

RESOLUTION NO. 2024-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, ADOPTING BY-LAWS FOR
CITY BOARDS AND COMMISSIONS

WHEREAS, the City of Escondido (“City”) is a general law city governed by a legislative body comprised of a mayor elected at large and four council members elected by districts who regularly rely on the work and advise of various boards and commissions, which hear and consider various matters of public interest on behalf of the City; and

WHEREAS, the City currently has the following City boards and commissions: Planning Commission, Public Arts Commission, Library Board of Trustees, Building Advisory and Appeals Board, and Transportation and Community Safety Commission; and

WHEREAS, pursuant to California law, the City must comply with state law in the nomination and approval of boards and commissions members including, but not limited to, Government Code section 40605, and must further comply with the nominating and membership rules relating to Interagency Boards; and

WHEREAS, on March 2, 2022, the City Council adopted Ordinance No. 2021-14R which states, “except for the Planning Commission and the Library Board of Trustees, all City created boards and commissions shall be governed by a uniform set of by-laws which shall be approved by the City Council through adoption of a Resolution.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. That the following By-Laws shall govern the Building and Advisory Appeals Board, Public Art Commission and Transportation and Community Safety Commission:

Article I. Boards and Commissions

Section 1.01 Advisory bodies develop recommendations and present supporting information to the City Council. Their role can include hearing public testimony, building community consensus for proposals or projects, facilitating a study of issues, guiding implementation of new or regulating established programs, or assessing the alternatives regarding issues of community concern. The Planning Commission has the authority to make final decisions; some decisions may be appealed to Council.

Section 1.02 Advisory bodies relate to the Council and staff as follows:

(a) Council's role is to make policy; direct the City Manager to carry out policy; solicit input from boards/commissions on issues in their various functional areas unless there are legal or time constraints

(b) The Advisory body's role is to advise Council on policy that assists Council in carrying out their responsibilities; provide citizen input by being positive representatives of the Council and the community

(c) Staff's role is to research and investigate issues, prepare alternatives and recommendations for advisory bodies and Council to review and implement Council policy decisions; provide staff liaison and clerical support to the advisory body under the guidance of the department head (and ultimately, the City Manager)

Section 1.03 Advisory bodies are not involved in the administration or operation of City departments. They should not contact the media or speak on behalf of the advisory body unless authorized to do so. Advisory body members may not direct administrative staff to initiate programs and may not conduct major studies or establish policy without the approval of the City Council. City staff members are available to provide general staff assistance to the advisory body.

Article II. Board and Commission Bylaws

Section 2.01 The City of Escondido maintains five boards and commissions:

Section 2.02 As a matter of policy, it serves the public interest to have the greatest possible public access to board and commission meetings. As such, meetings are held in Council Chambers (or via videoconference) and preferably occur at least once a month.

(a) Building Advisory and Appeals Board

(i) The Building Advisory and Appeals Board hears appeals and makes determinations relative to alternate methods of construction and alternate materials pertaining to the Building, Electrical, Plumbing, Mechanical, Dangerous Buildings, and Housing Codes of the City of Escondido.

(b) Library Board of Trustees

(i) The Library Board of Trustees oversees library services and advises the City Council and the City Librarian on the development of plans, policies and programs that are responsive to the community's needs and desires.

(c) Planning Commission

(i) The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Planning Commission has final approval authority on certain cases and recommends action to the City Council on others.

(d) Public Art Commission

(i) The Public Art Commission functions in an advisory capacity in matters pertaining to art in public places.

(e) Transportation and Community Safety Commission

(i) The Transportation and Community Safety Commission is an advisory body to the City Council, Engineering Services Department and the Police Traffic Division.

Article III. Eligibility and Membership

Section 3.01 No board or commission members shall hold any paid office or employment with the City of Escondido. All persons appointed shall be registered voters of the City and live within the geographic boundaries of the City's General Plan at the time of their appointment.

Section 3.02 If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the geographical boundaries of the City's General Plan, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

Article IV. Term Length

Section 4.01 Board and Commission term lengths are two years.

(a) Exception: Term lengths for the Library Board of Trustees are three years and Planning Commission

Article V. Spouses, Household Members, and Relatives

Section 5.01 No individual shall be eligible to serve on a City board or commission, who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Deputy City Manager, City Attorney, Department Director or Assistant Director or equivalent for the City of Escondido.

Article VI. Concurrent Service

Section 6.01 No member of any board or commission listed herein, may serve on more than one board or commission at the same time.

(a) Exception: Members of the Building Advisory and Appeals Board may serve on another board or commission at the same time.

Article VII. Limitation on Terms

Section 7.01 Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

Article VIII. Recruitment

Section 8.01 Through the Office of the City Clerk, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

Article IX. Appointment

Section 9.01 Sec. 2-26. Duty to appoint board and commission members; Bylaws.

(a) Unless otherwise provided by state law, the mayor shall appoint members and alternates to all state, county, city, and other interagency boards and commissions, including subcommittees.

Section 9.02 Notwithstanding any other provisions of state law or any other laws of the city, the members of such boards and commissions shall serve at the pleasure of the city council and shall at all times be residents of the geographic area within the city's general plan.

Section 9.03 Except for the Planning Commission and the Library Board of Trustees, all city-created boards and commissions shall be governed by a uniform set of by-laws which shall be approved by the city council through adoption of a Resolution.

Article X. Appointment and terms of office.

Section 10.01 Unless otherwise provided by this code, appointments of members of all boards and commissions created by the city council and their terms of office shall be governed by the following provisions:

(a) The members of all boards and commissions shall be appointed by the mayor from among the residents of the geographic area within the city's general plan.

(b) The members of all boards and commissions shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(c) The terms of office for members of all boards and commissions established by the City of Escondido, with the exception of the Library Board of Trustees and Planning Commission, shall be for a two (2) year period commencing with the actual date of appointment and ending on March 31st of the second year thereafter.

(d) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term consistent with the nomination procedure provided for in this section.

(e) During January and February, the City of Escondido solicits applications from persons interested in actively participating in local government. Interviews are conducted by the full Council and each application is carefully reviewed before an appointment is made. Terms of office expire on March 31.

(f) Applications are accepted throughout the year, however, in case additional appointments need to be made due to resignations or other unforeseen circumstances.

Article XI. Oath of Office

Section 11.01 Each board and commission member, before entering upon the discharge of the duties of his/her office, shall take, subscribe to, and file with the City Clerk the following oath or affirmation:

(a) "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Article XII. Training

Section 12.01 Training shall be provided to all board and commission members by the City through the Office of the City Clerk, in consultation with the staff liaison for each board or commission.

Article XIII. Disclosure Obligations

Section 13.01 All public officials, include commissioners, must file annual conflict of interest forms with the City Clerk's office as required by State law. Those forms are public records which are available to the public upon request. The forms require disclosure of information about income, business and property interests in the community, gifts, and the like. As to income, officials are required to disclose sources, but not exact dollar amounts.

Article XIV. Officers

Section 14.01 Each board and commission shall elect one of its members as chair and another member as vice chair by a majority vote. The term length for Chair and Vice Chair is one year.

(a) Exception: Library Board of Trustees is governed by State Law and requires the selection of a President and Secretary for the Board.

Article XV. Chair's Role and Responsibilities

Section 15.01 Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.

Article XVI. Vice Chair's Role and Responsibilities

Section 16.01 Serves as the presiding officer in the absence of the chair.

Article XVII. Meetings

Section 17.01 Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements.

Section 17.02 Matters Covered

(a) Order of Business. Regular business shall be taken up for consideration in substantially the following order:

- 1) Flag Salute
- 2) Roll Call
- 3) Oral Communications
- 4) Current Business Matters
- 5) Future Agenda Items
- 6) Commissioner / Board Member Reports
- 7) Oral Communications

8) Adjournment

Section 17.03 Oral Communications.

(a) Time has been reserved near the end of each regular meeting agenda to provide an opportunity for members of the public to directly address the Commission on items of interest to the public. The Mayor as the presiding officer may at his or her discretion reduce or extend the time for a speaker or speaker representative to address the Commission consistent with the Ralph M. Brown Act. Members of the public that speak during "Oral Communications" may not demand audio/visual support from the City Clerk or City Staff. Comments on an item already appearing on the agenda shall only be taken at the time reserved for discussion of that agenda item. No action will be taken by the Commission on items discussed under Oral Communications, except to refer the matter to staff or schedule for future action.

Section 17.04 Electronic Public Comment

(a) Members of the public can submit comments electronically through the City's Website for items on the agenda as well as "Oral Communications." Comments submitted electronically will, if feasible, be provided to the Commission by the City Clerk prior to the Commission meeting for which the comments apply. Those comments shall thereafter be summarized and permanently filed with the minutes of the meeting.

(b) Commissioner / Board Member Reports.

(i) The Commission Member Report agenda item provides members of the Commission an opportunity to report matters of general interest to the public and their fellow Commission Members. No actions, votes or further discussions shall occur on any such matter(s).

Commission Action on Agenda Matters.

Article XVIII. Commission Action on Agenda Matters

Section 18.01 Prior to any vote or discussion by the Commission on a matter to be decided on the agenda, City staff shall provide a presentation and/or answer questions, if requested, and thereafter, any Council member may seek recognition by the presiding officer and make a motion to adopt such item, and thereafter, the presiding officer shall determine if another Commission member, including the presiding

officer, seconds the motion. If the motion receives a second, the matter may be debated before putting the motion to a vote of the Commission. A motion that fails to obtain a second or a majority vote shall die.

Article XIX. Manner of Addressing Commission/Board - Time Limit.

Section 19.01 Each person addressing the Commission shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record and, unless further time is granted by the presiding officer, shall limit their address to three (3) minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda. Longer time limits may be permitted for an applicant, appellant, or spokesperson for a larger group, at the discretion of the presiding officer.

(a) Whenever any group of persons wishes to address the

(b) Commission on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the said group, to limit the number of persons so addressing the Commission so as to avoid unnecessary repetitions before the Commission.

(c) City staff presentations and responses to Commission questions are not governed by this time limit.

Article XX. Posting of Agenda.

Section 20.01 At least 72 hours before a regular meeting, the City Clerk shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public.

Article XXI. Content of Agenda

Section 21.01 Under state law, the Commission is limited to consideration of items which are on a posted agenda. Items may be placed on an agenda by city staff, or upon the request of an individual Commissioner with the concurrence of at least one other Commissioner. The Staff Liaison shall be in charge of preparing the Commission agenda.

Section 21.02 Processing of Motions

(a) When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Commission members.

(b) The presiding officer shall at any time by majority consent of the Commission members, permit a Commission member to propose the reordering of agenda items.

(c) If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Commission member shall, divide the same.

Section 21.03 Precedence of Motions.

(a) When a motion is before the Commission, no motion shall be entertained except (precedence in order indicated):

- 1) To adjourn
- 2) To fix hour of adjournment
- 3) To table
- 4) For the previous question
- 5) To postpone to a certain day
- 6) To refer
- 7) To amend
- 8) To postpone indefinitely

(b) A motion to adjourn shall be in order any time, except as follows:

- 1) When repeated without intervening business or discussion
- 2) When made as an interruption of a Commission member while speaking
- 3) When the previous question has been ordered

4) While a vote is being taken

(c) A motion to adjourn "to another time" is debatable only as to the time to which the

(d) meeting is adjourned.

(e) A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.

(f) A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Commission member of "question" does not accomplish the same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.

(g) A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.

(h) A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.

(i) A motion to refer shall not be debatable except for the propriety of referring.

Article XXII. Administrative Mandamus.

Section 22.01 Persons who are dissatisfied with a decision of the Commission may have the right to seek review of that decision by a court. In addition, the City has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

Article XXIII. Appeals; Continuances.

Section 23.01 Any person appealing an action of a City Board or Commission or City Staff to the City Council has a right to two two-week postponements of the initial hearing scheduled on the appeal. After exhaustion of this right, the appeal shall be considered withdrawn. This procedure shall not limit the ability of the City Council to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff.

Article XXIV. Reconsideration.

Section 24.01 Any member of the Commission, voting in the majority on any action of the Commission, may at the same meeting, or at a subsequent time, request the Commission reconsider an action. A reconsideration request made by a member of the Commission voting in the minority shall not be allowed, except when made more than one (1) year after the date of the original action.

Section 24.02 All requests for reconsideration of a Commission action shall be provided to each Commission member, and the City Clerk in writing or via electronic mail, and the request shall be placed on the next available agenda. In the event an item to be reconsidered requires public notice, it shall be calendared and noticed after Commission determines when reconsideration shall occur.

Article XXV. Personal Privilege.

Section 25.01 The right of any Commission member to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned.

Article XXVI. Commission Conduct.

Section 26.01 Each member of the Commission shall act in a courteous and respectful manner to all members of the Commission, including providing each member the full opportunity to ask questions, voice opinions and make statements without interruption during closed and open sessions of the Commission.

Article XXVII. Decorum and Security.

Section 27.01 While the Commission is in session, the Commission members, staff, and members of the public are expected to act in a manner to preserve order and decorum for the meeting. No person shall engage in disorderly or disruptive behavior during the meeting. No person shall, either by conversation, applause, shouting, or any other conduct, interrupt or delay the proceedings.

Section 27.02 Signs, placards, posters, or similar objects which are larger than 8.5 by 11 inches and which disrupt the proceedings shall not be displayed during Commission proceedings by members of the public.

Article XXVIII. Attendance

Section 28.01 Each member of a City board or commission is expected to attend all regularly scheduled meetings. When a board or commission member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and/or staff liaison.

Section 28.02 Absences from more than 25% of all regularly scheduled meetings over the course of a 12-month period, shall result in that member's seat being declared vacant by the City Clerk.

Article XXIX. Quorums

Section 29.01 Boards and commissions have a quorum present when a majority of their total membership is present.

Article XXX. Majority and Abstentions

Section 30.01 Board and commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present and voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results.

Article XXXI. Subcommittees

Section 31.01 Subcommittees may be established as required to facilitate the study of Commission-directed or staff-requested initiatives.

Article XXXII. Staff Support to Board and Commissions

Section 32.01 Relevant departments shall appoint a staff liaison to support each board and commission.

Article XXXIII. Role in Public Communication

Section 33.01 In addition to their role as advisors to the City Council, boards and commissions, as a body, serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link, explaining City programs and recommendations, advocating established City policy and services, as well as providing a forum for public comment.

Article XXXIV. Board and Commission Role Outside of Meetings

Section 34.01 Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the City Council or the board or commission to do so for a particular purpose.

(a) In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions.

(b) In public, however, all members shall represent the official policies or positions of their board or commission.

Article XXXV. Board and Commission Communication with City Council

Section 35.01 Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Section 35.02 Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter.

Article XXXVI. Resignation/Completion of Term

Section 36.01 When a board or commission member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, City Clerk and City Manager, indicating the effective date and the reason(s) for resignation. When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy.

Section 36.02 Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

Article XXXVII. Harassment

Section 37.01 The City of Escondido is committed to providing an environment for employees, elected or appointed officials, members of the public, or contractors that promotes dignity and respect and is free from discrimination and harassment.

Article XXXVIII. Removal

Section 38.01 Unless otherwise provided by state law, the Mayor shall appoint and set terms for all members of all members of all boards and commissions. Notwithstanding any other provisions of state law or any other laws of the city, the members of such boards and commissions shall serve at the pleasure of the city council and shall at all times be residents of the geographical area within the city's general plan.

(a) Exception: The Mayor and City Council do not have the authority to involuntarily remove any or all of the Library Board of Trustees prior to the expiration of their respective terms.

Article XXXIX. Administrative Policies

Section 39.01 The City Manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.