



DATE: July 12, 2006

TO: Honorable Mayor and City Councilmembers

FROM: Office of the City Attorney

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE OCEANSIDE CITY CODE BY THE AMENDMENT OF SECTION 2.1.64(f) REGARDING EXPIRATION OF TERMS OF MEMBERS OF CITY BOARDS, COMMISSIONS AND COMMITTEES**

SYNOPSIS

Pursuant to previous City Council direction, staff presents for introduction and subsequent adoption the attached ordinance amending Section 2.1.64(f) of the Oceanside City Code regarding the expiration of terms of members of City boards, commissions and committees.

BACKGROUND

Section 2.1.64 of the Oceanside City Code ("Appointments to city boards, commissions or committees") sets forth a procedure for applications by and appointments of citizens to City boards, commissions and committees, generally providing for the mayor to make such appointments, subject to approval by the entire City Council. Subsection (f) of Section 2.1.64 currently provides: "Upon the expiration of a regular appointment, a member whose term has expired may continue to serve until the member's successor is appointed."

At the February 8, 2006 meeting of the City Council, Mayor Wood brought forward, as a Councilmember item, a request to review the Oceanside City Code and bylaws relating to expiration of terms for advisory bodies. Following discussion, the Council voted 5-0 to direct staff: (1) to amend Section 2.1.64(f) of the City Code to state that members of City boards, commissions and committees (except for Planning Commission members and Manufactured Home Fair Practices Commission members) shall hold office until the expiration of their terms; and (2) to amend Section 2.3 ("Termination of Membership") of the Planning Commission Bylaws to delete subsection 2.3.3, which amendment would have the effect of allowing a Planning Commission member to continue to serve following expiration of his or her term, until the member's successor is appointed.

The City Attorney's Office has prepared the attached ordinance to amend the City Code, per City Council's direction. Following adoption of the ordinance, the City Clerk will notify the Planning Commission chair and staff of the need to change the Planning Commission Bylaws in accordance with Council action.

ANALYSIS

The adoption of the attached ordinance, combined with the amendments to the Planning Commission Bylaws, per City Council's direction to staff on February 8, 2006, will reconcile a conflict between the City Code and the Planning Commission Bylaws. Currently, the City Code allows a member of any City board, commission or committee to continue to serve beyond the expiration of his or her term, until a successor to that member is appointed. The Planning Commission Bylaws, as currently drafted, however, provide that a Planning Commissioner's membership automatically terminates upon the expiration of the Commissioner's term of membership. The proposed amendments to the City Code and the Planning Commission Bylaws will resolve this conflict.

Following the City Council's adoption of the proposed ordinance and the revision of the Planning Commission Bylaws, the Code and the Bylaws will be consistent in providing that members of all boards, committees and commissions except the Planning Commission and the Manufactured Home Fair Practices Commission may not continue to serve after the expiration of their terms. Each Planning Commissioner and Manufactured Home Fair Practices Commissioner will serve until a successor is appointed.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

Not applicable.

CITY ATTORNEY'S ANALYSIS

The attached ordinance has been prepared by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that City Council introduce and subsequently adopt the attached ordinance amending Section 2.1.64(f) of the Oceanside City Code regarding the expiration of terms of members of City boards, commissions and committees.

PREPARED BY:



BARBARA L. HAMILTON
Assistant City Attorney

SUBMITTED BY:



JOHN MULLEN
City Attorney

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager 

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INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2006, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ___ day of _____, 2006, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

Robert Samuelson, ASST.
CITY ATTORNEY

An Ordinance of the City Council of the City of Oceanside Amending Chapter 2 of the Oceanside City Code by the Amendment of Section 2.1.64(f) regarding expiration of terms of members of City Boards, Commissions and Committees