

**REPORT TO COUNCIL MAYOR AND COUNCIL****TO HONORABLE MAYOR AND COUNCIL:**

DATE: July 6, 2009

SUBJECT: PROPOSED CHANGES TO CONCORD MUNICIPAL CODE TO ALLOW ALTERNATES TO CITY BOARDS, COMMISSIONS, AND COMMITTEES TO PERFORM ALL DUTIES OF MEMBER BEING REPLACED**Report in Brief**

Currently, the Concord Municipal Code does not explicitly empower alternates serving on City boards, commissions, or committees to assume all of the duties and responsibilities of the member in whose stead they may ultimately be called upon to serve in the event of a temporary absence. The proposed amendment to the Concord Municipal Code provides those powers to alternate members.

Background

The City of Concord presently has nine boards, commissions, and committees. Serving on one of these bodies is one of the primary ways in which residents can directly participate in the governance of their city. The number of seats on each is limited, however. And while the Concord Municipal Code allows for the inclusion of alternates on any of the City's boards, commissions, or committees, few actually include any such alternate members. This may be at least partially due to the fact that, as presently drafted, the Concord Municipal Code does not provide much incentive to the citizenry to seek an alternate post. Nor, for that matter, does the Council have much reason to appoint alternates. The reason: existing code provisions do not vest alternates who are called into service, due to an absence, with the power to exercise a vote, to be included in a head count for establishing a quorum, or to enjoy any of the powers or responsibilities enjoyed by the regular member for whom the alternate substitutes. This can be problematic if an absence arises and leaves the affected body with an even number of remaining members, which could theoretically lead to tie votes on important matters, or with the lack of a quorum. The existing ordinance only allows alternates to take the place of a sitting board or commission member if a vacancy occurs, for example due to the resignation or death of the individual. In that event, the alternate would fill the position for the remainder of the unexpired term of office.

Discussion

Revising the existing code language to empower alternates to City boards, commissions, and committees to enjoy the same rights and responsibilities as the member they replace would achieve many laudable goals, including:

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- Encouraging citizens to actively seek alternate roles on these bodies, thus increasing public participation in the governance of the City;
- Ensuring that the intent of the ordinances establishing each board, commission, and committee is met with respect to the size of each body; and
- Helping to avoid the prospect of tie votes in situations where the loss of a member, either temporarily or permanently, results in the use of an alternate who is not empowered to vote.

It is worth repeating that the proposed ordinance revision would vest alternates with such powers only when they were attending as a substitute for the regular member.

Fiscal Impact

None.

Public Contact

None.

Staff Recommendation

Staff recommends the City Council Introduce Ordinance No. 09-4 by reading of the title only and waiving further reading thereof.

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ORDINANCE NO. 09-4

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS, COMMISSIONS, AND COMMITTEES), SECTION 2-271 (APPOINTMENT OF ALTERNATES)

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Concord Municipal Code Chapter 2 (Administration), Article V (Boards, Commissions, and Committees), Section 2-271 is hereby amended to read as follows:

Sec. 2-271. Appointment of alternates.

(a) The City Council may appoint one or more alternates to any city board, commission, or committee. Any appointed alternates shall be listed consecutively as first alternate, second alternate, and so forth. An alternate's term shall expire when the next annual recruitment for members of his respective board, commission, or committee is completed.

(b) In the event of an unscheduled vacancy on any city board, commission, or committee, an alternate shall fill the position of the vacating member, serving until the expiration of the vacating member's term of office. Any alternate shall fill any unscheduled vacancy of the respective board, commission, or committee in the consecutive order appointed and shall perform all of the duties and have all of the powers and responsibilities as the member in whose place the alternate serves. In addition, an alternate may take the place of a member who is absent from one or more meetings of the board, commission, or committee on which that person serves, and shall perform all the duties and have all the powers and responsibilities of the absent member.

Section 2. This Ordinance No. 09-4 shall become effective thirty (30) days following its passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance

1 and once within fifteen (15) days after its passage and adoption, including the vote of the
2 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
3 Concord.

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Laura Hoffmeister
Mayor

7 ATTEST:

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Mary Rae Lehman, CMC
City Clerk

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11 (Seal)

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14 Ordinance No. 09-4 was duly and regularly introduced at a regular joint meeting of the City
15 Council and Redevelopment Agency held on July 6, 2009, and was thereafter duly and regularly
16 passed and adopted at a regular joint meeting of the City Council and Redevelopment Agency held on
17 July 27, 2009, by the following vote:

18 **AYES:** Councilmembers -

19 **NOES:** Councilmembers -

20 **ABSTAIN:** Councilmembers -

21 **ABSENT:** Councilmembers -

22 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
23 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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Mary Rae Lehman, CMC
City Clerk