


**CITY OF MONTEREY**

**TO:** Planning Commission  
**FROM:** Elizabeth, AICP   
Principal Planner  
**DATE:** June 23, 2009  
**SUBJECT:** Annual Election of Officers and Appointments to Subcommittees

**RECOMMENDATION**

Staff recommends that the Planning Commission appoint the Commission Chair and Vice-Chair and confirm subcommittee appointments for Fiscal Year 2009-2010.

**BACKGROUND**

The Chair and Vice-Chair are rotated based on the Planning Commissioners' appointment dates and previous service as Chair and Vice-Chair. The current order for Chair and Vice-Chair appointments is as follows:

**PLANNING COMMISSION**

	<b><u>COMMISSIONER</u></b>	<b><u>APPOINTMENT DATE</u></b>	<b><u>PREVIOUS SERVICE AS CHAIR / VICE-CHAIR</u></b>
1.	David Stocker	2/18/99	Chair 7/01; Vice-Chair 6/00
2.	Ralph Widmar	7/16/02	Chair 7/04; Vice-Chair 7/03
3.	Paul W. Davis	1/21/03	Chair 7/05; Vice-Chair 7/04
4.	Toy Bryant	7/19/88	Chair 6/06; Chair 6/94; Vice-Chair 2/92
5.	Leon Garden	06/15/04	Chair 6/07; Vice-Chair 6/06
6.	Willard McCrone	7/1/97	Chair 7/99; Vice-Chair 6/07, Chair 6/08
7.	Luis Osorio	6/20/06	Chair 6/09; Vice-Chair 6/08

**DISCUSSION**

Item #4 of the City Council guidelines for appointment of Board and Commission Chair and Vice-Chair states that no member may serve a second term as Chair or Vice-Chair unless all other qualified members have subsequently served as such or now decline to serve as such (Attachment 1). Therefore, if the position of Chair or Vice-Chair were declined, the Commission should consider appointing the next member on the list and the declining Commissioner would be eligible again for appointment the following year.

Following the election of Chair and Vice-Chair, staff recommends that the Commissioners review the Planning Commission Subcommittees list and revise appointments as needed.

EC:tl

Attachments: 1. City Council guidelines for appointment of Chairs and Vice-Chairs  
2. Planning Commission Subcommittees

c: City Manager  
City Attorney

MONTEREY CITY ATTORNEY'S OFFICE  
M E M O R A N D U M

**TO:** Mayor and Councilmembers; City Manager  
**FROM:** City Attorney  
**DATE:** August 20, 1998  
**SUBJECT:** Rotation of Chair Policy

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**ISSUE:** Under the Council's new policy, does the position of chair go to the one who has not served in that position for the longest time, or to each member who has not served in that position at all and then to the member who has not served in that position for the longest period of time?

**CONCLUSION:** Although somewhat ambiguous, the clear meaning of the policy is that the position of chair first go to those who have never served in that capacity, and then to the person who has not been in that position for the longest period of time.

**FACTS:** The City Council adopted a new policy which mandates rotation of the positions of chair and vice-chair for each board and commission. The policy includes language which has been identified as ambiguous which reads as follows:

"The position of Chair shall rotate annually to the member who has the longest current period of continuous service on the Board or Commission without having served as Chair."

A situation has arisen where a person was Chair many years ago, however, some members who joined the body after that time have never been Chair.

**DISCUSSION:** The language quoted above can be read either of two ways. It could mean (1) the person who has gone the longest without serving as Chair is next in order, or (2) the person who has gone the longest without *ever* serving as Chair is next in order.

Since the language is ambiguous, under rules of statutory construction, you would look to the intent of the legislative body to determine what was meant.

It was clear to staff that the Council policy was that *every* member be given a chance to sit in these positions of leadership. Therefore, we have opined that the intent of the Council was (2) above, and that the Chair rotation is to first examine who has *never* been

Chair and select from that pool, the person who has gone the longest is next in line. Where two or more members are equally eligible under this policy, as where appointed at the same time and none has served as Chair, then the body is able to hold some form of election to determine who is first in rotation.

It should also be stated that under the policy, any person may decline the rotational appointment to either the Chair or Vice-Chair position, and that they remain eligible in the future for such appointment without waiving their position under the policy.

*/s/ William Connors*

William B. Connors

WBC:ss

**TERM AND SELECTION OF  
CHAIR AND VICE-CHAIR OF CITY BOARDS AND COMMISSIONS**

City Council action:  
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To insure that each Board and Commission member has an opportunity to serve as Chair and Vice-Chair, and to provide an efficient method for the selection of Chair and Vice-Chair from the members of the Boards and Commissions, it shall be the policy of the City Council of Monterey to have these officers serve a one (1) year term. A rotation system shall be followed in the selection of the Chair and Vice-Chair.

1. The position of Chair shall rotate annually to the member who has the longest current period of continuous service on the Board or Commission without having served as Chair.
2. The position of Vice-Chair shall rotate annually to the member who has the second longest current period of continuous service without having served as Chair. If the member selected as Vice-Chair is on the Board or Commission at the time the next Chair is selected, he/she shall become Chair.
3. If two or more members have the same longest (or second longest) period of continuous service without having served as Chair, the Board/Commission shall determine by vote which one serves as Chair (or Vice-Chair) first.
4. No member may serve as Chair or Vice-Chair for more than one year at a time. No member may serve a second or greater term as Chair or Vice-Chair unless all other qualified members have subsequently served as such or now decline to serve as such.
5. All members who have served on their respective Board or Commission for at least six (6) months shall be qualified to serve as Chair.
6. A Board or Commission Member may decline to serve as Chair or Vice-Chair. In the event a member otherwise eligible for selection declines the position, the member next in seniority (in continuous service without having served as Chair) shall be selected. The declining member, if still on the Board of Commission at the time of the next rotation, will be eligible for the position again at that time.
7. It is the express intent of this policy that the positions of Chair and Vice-Chair shall be rotated among members of Boards and Commissions to the greatest extent possible, with no person serving for more than one year at a time or consecutive reappointments. Any confusion or questions regarding this policy shall be referred to the City Council for clarification or resolution. The policy shall be in effect upon adoption by the City Council.

ADOPTED: 07/21/99  
AMENDED: 12/15/99

June 23, 2009

CITY OF MONTEREY  
PLANNING COMMISSION SUBCOMMITTEES

SUBCOMMITTEE	BRYANT	DAVIS	OSORIO	STOCKER	GARDEN	M <sup>C</sup> CRONE	WIDMAR
1. Small Subdivision				X			
2. Revenue Sharing				X			
3. Old Monterey Business Association		X				X	
4. Telecommunication Antennas					X		X
5. Mansionization Zoning Ordinance Amendment	X		X	X			
6. Water Subcommittee		X		X			
7. Condominium Conversion Subcommittee	X		X			X	
8. Review County GPU5		X			X		X
9. North Fremont Business Association Annual Advisory Meeting		X					
10. Climate Action Subcommittee				X	X		X

\* There are to be no more than 3 representatives attending a meeting at any one time.

**COMMENTS**

- Chair will serve unless delegated to another Commissioner. This Subcommittee falls under the Brown Act requirements that went into effect April 1994.
- Chair will serve unless delegated to another Commissioner.
- Commissioner McCrone will serve as the Planning Commission's representative along with appointed City Councilmembers. Planning Commissioner Davis will remain on the OMBA Subcommittee as a representative of HPC.
- This is a Planning Commission and Architectural Review Committee Joint Subcommittee, approved by City Council on November 6, 2001, to develop guidelines for review and approval of telecommunications antennas.
- On July 19, 2005, City Council 1) directed staff to develop a four-member Mansionization Subcommittee of the Architectural Review Committee and the Planning Commission to address the issues raised; 2) direct the Architectural Review Committee and the Planning Commission to make modifications to the Zoning Ordinance that address the issues raised; and 3) direct modifications to the Zoning Ordinance as it relates to providing a conforming number of parking spaces for the substantial alteration of an existing single-family dwelling that does not have conforming parking prior to alteration.
- Subcommittee to explore the development of water resources for Monterey.
- Adhoc subcommittee established to review the Condominium Conversion Zoning Ordinance standards.
- Review County GPU5. Subcommittee appointed at the January 8, 2008 Planning Commission Meeting.
- As discussed at the January 22, 2008 Planning Commission Meeting, Commissioner representation at the North Fremont Business Association Annual Advisory Meeting.
- At the August 26, 2008 Planning Commission Meeting, the Greenhouse Gas Emissions subcommittee was formed to study compliance with AB32 and SB97. Note: At the first meeting of October 14, 2008, renamed to "Climate Action Subcommittee".