



## AGENDA REPORT

**Meeting Date:** September 24, 2013

**Item Number:** G-5

**To:** Honorable Mayor & City Council

**From:** Mahdi Aluzri, Assistant City Manager

**Subject:** **A. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE TERM OF APPOINTMENT OF THE CITY'S REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS EXTENDING DR. WUNDERLICH'S SECOND TERM AS THE CITY'S REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**Attachments:**

1. Ordinance
2. Resolution

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### **RECOMMENDATION**

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE TERM OF APPOINTMENT OF THE CITY'S REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA" be introduced and read by title only.

Staff also recommends adoption of the resolution.

### **INTRODUCTION**

The City Council at its August 20, 2013 meeting received, discussed and approved a request from Dr. Wunderlich, the City's current Director of MWD, for extending his term in order to provide him the opportunity to seek election as the Chair of the Board of

Directors and allow him to serve a full term should he get elected. The attached ordinance modifies the code provisions to allow the City Council to grant the extension. To formally confirm the City Council action, the attached resolution authorizes the extension of the term and would become effective 30 days after the adoption of the ordinance.

**DISCUSSION**

Currently, Section 2-2-1502 of the Beverly Hills Municipal Code states that the term of office of the City's representative to the MWD Board shall be for four (4) years, and at the discretion of the City Council, the representative may be reappointed to a second term. Appointments to a second term shall be for four (4) years and no person shall serve more than eight (8) years.

The proposed ordinance modifies the code section to allow the City Council to extend a representative's second term for up to 4 additional years for purposes of allowing such representative to serve a full term as an officer of the Board of Directors.

The attached resolution extends Dr. Wunderlich's second term (currently set to expire on August 31, 2015) until the end of August 2019 in order to allow him to serve a full term as Chair should he get elected. The resolution becomes effective 30 days after the adoption of the ordinance during the second reading at the October 5, 2013 meeting.

**FISCAL IMPACT**

This item has no fiscal impact.

Don Rhoads  
Finance Approval



Jeff C. Kolin  
Approved By



# **Attachment 1**

**ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
TO AMEND THE TERM OF APPOINTMENT OF THE  
CITY'S REPRESENTATIVE TO THE BOARD OF  
DIRECTORS OF THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA**

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

Section 1.     Conduct of Business. The City Council hereby amends Section 2-2-1502 ("Term of Appointment") of Article 15 ("Representation On Board of Directors of The Metropolitan Water District of Southern California") of Chapter 2 ("Commissions and Committees") of Title 2 ("Administration, Personnel, and Procedures") of the Beverly Hills Municipal Code to read as follows:

"The term of office of the representative shall be for four (4) years. At the discretion of the city council, the representative may be reappointed to a second term. Appointments to a second term shall be for four (4) years; provided, however, that the Council can extend a representative's second term up to an additional four (4) years for purposes of allowing such representative to complete a full term as an officer of the Board of Directors.

Section 2.     Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be remain in full force and effect.

Section 3.     Publication. 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

shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4.     Effective Date. 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:

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_ (SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

*for* \_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

\_\_\_\_\_  
JEFFREY C. KOLIN  
City Manager

# **Attachment 2**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS EXTENDING DR. WUNDERLICH'S SECOND TERM AS THE CITY'S REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, Dr. Robert Wunderlich was appointed to serve a second 4-year term as the City's Representative to the Board of Directors of the Metropolitan Water District of Southern California ("MWD");

WHEREAS, Dr. Wunderlich's second 4-year term is set to expire on August 31, 2015;

WHEREAS, Dr. Wunderlich desires to seek election as the Chair of the Board of Directors of MWD for an initial term of January 2015 to December 2016;

WHEREAS, the City Council has conducted a first reading of an Ordinance entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE TERM OF APPOINTMENT OF THE CITY'S REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA" (the "Ordinance"), which will amend Section 2-2-1502 of the Beverly Hills Municipal Code to allow the City Council to extend a representative's second 4-year term for up to an additional 4 years in order to allow such representative to complete a full term as an officer of the Board of Directors of MWD.

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

Section 1. Upon the date of effectiveness of the Ordinance, the City Council hereby extends Dr. Wunderlich's second term as the City's representative on the Board of Directors of MWD for an additional four years through August 31, 2019 in order to allow Dr. Wunderlich to serve a full term as Chair of the Board of Directors of MWD, if elected.

Section 2. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

CITY OF BEVERLY HILLS  
A municipal corporation

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk

(SEAL)

APPROVED AS TO FORM:

*for*  
  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY C. KOLIN  
City Manager