ITEM NO. 15

STAFF REPORT

CITY OF OCEANSIDE

DATE: February 24, 2010

TO: Honorable Mayor and City Councilmembers
Honorable President and Board of Directors

FROM: Harbor and Beaches Department

SUBJECT: **REVISED HARBOR AND BEACHES ADVISORY COMMITTEE BYLAWS AND APPROVAL OF THE COMMITTEE'S FY 2009-11 WORKPLAN**

SYNOPSIS

Staff and the Harbor and Beaches Advisory Committee recommend that the City Council and Harbor Board of Directors approve the revised Harbor and Beaches Advisory Committee bylaws to allow for biannual workplans, and approve the Committee's FY 2009-11 Work Plan.

BACKGROUND

As specified in the Harbor and Beaches Advisory Committee (Committee) bylaws, a workplan shall be submitted to the City Council/Board of Directors' annually.

A revision to City Council Policy 100-22, Review of Commissions, Boards and Committees Work Plans, was adopted by the City Council on November 4, 2009, changing the requirement to allow for biannual workplans.

Staff recommends that Section 5.3 of the Committee bylaws be changed from annual workplans to biannual workplans. The FY 2009-11 Workplan has been created for review and approval by the City Council and Harbor Board of Directors.

ANALYSIS

The Harbor and Beaches Advisory Committee submits its workplan to the City Council/Board of Directors for review and approval. At its January 28 meeting, the Committee unanimously approved its workplan for the next two years. Tasks include addressing vessel safety in the harbor; monitoring the harbor beach improvement project, working with staff to inspect, monitor and make recommendations concerning the condition, care and maintenance of harbor and beach facilities; and to provide input

to staff on proposed fiscal year budgets and make recommendations on budget adoption to the Council and Harbor District's Board of Directors.

FISCAL IMPACT

The Committee does not have its own budget. There is no fiscal impact beyond the staff cost to support the Committee.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

The 2009-11 Workplan was unanimously approved by the Harbor and Beaches Advisory Committee at its January 28, 2010 meeting.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff and the Harbor and Beaches Advisory Committee recommend that the City Council and Harbor Board of Directors approve the revised Harbor and Beaches Advisory Committee bylaws to allow for biannual workplans, and approve the Committee's FY 2009-11 Work Plan.

PREPARED BY:

Frank Quan
Harbor and Beaches Coordinator

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Don L. Hadley, Deputy City Manager

Bylaws of the City of Oceanside Harbor and Beaches Advisory Committee

Article I. The Committee

Section 1.1 **Harbor and Beaches Advisory Committee**

The name of the Committee shall be the "City of Oceanside Harbor and Beaches Advisory Committee" (hereinafter referred to as "Committee").

Section 1.2 Purpose

The purpose and duty of the Committee, as defined by Harbor Resolution is to act in an advisory capacity to the City Council/Harbor Board of Directors, making recommendations regarding those items brought before the Committee including, but not limited to, items referred to the Committee by the City Council /Harbor Board of Directors, brought before the Committee by members of the general public and items brought before the Committee by Harbor and Beaches department staff. The Committee may have additional duties assigned to it at the discretion of the City Council/Harbor Board of Directors.

Article II. Membership

Section 2.1 Composition

In accordance with Resolutions, the Committee shall consist of nine (9) regular voting members to be appointed by the Mayor/President of the Oceanside City Council/Harbor Board of Directors with approval of the City Council/Harbor Board. Members should be residents, business or property owners and/or slip renters of the City of Oceanside or representatives, as appropriate to their appointment category.

Membership categories shall be in conformance with Resolutions and/or the subsequent amendments, as appropriate.

Section 2.2 Terms of Membership

Regular members shall serve terms of three (3) years.

Section 2.3 Termination of Membership

All members serve at the pleasure of the City Council/Harbor Board and may be removed during a term. Membership in the Committee shall automatically be terminated upon any of the following occurrences:

a. The expiration date of the term of membership;

b. The member has three (3) unexcused absences per fiscal year from regular Committee meetings without cause and/or without notifying the Chairperson or City Staff;

c. The member has a less than 60% attendance record each fiscal year (includes excused and unexcused absences);

d. The member fails to attend one Committee training each term;

e. Upon removal by a majority of the City Council/Harbor Board with or without cause;

f. 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 Committee member may resign at any time by giving written notice to the Mayor/President of the City Council/Harbor Board of Directors and the Chairperson of the Committee. 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/President 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 Committee shall consist of a Chairperson and a Vice-Chairman, who each must be a regular voting Committee member.

Section 3.2 Chairperson

The Chairperson shall preside at all meetings of the Committee and shall work with the staff who serve the Committee 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 Committee.

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 Committee shall elect a new Chairperson, pursuant to Section 3.6 concerning vacancies.

Section 3.4 Additional Duties

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

Section 3.5 Election

The Chairperson and Vice-Chairperson shall be elected by the Committee annually at a designated regular meeting from among the Committee 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 Committee 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 at such time and place as may be determined by the Committee. In the event that the regular meeting date is a legal holiday of the City, then any such regular meeting shall be held on the next business day or as agreed upon by the Committee members at a prior meeting.

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 Committee, for the purpose of transacting any business designated in the call, after notification of all members of the Committee by written notice personally delivered or mailed at least 72 hours before the time specified in the notice of the meeting. At such a special meeting, no business other than that designated in the call should be considered.

Section 4.3 Adjourned Meetings

Any meeting of the Committee may be adjourned to another meeting providing the adjournment indicates the date, time, and place of the adjourned meeting. Committee members absent from the meeting at which adjourned decision is made, shall be notified by the Chairperson of the continued meeting.

Section 4.4 Meetings to be Open and Public

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

Section 4.6 Attendance at Meetings

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

Section 4.7 Excused Absences

A member's absence from a meeting shall be excused if, prior to the meeting from which a member will be absent, the member notifies the Chairperson or City staff of his/her intent to be absent. At each meeting, after the meeting ha been called to order, the Chairperson shall report to the Committee the name of any member who has so notified the Chairperson or staff of his or her intent to be absent.

Section 4.8 Order of Business

The order of business shall be established by the Committee. 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 4.9 Rules of Order

All business and matters before the Committee 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 Committee.

Section 4.10 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the committee. Committee 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 Committee agenda.

ARTICLE V. RECORDS, REPORTS AND BIANNUAL WORK PLAN

Section 5.1 Meeting Records

The Committee shall keep minutes of all meetings, which shall be open for inspection by any member of the public. Minutes should contain detailed voting

records by Member, and by specific action. Upon approval of meeting minutes by the Committee, copies of such minutes shall be distributed to the Harbor Board/City Council and City Manager.

Section 5.2 Reports Submitted to City Council

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

Section 5.3 Presentation of Biannual Work Plan

The Committee shall submit to the Harbor Board/City Council, no later than three (3) months after the initial seating of the Committee members, and no later than June 30 of the following year, a comprehensive work plan indicating specific goals and objectives proposed for the next two years 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 Committee 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 Committee specifically designated by the Committee.

ARTICLE V. RECORDS, REPORTS AND BIANNUAL WORKPLAN

Section 6.2 Statement of Minority Views

All reports by City staff and all official representation on behalf of the Committee pursuant to Section 4.1 and 4.2 on matters that have been approved or disapproved by the Committee 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 Committee.

ARTICLE VII. COMMITTEES

Section 7.1 Establishment

The Committee 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 Committee and to make recommendations for action by the Committee. Membership competition and terms shall be determined by the Committee for any committee created; however, no committee shall consist of more than three (3) Committee members, as not to cause a majority of Committee members to serve on once (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 Committee members.

Section 7.3 Committee Reports

Committee(s) shall, from time to time, make reports, written or verbal, to City Council/Harbor Board of Directors.

ARTICLE VIII. MISCELLANEOUS

Section 8.1 Establishment

The Mayor/President shall appoint to the Committee, subject to approval of the City Council/Harbor Board, one (1) member of the City Council/Harbor Board of Directors to serve as a non-voting ex-officio member of the Committee. Said ex-officio member shall serve as a liaison between the City Council/Board of Directors and the Committee, shall from time-to-time inform the City Council/Board of Directors of the activities and issues addressed by the Committee, and shall assist the Committee in promoting recommendations made to the City Council/Harbor Board of Directors. Council/Board liaisons may attend Committee meetings.

Section 8.2 City Assistance to Officers and Committee

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

Section 8.3 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Committee bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney's Office.

City of Oceanside
Harbor and Beaches Advisory Committee
2009-2011 Workplan

1. Mission Statement

The purpose and duty of the Committee, as defined by Resolutions, is to act in an advisory capacity to the City Council and Harbor Board of Directors and make recommendations regarding those items brought before the Committee including, but not limited to, items referred to the Committee by the City Council/Harbor Board of Directors, items brought before the Committee by members of the general public and items brought before the Committee by Harbor and Beaches Department staff. The Committee may have additional duties assigned to it at the discretion of the City Council/Harbor Board of Directors.

2. Composition

The Committee consists of nine regular voting members appointed by the Mayor/President, City Council/Harbor Board.

Current Committee Members:

John Metz, Chair, Representing Oceanside Beach Front Property Owners
Richard Trusty, Vice Chair, Representing Non-Liveaboard Slip Renters
Scott Townsend, Representing Live-Aboard Slip Renters
James Gardener, Representing Commercial Fishing Slip Renters
James Hawks, Representing the Oceanside Yacht Club
Liz Rhea, Representing Tourism Interests (Recommended by Chamber of Commerce)
Kevin Bryne, Representing Non-Boat Owners, Community-At-Large
Felicia Sirchia, Representing Community-At-Large
Steven Derganc, Representing Community-At-Large

City Council Liaison:

Jack Feller

3. Structure

This Committee has no standing/continuous committees. Ad hoc committees are periodically formed for review of specific issues and items, as necessary.

4. General Goals and Tasks

The Committee desires to assure that all harbor and beach interest groups are appropriately represented and informed regarding activities, events, improvements and issues affecting their use and enjoyment of this public recreational venue. To this end, the Committee shall endeavor to:

A) Promote resolution of issues addressing vessel safety in the harbor

B) Monitor ongoing and future harbor and beach improvements and participate in public planning efforts, as necessary

C) Promote ongoing federal harbor maintenance dredge funding, beach sand replenishment, and inform respective constituencies of the issues

D) Encourage, promote and support appropriate boating, water pollution, shoreline erosion and water-related special events in the harbor and beach area

E) Review issues of concern raised by harbor and beach users, as necessary

F) Promote potential solutions to erosion along with opportunities for sand replenishment and retention structures of local beaches

G) Promote public education and awareness regarding current issues affecting beach erosion and replenishment

H) Participate in regional associations which further beach protection such as SANDAG Shoreline Preservation Committee, Shore and Beach Preservation Association, etc.

5. Specific Goals and Tasks

A) Continue to provide an ad hoc committee to work with department staff to inspect, monitor and make recommendations concerning the condition, care and maintenance of Department of Harbor and Beaches facilities

B) Provide input to staff on proposed fiscal year budgets and make recommendations on budget adoption to the City Council/Harbor District's Board of Directors.

C) Monitor progress on any U.S. Army Corps of Engineers Oceanside Shoreline Studies and provide input as required.

D) Partner with the Chamber of Commerce, Visitor Center, Education and Recreation organizations to promote the business, tourism, recreation and education opportunities in the Harbor and Beach area.