



## AGENDA REPORT

**Meeting Date:** September 15, 2009  
**Item Number:** E-4  
**To:** Honorable Mayor & City Council  
**From:** Byron Pope, City Clerk  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS ALLOWING COMMISSIONERS TO CONTINUE THEIR TERM OF OFFICE WHILE TEMPORARILY RESIDING OUTSIDE OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
**Attachments:** Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be introduced and read by title only.

### INTRODUCTION

This ordinance amends the Beverly Hills Municipal Code to allow Commissioners to continue their term of office while temporarily residing outside of the City for a period not-to-exceed six months because of unusual circumstance or hardship.

### DISCUSSION

At the Study Session on September 1, 2009, a majority of the Council recommended amending the Beverly Hills Municipal Code to allow Commissioners the opportunity to continue serving while temporarily residing outside of the City with the following stipulations (at the City Council's discretion):

1. If an appointed Commissioner has moved out of Beverly Hills during his or her term of office, and has **purchased** a residence and is living in another City, then the Commissioner is clearly showing intent to reside in another City and the Commissioner's membership will terminate.
2. If an appointed Commissioner has moved out of Beverly Hills temporarily during his or her term of office 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.
4. The not-to-exceed six month period starts the date a Commissioner ceases to reside in the City.
5. Commissioners are limited to a one-time use of the potential not-to-exceed six month period allowance during their term of office.

**FISCAL IMPACT**

None.

Byron Pope  
Approved By



ORDINANCE NO. 09-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ALLOWING COMMISSIONERS TO CONTINUE THEIR TERM OF OFFICE WHILE TEMPORARILY RESIDING OUTSIDE OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 2-2-106 of Article 1 of Chapter 2 of Title 2 of the Beverly Hills Municipal Code is amended to read as follows:

“2-2-106: TERMINATION OF MEMBERSHIP:

Membership on a commission or committee shall terminate under the following conditions, unless otherwise specifically provided in this code:

- A. Membership shall terminate automatically upon resignation or death of a member.
- B. If a commission or committee regularly meets once per month, membership shall terminate automatically if a member is absent from four (4) regular meetings within a twelve (12) month period unless the city council determines, in its sole discretion, that the absences were due to health reasons or for other unusual hardship that justifies the absence. Additionally, the city council may consider removing any member who is absent from three (3) meetings within a twelve (12) month period.
- C. If a commission or committee regularly meets at least twice per month, membership shall terminate automatically if a member is absent from eight (8) regular meetings within a twelve (12) month period unless the city council determines, in its sole discretion, that the absences were due to health reasons or for other unusual hardship that justifies the absence. Additionally, the city council may consider removing any member who is absent from six (6) meetings within a twelve (12) month period.
- D. Membership shall terminate automatically if a member ceases to reside in the city, unless residence is not required for membership or unless a member has temporarily ceased to reside in the city because of unusual circumstance or hardship, has not purchased a home outside the City in which the member is residing, intends to move back into the City, and has not previously ceased to reside in the City at any time while serving on the Commission . For the purposes of this subsection “temporarily” means a period not exceeding six months starting from the date a member ceased residence in the City.

E. Membership shall terminate automatically if a member's office would be vacated under the provisions for disqualification from office set forth in section 1770 of the California Government Code. Provided, however, that the provisions of this section governing absences shall supersede the provisions of section 1770 regarding absences.

In addition, the city council may remove any member from a commission or committee for any reason. Such removal may be accomplished by resolution or minute order of the city council.”

Section 2. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

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NANCY KRASNE  
Mayor of the City of  
Beverly Hills, California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM



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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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RODERICK J. WOOD, ICMA-CM  
City Manager