Item#8

STAFF REPORT

CITY OF OCEANSIDE

DATE: June 26, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Economic & Community Development Department

SUBJECT: **APPROVAL OF REVISED BYLAWS AND RESOLUTION FOR THE ECONOMIC DEVELOPMENT COMMISSION**

SYNOPSIS

Staff recommends that the City Council approve a Resolution and the revised Bylaws for the Economic Development Commission, EDC, to amend *Section 2.1 Composition* to have eleven regular voting members with designations from specific business activities in the community, which City Council can amend at their discretion.

BACKGROUND

The proposed revision is to adopt a Resolution and updated By-Laws to give discretion to the Mayor and City Council when appointing Economic Development Commissioners. The intent is to ensure that the EDC has broad representation from the business community. The proposed language is as follows:

Section 2.1 Composition

The Commission shall consist of eleven voting members. The goal is to have the composition of the Commission represent the business activities in the community. The Mayor has the discretion to appoint, and the City Council to ratify appointments, that deviate from this section. As much as possible the commission will be composed of:

- 1 member from the tourism industry
- 2 members from manufacturing industry
- 1 member from wholesaler industry
- 1 member from the banking/finance industry
- 1 member from the commercial real estate industry
- 1 member from Mira Costa College
- 1 member from the retail industry
- 3 members from the Community at Large

ANALYSIS

One of the primary goals of the City's Economic Development Program is to retain and expand the businesses that are located in the City. This is done by keeping in contact

with the largest employers, conducting business visits, with Commissioners acting as liaisons to local companies. Staff also works closely with Mira Costa College, the Small Business Development Center, and North County Career Center to offer resources to local companies.

The proposed composition of the Economic Development Commission represents large and small businesses, commercial real estate brokers, hoteliers, and educational institutions that are the economic foundation of the City. A strong business and industry-specific perspective will provide current information about issues facing local businesses and would guide economic development and City Council in issues that affect the community's economic prosperity.

FISCAL IMPACT

Does not apply.

COMMISSION OR COMMITTEE REPORT

The revised Bylaws were reviewed and approved by the EDC at the June 11, 2013, meeting.

CITY ATTORNEYS ANALYSIS

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

RECOMMENDATION

Staff recommends that the City Council approve a Resolution and the revised Bylaws for the Economic Development Commission, EDC, to amend *Section 2.1 Composition* to have eleven regular voting members with designations from specific business activities in the community, which City Council can amend at their discretion.

PREPARED BY:	SUBMITTED BY:
Tracey Bohlen Economic Development Manager	Peter A. Weiss City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager _____

ATTACHMENTS:
Resolution
Bylaws of the Economic Development Commission

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE SUPERSEDING RESOLUTION NO. 07-R0744-1 TO REVISE THE ECONOMIC DEVELOPMENT COMMISSION MEMBERSHIP NUMBER AND CATEGORIES

WHEREAS, Resolution No. R96-069 established an Economic Development Commission of the City of Oceanside in order that the Council be provided with ongoing information and advice regarding opportunities for economic development in the City; and

WHEREAS, the City Council desires to retain the Economic Development Commission and recognizes that its membership should have a broad representation for its continued success; and

WHEREAS, to ensure a broad representation, the City Council desires to establish categories for members serving on the Economic Development Commission that will be followed as closely as possible .

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

SECTION 1. This supersedes Resolution No. 07-R0744-1 and R96-069 in its entirety.

SECTION 2. The Bylaws of the City of Oceanside Economic Commission, attached as Exhibit A, is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____, 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

_____
MAYOR OF THE CITY OF OCEANSIDE

_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ESTABLISHING MEMBERSHIP CATEGORIES FOR ECONOMIC DEVELOPMENT COMMISSION

BYLAWS OF THE CITY OF OCEANSIDE
ECONOMIC DEVELOPMENT COMMISSION

ARTICLE I. THE COMMISSION

Section 1.1 Economic Development Commission

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

Section 1.2 Purpose

In partnership with the community, the Commission is committed to enhancing the quality of life in Oceanside through the promotion of a strong local economy. The Commission shall consider and make recommendations to the City Council on the attraction and enhancement of opportunities for economic development within the City of Oceanside, including the development of El Corazon. The EDC will assist the City in creating and implementing economic development programs which will provide for greater job opportunities and will contribute to the local tax base to support City services. The Commission will emphasize tourism; business retention, expansion and incubation; and enhancement of retail-compatible light-industrial sector.

The Commission's goals include providing support and community leadership on economic issues, creating and promoting a positive City image, creating and implementing a comprehensive City marketing plan, promoting tourism and development of cultural and recreational resources, and retention and expansion of existing business and industry.

The Commission also desires to target and attract desirable business and industry; promote commercial, industrial and retail sites; improve City staff support and assistance to businesses; encourage and support North county regional economic development activities; and develop and maintain a comprehensive community asset inventory.

The Commission shall also work with the business community to receive their suggestions on business issues, and develop and maintain procedures and regulations that create a business friendly process.

ARTICLE II. MEMBERSHIP

Section 2.1 Composition

The Commission shall consist of eleven voting members. It is the goal to have the commission composition represent the business activities in the community. The Mayor has the discretion to appoint and the City Council to ratify appointments that deviate from this section. As much as possible the commission will be composed of:

1 member from the tourism industry
2~~2~~ members from manufacturing industry
1 member from wholesaler industry
1 member from the banking/finance industry
1 member from the commercial real estate industry
1 member from Mira Costa College
1 member from the retail industry
3~~3~~ members from the Community at Large

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 Commission being the official date on which each term begins. Four (4) members shall serve an initial three (3) year term, four (4) 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.

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 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 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 commission 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. 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 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; however, it is understood that additional meetings may be necessary in order to accomplish the Commission's business. 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 Commission 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 Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission 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 4.3 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 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, 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, regular voting, 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 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 4.9 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 4.10 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 commissioners, 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 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 four (4) 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 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 an 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 commission 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 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.