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DATE: May 20, 2009

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office/Information Technologies Division

SUBJECT: **ADOPTION OF A RESOLUTION AMENDING THE BYLAWS OF THE TELECOMMUNICATIONS COMMITTEE; WORK PLAN FOR FISCAL YEARS 2008-2010**

**SYNOPSIS**

Staff and the Telecommunications Committee recommend the City Council adopt a resolution amending the Bylaws of the City Oceanside Telecommunications Committee and approve the Telecommunications Committee Work Plan for 2008-2010.

**BACKGROUND**

The Telecommunications Committee reviews changes in telecommunication technology, related regulations and legal developments in the telecommunication field, and advises the City Council. The Telecommunications Committee also advises the City Council of matters related to the City's communications franchise. Adoption of a resolution to change Section 5.3, Presentation of Annual Workplan of the bylaws is requested and attached as Exhibit A. The revised bylaws for the Telecommunications Committee are attached as Exhibit B. The Workplan for Fiscal Years 2008-2010 has been prepared for City Council review and approval, and is attached as Exhibit C. The Telecommunications Committee has not reviewed its bylaws since 2002. The bylaws follow the City's Standardized Bylaws for City Commissions and Committees.

**ANALYSIS**

On an annual basis, the Telecommunications Committee submits its annual work plan to the City Council for review and approval. Since the Committee's workplan changes very little from year to year, the Committee requests that its bylaws be amended to allow for a two-year workplan matching the City's two-year budget cycle. This change will not impact the Committee's activities or restrict its ability to fulfill its purpose in service to the community. Any amendments to the bylaws must be approved by the City Council.

The Telecommunications Committee has reviewed Section 5.3, Presentation of Annual Workplan and proposes to amend this section of the bylaws as follows:

“The Committee shall submit to the City Council, not later than (3) months after the initial seating of the committee members, and no later than June 30 of each following year **even-numbered year**, a comprehensive workplan indicating specific goals and objectives proposed for the **subsequent two fiscal years** to support the purpose and scope of responsibilities as described in Section 1.2. The Committee will ~~have~~ **submit an annual two-year workplan** ~~workshop with~~ to the City Council ~~to discuss the proposed fiscal year two-year workplan~~ for review and approval.”

The Telecommunications Committee Bylaws with proposed amendments are attached as Exhibit B. Any amendment to bylaws of a Committee must be approved by City Council.

The draft Telecommunications Committee workplan for FY 2008-2010 is attached as Exhibit C with proposed additions to Item Number 5 – Specific Goals and Tasks. The proposed additions are as follows:

- n. **Explore technical applications and means to enhance Public Health and Safety notifications.**
- o. **Enhance online payment applications and City of Oceanside record development.**

#### **FISCAL IMPACT**

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

#### **COMMISSION OR COMMITTEE REPORT**

The amendment to the Bylaws, Section 5.3 and the FY 2008-2010 Work Plan was unanimously approved by the Telecommunications Committee at its March 13, 2009, meeting.

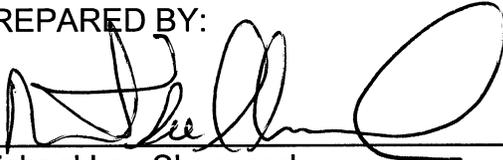
#### **CITY ATTORNEY'S ANALYSIS**

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

**RECOMMENDATION**

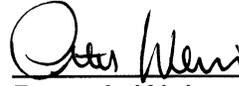
Staff and the Telecommunications Committee recommend that the City Council adopt the resolution to amend the Telecommunications Committee's Bylaws and approve the Work Plan for 2008-2010.

PREPARED BY:



Michael Lee Sherwood  
Chief Information Officer,  
Information Technologies Division

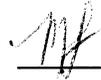
SUBMITTED BY:



Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



**Attachments**

1. Resolution amending Bylaws of the Telecommunications Committee
2. Bylaws of the Telecommunications Committee with proposed amendments
3. Telecommunications Committee Draft Workplan FY 2008-2010

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE AMENDING THE BYLAWS OF THE CITY OF  
OCEANSIDE TELECOMMUNICATIONS COMMITTEE

WHEREAS, the Telecommunications Committee was created by the City Council to “act in an advisory capacity to the City Council on matters relating to cable and telecommunications franchise and/or service permission, cable and telecommunications related state and federal legislation, and new cable and telecommunications technology”.

WHEREAS, the Telecommunications Committee shall encourage community participation in the decision making process. Toward that goal, the Committee shall endeavor to inform citizens of the projects under consideration and promote public comment on policies and programs.

WHEREAS, the Telecommunications Committee has reviewed the standard bylaws for committees and desires to revise provision 5.3 calling for submission of an annual fiscal year workplan to the City Council for approval.

WHEREAS, the Telecommunications Committee has determined that it may better serve the City Council and the people of Oceanside with the submission of a biennial workplan that matches the City’s two-year budget cycle.

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

SECTION 1. Section 5.3 of the Bylaws of the City of Oceanside Telecommunications Committee is amended to provide for submission of a biennial workplan to the City Council, the term of such workplans matching the City’s two-year budget cycle.

1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
2 this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

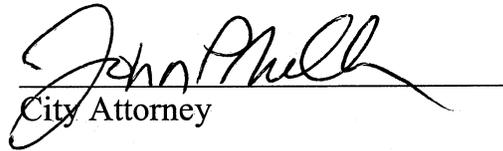
- 3
- 4 AYES:
- 5 NAYS:
- 6 ABSENT:
- 7 ABSTAIN:

8  
9  
10 MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

11 APPROVED AS TO FORM:

12  
13 \_\_\_\_\_  
14 City Clerk

13   
14 \_\_\_\_\_  
14 City Attorney

BYLAWS OF THE CITY OF OCEANSIDE

TELECOMMUNICATIONS COMMITTEE

ARTICLE I. THE COMMITTEE

Section 1.1 Telecommunications Committee

The name of the Committee shall be the "City of Oceanside Telecommunications Committee" (hereinafter referred to as "Committee").

Section 1.2 Purpose

The purpose of the Committee shall be to act in an advisory capacity to the City Council on matters relating to cable and telecommunications franchise and/or service permission, cable and telecommunications related state and federal legislation, and new cable and telecommunications technology.

The Committee shall encourage community participation in the decision making process. Toward that goal, the Committee shall endeavor to inform citizens of the projects under consideration and promote public comment on policies and programs.

ARTICLE II. MEMBERSHIP

Section 2.1 Composition

The Committee shall consist of seven (7) regular voting members. All Committee members shall be residents of the City of Oceanside. At least two (2) members shall have qualified experience in and knowledge of cable television and/or telecommunications technology, performing arts, business or media.

Section 2.2 Terms of Membership

The initial terms of membership for regular voting members shall be staggered, with the effective date of the Resolution establishing the Committee, being the official date on which each term begins. Two (2) members shall serve an initial three (3) year term, two (2) members shall serve an initial two (2) year term, and three (1) members shall serve an initial one (1) year term. Thereafter, 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 and may be removed during a term. Membership in the Committee shall automatically terminated upon any of the following occurrences:

- a. The member is no longer a resident of the City of Oceanside
- b. The expiration date of the term of membership;
- c. The member has three (3) consecutive unexcused absences in six (6) calendar months.
- 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 Committee member may resign at any time by giving written notice to the Mayor of the City of Oceanside 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 shall appoint an applicant to fill the vacancy, subject to the provisions and appointment procedures outline 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-Chairperson, each of whom 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 at one of its initial meetings and annually thereafter at the annual 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            Annual Meetings

Annual meetings shall coincide with the last regular meeting of each year. At annual meetings, election of officers will take place. Reports on the affairs of the Committee shall be considered and any other business may be transacted which is within the purpose of the Committee. The Chairperson at the regular meeting prior to the annual meeting shall announce notice of the annual meeting.

Section 4.2            Regular Meetings

Regular meetings shall be held quarterly on the first Friday of the month. In the event that the regular meeting date is a legal holiday of the City, inconvenient for a majority of the Committee members, or not feasible for logistical reasons, then any such regular meeting shall be held on the second Friday of month, or as agreed upon by the Committee members at a prior meeting.

Section 4.3            Special Meetings

Special meetings may be held upon call of the Chairperson or the Vice-Chairperson acting on 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 special meeting, no business other than that designated in the call should be considered.

Section 4.4            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. The Chairperson of the continued meeting shall notify committee members absent from the meeting at which adjourned decision is made.

Section 4.5            Meetings to be Open and Public

All meetings of the Committee and its standing sub-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 4.6            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. An affirmative vote by a majority of Committee members shall be required for approval of any question brought before the Committee.

Section 4.7            Attendance at Meetings

All regular voting members of the Committee shall be required to attend 60% of all Committee meetings each year.

Section 4.8            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 has 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 4.9            Order of Business

The Committee shall establish the order of business. 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 4.10          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 the Committee.

Section 4.11          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 ANNUAL WORKPLAN

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 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 City Council upon distribution of the original document.

Section 5.3 Presentation of ~~Annual~~ Biennial Workplan

The Committee shall submit to the City Council, no later than three (3) months after the initial seating of the Committee members, and no later than June 30 of each following **even-numbered** year, a comprehensive workplan indicating specific goals and objectives proposed for the **subsequent two fiscal years** to support the purpose and scope of responsibilities as described in Section 1.2. The Committee will ~~have submit an annual two year workshop workplan~~ **submit** to the City Council ~~to discuss the proposed fiscal two-year workplan~~ for review and approval.

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.

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 sub-committees or ad-hoc sub-committees as necessary to accomplish the purposes set forth in Section 1.2 herein. Sub-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 composition and terms shall be determined by the Committee for any sub-committee created; however, no sub-committee shall consist of more than three (3) Committee members, as not to cause a majority of Committee members to serve on one (1) sub-committee.

Section 7.2 Appointment of Sub-Committee Members

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

Section 7.3            Sub-Committee Reports

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

ARTICLE VIII. MISCELLANEOUS

Section 8.1            Councilmember Liaisons to Committee

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

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 as 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  
TELECOMMUNICATIONS COMMITTEE  
2008-2010 WORK PLAN**

**1. MISSION STATEMENT**

The Oceanside Telecommunications Committee considers and makes recommendations to the City Council on policies pertaining to communications and telecommunications. The committee reviews and reports to the City Council on technological, regulatory, and legal developments in communications and telecommunications and advises the City Council in matters related to the City's communications franchises.

**2. COMPOSITION**

The committee is composed of seven (7) regular voting members appointed by the City Council: Robert Ross (Chair), Gerald Hampton (Vice Chair), Jimmy Knott, III, Kenneth Leighton, Jonathan Studer, Joseph Weiner, and one vacancy.

**3. STRUCTURE**

The committee operates under the Bylaws of the Telecommunications Committee, approved by the City Council on April 15, 1998, and amended by the City Council on November 13, 2002. The stated purpose of the committee is to act in an advisory capacity to the City Council on matters relating to cable and telecommunications franchise and/or service permissions, cable and telecommunications related state and federal legislation, and new cable and telecommunications technology.

City Council Liaison to the Committee is Council member Jerome M. Kern, legal counsel is Deputy City Attorney Leslie Gallagher, and staff members are Applications Analyst Gina Walsh, and Customer Account Representative II Christine Walker.

There are no standing subcommittees at this time that fall under the purview of the California State Brown Act. Pursuant to its bylaws, the committee has the authority and may establish standing sub-committees or ad-hoc sub-committees as necessary to accomplish its stated purpose.

#### **4. GENERAL GOALS AND TASKS**

The Committee desires to encourage community participation and public awareness of the communications and telecommunications issues under its consideration and to promote public comment on related policies and programs.

#### **5. SPECIFIC GOALS AND TASKS**

The Committee shall continue to evaluate proposals and make recommendations to the City Council regarding communications and telecommunications. Specific tasks envisioned are:

- a. Review and recommend programs and projects consistent with the goals and objectives of the City of Oceanside Telecommunications Policy.
- b. Provide input and advice for communications franchise agreements and service permissions under the existing franchise agreements not covered by Digital Infrastructure and Video Competition Act of 2006.
- c. Provide a public forum for communications subscriber issues and concerns. Monitor compliance of the communications operators with franchise agreements. Conduct compliance hearings, as necessary.
- d. Track Federal and State legislation along with exploring the impact of the Federal and State Telecommunication legislation. Make recommendations for legislative positions and policies to the City Council.
- e. Review the regulatory actions of the Federal Communications Commission and State Public Utilities Commission in implementing the Telecommunications Act of 1996 and the Digital Infrastructure and Video Competition Act of 2006.
- f. Review the current franchise holder communications operators' rates and customer service in Oceanside, within the City's authority.
- g. Review the City Information Technologies and Telecommunications budget, development and expansion of the I-Net, and technology master plan.
- h. Explore online documentation for all City documents

4/12/2009

- i. Explore moving the GIS system to Information Technologies
- j. Review telecommunication functions that are not currently under Information Technologies.
- k. Explore regional developments in telecommunications.
- l. Work towards implementation of Vision 2020 objectives.
- m. Provide a forum for workshops on telecommunication sites conducted by the Engineering Division. Provide input and advice on long-term telecommunication sites.
- n. Explore technical applications and means to enhance Public Health and Safety notifications.**
- o. Enhance online payment applications and City of Oceanside record development.**

The Telecommunications Committee will submit a two-year workplan to the City Council for discussion and any proposed changes. The Telecommunications Committee will periodically recommend changes to the City Council on an as-needed basis.