Council Meeting of
January 26, 2016

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

Members of the Council:

Subject: City Clerk and City Attorney – Adopt an Ordinance modifying
Attendance Policies for Meetings of City Commissions

Expenditure: N/A

RECOMMENDATION
Recommendation of the City Clerk and City Attorney that City Council:
(1) Adopt an ORDINANCE amending Torrance Municipal Code Sections 13.1.6, 13.2.6, 13.3.6, 13.4.6, 13.5.6, 13.9.6, 13.10.6, 13.15.6, 13.16.6, 13.17.6, 13.18.7 and 13.20.060 to modify existing provisions governing commissioners’ failure to attend meetings by (a) deleting the “in advance” requirement for City Council excuses of absences in excess of twenty-five percent of a commission’s regular and adjourned regular meetings within four consecutive calendar quarters; or alternatively, (b) by deleting in its entirety the requirement that the City Council excuse in advance absences in excess of twenty-five percent of a commission’s regular and adjourned regular meetings within four consecutive calendar quarters.

(2) Approve an Ordinance Summary of the selected Ordinance for Publication.

Funding
Not applicable

BACKGROUND
The commissioner meeting attendance provisions contained in the Torrance Municipal Code have been in effect for decades. The provisions for Planning Commission, Park and Recreation Commission, Library Commission, Airport Commission, Water Commission, Traffic Commission, Civil Service Commission, Cultural Arts Commission, Environmental Quality and Energy Conservation Commission, Cable Television Advisory Board, Commission on Aging, and Social Services Commission are identical and read as follows:

“b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; provided, however, that if a member misses more than twenty-five (25) percent of all the regular and adjourned regular meetings in any four (4) consecutive calendar quarters unless excused in advance [emphasis added] by the City Council, his membership shall terminate automatically; and

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provided further that a member will be deemed absent from a meeting unless he
is present during at least two-thirds (2/3) of the time of the entire meeting."

The excused-in-advance requirement is difficult to apply in practice. Unanticipated last-
minute absences from commission meetings do not allow sufficient time for the Council
to excuse such absences prior to a commissioner missing a commission meeting.

ANALYSIS
The City Clerk and City Attorney recommend that Council adopt proposed Ordinance
Alternative A, deleting the requirement that Council excuse "in advance" absences
exceeding 25% of regular and adjourned commission meetings within four consecutive
calendar quarters. The City Council might, however, prefer to adopt Ordinance
Alternative B, deleting the Council "excuse-in-advance" requirement in its entirety. If the
Council were to adopt Ordinance Alternative B, the Council would still retain the right to
remove any commissioner from office by a vote of the majority of all the members of the
City Council.

Because new commissioners are being sworn into office this evening, January 26,
2016, and will commence their duties as commissioners beginning in February, and
because the Torrance Municipal Code provisions involve computations based upon
complete calendar quarters, the City Clerk and City Attorney further recommend that
either Ordinance, if adopted, be retroactive to January 1, 2016.

Respectfully submitted,

REBECCA POIRIER, MMC
City Clerk

JOHN L. FELLOWS III
City Attorney

NOTED:

Mary Giordano
LeRoy J. Jackson
City Manager

Attachments:  A) Proposed Attendance Ordinance Alternative A and Ordinance Summary
B) Proposed Attendance Ordinance Alternative B and Ordinance Summary

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ORDINANCE NO. 2016-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING TORRANCE MUNICIPAL CODE Sections 13.1.6, 13.2.6, 13.3.6, 13.4.6, 13.5.6, 13.9.6, 13.10.6, 13.15.6, 13.16.6., 13.17.6. 13.18.7, and 13.20.060

WHEREAS, The Torrance Municipal Code presently provides that members of City Commissions forfeit their commission seats upon missing either two consecutive regular meetings unless excused by their commission, or upon missing more than twenty-five percent of all regular and adjourned regular meetings in any four consecutive calendar quarters unless excused in advance by the City Council; and

WHEREAS, These attendance provisions are difficult to monitor and enforce in a timely manner because of unanticipated last-minute needs for commissioners with prior excused absences to miss another commission meeting without time to secure an excuse by the City Council prior to missing another commission meeting; and

WHEREAS,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY ORDAINS THAT:

SECTION 1. Sections 13.1.6, 13.2.6, 13.3.6, 13.4.6, 13.5.6, 13.9.6, 13.10.6, 13.15.6, 13.16.6., 13.17.6. 13.18.7, and 13.20.060 of the Torrance Municipal Code are amended to read in their entirety as follows:

"a) The Commission shall hold regular meetings at least once every month.

b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; provided, however, that if a member misses more than twenty-five (25) percent of all the regular and adjourned regular meetings in any four (4) consecutive calendar quarters unless excused by the City Council, his membership shall terminate automatically; and provided further that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting."

SECTION 2. This Ordinance is retroactive to January 1, 2016.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.
SECTION 4. This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Adopted and passed this _____ day of _____________, 2016

__________________________________________
Patrick J. Furey,
Mayor of the City of Torrance

ATTEST:

__________________________________________
Rebecca Poirier, MMC, City Clerk

APPROVED AS TO FORM:
John L. Fellows III, City Attorney

By: ________________________________
ORDINANCE SUMMARY

ORDINANCE NO. __

SUMMARY

On ____________, 2016, the City Council of the City of Torrance adopted Ordinance No. __, amending provisions of the Torrance Municipal Code dealing with the treatment and effects of absences by City Commissioners from Commission meetings. The amended provisions no longer require that City Council excuse of a Commissioner's excess absences be made prior to the absence occurring.
ORDINANCE NO. 2016-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING TORRANCE MUNICIPAL CODE Sections 13.1.6, 13.2.6, 13.3.6, 13.4.6, 13.5.6, 13.9.6, 13.10.6, 13.15.6, 13.16.6., 13.17.6. 13.18.7, and 13.20.060

WHEREAS, The Torrance Municipal Code presently provides that members of City Commissions forfeit their commission seats upon missing either two consecutive regular meetings unless excused by their commission, or upon missing more than twenty-five percent of all regular and adjourned regular meetings in any four consecutive calendar quarters unless excused in advance by the City Council; and

WHEREAS, These attendance provisions are difficult to monitor and enforce in a timely manner because of unanticipated last-minute needs for commissioners with prior excused absences to miss another commission meeting without time to secure an excuse by the City Council prior to missing another commission meeting; and

WHEREAS,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE HEREBY ORDAINS THAT:

SECTION 1. Sections 13.1.6, 13.2.6, 13.3.6, 13.4.6, 13.5.6, 13.9.6, 13.10.6, 13.15.6, 13.16.6., 13.17.6. 13.18.7, and 13.20.060 of the Torrance Municipal Code are amended to read in their entirety as follows:

"a) The Commission shall hold regular meetings at least once every month.

b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting."

SECTION 2. This Ordinance is retroactive to January 1, 2016.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if
authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Adopted and passed this _____ day of ______________, 2016

_____________________________________
Patrick J. Furey,
Mayor of the City of Torrance

ATTEST:

_____________________________________
Rebecca Poirier, MMC
City Clerk

APPROVED AS TO FORM:
John L. Fellows III, City Attorney

By: ___________________________________
ORDINANCE NO. ___

SUMMARY

On ____________, 2016, the City Council of the City of Torrance adopted Ordinance No. ___, amending provisions of the Torrance Municipal Code dealing with the treatment and effects of absences by City Commissioners from Commission meetings. The amended provisions no longer require that City Council excuse a Commissioner's excess absences. By a majority vote, the City Council still retains the right to remove any Commissioner as it desires.