



MEMORANDUM

DATE: July 18, 2013
TO: Business Advisory Committee
FROM: Lilly Schinsing, Administrative Analyst
SUBJECT: Review of Membership and Procedures

Background

- The Business Task For was established in 1992 for the purposes of the General Plan Update.
- In 1995 the City Council approved Resolution No. 4296 which established the Business Advisory Board with responsibility for evaluating the economy of the City and identifying changes to promote the economic health of the business community.
- In February 2009 the City Council approved Resolution No. 5004, which renamed the group to the Business Advisory Committee and reorganized the membership and procedures of the BAC.
- In December 2009 the City Council approved Resolution No. 5090, which further amended the membership and procedures of the BAC and charged the BAC “with the responsibility for periodically evaluating the economy of the City and identifying actions to promote the economic health of the business community, as well as other duties as requested by the City Council or as considered advisable by the Committee and approved by the City Council.” This Resolution also states that the BAC is subject to the City Boards, Commission and Committees regulations which are in Sausalito Municipal Code Chapter 2.58.
- In April 2011 the City Council approved Resolution No. 5224, which amended the Chair appointment procedures.

BAC Membership and Terms of Office

Current members on the BAC represent specific segments of the community as identified below:

Community Group	Current representatives
2 City Council members, selected by City Council	Councilmembers Withy and Theodores
2 City residents, selected by City Council	Adam Krivatsy and Eckart Novak
3 Members selected by Chamber of Commerce	Cheryl Popp, Joe Lemon, Jeff Scharosch
2 Local business people and/or commercial landlords, selected by above BAC members	Peter Van Meter and John Cox

Note: Except where specifically stated, members need not be City residents

The terms of office and their expiration dates were identified in Resolution No. 5090, as identified below:

Community Group	Term of Office	Expiration
2 City Council members, selected by City Council	3 Years or Less	January 31
2 City Residents, selected by City Council	3 Years	March 31
3 Members selected by Chamber of Commerce	3 Years or Less	January 31
2 Local business people and/or commercial landlords, selected by the above BAC members	3 Years	June 30

Note: Each member may serve two terms.

The initial terms of office for the two City Resident positions and two BAC-appointed positions were to be staggered, with the term of office for the first position should initially be for two years, expiring on March 31, 2012; the term of office for the second position should be for three years, expiring on March 31, 2013. Future appointments for the two City Resident positions and two BAC-Appointed positions would be for three years as noted above. Staggering of the terms of office for the City Council and Chamber of Commerce positions was required to be determined separately by those respective entities.

Using City records, the terms of office and their expiration dates of the current membership have been identified in the table below:

Community Group	Generic Expiration of Term	Representative	First Term	Second Term
2 City Council Members	January 31	Ray Withy Tom Theodores	1/30/13- 1/31/16 1/30/13- 1/31/16	
2 City Residents	March 31	Eckart Novak Adam Krivatsy	11/10/09-3/31/12 1/10/06-3/31/13	
3 members selected by the Chamber of Commerce	January 31	Cheryl Popp 2/5/09 Joe Lemon Jeff Scharosch*	2/5/09-1/31/12 2/5/09-1/31/12	2/1/12-1/31/15 2/1/12-1/31/15
2 local business people and/or commercial landlords selected by the BAC	June 30	Peter Van Meter John Cox	4/8/10-6/30/13 9/20/12-9/30/14	

*No record of appointment date. Indication that Mr. Scharosch has served on the BAC since at least 9/07

Election of Chair and other Officers

Resolution No. 5224, adopted April 5, 2011, states that the BAC shall elect one of the BAC's members (other than a City Council member) as Committee chairperson in accordance with Municipal Code Section 2.58.070. Section 2.58.070 requires the following (paraphrased):

- Each committee must annually elect one of its members as a chairperson for a one-year term.
- No person may be re-elected as chairperson for more than two consecutive years.
- No person may be re-elected as chairperson after having served two consecutive terms without the passage of at least one year since the time of his or her last service as chairperson.

Staff Notes:

In March of 2011, Adam Krivatsy was elected Chair, Eckart Noack was elected Vice-Chair, and Joe Lemon was elected Recording Secretary.

Limitation on Terms in Office

SMC Section 2.58.090 states that no person appointed to membership shall serve more than six consecutive years and that no person shall be re-appointed without the passage of at least two years time since his or her last service. However, a person may be re-appointed to membership for service in excess of six consecutive years or after passage of less than two years since his or her last service thereon if there are no other applicants for the position.

Staff Notes:

The City's records indicate that Adam Krivatsy was appointed to the BAC in January 2006. There are no records found regarding an appointment date for BAC member Jeff Scharosch, however, the record shows that he a member of the BAC since at least September 2007.

Recommended Actions

Review the BAC Membership and Procedures and determine any next steps, as necessary.

Attachments

- City Council Resolution No. 5090
- City Council Resolution No. 5224
- Sausalito Municipal Code Chapter 2.58

RESOLUTION NO. 5090

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
ESTABLISHING RESPONSIBILITIES, MEMBERSHIP, TERMS OF OFFICE, AND
PROCEDURES FOR THE BUSINESS ADVISORY COMMITTEE**

WHEREAS, on May 2, 1995 the City Council approved Resolution No. 4296 which established the Business Advisory Board with the responsibility for evaluating the economy of the City and identifying changes to promote the economic health of the business community, as well as other duties as requested by the City Council or as considered advisable by the Board and approved by the City Council; and

WHEREAS, on February 24, 2009, the City Council approved Resolution No. 5004 which amended Resolution No. 4296 to rename the Business Advisory Board as the “Business Advisory Committee” and to revise the membership and procedures of the Business Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sausalito that the responsibilities, membership, terms of office, and procedures of the Business Advisory Committee are amended and restated to be as follows:

SECTION 1. The Business Advisory Committee is charged with the responsibility for periodically evaluating the economy of the City and identifying actions to promote the economic health of the business community, as well as other duties as requested by the City Council or as considered advisable by the Committee and approved by the City Council; and

SECTION 2. The Business Advisory Committee is (BAC) composed of members representing the community groups as listed in the following table. The members may serve two three-year terms which expire as noted in the following table, with the following exceptions:

- a. The initial terms of office for the two City Resident positions and two BAC-selected positions shall be staggered. The term of office for the first position shall be initially for two years; the term of office for the second position shall be for three years.
- b. The terms of office for the City Council and Chamber of Commerce representatives may be staggered as determined separately by those respective entities.

Community Group	Expiration of Term
2 City Council members selected by the City Council	January 31
2 City Residents selected by the City Council	March 31
3 Members selected by the Chamber of Commerce	January 31
2 Local business people and/or commercial landlords selected by the BAC	June 30

Note: Except where specifically stated, members do not need be City residents

SECTION 3. The Mayor shall appoint one of the BAC's City Council members as the Committee chairperson.

SECTION 4. The City Manager shall appoint a staff liaison for the BAC.

SECTION 5. The BAC members serve in accordance with *Municipal Code* Chapter 2.58, except as noted by the specific provisions listed above.

SECTION 6. The BAC may adopt procedures for business matters which are consistent with State law and the *Municipal Code*.

SECTION 7. This resolution supersedes City Council Resolution No. 4296 and No. 5004.

PASSED AND ADOPTED at a meeting of the City Council of the City of Sausalito on the 8th day of December, 2009, by the following vote:

AYES:	Councilmembers:	Kelly, Pfeifer, Weiner and Mayor Leone
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

RESOLUTION NO. 5224

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
REGARDING THE ELECTION OF THE CHAIRPERSON OF THE
BUSINESS ADVISORY COMMITTEE**

WHEREAS, on December 8, 2009 the City Council approved Resolution No. 5090 which established the responsibilities, membership, terms of office, and procedures for the Business Advisory Committee (BAC); and

WHEREAS, Section 3 of Resolution No. 5090 states, “The Mayor shall appoint one of the BAC’s City Council members as the Committee chairperson.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sausalito that Section 3 of Resolution No. 5090 is amended to read as follows, “The BAC shall elect one of its members (other than a City Council member) as Committee chairperson in accordance with *Municipal Code* Section 2.58.070.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 5th day of April, 2011, by the following vote:

AYES:	Councilmembers:	Ford, Kelly, Leone, Pfeifer and Mayor Leone
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

(49 hits)

Chapter **2.58** CITY BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 2.58.010** Applications and interviews.
- 2.58.020** City Council appointments.
- 2.58.030** Boards, commissions and committees subject to uniform provisions – Task forces and working groups not subject to uniform provisions.
- 2.58.040** Residency.
- 2.58.050** Regular meetings.
- 2.58.060** Attendance.
- 2.58.070** Annual election of chairpersons – Limitations on terms.
- 2.58.080** Influencing City decisions.
- 2.58.090** Limitation on terms of office.
- 2.58.100** Removal from office.
- 2.58.110** Additional policies regarding City boards, commissions and committees.

2.58.010 Applications and interviews.

The City Council may, by resolution or minute order, establish and modify procedures for the submittal of applications to serve on City boards, commissions and committees and the interviewing of applicants. Consistent with State law, all interviews shall be conducted at a duly noticed public meeting. A copy of this chapter shall be made available to all applicants. Except as the City Council may otherwise establish, interviews are not required for incumbents who are reapplying for an additional term to the same board, commission or committee. Incumbents may request to be interviewed; however, the Council reserves its discretion to grant or deny such request for an interview. [Ord. 1155 § 1, 2001; Ord. 1133 § 1, 1998.]

2.58.020 City Council appointments.

After the conclusion of interviews, the mayor shall have the opportunity to announce the name of his or her preference for appointment. If more than one vacancy exists on a particular board, commission or committee, the Mayor may announce one name for each vacancy. Every person whose name has been announced by either the Mayor or by a City Council member shall be deemed nominated and eligible for appointment. Upon the conclusion of the nomination process, the City Clerk or recording secretary shall take a roll call vote of the members of the City Council as to the appointment. Each Council member may vote for one nominee for each vacancy. To be appointed, a nominee must receive at least three votes. If no nominee receives three votes for a particular vacancy, the City Clerk shall repeat the roll call vote until the vacancy is filled. Of the nominees who receive at least three votes, the ones who receive the greatest number of votes shall be appointed. Appointees shall file all legally required financial disclosure forms with and take the oath of office from the City Clerk prior to assuming office. The City Council shall not appoint any person to serve simultaneously on more than one City board, commission or committee except for the Planning Commission member who sits on the undergrounding committee. [Ord. 1151 § 1, 2000; Ord. 1133 § 1, 1998.]

2.58.030 Boards, commissions and committees subject to uniform provisions – Task forces and working groups not subject to uniform provisions.

City Council appointments to the Recreation Commission, Art Commission, Disaster Committee, Waste Management Advisory Committee, Housing Dangerous Buildings Appeal Board, and to any other City boards, commissions and committees shall be governed by the provisions set forth in this chapter. City Council appointments to any task forces or working groups shall not be subject to the provisions of this chapter except as the City Council may otherwise specify in their creation of such task forces or working groups. [Ord. 1155 § 2, 2001; Ord. 1133 § 1, 1998.]

2.58.040 Residency.

A. Residency in the City of Sausalito at the time of appointment and at all times during one's tenure on any City board, commission or committee is required for continued membership on such board, commission or committee.

B. In the event a board, commission or committee member moves his or her residency out of Sausalito, such member may, by action of the City Council at a regular or special meeting of the Council, be authorized to remain a member of such board, commission or committee for up to six months while a replacement member is being selected. [Ord. 1133 § 1, 1998.]

2.58.050 Regular meetings.

Each board, commission or committee shall meet regularly not less frequently than once per quarter. [Ord. 1133 § 1, 1998.]

2.58.060 Attendance.

In the event a member of any board, commission or committee fails to attend either three consecutive meetings or any four regularly scheduled meetings in a year, such member shall be deemed to have resigned from that board, commission or committee, unless such absences have been excused by action of the City Council upon written application from that member. [Ord. 1133 § 1, 1998.]

2.58.070 Annual election of chairpersons – Limitations on terms.

A. Each City board, commission or committee shall annually elect one of its members as chairperson for a one-year term.

B. No person may be elected as chairperson for more than two consecutive years.

C. No person may be re-elected as chairperson after having served two consecutive terms without the passage of at least one year since the time of his or her last service as chairperson. [Ord. 1133 § 1, 1998.]

2.58.080 Influencing City decisions.

A. No member of a City board, commission or committee, on behalf of a business, client or customer, shall attempt to influence a decision before such board, commission or committee by any means including, but not limited to, contacts with or appearances before such body or before the City staff assigned to such board, commission or committee.

B. No member of the Planning Commission or Historical Landmarks Board, on behalf of a business,

client or customer, shall attempt to influence a decision before any City board, commission or committee by any means including, but not limited to, contacts with or appearances before such body or before the City staff assigned to such body.

C. Members of City boards, commissions or committees are encouraged to be represented before any City board, commission or committee, or the City staff assigned thereto, for any application or proposal in which the member is the property owner. [Ord. 1133 § 1, 1998.]

2.58.090 Limitation on terms of office.

A. No person appointed to membership on a City board, commission or committee shall serve more than six consecutive years on such board, commission or committee.

B. No person shall be re-appointed to a board, commission or committee without the passage of at least two years' time since his or her last service on the same board, commission or committee.

C. Notwithstanding the provisions of subsections A and B of this section, a person may be re-appointed to membership on a board, commission or committee for service in excess of six consecutive years or after passage of less than two years since his or her last service thereon if there are no other applicants for the position. [Ord. 1133 § 1, 1998.]

2.58.100 Removal from office.

All appointees to City boards, commissions or committees shall serve at the pleasure of the City Council and may be removed at any time with or without cause by the affirmative vote of three members of the City Council. Failure to comply with any of the provisions set forth in this chapter may be considered by the City Council when deciding whether to remove an appointee from office. [Ord. 1133 § 1, 1998.]

2.58.110 Additional policies regarding City boards, commissions and committees.

The City Council may, by resolution or minute order, establish additional policies, procedures and standards governing City boards, commissions and committees as deemed appropriate by the City Council. [Ord. 1133 § 1, 1998.]

The Sausalito Municipal Code is current through Ordinance 1214, passed May 7, 2013.

Disclaimer: The City Clerk's Office has the official version of the Sausalito Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.