STAFF REPORT
SAUSALITO CITY COUNCIL

AGENDA TITLE
Review of Business Advisory Committee Terms of Office

RECOMMENDED ACTION
Review the staff suggestions, make any appropriate modifications, and approve the suggestions by Minute Order.

BACKGROUND AND DISCUSSION
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 (see **Attachment 1** for Resolution No. 4296).

In February 2009, the City Council approved Resolution No. 5004 which renamed the body as the "Business Advisory Committee" (BAC) and noted that the Committee members serve in accordance with *Municipal Code* Sections 2.58.060 (Attendance), 2.58.090 (Limitation on Terms of Office), and 2.58.100 (Removal from Office) (see **Attachment 2** for Resolution No. 5004 and **Attachment 3** for Chapter 2.58). The current BAC members are noted below.

Community Group	Representatives
2 City Council members, selected by City Council	Mayor Leone, Vice-Mayor Weiner
2 City residents, selected by City Council	Adam Krivatsy, Vacant Seat
3 Members selected by Chamber of Commerce	Cheryl Popp, Joe Lemon, Jeff Scharosch
2 Local business people and/or commercial landlords, selected by the above BAC members	Bruce Huff, Vacant Seat

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

With the adoption of Resolution No. 5004, several questions have arisen regarding the terms of office for BAC members. The questions and staff-suggested responses printed in *italics* are listed below.

- How long is the term of office?
  The term of office for City boards, commissions, and committees is typically two or three years. In order to retain continuity on the BAC, staff suggests appointments be for three-year terms. Staff recognizes that appointments to the City Council and Chamber of Commerce member positions, may be handled on a more frequent basis by those respective entities.

- When do the terms of office expire?
  City Council Member Positions. Since the City Council typically makes its committee assignments in December or January, staff suggests the term of office for the City Council members positions should expire on January 31st.

  City Resident Positions. Due to the number of committees requiring City Council appointments, staff suggests staggering the months when the terms of office for different committees expire. As a result, staff suggests the term of office for the City Resident positions should expire on March 31st.

  Chamber of Commerce Positions. In the interest of maintaining consistency with appointment of the City ~~Resident~~ Council positions, staff suggests the term of office for the Chamber of Commerce positions should also expire on ~~March~~ January 31st.

  BAC-Appointed Positions. In order to allow ample time for the seating of newly-appointed City Resident and Chamber of Commerce positions, and recruitment of applicants for the BAC-appointed positions, staff suggests the term of office for the BAC-appointed positions should expire on June 30th.

  The following table summarizes the above staff suggestions.

	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	March 31
2	Local business people and/or commercial landlords, selected by the above BAC members	3 Years	June 30

- Are the terms of office staggered?
  Staff suggests the initial terms of office for the two City Resident positions and two BAC-Appointed positions be staggered. 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 would be for three years as noted above. Staggering of the terms of office for the City Council and Chamber of Commerce positions should be determined separately by those respective entities.

- Are the years of service prior to the adoption of Resolution No. 5004 included in the calculation of the six consecutive years allowed by Section 2.58.090?
  Section 2.58.090.A states, "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." In recognition of this provision, staff suggests that prior consecutive years served on the BAC in any capacity should be included in the calculation of the remaining years of eligibility for service on the BAC. Section 2.58.090.B allows individuals to be re-appointed to a board, commission, or committee after the passage of two years since his or her last service.

FISCAL IMPACT
No fiscal impact.

STAFF RECOMMENDATION
Review the above staff suggestions, make any appropriate modifications, and approve the suggestions by Minute Order.

ATTACHMENTS
1 Resolution No. 4296 – Establishing the Sausalito Business Advisory Board
2 Resolution No. 5004 – Amending Resolution No. 4296, Regarding the Membership and Procedures of the Business Advisory Board (a.k.a., Business Advisory Committee)
3 Chapter 2.58 (City Boards, Commissions, and Committees) of *Municipal Code*

PREPARED BY:

Jeremy Graves, AICP
Community Development Director

REVIEWED BY:

Mary A. Wagner
City Attorney

SUBMITTED BY:

Adam W. Politzer
City Manager

cc: Business Advisory Committee

CDD\Boards & Committees\BAC\Staff Reports\Term of Office

RESOLUTION NO. 4296

A RESOLUTION OF THE CITY OF SAUSALITO ESTABLISHING THE SAUSALITO BUSINESS ADVISORY BOARD

The City Council of the City of Sausalito does resolve as follows:

In October, 1992, the City established the Business Task Force which had as its mission *"to study the contribution of the business community to the fiscal well-being of Sausalito and using these findings to formulate recommendations for incorporation of an economic element in the General Plan of Sausalito."*

The Task Force met regularly between 1992 and through late 1994, at which time it completed its task of producing its recommendations for the Economic Element of the General Plan, which is set forth in the Report of the Business Task Force produced in late 1994. The City's Planning Commission and City Council have relied upon this Report to produce the Economic Element which will be adopted as a part of the revised General Plan to be adopted some time before the end of this year. With the completion of the Task Force's task of producing recommendations for the economic element, the City Council and the Business Community have realized the value played by a standing committee made up of representatives of both the business community and City government. The City Council finds that such a standing committee would further the vision of the Business Task Force as reflected in their Report, and would provide an ongoing forum for the exchange of information and ideas and would be able to offer recommendations and solutions on business issues to the City Council from time to time.

NOW THEREFORE, the City Council does hereby establish the Sausalito Business Advisory Board, to be composed of the following membership:

Two members will be City Council members, selected by the City Council;
One member will be from City staff, to be selected by the City Council;
One member will be a City resident, to be selected by the City Council;
Three members will be selected by the Chamber of Commerce;
Two members will be selected by the above seven members, and will be local business people and/or commercial landlords.

Except where specifically stated, members of the Board need not be City residents.

The Sausalito Business Advisory Board is charged with the responsibility of periodically evaluating the economy of the City and what changes should be made to promote the economic health of the business community, and shall have such other responsibilities and duties as may be requested of them from time to time by the City Council, or as considered advisable by the Board and approved by the City Council.

ATTACHMENT 1 7B2
(2 PAGES) 5

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 2nd day of May, 1995, by the following vote:

AYES:	Councilmember:	Belser, Miskel, Sweeny, Ziegler, Mayor Fancher
NOES:	Councilmember:	none.
ABSENT:	Councilmember:	none.

Mayor, City of Sausalito

ATTEST:

CITY CLERK

RESOLUTION NO. 5004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO AMENDING RESOLUTION NO. 4296 REGARDING THE MEMBERSHIP AND PROCEDURES OF THE BUSINESS ADVISORY BOARD (A.K.A., BUSINESS ADVISORY COMMITTEE)

WHEREAS, on May 2, 1995 the City Council approved Resolution No. 4296 which established the Business Advisory Board (a.k.a., Business Advisory Committee) 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 Committee and approved by the City Council; and

WHEREAS, the City Council wishes 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 City Council Resolution No. 4296 is amended as follows:

SECTION 1. The Business Advisory Board is renamed as the "Business Advisory Committee."

SECTION 2. The City staff member is replaced by an additional City resident, to be selected by the City Council.

SECTION 3. The City Manager shall appoint a staff liaison for the Committee.

SECTION 4. The Mayor shall appoint one of the Committee's City Council members as the Committee chairperson.

SECTION 5. The Committee members shall serve in accordance with *Municipal Code* Sections 2.58.060 (Attendance), 2.58.090 (Limitation on Terms of Office), and 2.58.100 (Removal from Office).

PASSED AND ADOPTED at a meeting of the City Council of the City of Sausalito on the 24th day of February, 2009, by the following vote:

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

ATTACHMENT 2

7B2
7

MUNICIPAL CODE EXCERPT

In making its recommendations to the chief of fire and police services and city manager, the board shall not attempt to direct the method of implementation of any resulting changes to police department programs, policies or procedures. (Ord. 1129 §1(part), 1998).

2.54.110 Staffing. The city manager shall provide or cause to be provided adequate staff and clerical help, and shall, as city clerk, maintain files and records of the board. The chief of fire and police services or his or her designee shall provide technical expertise to the board about police policies and practices and where deemed appropriate by the board, city manager, or the chief, legal counsel shall advise the board on recommended revisions to police policies and/or practices. New board members shall receive orientation and/or training on the work of the board and on the police officers bill of rights as well as any other matters deemed appropriate by the chairperson or city manager. (Ord. 1129 §1(part), 1998).

2.54.120 Severability. If the title, or any section, subsection, sentence, clause or phrase of this ordinance codified in this chapter is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance and its title and each section, subsection, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. 1129 §1(part), 1998).

Chapter 2.58

CITY BOARDS, COMMISSIONS AND COMMITTEES

Sections:

2.58.010 Applications and interviews.
2.58.020 City council appointments.

7B2
9

ATTACHMENT 3
(5 PAGES)

Sections: (Continued)

2.58.040 Residency.
2.58.050 Regular meetings.
2.58.060 Attendance.
2.58.070 Annual election of chairperson--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 interview shall be conducted at a duly notice public meeting. A copy of this chapter shall be made available to all applicants. Except at the city council may otherwise establish, interviews are not required for incumbents who are re-applying 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 (part), 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 re-

7B2
10

ceive 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 (part), 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 §1,8 (part), 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 of a board, commission or committee 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 (part), 1998).

2.58.050 Regular meetings. Each board, commission or committee shall meet regularly not less frequently than once per quarter. (Ord. 1133 §1 (part), 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

7B2
11

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 (part), 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 (part), 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 historic 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 (part), 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

7B2
12

years time since his or her last service on the same board commission or committee.

C. Notwithstanding the provisions of subsections 2.58.090(A) and (B) above, 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 (part), 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 (part), 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 (part), 1998).

7B2
13