



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** June 21, 2011  
**To:** Honorable Mayor & City Council  
**From:** Mahdi Aluzri, AICP, Assistant City Manager  
Jonathan Lait, AICP, Assistant Director of Community Development  
**Subject:** Request from Councilmember Mirisch for Discussion and Possible  
Direction to Staff to Form a New Heritage Commission  
**Attachments:** 1) Beverly Hills Municipal Code Section 2-2-101.

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### **INTRODUCTION**

Councilmember Mirisch requested a study session item be placed on the agenda requesting the City Council consider the formation of a new Heritage Commission.

### **BACKGROUND**

Heritage commissions typically have some review authority over historic properties, but can also serve to educate the public and promote cultural history. Heritage commissions celebrate a community's past and explore opportunities to weave that history into contemporary programs, events and public art. In this regard, a heritage commission could be seen as having broader purview than a landmarks commission, which is more focused on the built environment and potentially significant resources in the community. While some communities have both a landmarks and arts commission, similar to Beverly Hills, others establish a heritage commission to serve that combined function.

### **DISCUSSION**

The City Council has the authority to establish new commissions pursuant to Beverly Hills Municipal Code Section 2-2-101. The Council also establishes the scope of authority delegated to the commission and would appoint its commissioners.

In addition to discussing the potential value of a heritage commission, the City Council may also want to consider whether the role of other existing commissions would need to be reviewed to be further refined or absorbed into the new commission. Identifying what city department would serve the commission and staff and financial resources to support the commission also require consideration.

**FISCAL IMPACT**

The recommendation in this report does not have any significant fiscal or budget impacts, however, direction to proceed may impact progress made on department work plan items that have been adopted as part of the budget and amended from time to time by the City Council.

**RECOMMENDATION**

It is recommended that that City Council discuss and provide direction to staff, as appropriate.

Susan Healy Keene, AICP, Director

Approved By

A handwritten signature in black ink that reads "Susan Healy Keene". The signature is written in a cursive style and is positioned below the printed name and the "Approved By" text.

## **ATTACHMENT 1**

## **Beverly Hills Municipal Code**

### **2-2-101: GENERAL:**

Council shall create such commissions and committees as required by state law or as deemed appropriate for the performance of specific city functions. Commissions shall be created by ordinance and committees shall be created by ordinance, resolution, or motion of the council. (1962 Code § 2-13; amd. Ord. 92-O-2156, eff. 12-11-1992)

### **2-2-102: DEFINITIONS:**

**COMMISSION:** An agency charged with the consideration of an indefinitely recurrent sequence of transactions and whose members serve for a specified term and hold meetings on a regular publicized schedule.

**COMMITTEE:** An agency charged with the consideration of a single nonrecurring subject or matter, or a matter which recurs sporadically, and which holds meetings only as appropriate. (1962 Code § 2-13)

### **2-2-103: DURATION OF COMMISSIONS AND COMMITTEES:**

- A. Every commission shall continue indefinitely until abolished by council.
- B. Every committee shall automatically terminate on the first anniversary of its creation, unless otherwise provided by council. (1962 Code § 2-13)

### **2-2-104: 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)

### **2-2-105: TERM OF OFFICE:**

- A. Appointments to a commission shall be for an initial term of two (2) years. At the discretion of the city council, commissioners may be reappointed to a second term. Appointments to a second term may be for up to four (4) years. The city council may appoint any commission member or members to terms shorter or longer than those set forth in this subsection if the city council determines that a shorter or longer term or terms is in the best interest of the commission or is appropriate to stagger the terms of appointees so that the terms of all or a majority of members do not expire concurrently or inappropriately close in time.
- B. Appointees who have served two (2) successive terms shall not be eligible for reappointment to the same commission.

- C. A member may serve beyond expiration of that member's term until such time as a successor is appointed.
- D. Committee members shall be appointed at the time of creation of the committee. Where the committee continues in existence for three (3) years or more, original appointments shall expire on the third anniversary of the committee where the committee consists of three (3) members, and shall expire on the fourth anniversary of the committee where the committee consists of four (4) or more members. Any committee which continues in existence beyond a period of three (3) years shall be governed by the appointment provisions of subsections A, B and C of this section. (1962 Code § 2-13; amd. Ord. 98-O-2299, eff. 6-5-1998; Ord. 06-O-2502, eff. 9-1-2006; Ord. 10-O-2590, eff. 10-22-2010)

## **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 (6) 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. (Ord. 09-O-2570, eff. 11-6-2009)

## **2-2-107: OPERATIONAL PROCEDURES:**

Unless otherwise provided in the ordinance or resolution creating a commission or committee the following provisions shall apply in the conduct of business of such commission or committee:

- A. Each commission or committee shall adopt rules of conduct and procedure which shall be consistent with the provisions of this chapter.
- B. Each commission shall have regularly scheduled meetings at least once each month, and may call special meetings as provided in section 54956 of the state Government Code.
- C. Committees are not required to have regularly scheduled meetings, and meetings may be called by the chairperson or by a majority of the membership.
- D. A majority of the designated membership shall constitute a quorum, and any action shall require a majority of the quorum for either affirmative or negative action.
- E. A chairperson and a vice chairperson shall be elected by the members from the membership. A member shall not serve as chairperson in excess of one year during any single term on the commission or committee.
- F. An official record of all considerations and decisions shall be made and filed with the city clerk; and a report shall be made to council.
- G. The city manager shall designate such staff as necessary to provide administrative support, unless otherwise designated by council. (1962 Code § 2-13)