

Council Meeting of
June 22, 2010

Honorable Mayor and Members
Of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Ethics and Integrity Committee recommendation regarding City Employees serving on City Commissions and Advisory Boards

RECOMMENDATION:

Recommendation of the Ethics and Integrity Committee that the City Council consider the prohibition of City of Torrance Employees serving on Commissions unless required by the Torrance Municipal Code.

FUNDING:

Not applicable

BACKGROUND AND ANALYSIS:

At the City Council meeting held on December 15, 2009, the City Council requested that the Ethics and Integrity Committee provide guidelines for the Council when considering the appointment of City employees to Commissions in order to avoid the appearance of a conflict of interest. Staff conducted research on the practices of other local municipalities as well as legal considerations and a staff report was included on the Ethics and Integrity Committee agenda for January 27, 2010. However, because the Committee was in the process of their work plan development, the item was continued for several meetings and was ultimately considered at their meeting held on April 28, 2010 (Staff Report is included and labeled as Attachment A).

The Committee's recommendation and the analysis that follows does not apply to any of the advisory bodies that are required by the Torrance Municipal Code (TMC) to have City employees to serve as members. The TMC requires employees to serve on the following advisory bodies: Disaster Council; Telecommunications Board; License Review Board; and Claims Review Board.

Ms. Tatia Strader, the Committee's legal advisor, produced a legal analysis in her memo to the Ethics and Integrity Committee dated January 22, 2010 (see page 3 of Attachment A to this item). In her memo, Ms. Strader notes that the California Constitution gives the City Council very broad authority to make ordinances and regulations "not in conflict with general law." Furthermore, the Torrance City Charter allows the Council to legislate over "municipal affairs." This authority allows the City Council to adopt any guidelines and/or regulations that must be "merely related to a conceivable, legitimate government interests." Ms. Strader notes that while there is a legal requirement for employees to resign when elected to the City Council¹, there "does not appear to be any one comprehensive legal authority on the issue of conflicts of interest encountered by municipal employees serving on other types of legislative bodies within their own city." Also significant, Ms. Strader asserts that the Courts have determined that the appointment to public office is not a fundamental right protected by the United States Constitution. As a result, the City Council has great discretion to consider a variety of options for guidelines relating to the appointment of Commissioners.

In general terms, the main issue for the Committee, and for the City Council, to consider involves weighing the potential conflict of interest—real or perceived—that could result from a City of Torrance employee serving on an advisory board or commission. Ms. Strader offered the Committee four options to consider:

1. The Committee can recommend that an employee who works for a particular department or division may not serve on a board and/or commission directly affiliated with that particular department/division because the employee may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of a particular legislative/advisory body.
2. The Committee can recommend that a city employee who serves on a commission may not use work time to perform his or her duties as a local agency officer.
3. The Committee can recommend a complete prohibition against City employees serving on commissions to avoid perceived or actual conflicts of interest.
4. The Committee may also recommend that former and retired City employees may be prohibited from serving on a commission.

¹ California Government Code Section 53227 and 53227.2

The Committee members gave the matter thoughtful deliberation. Committee Member Matsuda gave four reasons for a complete prohibition of employees serving on commissions:

1. Completely eliminates actual and perceived, present, and future conflicts of interest.
2. Eliminates the need to admonish employees not use their work time for their commission business.
3. Eliminates the difficulty in determining which commissions are not directly related to city work assignments. For example, the Traffic Commission works with several departments in the City.
4. Eliminates the confusion between paid duty and commission duties. For example, how does the public know if they are dealing with the employee or the commissioner?

Committee Member Gottshall stressed that transparency is a key consideration and that public perception of employees serving on City commissions could be viewed as suspect. Ms. Gottshall also indicated that she felt that a recommended prohibition should be prospective (i.e. employees currently serving on commissions could serve out their terms). Committee Member Payne agreed with the idea of a prohibition and also stated that commissions populated by citizens who are not employed by the City provide a unique and fresh perspective. Mr. Gallagher noted his agreement with the City Attorney's analysis and he also suggested that a complete prohibition might prevent well qualified candidates from serving on advisory bodies where there is little potential for a conflict of interest to occur. Ms. Strader indicated that she while she had offered the Committee options, she had restrained from offering a recommendation in her analysis as this is a policy issue rather than a legal issue. Ultimately, the majority of the Committee agreed that a complete prohibition of employees serving on commissions and advisory boards would best prevent real or perceived conflicts of interest. The Committee also agreed that this prohibition should be prospective and that any employees currently serving on commissions should be allowed to complete their terms.

RECOMMENDATION:

Excepting those advisory bodies that are required by the TMC to include employees, the Ethics and Integrity Committee respectfully recommends that the City Council consider a complete prohibition of City employees serving on commissions as a prohibition affords the greatest protection from real or perceived conflicts of interest and eliminates the confusion of duties that may occur from

employees serving as commissioners. The Committee also recommends that the Council allow the two City employees that currently serve on the Library and Water Commissions to complete their terms which end in 2013 and 2012 respectively.

Respectfully submitted,



Charles Payne
Chairman of the Ethics and
Integrity Committee



Laura Lohnes
Staff Liaison to the Ethics and
Integrity Committee

NOTED:



LeRoy Jackson
City Manager

Attachment A: Ethics and Integrity Committee Staff Report dated April 28, 2010
(Limited Distribution)

April 21, 2010

Committee Meeting
April 28, 2010

Honorable Members
of the Torrance Ethics and Integrity Committee
City Hall
Torrance, California

Honorable Members:

SUBJECT: Discuss and recommend guidelines for use when considering appointment of City staff as commissioners in order to avoid the appearance of a conflict of interest

BACKGROUND AND ANALYSIS

On the City Council meeting held on December 14, 2009, the City Council requested that the Ethics and Integrity Committee provide recommendations regarding the appointment of City employees to commissions. At the Ethics and Integrity Committee meeting held on December 16, 2009, Committee Chairman Payne requested legal information that would assist the Committee in their consideration of this matter. Deputy City Attorney Tatia Strader has provided a memo to the Committee (Attachment A) which details the legal issues associated with the appointment of City Commissioners. In addition, staff has compiled research regarding local cities and their policies, regulations and codes that pertain to the appointment of Commissioners (Attachment B).

In general terms, the Committee must weigh the potential conflict of interest, or appearance of conflict of interest, that could result from a City of Torrance employee serving on a board or commission. In her memo, Ms. Strader includes an excerpt from California Government Code Section 1126 (b) which details the criteria that can be used to prohibit outside employment or activities (see page 2 of 3). The criteria presented allow a municipal employer to determine if the outside/employment activity is "incompatible" with the employee's job duties. In accordance with this concept, Ms. Strader offers the following recommendations for the Committee's consideration:

1. The Committee can recommend that an employee who works for a particular department or division may not serve on a board and/or commission directly affiliated with that particular department/division because the employee may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of the particular legislative/advisory body.
2. The Committee can recommend that a city employee who serves on a commission may not use work time to perform his or her duties as a local agency officer
3. The Committee can recommend a complete prohibition against City employees serving on commissions to avoid perceived or actual conflicts of interest.
4. The Committee may also recommend that former and retired City employees may be prohibited from serving on a Commission.

Ms. Strader goes on to note that should the Committee recommend a prohibition against City employees serving on Commissions, it might be prudent to allow all City employees currently serving on Commissions to finish their terms.

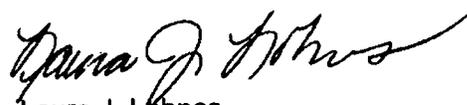
Finally, in a footnote found on page 2 of 3, Ms. Strader states that the City of Torrance does not have a comprehensive Statement of Incompatible Activities, but the Torrance Municipal Code (TMC) does address the issue of outside employment in sections 14.37.1, 14.37.2 and 14.37.3 (see attachment C). Interestingly, Section 14.37.3 "Restrictions" has some very sensible criteria that could be adapted for use as guidelines when considering appointment to Commissions. Notably, an employee could only be considered if he or she receives the concurrence of their department head that service on the Commission would not conflict with the best interests of the City, nor should service on a Commission interfere with the employee's ability to respond to emergency calls, scheduled work, or scheduled overtime.

In conducting an analysis to determine "incompatible activities," the Committee may have difficulty in analyzing all of the city jobs and determining what, if any, conflicts could arise. The conservative solution would be to prohibit employee service on Commissions; however, that restriction might unreasonably limit qualified candidates, for whom there may be no, or very little, potential for conflict of interest to arise.

RECOMMENDATION

Staff recommends that Committee consider the development of guidelines that are analogous to Section 14.37.3 § (a) and (b). Staff is recommending this option as it seems to provide a method for analyzing each employee's job duties as compared to the duties of the prospective Commission and determining if a potential conflict of interest exists, and also if the Commission duties would interfere with the department's discretion to schedule an employee's work assignments.

Respectfully Submitted,



Laura J. Lohnes
Staff Liaison to the Torrance Ethics
Integrity Committee

Attachment A: Memo from T. Strader to the Ethics and Integrity Committee
Attachment B: Research regarding Commission appointments in other cities
Attachment C: Torrance Municipal Code Sections 14.37.1, 14.37.2, & 14.37.3

CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: JANUARY 22, 2010

TO: MEMBERS OF THE ETHICS AND INTEGRITY COMMITTEE
CC: LAURA LOHNES, LIAISON TO THE ETHICS AND INTEGRITY COMMITTEE
FROM: TATIA Y. STRADER, DEPUTY CITY ATTORNEY
SUBJECT: APPOINTMENT OF CITY EMPLOYEES AS COMMISSIONERS

At the last meeting of the Ethics and Integrity Committee, Chairman Payne requested legal information to assist the Committee in determining recommended guidelines for Council to use when considering the appointment of city employees as commissioners. The following information has been provided in response to that request.

To begin, California Constitution Article XI, § 7 provides that every city and county in the state possesses the general power to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. *California Constitution Article XI, § 7*

Further, Torrance as a charter city has even greater authority than that authorized by California Constitution article XI, § 7; it has the exclusive power to legislate over "municipal affairs." *California Constitution Article. XI, § 5(a)*.

Moreover, the Courts have determined that the appointment to public office, standing alone is not a fundamental right protected by the United States Constitution. (*Rittenband v. Cory* (1984) 159 Cal.App.3d at 421; see *Friendly v. Eu* (1982) 131 Cal.App.3d 100, 104; *Bay Area Women's Coalition v. City and County of San Francisco, supra*, 78 Cal.App.3d at 966-968; see also *American Party of Texas v. White* (1974) 415 U.S. 767, 780, fn. 11; *Bullock v. Carter* (1972) 405 U.S. 134, 143-144; *Johnson v. Hamilton, supra*, 15 Cal.3d at 466; *Bill v. Williams* (1977) 70 Cal.App.3d 531, 535 ; *DeBottari v. Melendez* 44 Cal.App.3d 910, 915-916.)

For the purposes of this Committee's task it is significant that the Courts have not declared the appointment to public office as a fundamental right. This means that any rules, regulations and/or guidelines adopted by the City regarding the appointment of employees to public office must merely be rationally related to a conceivable, legitimate government interest. In this instance, it would be sufficient if the purpose of the adoption of any guidelines or prohibition regarding City employees serving on commissions was adopted to prevent the appearance of favoritism and personal bias when commissions review City actions.

California Government Code Sections 53227 and 53227.2 clearly support the conclusion that a City employee must resign his or her employment if he or she is elected to the City Council. *California Government Code Sections 53227 and 53227.2*. However, there does not appear to be any one comprehensive legal authority on the issue of conflicts of interests

Memo to Ethics and Integrity Committee
 January 22, 2010
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encountered by municipal employees serving on other types of legislative bodies within their own city. Rather, the only California statute that appears to generally address the issue of conflicts of interest by municipal employees serving on legislative bodies is *California Government Code Section 1126*.

Pursuant to *California Government Code Section 1126(a)* and (b) an employee may not engage in any activity which is inconsistent, incompatible or in conflict with his or her duties as an employee.

Under *Government Code Section 1126(b)* an employee's outside employment, activity or enterprise may be prohibited if it:

- (1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment or;
- (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee; or
- (3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed; or
- (4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

Under the process set forth in *Government Code Section 1126(c)*, a local agency must adopt rules regarding incompatible activities and include provisions to give notice of the determination of prohibited activities, of any disciplinary action to be taken for engaging in prohibited activities, and for the appeal of such determination and application.¹ See *California Government Code Section 1126(c)*.

Significantly, the "incompatible activities" addressed in *Government Code Section 1126* appear to address an employee becoming a member of an organization, board, commission or other legislative body that is *separate and apart* from the employer. Notwithstanding this fact, the legal analysis to prohibit an internal activity (such as serving on a city commission) that constitutes a conflict of interest would be somewhat analogous to the process used in the *Government Code Section 1126*.

¹ Although the Torrance Municipal Code addresses the issue of outside employment (See Torrance Municipal Code Sections 14.37.1, 14.37.2 and 14.37.3), the City of Torrance does not have a comprehensive Statement of Incompatible Activities

Memo to Ethics and Integrity Committee
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Attachment A page 3 of 3

For example, the Committee could recommend that an employee who works for a particular department or division may not serve on the board and/or commission directly affiliated with that particular department/division because the employee may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of that particular legislative body.

Another example would be that the Committee could recommend that a city employee who serves on a commission may not use work time to perform his or her duties as a local agency officer.

However, unlike *Government Code Section 1126(c)* there would be no need for disciplinary action because an employee who did not meet the requisite criteria/guidelines of the City would presumably not be appointed by the Council as a commissioner in the first instance. Moreover, unlike the scenario set forth in *Government Code Section 1126(c)* there is no necessity for the appeal of such determination and application. The Council could be the final authority on this issue with no right of appeal, if the City desires.

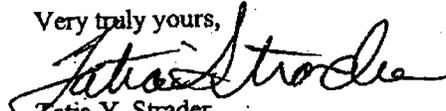
The Committee would also be legally permitted to recommend a complete prohibition against city employees serving on commissions to avoid perceived or actual conflicts of interest. Based upon a telephone survey by Ms. Lohnes this appears to be a common approach for many local cities.

Based upon the fact that the City is a charter city, the fact that appointment to public office is not a fundamental right and that in at least one case, the California Attorney General's Office opined that a city may prohibit former and retired city employees from serving on a commission without violating the equal protection, due process, and freedom of expression provisions of the California Constitution² the Committee has broad discretion to develop guidelines on the appointment of employees to legislative bodies within the city.

Of course, if the Committee were to recommend a complete prohibition against city employees serving on commissions, the recommendation would also need to address those employees who are currently serving on Commissions. The best and most appropriate solution to this dilemma might be to allow Commissioners to simply serve out the end of their current term.

If you have any questions regarding this memo please let me know.

Very truly yours,


 Tatia Y. Strader

² See *Office of the Attorney General of the State of California* (1991) 74 Ops. Cal. Atty. Gen 181

Comparative Policies, Regulations, and Codes for Appointments in Local Cities

Introduction:

The policies of the cities whose charters and codes are excerpted below have varying requirements for eligibility to serve on their advisory and quasi-judicial boards. With respect to the service of current city employees, some cities actually specifically require the participation of current city employees while others specifically forbid it. Table 1 shown below provides a quick summary of the various policies.

Of the cities surveyed, only Manhattan Beach has a blanket prohibition on the appointment of current city employees to boards. Santa Monica excludes them from charter boards and some, but not all, of those subsequently created by city council. Disaster councils and similar boards most frequently require the participation of city employees, ostensibly because it is desirable to have their expertise during the creation of emergency response and preparedness policy recommendations to their respective city councils, which staff will be charged with executing once approved.

It is also worth noting that some commissions specifically require the appointment of technical experts. Many of these experts can be found employed by cities but infrequently elsewhere. This suggests that there may be some instances in which it is reasonable for city employees to be included as members of a board. The availability of such expertise outside of city staff will be greater in larger communities, so it is perhaps more feasible though not necessarily more effective to the purpose of the board, for a large community to exclude city staff. This ties in with another common requirement: residency.

Some of the cities surveyed do not require residency in order to be eligible for appointment. While residency is not an explicit requirement in Torrance, the municipal code requires appointed members of most boards to be "electors of the City" (eligible to register to vote in municipal elections). One must be a resident to be eligible to register. Some notable exceptions are the Telecommunications Committee, required to be comprised completely of City staff, and the Youth Council, which could not be composed entirely of electors since many members will be minors (R 2008-52) and are thus not eligible to register to vote. Also, members of both groups may or may not be residents of Torrance.

Table 1 - Summary of Commission Appointment Codes

City	Commission	Employee Prohibited	Residency Required	Special requirements
Count of City				
Beverly Hills	All	no	yes	none
El Segundo	Disaster Council	n/a	n/a	yes
	Planning	no	no	none
Long Beach	Airport	no	yes	none
	Civil Service	no	yes	none
	Cultural Heritage	no	no	yes
	Disabilities	no	yes	yes
	Economic Development	no	no	yes
	Golf	no	no	yes
	Health & Human Svcs	no	yes	yes
	Human Relations	no	no	yes
	Marine Advisory	no	no	yes
	Parks & Rec	no	yes	none
	Planning	no	yes	none
	Police Commission	no	yes	yes
	Senior Citizen Advisory	no	yes	yes
	Sustainability	no	yes	yes
Manhattan Beach	All	yes	n/a	none
Redondo Beach	Budget & Finance	no	yes	none
	Harbor	no	yes	none
	Historical	no	yes	yes
	Library	no	yes	yes
	Parks & Rec	no	yes	yes
	Planning	no	yes	yes
	Preservation	no	yes	none
	Public Arts	no	yes	yes
	Public Safety	no	yes	yes
	Public Works	no	yes	yes
	Youth Council	no	no	yes
Santa Monica	Airport	yes	no	none
	Arts	n/a	n/a	yes
	Charter Review	n/a	n/a	yes
	Disaster	n/a	n/a	yes
	Library	yes	n/s	none
	Parks & Rec	yes	yes	none
	Personnel Board	yes	n/s	none
	Planning	yes	yes	none
	Senior Services	yes	no	none
	Social Services	n/a	n/a	yes

Notes:

- 1) Prohibitions on employees and requirements for residency are only indicated if there is specific language in the code.
- 2) For Redondo Beach, the most frequent special requirement involved representation from councilmanic districts
- 3) Excluding Redondo Beach, most of the special requirements concern specific expertise

Santa Monica**Charter, Article X (Appointive Boards and Commissions), §1002.
Appointment. Term.**

The members of each of such boards or commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

(continued)

Charter, Article X (Appointive Boards and Commissions), §1007. Planning Commission

There shall be a City Planning Commission appointed by the City Council, and composed of seven members chosen from the residents of the City, none of whom shall hold any paid office or employment in the City government. The City Council may select one of its members to provide active liaison with the Commission, but the Councilmember chosen shall neither have a vote on the Commission nor be eligible to be its chairperson. The City Attorney, or his or her designee, shall be in attendance at all regular meetings of the Commission.

(Amended at General Municipal Election, November 3, 1992; certified by Res. No. 8503CCS)

Charter, Article X (Appointive Boards and Commissions), §1009. Library Board

There shall be a Library Board consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

Charter, Article X (Appointive Boards and Commissions), §1010. Personnel Board

There shall be a Personnel Board consisting of five members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state or national partisan political club or organization.

(Continued)

Charter, Article X (Appointive Boards and Commissions), §1013. Recreation and Parks Commission

There shall be a Recreation and Parks Commission which shall be appointed by the City Council, and composed of seven members chosen from the residents of the City, none of whom shall hold any paid office or employment in the City Government.

(Continued)

Charter, Article X (Appointive Boards and Commissions), §1015, Airport Commission

There shall be an Airport Commission consisting of five members, which shall be appointed by the City Council. They shall be qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

(Continued)

MC §2.16.030 - Disaster Council

The City of Santa Monica Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be Chairperson;
- (b) The Director of Emergency Services, who shall be Vice-Chairperson;
- (c) The Assistant Director of Emergency Services;
- (d) The Coordinator of Emergency Services;
- (e) Such chiefs of emergency services as are provided for in a current emergency plan of this City, adopted pursuant to this chapter;
- (f) Such representatives of civil, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council. (Prior code § 2302; amended by Ord. No. 1104CCS, adopted 9/26/78)

MC §2.48.010 – Commission for the Senior Community

(Continued)

... "None of the voting members shall hold any paid office or employment in City Government." ...

(Continued)

MC §2.52.010 – Charter Review Commission

(a) Pursuant to Section 1000 of the City Charter, a Charter Review Commission is hereby established. The Commission shall consist of fifteen members appointed by the City Council as follows:

- (1) Two members of the Commission selected by each City Councilmember.
- (2) A chair of the Commission selected by the City Council.

MC §2.60.020 – Social Services Commission

Pursuant to Section 1000 of the City Charter, a Social Services Commission is created. The Commission shall consist of nine members and shall be appointed by the City Council. The Commission and Commissioners shall be subject to all the terms of Article X of the City Charter setting forth procedures for appointment of Commissioners, terms and meetings. (Prior code § 2921; added by Ord. No. 1241CCS, adopted 1/12/82; amended by Ord. No. 1829CCS § 1, adopted 11/14/95)

MC §2.64.020 – Arts Commission

(a) Pursuant to Section 1000 of the City Charter, an Arts Commission is created. The Commission shall consist of thirteen members. A majority of the members in office at any time shall constitute a quorum. The members shall be appointed by the City Council. Except as otherwise provided in this Chapter, the Commission and Commissioners shall be subject to all the terms of Article X of the City Charter setting forth procedures for appointment of Commissioners, terms, and meetings.

(b) Except as otherwise provided in Section 2.64.080, all Commissioners shall reside or work in the City and shall be actively involved in the arts. From and after April 10, 1990, any person appointed as a Commissioner must be a Director of the Santa Monica Arts Foundation. The Commission shall represent the diversity of the community and shall include minorities and working artists in the following disciplines:

(Continued)

MC §2.66.010

Pursuance to Section 1000 of the Santa Monica City Charter, a Disabilities Commission is hereby established. **The Commission shall consist of eleven (11) members appointed by the City Council. All members shall be residents of the City who have significant experience in the disability community. Additionally, at least six members shall be persons with disabilities.** The Commission and Commissioners shall be subject to all of the terms of Article X of the City Charter setting forth procedures for appointment of Commissioners, terms and meetings.
(Added by Ord. No. 2049 § 1 (part), adopted 7/23/02)

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Redondo Beach

Charter

All relevant provisions of Charter Article XV, Appointive Boards and Commissions, repealed by election on 3/4/97

Municipal Code Title 2 Administration, Chapter 9 Boards and Commissions

MC §2-9.106 Membership Eligibility

Membership on any City board or commission shall be limited to registered voters of the City, with the exception of the Youth Commission as defined in Article 6 of this chapter. (§ 1, Ord. 2797 c.s., eff. April 17, 1997, as amended by § 1, Ord. 2858 c.s., eff. November 16, 2000)

MC §2-9.202 Historical Commission

(a) The Commission shall consist of seven (7) members appointed by the Mayor, subject to confirmation by the City Council. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

MC §2-9.302 – Preservation Commission

The Preservation Commission shall consist of seven (7) members. The members of the Commission shall be composed of: Three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, urban planning, archeology, or other historic preservation-related disciplines, such as American studies, American civilization, cultural geography, cultural anthropology, to the extent that such professionals are available in the City, one member from a recognized preservation or historical society, and the remaining members may be lay persons, including owners of historic resources. All members should have a demonstrated interest, competence, experience, or knowledge in historic preservation and the cultural heritage of the City. (§ 1, Ord. 2554 c.s., eff. August 31, 1989, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as amended by § 1, Ord. 2798 c.s., eff. May 1, 1997)

MC §2-9.402 Public Works Commission

(a) The Commission shall consist of seven (7) members. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

MC §2-9.603 Redondo Beach Youth Commission

The Commission shall be composed of three (3) adult members and twelve (12) youth members.

- (a) **Adult Members.** Adult members shall be electors of the City and shall not serve simultaneously on any other city board or commission. The term of each adult member shall be four (4) years and until his or her successor is appointed and qualified. The Redondo Beach Unified School District Board of Education shall recommend one adult member for selection and appointment by the Mayor subject to confirmation by the City Council. If the Mayor and/or the City Council fails to appoint any Redondo Beach Unified School District Board of Education's recommended member or in the event the office of the recommended member becomes vacant for any reason, the Redondo Beach Unified School District Board of Education shall recommend another adult member for selection and appointment by the Mayor and City Council. Current adult members will be reduced to three (3) through attrition.
- (b) **Youth Members.** Each youth member shall be over the age of thirteen (13) years and under the age of twenty (20) years, residing with his or her parents(s) or guardian(s) within the City or be a registered attendee of Redondo Unified School District and having served a minimum of one year on the ad hoc committee. The youth members shall be entitled to participate in the deliberations of the Commission, and shall be entitled to vote. The term of each youth member shall be one year and until his or her successor is appointed and qualified. Each youth member may serve unlimited terms. Before June of each year, Youth Commissioners for the following year will be recommended for appointment by a subcommittee of outgoing, ineligible Youth Commissioners who will submit a list of qualified candidates. To the extent possible, at least two (2) youth members shall be from each Councilmanic district, and the two (2) at-large members shall be registered students at Redondo Union High School. Members shall be dismissed from the Youth Commission for two (2) consecutive unexcused absences. "At-large" members may be residents or non-residents of Redondo Beach but must be registered attendees of Redondo Union High School.
- (c) **Ad Hoc Subcommittee.** The Youth Commission members will appoint an ad hoc subcommittee. Members of the ad hoc subcommittee will be over the age of twelve (12) and under the age of nineteen (19). The members shall be nonvoting. Members are eligible to serve on the Youth Commission after one year of

membership. Members participate in Youth Commission activities. (§ 1, Ord. 2616 c.s., eff. April 11, 1991, as amended by § 1, Ord. 2655 c.s., eff. April 16, 1992, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as amended by § 1, Ord. 2712 c.s., eff. December 16, 1993, and § 3, Ord. 2858, eff. November 16, 2000)

MC §2-9.703 – Harbor Commission

Members of the Commission shall serve for a term of four (4) years and shall hold office until their successors are appointed and qualified. The term of office shall commence October 1 and end September 30 four (4) years hence. Appointments to the Commission shall be made in such a manner that an equal number of appointments shall expire every two (2) years. The initial term of office for a member appointed pursuant to Section 704(a) of this article shall expire on September 30, 1991. Thereafter, all appointments and reappointments shall be for a period of four (4) years. (§ 1, Ord. 2327 c.s., eff. April 14, 1982, as amended by § 2, Ord. 2351 c.s., eff. November 1, 1982, § 1, Ord. 2427 c.s., eff. October 16, 1985, and § 1, Ord. 2509 c.s., eff. September 1, 1988, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, and amended by § 1(14), Ord. 2844 c.s., eff. November 4, 1999)

MC §2-9.802 – Public Safety Commission

- (a) The Commission shall consist of seven (7) members appointed by the Mayor, subject to confirmation by the City Council. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

(Continued)

MC §2-9.1002 – Planning Commission

- (a) The Commission shall consist of seven (7) members. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

MC §2-9.1102 – Recreation and Parks Commission

- (a) The Commission shall consist of seven (7) members. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

MC §2-9.1202 – Library Commission

- (a) The Commission shall consist of seven (7) members. Unless otherwise authorized by the City Council, one member shall be appointed from each Council district and two (2) members shall be appointed at large.

MC §2-9.1302 – Budget and Finance Commission

- (a) The Commission shall consist of seven (7) members appointed by the Mayor, subject to approval by the City Council.

MC §2-9.1402 – Public Arts Commission

- (a) The Commission shall consist of seven (7) members. The members of the Commission shall be composed of: two (2) members appointed from among professionals in the disciplines of architecture, landscape architecture, urban planning, engineering, design or other related cultural and arts disciplines, to the extent such professionals are available in the City; two (2) members appointed from a recognized arts or artists organization; and the remaining three (3) members shall be appointed at-large.

Manhattan Beach**MC §2.44.020 City Boards, Commissions and Committees**

The members of Commissions, Committees and Boards, shall be appointed by the Council from persons who are not elected officials of the City or employed by Manhattan Beach City government.

Long Beach

City Charter, Article IX, Parks and Recreation Commission

§901. Membership and Terms of Parks and Recreation Commission.
The Parks and Recreation Commission shall be composed of seven (7) members who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. No member shall hold an elective office in the City of Long Beach, during their term on the Commission.

The term of each member shall be four (4) years. No person shall serve more than two (2) full terms. Serving any portion of an unexpired term shall not count as serving one (1) term.

City Charter, Article X, Planning Commission Sec. 1001. Organization.

The Planning Commission shall be composed of seven (7) residents of the City.

City Charter, Article XI, Civil Service Commission Sec. 1100. Organization.

The Civil Service Commission shall be composed of five (5) residents of the City.

City Charter, Article XI, Citizen Police Complaint Commission Sec. 1151. Membership and Terms of Citizen Police Complaint Commission.

The Citizen Police Complaint Commission shall be composed of eleven (11) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. There shall be one Commission member appointed to represent each of the nine City Council districts, and two members appointed at large. Each member of the City Council shall nominate an individual to the Mayor to represent each respective Council district.

MC §2.18.050 General regulations.

- A. The members of each body shall be appointed by the mayor and confirmed by a majority vote of all members of the city council;

- B. The members of each body must reside in the city at the time of appointment, and must maintain residence within the city at all times during their service on the advisory body,

(Continued)

MC §2.24.020 Board of Health and Human Services - Members.

The board shall consist of fifteen (15) members. At least three (3) of said members shall be licensed by the state to practice as physicians and surgeons. Of the remaining members, at least one of the following shall be members: state licensed dentist, state licensed pharmacist, state licensed nurse, and state licensed veterinarian. Of the remaining eight (8) members, at least one shall be nominated by the Long Beach unified school board, and five (5) shall be selected to provide broad representation to the community, and shall be knowledgeable in the human services area. Every effort should be made to appoint a board which reflects the ethnic and gender composition of the city. A member who is or has been a member of the governing board or committee, or an officer, executive, employee, or a member of an entity or organization which applies for funds for human or social services from the city, shall refrain from participating in the discussion and consideration, and from influencing, either directly or indirectly, and shall abstain from any vote, regarding said application. Members shall be appointed by the mayor and confirmed by the city council. Members shall serve for two (2) year terms and shall be eligible for reappointment if their service does not exceed the eight (8) year maximum established by the city council. Each member of the board shall be a qualified elector of the city at the time of appointment, and shall be subject to removal by the mayor at any time, with the consent and approval of the city council. Vacancies shall be filled in the same manner as original appointments.

(Ord. C-6812 § 1, 1990; Ord. C-6230 § 2, 1986; Ord. C-6143 § 1, 1985; Ord. C-5709 § 2 (part), 1981; Ord. C-5236 § 1, 1976; prior code § 5110.1).

MC §2.27.020 Airport Advisory Commission - Members.

- A. The airport advisory commission shall consist of nine (9) members. The members of the commission must reside in the city at the time of appointment, and must maintain residence within the city at all times during their service on the advisory body;
- B. No member may participate in any decision in which he or she has a material financial interest within the meaning of the California political reform act. Each member shall file a statement of economic interest in accordance with the California political reform act.

(Ord. C-7834 § 1, 2002; Ord. C-5709 § 1 (part), 1981; prior code § 2370.1).

MC §2.33.020 Citizen's Advisory Commission on Disabilities - Members.

The citizens' advisory commission on disabilities shall consist of nine (9) members. Six (6) of the members shall be citizens from the city, and the remaining three (3) members shall be representatives from public and private agencies which provide services to disabled citizens in the city. As used in this chapter, the term disabled person means a person having a physical or mental impairment which substantially limits such person from functioning in one (1) major life activity or more, or a person who has a record of such impairment or who is regarded as having such an impairment. As used in this chapter, major life activity means any mental or physical function or activity which, if impaired, creates a substantial barrier to employment, housing, recreation, transportation, health service, or other life activity as identified by the commission. (ORD-09-0011, § 1, 2009; Ord. C-7184 § 1 (part), 1994; Ord. C-5709 § 1 (part), 1981; Ord. C-5413 § 1 (part), 1978; Ord. C-5237 § 1 (part), 1976; prior code §

MC §2.36.020 Economic Development Commission - Appointment, composition and terms of office.

The economic development commission shall consist of eleven (11) members. At least a majority of the members of the commission shall be residents of the city at the date of appointment. The remainder of the commission may be comprised of residents of the city or individuals having a business interest in the city at the date of his/her appointment. The members of the commission shall be appointed by the mayor, subject to the confirmation of the city council. The mayor shall make eight (8) of said appointments from a list of persons nominated by the governing bodies or chief executive officer of the following organizations or representing the following public-private segments:

- A. Long Beach Area Chamber of Commerce (Business);
- B. Long Beach Unified School District or Long Beach City College or California State University, Long Beach (education);
- C. A representative from real estate or financial services industries in Long Beach (real estate/financial services);
- D. A representative from a Long Beach Area Workforce Organization (workforce);

- E. A representative from the insurance, legal, accounting or architecture professions in Long Beach (professional services);
- F. Long Beach Convention and Visitors Bureau (tourism);
- G. City of Long Beach Recognized Business Association representative (business associations);
- H. A representative from an airport-related business (airport business).

The remaining three (3) commissioners shall be appointed by the mayor of the city subject to city council confirmation, representing business or a business-related civic interest in Long Beach.

Upon the expiration of the current term of each seat, an appointment shall be made by the mayor for a term not to exceed four (4) years in duration. All subsequent appointments to each seat shall be for a term of four (4) years. Except for members first appointed after the effective date of the ordinance codified in this chapter to fill unexpired terms, no member shall serve more than eight (8) consecutive years.

(ORD-08-0022 § 1, 2008; Ord. C-7676 § 1, 2000; Ord. C-7620 § 1, 1999; Ord. C-5966 § 1, 1983; Ord. C-5253 § 1 (part), 1976; prior code § 2398.1)

MC §2.38.040 Sustainable City Commission - Members.

- A. The commission shall be comprised of eleven (11) members. There shall be one commission member representing each of the nine councilmanic districts and two members appointed at-large.
- B. All members shall be appointed by the mayor subject to confirmation by the city council. Each member of the city council shall nominate a maximum of three individuals to the mayor to represent each respective council district.
- C. Members of the commission shall have a demonstrated concern for, and the desire to improve, the status of natural resources and living environment of the city, and may have professional or scholarly expertise in the environmental field, geology, hydrology, land use planning, ecology, or special expertise and demonstrated capabilities in fields relating to the social, economic or environmental aspects of life in the city.

- D. Whenever a member desires to resign from the commission, he or she shall inform the chairperson in writing. Any member of the commission may be removed by the mayor with the consent and approval of the city council. If a member is absent without the consent of the commission from three consecutive meetings, whether regular or special, such absence shall cause the member's retirement from the commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

(ORD-07-0024 § 1 (part), 2007).

MC §2.42.020 Golf Commission - Members.

The Municipal Golf Commission shall consist of thirteen members. Ten members of the Commission shall represent organized golf clubs at Municipal golf courses, one from each of the following clubs: Recreation Park Men's Golf Club; Recreation Park Women's Golf Club; Recreation Park South Course Men's Golf Club; Recreation Park South Women's Golf Club; Skylinks Men's Golf Club; Skylinks Women's Golf Club; El Dorado Men's Golf Club; El Dorado Women's Golf Club; Heartwell Men's Golf Club; and Heartwell Women's Golf Club. The remaining three members of the Commission shall be designated as members at large.

(Ord. C-7025 § 1, 1992; Ord. C-5709 § 1 (part), 1981; prior code § 2320.1).

MC §2.44.030 Human Relations Commission - Members.

The human relations commission shall consist of thirteen members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation and disabled members of the general public. All members shall be appointed by the mayor subject to confirmation by the city council. There shall be one commission member appointed to represent each of the nine city council districts and four members appointed at large. Each member of the city council shall nominate an individual to the mayor to represent each respective council district. The mayor will notify the members of the city council of the names of the nominees at least one week prior to the placement of the appointments on the council agenda for confirmation.

(Ord. C-6570 § 1 (part), 1989).

MC §2.48.020 Marine Advisory Commission - Members.

The marine advisory commission shall consist of nine members.
(Ord. C-7145 § 1, 1993; Ord. C-7100 § 1 (part), 1993).

MC §2.52.040 Public Safety Advisory Commission - Members.

- A. The commission shall be comprised of a total of thirteen members. There shall be one commission member representing each of the nine councilmanic districts and four members appointed at-large.
- B. All members shall be appointed by the mayor, subject to confirmation by the city council. The members representing each councilmanic district shall be appointed from a pool of at least three nominees to be submitted by each member of the city council to represent their respective councilmanic district.
- C. Three of the at-large members shall be appointed as a representative of the National Association for the Advancement of Colored People, the League of Latin Americans and the Asian Pacific Family Outreach, respectively, and shall be selected from a pool of at least three nominees submitted to the mayor by each of the organizations. The mayor shall appoint the fourth at-large member as a representative of a minority group in the community which is not represented by the three other at-large members.
- D. It is the intent of the city council that the commission shall be constituted to provide a representative balance of members based on the demographic makeup of the city as reported by city's department of planning and building; and, that the at-large appointments will be made to achieve this balance.
- E. Whenever a member desires to resign from the commission, he or she shall inform the chairperson in writing. Any member of the commission may be removed by the mayor with the consent and approval of the city council. If a member is absent without the consent of the commission from three consecutive meetings, whether regular or special, such absence shall cause the member's retirement from the commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

(Ord. C-6069 § 1 (part), 1984)

MC §2.57.020 Senior Citizen Advisory Commission - Members.

The senior citizen advisory commission shall consist of nine (9) members. Members shall be selected from the elderly segment of the city's residents and shall be at least fifty (50) years of age. No paid representative of any public or private elderly service organization shall serve as a member of this commission.

(ORD-09-0020, § 1, 2009; ORD-05-0014 § 1, 2005; Ord. C-5709 § 1 (part), 1981; prior code § 2395.1)

MC §2.63.030 Cultural Heritage Commission - Created--Members.

- A. A cultural heritage commission is created by this chapter whose purpose shall be to recognize, protect and promote the retention, maintenance and use of landmarks and landmark districts in the city in accordance with this chapter. Said commission shall consist of seven (7) members who shall serve without compensation and who are residents of the city who have manifested a knowledge and interest in the city's heritage and landmark preservation.
- B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, archeology or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology; to the extent that such professionals are available in the community. Commission membership may also include lay members who have special interest in, or who have demonstrated competence, experience, or knowledge in historic preservation or other historic preservation related disciplines.

El Segundo

MC §2-1-2: Planning Commission - Composition:

The Planning Commission shall consist of five (5) members, who shall be appointed by the Mayor of the City with the approval of the City Council. (Ord. 300, 8-20-1946)

MC §2-2-4: Disaster Council:

A. Composition: The city disaster council created under the provisions of the preceding subsection shall consist of the following:

1. The mayor, who shall be chairman;
2. The city manager, who shall be director of emergency services and vice chairman;
3. The assistant director, appointed by the city manager with the advice and consent of the city council who, under the supervision of the director, shall develop emergency plans and organize the emergency services program of the city, and shall have such other duties as may be assigned by the director;
4. Such deputy directors and chiefs of emergency services as are provided for in the current emergency plan of the city, adopted pursuant to this chapter; (Ord. 917, 1-4-1977)
5. Such representatives of the school district, civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council;
6. A council member appointed by the mayor to serve for a period of one year on a rotating basis. (Ord. 1388, 11-1-2005)

Beverly Hills**MC §2-2-104: Commissions and Committees - Appointment And Qualifications:**

- A. Appointments to any commission or committee shall be made by the city council.
- B. Any person appointed to a commission or committee shall be a resident of the city, unless otherwise designated in the instrument creating such commission or committee, and shall meet such other requirements as designated by council.
- C. Any person appointed to a commission or committee shall serve without compensation for service on such commission or committee. (1962 Code § 2-13)

MC §2-4-103: DISASTER COUNCIL MEMBERSHIP:

- A. The city of Beverly Hills disaster council shall consist of the members of the city council. The mayor shall serve as chairperson, and the vice mayor shall serve as vice chairperson. (Ord. 07-O-2521, eff. 8-10-2007)

SECTION 14.37.1. - DEFINITION.

For the purpose of this section, outside employment shall mean any work done, or any service performed, for compensation other than for the City, whether as employee, independent contractor, or otherwise.

SECTION 14.37.2. - APPLICATION.

Departmental regulations may contain restrictions governing outside employment, which restrictions need not be uniform for each department.

SECTION 14.37.3. - RESTRICTIONS.

In addition to any departmental rules, the following restrictions shall apply:

- a)
No employee shall engage in outside employment which would, in the judgment of the department head, conflict with his employment with the City, or, in any way, be against the best interests of the City. The decision of the department head shall be final, except that it shall be subject to the grievance procedure.
- b)
Such employment shall not interfere with the employees' ability to respond to emergency calls, scheduled work or scheduled overtime.
- c)
Such employment shall only be of a part-time or temporary nature.