



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 14, 2019

TO: Mayor Romero and Members of the City Council

SUBMITTED BY: Lori Martin, Administrative Services Director/City Clerk
Patrick Tang, City Attorney

SUBJECT: Consider Amending Hercules Municipal Code Title 2, Chapter 2, "Boards and Commissions", to: 1) Clarify That Vacancies for All Commissions Shall Be Filled In Accordance With the Process Established By Council Resolution, and 2) Allow the City Council to Establish Commission Regular Meeting Dates and Times By Resolution.

RECOMMENDED ACTIONS:

- 1) Waive the second reading, and adopt an ordinance to amend the Hercules Municipal Code to standardize the process for filling Commission vacancies and to allow for the establishment of Commission meeting dates and times by resolution.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review of this item.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact associated with this item.

DISCUSSION:

The recommended action would allow for setting Commission meeting dates and times by resolution, and would standardize the filling of vacancies for all currently operational Commissions in a manner consistent with Council Resolution 10-068.

Meeting Dates and Times. The City of Hercules has established the Planning Commission, the Finance Commission, the Education Commission, and the Community and Library Services Commission, each Commission tasked with the conduct of City business as specified in Title 2, Chapter 2 of the Hercules Municipal Code. Currently, the Finance Commission is in need of setting different dates and times for its meetings, but because the

meeting dates and times for Commission meetings are spelled out within Title 2, Chapter 2 of the Hercules Municipal Code, changing the dates and times for Commission meetings requires amending the Municipal Code by adoption of an amending ordinance, which necessitates a public hearing and two readings. By amending the Municipal Code to allow for the setting of all Commission regular meeting dates and times by Council resolution, there would be no need in the future to amend the municipal code by ordinance every time an adjustment to a Commission's meeting schedule is needed.

At the City Council meeting held on April 23, 2019, the City Council adopted a resolution which implements the recent Finance Commission recommendation based on a referral from the City Council to change their meeting schedule to every other month and to change the meeting day to the third Wednesday of the month. This resolution goes into effect 30 days after adoption of this Ordinance.

Standardizing Vacancy Provisions. In addition, the vacancy provisions for the City's Commissions are not consistent, with the Community and Library Services Commission and Finance Commission expressly required to have vacancies filled in accordance with the process for appointments established by City Council Resolution No. 10-068, while the Planning Commission and Education Commission require that the Council shall appoint "another person to fill such vacancy to serve the remainder of the term of the person that such new appointee is succeeding". Staff recommends having vacancies for all the Commissions be filled in the manner required for the Community and Library Services Commission and Finance Commission, in accordance with the process for appointments established by City Council Resolution No. 10-068.

It should be noted that the Education Commission is currently not convening, but staff recommends standardizing the vacancy provisions for the Education Commission in line with the other Commissions, in the event the Education Commission is revived in the future.

ATTACHMENTS:

1. Amending Ordinance No. 519 to Amend Hercules Municipal Code Title 2, Chapter 2, "Boards and Commissions".
2. Resolution No. 10-068.