



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: September 1, 2009
To: Honorable Mayor & City Council
From: Byron Pope, CMC
City Clerk
Subject: Ad Hoc Committee Recommendation For Commissioner
Residency Requirement

INTRODUCTION

At the June 2, 2009 and June 16, 2009 Study Sessions, the City Council discussed the current Beverly Hills Municipal Code residential requirements for serving on City Commissions. The Beverly Hills Municipal Code § 2-2-106(d) says that Commission "membership shall terminate automatically if a member ceases to reside in the city, unless residence is not required for membership." City Clerk Pope raised the issue to inquire whether the City Council wished to amend the Code to allow City Council discretion on a case-by-case basis to remove commissioners who cease to reside in the City. After discussion on the topic by the City Council, staff was directed to meet with Ad Hoc Committee members Councilmember Brucker and Councilmember Mirisch and bring back a recommendation.

DISCUSSION

The Ad Hoc Committee met on Tuesday evening July 28, 2009 with City Clerk Byron Pope and City Attorney Laurence Wiener. The Committee agreed to the following three conditions, and recommend amending the Beverly Hills Municipal Code to allow discretion on a case-by-case basis:

1. If an appointed Commissioner has moved out of Beverly Hills and has **purchased** a residence and is living in another City, then the Commissioner is clearly showing intent to reside in another City and membership should terminate.
2. If an appointed Commissioner has moved out of Beverly Hills temporarily as a result of an unusual circumstance or hardship and is **leasing or renting** a residence for a not-to-exceed six month period with the intent to move back into the City, then the Commissioner should be allowed to serve during this transition period.

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3. As a matter of process, if a commissioner were to potentially qualify to remain on the commission under Condition #2, then staff will set up a meeting with the Council Liaison and the Commissioner to discuss the unusual circumstance or hardship, and the Council Liaison will report to the full Council with a recommendation as to whether the commissioner should be allowed to continue to serve.

This discretion will be equivalent to the Council discretion for excessive absences [BHMC § 2-2-106(b)], which was amended by the City Council at the beginning of 2007, allowing the City Council discretion on Commission termination due to health reasons or for other unusual hardship that justifies the absence.

RECOMMENDATION

If the Council concurs with the Ad Hoc Committee recommendation to provide the City Council discretion as described above, on a case-by-case basis regarding the Commissioner's residency requirement based on a change in residential status outside of the City of Beverly Hills with the above criteria, staff will prepare a formal staff report and ordinance for introduction at the September 15, 2009 Formal City Council meeting.

Byron Pope
Approved By

