



DATE: June 22, 2011
TO: Honorable Mayor and City Councilmembers
FROM: City Manager's Office
SUBJECT: **APPROVAL OF REVISED BYLAWS FOR THE POLICE AND FIRE COMMISSION**

SYNOPSIS

Staff recommends that the City Council approve revised bylaws for the Police and Fire Commission (attached) to amend *Section 1.2 Purpose* to include Fire Code appeals functions formerly handled by the Fire Code Board of Appeals. Additionally, *Section 4.1 Meetings* is also revised to reflect quarterly vs. monthly meeting requirements, *Section 2.1 Composition* is amended to change the number of regular members from nine to seven, with two alternates, and *Section 2.2 Terms of Membership* identifies that each regular member will serve a (3) three-year term.

BACKGROUND

On April 20, 2011, the City Council discussed advisory group consolidations and efficiencies. At that time, Council agreed to fold the functions of various advisory groups into other advisory bodies in order to achieve economies of scale and conserve costs. One of the approved actions was to fold the functions of the Fire Code Board of Appeals into the Police and Fire Commission.

On May 18, 2011, the Council adopted a resolution dissolving various advisory groups, including the Fire Code Board of Appeals.

ANALYSIS

The City Council rescinded the enabling resolution that established the Fire Code Board of Appeals on May 18, 2011. Staff advised the City Council that the bylaws for the Police and Fire Commission would be revised to reflect the previous functions of the Fire Code Board of Appeals. Consequently, staff has revised the following bylaws sections:

- *Section 1.2 Purpose* to include Fire Code appeals functions formerly handled by the Fire Code Board of Appeals.

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- *Section 4.1 Meetings* is revised to reflect quarterly vs. monthly meeting requirements.
- *Section 2.1 Composition* is revised to reduce the number of regular members from nine to seven, with two alternates.
- *Section 2.2 Terms of Membership* identifies that each regular member will serve a (3) three-year term.

FISCAL IMPACT

Does not apply.

COMMISSION OR COMMITTEE REPORT

The revised bylaws will be shared with the Police and Fire Commission at its next regularly scheduled meeting.

CITY ATTORNEYS ANALYSIS

The revised bylaws have been reviewed and approved as to form.

RECOMMENDATION

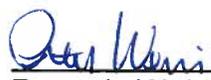
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PREPARED BY:



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SUBMITTED BY:



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City Manager

REVIEWED BY:

Darryl Hebert, Fire Chief
Frank McCoy, Police Chief 

ATTACHMENTS

Bylaws

BYLAWS OF THE OCEANSIDE POLICE AND FIRE COMMISSION

ARTICLE I. THE COMMISSION

Section 1.1 Police and Fire Commission

The name of the Commission shall be the “City of Oceanside Police and Fire Commission” (hereinafter referred to as “Commission”).

Section 1.2 Purpose

- A. The Commission shall advise the City Council on policy matters pertaining to safety, police, fire and other areas wherein the matter of public safety may be of concern.
- B. The Commission shall act to mobilize community participation to help find solutions to problems and concerns relating to public safety.
- C. The Commission shall make studies, reports, hold hearings and formulate policy recommendations to the City Council on matters relating the public safety.
- D. The Commission shall receive and expeditiously act on all special assignments requested by the City Council and shall submit reports and recommendations to the City Council on these assignments.

E. The Commission may submit recommended projects to the City Council for possible assignment by the Council.

E.F. The Commission shall be responsible for the Fire Code Board of Appeals' responsibilities pursuant to the Uniform Fire Code Section 108.

ARTICLE II. MEMBERSHIP

Section 2.1 Composition

The Commission shall consist of ~~seven (7)~~nine (9) regular voting members, ~~with two (2) and an unspecified number of non-voting alternates members.~~ All members shall be residents of the City of Oceanside.

Section 2.2 Terms of Membership

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

~~initial two (2) year term, and two (2) 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, r~~Regular members shall serve terms of three (3) years. Initial terms for alternates shall be two years each. Thereafter, alternates terms are three years each. Commission members whose terms have expired may apply for reappointment if they wish to do so.

Section 2.3 Termination of Membership

Membership in the Commission shall automatically be terminated upon any of the following occurrences:

- a) The member is no longer a resident of the City of Oceanside;
- b) The member has three (3) unexcused absences per fiscal year from regular Commission 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 City conducted Commissioner Training each term;
- e) Upon removal by a majority of the City Council, 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 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. All alternates will be considered for open regular voting member positions. 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, who each must be a regular voting Commissioner.

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 or incapacity 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 in June 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 shall be prohibited from election to more than two (2) consecutive 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 on the third Thursday of ~~each~~ the appropriate month at 6:00 p.m. 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 regular date or as agreed upon by the Commission members prior to meeting.

Section 4.2 Special Meetings

Special meetings may be held pursuant to and in accordance with the provisions of section 54956 of the Government Code.

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 member 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 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, including any seated alternate(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. Unless otherwise provided in the bylaws, an affirmative vote by a majority of members of the Commission present shall be required for approval of any action brought before the Commission.

Section 4.6 Attendance at Meetings

All members of the Commission, regular voting and alternate, shall be required to attend all Commission 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 has been called to order, the Chairperson shall report

to the Commission the name of any member who has so notified the Chairperson or staff of his or her intent to be absent.

Section 4.8 Absence of Regular Member

When a regular voting member is absent from a meeting, an alternate shall be seated and will participate in the Commission proceedings in place of the absent regular voting member. An alternate member shall have voting privileges only when acting in the stead of an absent regular member.

Section 4.9 Order of Business

The Commission 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

Unless otherwise decided by the Commission, all business and matters before the Commission shall be transacted in conformance with Article I of Chapter 2 of the Oceanside City Code, established City policy and Robert's Rules of Order (latest edition) to the extent applicable to the business of this Commission.

Section 4.11 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 ANNUAL WORKPLAN

Section 5.1 Meeting Records

The Commission 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 Commission, copies of such minutes shall be distributed to the City Council and City Manager.

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 Annual Workplan

The commission shall submit to the City Council, no later than three (3) months after the initial seating of the Commission, and no later than June 30 of each following year, a comprehensive workplan indicating specific goals and objectives proposed for the fiscal year to support the purpose and scope of responsibilities as described in Section 1.2. The Commission will have an annual workshop with the City Council to discuss the proposed fiscal year workplan.

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 Established

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 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 four (4) Commission members, as not to cause a majority of Commission members to serve on one (1) committee. In addition to a maximum of four (4) Commission members, the Commission may appoint an unspecified and unlimited number of other persons not currently serving as a Commission member.

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 Councilmember Liaisons to Commission

The Mayor shall appoint to the Commission, 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 Commission. Said ex-officio member shall serve as liaison between the City Council and the Commission, shall from time-to-time inform the City Council of the activities and issues addressed by the Commission, and shall assist the Commission in promoting recommendations made to the City Council. Council liaisons will make every effort to attend all Commissions meetings.

Section 8.2 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 8.3 Amendment of Bylaws

The bylaws of the Commission shall be recommended for amendment upon the affirmative vote of at least two-thirds (2/3) of the total membership of the Commission at a regular or special meeting of the Commission. No such amendment shall be adopted unless at least seven (7) days written notice has previously been given to all members of the Commission. Notice of amendment shall identify the section or the sections of the bylaws proposed to be amended. Any amendment to the bylaws shall be approved by resolution of the City Council and shall take effect as of the date of such City Council approval.

Section 8.4 Procedural Situations Not Addressed

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

