recommends that the City Council adopt the enabling resolution to establish the El Corazon Commission (ECC) and approve the bylaws for the ECC, and dissolve the El Corazon Oversight Committee (ECOC).

PREPARED BY:

SUBMITTED BY:

Michelle Skaggs Lawrence
Deputy City Manager



Peter A. Weiss
City Manager

ATTACHMENTS

Resolution
Bylaws

1 RESOLUTION NO. _____

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE TO ESTABLISH AN EL CORAZON
4 COMMISSION OF THE CITY OF OCEANSIDE

5 WHEREAS, the City Council recognizes that the citizens of Oceanside are the most
6 valuable resource within the community and that the foundation of municipal government
7 representation requires public participation;

8 WHEREAS, the City Council desires to encourage public participation in the decision-
9 making process to the fullest extent possible, thereby resulting in the most effective and
10 responsive representation for all Oceanside citizens;

11 WHEREAS, to achieve this representation, the City Council establishes advisory groups
12 to advise the City on policy matters pertaining to City programs and services;

13 WHEREAS, the City Council has previously established the El Corazon Oversight
14 Committee to advise it on issues relative to the potential uses on El Corazon; and

15 WHEREAS, the City Council desires to replace the El Corazon Oversight Committee
16 with a new, standing commission of the City in order that the Council be provided with
17 ongoing information and advice.

18 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

19 SECTION 1. Establishment of Commission

20 There is hereby established an El Corazon Commission (“Commission”) to replace the
21 existing El Corazon Oversight Committee.

22 SECTION 2. Purpose of Commission

23 The Commission shall consider and make recommendation to staff, the Planning
24 Commission and the City Council on the implementation of the El Corazon Specific Plan,
25 consistent with Section 6.3 of Specific Plan.

26 SECTION 3. Membership

27 3.1 The Commission shall consist of ten members.

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1 3.2 Members of the Commission shall be appointed by the Mayor, subject to the
2 approval of the City Council.

3 3.3 The ten members need to be residents of the City of Oceanside.

4 3.4 For this initial appointment, four out of the ten members must have served on the
5 El Corazon Oversight Committee (ECOC) to ensure continuity.

6 3.5 Citizens may only serve on one City Commission at any given time.

7 SECTION 4. Meetings

8 All Commission meetings shall be open to the public and subject to the Ralph M. Brown
9 Act (Government Code section 54950 et seq.) and the City Council policies implementing this
10 Act. Meeting will be held quarterly or as needed.

11 SECTION 5. Creation of the Commission By-laws

12 The by-laws shall be submitted to the City Council for consideration following the
13 adoption of the enabling Resolution.

14 SECTION 6. Biannual Commission Work Plan

15 The Commission shall submit to the City Council no later than June 30 on a biannual
16 basis a work plan indicating specific Commission projects and tasks to support the purpose and
17 scope of responsibilities of the Commission. The City Council shall review and approve this
18 work plan.

19 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
20 this _____ day of _____, 20____, by the following vote:

21 AYES:

22 NAYS:

23 ABSENT:

24 ABSTAIN:

25
26
27 ATTEST:

28 _____
City Clerk

Mayor, City of Oceanside

APPROVED AS TO FORM:



City Attorney

BYLAWS OF THE CITY OF OCEANSIDE
EL CORAZON COMMISSION

ARTICLE I. THE COMMISSION

Section 1.1 El Corazon Commission

The name of the Commission shall be the "City of Oceanside El Corazon Commission" (hereinafter referred to as "Commission").

Section 1.2 Purpose

The Commission is responsible for advising staff, the Planning Commission and the City Council on the implementation of the El Corazon Specific Plan, including development proposals for the Specific Plan area pursuant to the Specific Plan, Chapter 6, Section 6.3.

The Commission shall work cooperatively with members of the community to receive their input on park, open space, and recreational issues, including all other aspects of the development of the El Corazon property.

The Commission, prior to Planning Commission hearings, will review and provide a recommendation on all discretionary project applications. The Commission serves only in an advisory capacity. The Planning Commission and the City Council will retain all decision-making authority for the Specific Plan area.

ARTICLE II. MEMBERSHIP

Section 2.1 Composition

The Commission shall consist of ten (10) regular voting members with no alternate members.

Section 2.2 Terms of Membership

The initial terms of membership for all regular voting members shall be staggered, with the effective date of the Resolution establishing the Commission being the official date on which each term begins. Four (4) members shall serve an initial three (3) year term, three (3) members shall serve an initial two (2) year term, and three (3) members shall serve an initial one (1) year term.

The initial term of membership for each Commission member shall be determined by a draw of lots at the first regularly scheduled meeting of the Commission. Thereafter, regular members shall serve terms of three (3) years. For the initial appointment to the

El Corazon Commission, four out of the ten members must have served on the El Corazon Oversight Committee (ECOC) to ensure continuity.

Section 2.3 Termination of Membership

All members serve at the pleasure of the City Council and may be removed during a term. Membership in the Commission shall automatically terminate upon any of the following occurrences:

- a. The expiration date of the term of membership;
- b. The member has a less-than-60-percent attendance record each fiscal year (includes excused and unexcused absences);
- c. The member fails to attend any required Commission training;
- d. Upon removal by a majority of the City Council, with or without cause;
- e. The member fails to complete and submit the required financial interest disclosure forms to the City Clerk's Office by the specified due date.

Section 2.4 Resignation

Any Commission member may resign at any time by giving written notice to the Mayor of the City of Oceanside and the Chairperson of the Commission. Any such resignation shall be effective upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 2.5 Vacancy

When a vacancy occurs, the Mayor shall appoint an applicant to fill the vacancy, subject to the provisions and appointment procedures outlined in Chapter 2, article 2.1 of the City Code. Vacancies will be filled as expeditiously as is feasible.

ARTICLE III. OFFICERS

Section 3.1 Officers

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson.

Section 3.2 Chairperson

The Chairperson shall preside at all meetings of the Commission and shall work with the staff who serve the Commission to submit such agendas,

recommendations, and information at such meetings that are reasonable and proper for the conduct of business affairs and policies of the Commission.

Section 3.3 Vice-Chairperson

The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson. In the event of the resignation, death or removal of the Chairperson, the Vice-Chairperson shall assume the Chairperson's duties until such time as the Commission shall elect a new Chairperson, pursuant to Section 3.6 concerning vacancies.

Section 3.4 Additional Duties

At times, officers of the Commission shall perform duties and functions at the request of the Commission or staff, incidental to the offices held by such officers.

Section 3.5 Election

The Chairperson and Vice-Chairperson shall be elected by the Commission at one of its initial meetings and annually thereafter at a designated regular meeting from among the Commission members, who shall each hold office for a term of one (1) year or until their successors are elected and qualified. An officer may serve successive terms of office.

Section 3.6 Vacancies

Should the office of Chairperson or Vice-Chairperson become vacant, the Commission shall elect a successor from among its members at the next regular or special meeting, and the office shall be held for the unexpired term of office.

ARTICLE IV. MEETINGS

Section 4.1 Regular Meetings

Regular meetings shall be held quarterly or on an as-needed basis. Meeting dates will be published at the beginning of each fiscal year. All agendas and related materials will be provided in an electronic format to Commission members. All meeting agendas will be sent out electronically.

Section 4.2 Special Meetings

Special meetings may be held upon call of the Chairperson or the Vice-Chairperson acting on the behalf of the Chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice

delivered electronically and mailed at least 72 hours before the time specified in the notice of the meeting. At such special meeting, no business other than that designated in the call should be considered. All meeting agendas will be sent out electronically.

Section 4.3 Adjourned Meetings

Any meeting of the Commission may be adjourned to another meeting providing the adjournment indicates the date, time, and place of the adjourned meeting. Commission members absent from the meeting at which adjourned decision is made shall be notified by staff of the continued meeting. All meeting agendas will be sent out electronically.

Section 4.4 Meetings to be Open and Public

All meetings of the Commission and its standing committees shall be open and public to the extent required by the California State Brown Act. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

Section 4.5 Quorum

A majority of the Commission membership(s), shall constitute a quorum for the purpose of conducting the Commission business, exercising its powers and all other purposes, but less than a majority of the Commission membership may adjourn the meeting from time to time until a quorum is obtained.

Section 4.6 Attendance at Meetings

All members of the Commission shall be required to attend all Commission meetings unless such member has been excused from participation.

Section 4.7 Order of Business

The order of business shall be established by the Commission. Agendas shall be published and posted in compliance with applicable state and local laws and rules. Provisions will be made for citizens with disabilities by contacting City staff.

Section 4.8 Rules of Order

All business and matters before the Commission shall be transacted in conformance with Article I of Chapter 2 of the Oceanside City Code to the extent applicable to the business of this Commission.

Section 4.9 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the Commission. Commission members, staff and/or public may announce off-agenda

matters of concern. Each off-agenda matter shall be automatically referred to staff for resolution or placed on the next available Commission agenda.

ARTICLE V. RECORDS, REPORTS, AND BIANNUAL WORKPLAN

Section 5.1 Meeting Records

The Commission shall keep action minutes of all meetings, which shall be open for inspection by any member of the public. Minutes should contain all specific actions. Upon approval of meeting minutes by the Commission, electronic copies of such minutes shall be distributed to the City Council and City Manager. All materials will be provided in an electronic manner.

Section 5.2 Reports Submitted to City Council

The Commission shall submit copies of all written reports, studies, and correspondence sent to public agencies to the City Manager and City Council upon distribution of the original document.

Section 5.3 Presentation of Biannual Workplan

The Commission shall submit to the City Council, no later than three (3) months after the initial seating of the Commissioners, and no later than June 30 in future years, a comprehensive workplan proposed for the two-fiscal-year period to support the purpose and scope of responsibilities as described in Section 1.2.

ARTICLE VI. REPRESENTATION BEFORE PUBLIC BODIES

Section 6.1 Representation

Any official representations on behalf of the Commission before the City Council, or any public body, shall be made by the Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the Commission specifically designated by the Commission.

Section 6.2 Statement of Minority Views

All reports by City staff and all official representation on behalf of the Commission pursuant to Section 4.1 and 4.2 on matters that have been approved or disapproved by the Commission shall, in addition to a statement of majority vote, include a brief statement of any minority opinions on the matter, as incorporated in the Official Minutes of the Commission.

ARTICLE VII. COMMITTEES

Section 7.1 Establishment

The Commission shall have the authority to and may establish standing or ad-hoc committees as necessary to accomplish the purposes set forth in Section 1.2 herein. Committees may meet to discuss specific issues within the scope of responsibility for the Commission and to make recommendations for action by the Commission. Membership composition and terms shall be determined by the Commission for any committee created; however, no committee shall consist of more than three (3) Commission members, as not to cause a majority of Commission members to serve on one (1) committee.

Section 7.2 Appointment of Committee Members

Members on a standing or ad-hoc committee shall be appointed by the Chairperson with the approval of a majority of the Commission members.

Section 7.3 Committee Reports

Committee(s) shall from time to time make reports, written or verbal, to the Commission.

ARTICLE VIII. MISCELLANEOUS

Section 8.1 City Assistance to Officers and Commission

The City Manager shall appoint staff to assist the Commission officers and members, as necessary in such activities as setting and conducting meetings, preparing meeting agendas and minutes and responding to requests for assistance from Commission members.

Section 8.2 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Commission bylaws, the determination of the situation shall be referred to the City Attorney's Office for direction.