



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



DATE: January 14, 2014
BOARD MEETING DATE: February 11, 2014
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: John C. Beiers, County Counsel
SUBJECT: Amendments to Membership Rules for the Planning, Parks and Recreation, and Arts Commissions

RECOMMENDATION:

Adoption of an ordinance amending Sections 2.61.010 and 2.63.010 of Article 2.6 of Title 2 of the San Mateo County Ordinance Code, which establish the Planning Commission and the Parks and Recreation Commission, respectively, previously introduced on January 28, 2014 and waiver of reading the ordinance in its entirety.

Adopt a Resolution amending Resolution 65013, adopted on January 15, 2002, establishing the San Mateo County Arts Commission (Continued from the meeting of January 28, 2014).

BACKGROUND:

San Mateo County has an Arts Commission, a Parks and Recreation Commission, and a Planning Commission. The Parks and Recreation Commission and the Planning Commission have been established by ordinance, while the Arts Commission was established by Board resolution. The members of each of these three commissions are subject to two district residency requirements. The first is that one member of the commission must reside in each supervisorial district, and the second is that each member must reside in the district from which the member was appointed during the entire term of the member.

On October 22, 2013, the Board of Supervisors revised the boundaries of the County's supervisorial districts. This prompted a review of various ordinance code provisions that reference district boundaries in order to promote consistency across such provisions.

DISCUSSION:

Some, but not all, of the enabling legislation for County commissions presently includes a provision allowing the Board of Supervisors to waive the first residency requirement (i.e., that one member reside in each supervisorial district) if doing so is in the public interest. Specifically, the ordinance governing the Parks and Recreation Commission and the resolution governing the Arts Commission allow for such a waiver, while the ordinance governing the Planning Commission does not expressly do so.

However, none of the three enactments discuss whether that waiver power implicitly includes the power to waive the second residency requirement, which is separate but related (i.e., the requirement that a member must reside, throughout his or her term, in the same district from which he or she was appointed). This would most commonly arise when a commission member moves to another part of the County during the commissioner's term of office. The proposed ordinance and resolution clarify and make consistent the Board's waiver power with regard to both of the residency requirements for all three commissions.

Other changes reflected in the proposed ordinance and resolution pertain to the provisions for members' term of office. The new language provides for smoother transitions, by clarifying that a member will continue to hold office when the Supervisor representing the member's district of appointment ceases to be in office, until a successor member is appointed by the Board of Supervisors. In addition, pursuant to direction from the Board at the time of introduction of the ordinance and the resolution on January 28, 2014, text has been added to the resolution and ordinance to define commissioners' "full terms" of service consistently with "full terms" of County Supervisors set forth in the County Charter for purposes of determining the *three full term* limit on commissioners' service (i.e., a partial term of less than two years does not count as a "full term," while a partial term of two years or longer does). Finally, the ordinance for the Planning Commission has been amended to delete text that designated the County Counsel, the Public Works Director and the County Health Officer as "non-voting members" of that commission. This change brings the Planning Commission ordinance into conformity with ordinance and resolutions establishing other County boards and commissions, in that County staff members support these boards and commissions without being designated members.

Approval of the ordinance and resolution will contribute to the Shared Vision 2025 outcome of a Collaborative Community by promoting clarity and consistency among the rules that govern the makeup of County commissions.

FISCAL IMPACT:

None.