



City of
LA HABRA

City Council Agenda Report

Item No. 1.

MEETING DATE: 01/18/2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JIM SADRO, CITY MANAGER
By: Laurie Swindell, CMC, City Clerk

SUBJECT: CONSIDER EXPIRING TERMS AND VACANCIES ON THE PLANNING COMMISSION, COMMUNITY SERVICES COMMISSION, AND BEAUTIFICATION COMMITTEE; AND PROVIDE STAFF DIRECTION

RECOMMENDATION:

That the City Council direct staff to:

A. Reappoint eligible/interested Community Services Commissioners and advertise the recruitment and interview schedule for one (1) vacancy on the Planning Commission; up to six (6) vacancies on the Community Services Commission; and two (2) vacancies on the Beautification Committee; or,

B. Advertise the recruitment and interview schedule for expiring terms and scheduled/unscheduled vacancies on the Planning Commission, Community Services Commission, and Beautification Committee; with the option of approving to reduce the Beautification Committee from seven members to five members which would leave no vacancies.

C. Postpone the annual Commission recruitment and appointment process until March 2023, and extend any expiring terms by one year due to the current restrictions associated with the Coronavirus (COVID-19) pandemic.

DISCUSSION:

Planning Commission

On March 31, 2022, one (1) four-year term for a member of the Planning Commission will expire. Commissioner Jerry Powell had served on the Planning Commission since 2013 and was not interested in reappointment, but he indicated that he would temporarily continue on the Planning Commission until his vacancy was filled. On February 1, 2021, the City Council approved the delay of the appointment process due to the Coronavirus (COVID-19) pandemic. On July 6, 2021, Esther Rojas, as the first alternate, was sworn in as a Planning Commissioner to complete former Commissioner Jerry Powell's term. Commissioner Rojas has indicated interest in reappointment.

The La Habra Planning Commission was formed in accordance with Ordinance No. 138, which was adopted on November 15, 1949. The Commission consists of five (5) members appointed by the Mayor, with the approval of City Council, and with staggered four-year terms. The Commission meets twice monthly, for a maximum of 24 times per year.

If Council chooses to proceed with a recruitment process, in addition to filling the Commission seat, staff recommends that the City Council once again select two (2) alternates to the Planning Commission should another vacancy occur prior to the annual term limit renewal process in 2023. In the event a vacancy occurs, staff would contact the alternates in the order of precedence established by City Council to determine if the alternate(s) are willing and able to fill the vacant seat for the remainder of its term of appointment.

Planning Commissioner Stipend

Planning Commissioners currently receive a stipend of \$100 per month. However, since its formation, the stipend has fluctuated as listed below:

- \$75 per month, as per Resolution 1967 adopted on July 20, 1971.
- \$100 per month, as per Resolution No. 3898 adopted on August 1, 1989.
- \$50 per month, as per Resolution No. 5237, based upon the 2007-2008 Fiscal Year Budget.
- \$100 per month, based upon the 2008-2009 Fiscal Year Budget.
- \$50 per month, as per the June 17, 2019, City Council meeting, based on the Fiscal Year 2019-2020 Budget cuts.
- \$100 per month, as per the August 19, 2019, City Council meeting.
- \$90 per month, as per the June 15, 2020, City Council meeting, based on the Fiscal Year 2020-2021 Budget cuts.

Planning Commission Terms and Term Limits

On November 5, 1985, the City Council adopted a policy setting term limits for Planning Commissioners. Planning Commissioners may serve two (2) consecutive terms of four (4) years each or a maximum of 10 years.

On February 21, 1989, the City Council adopted Ordinance No. 1351 that specified Planning Commissioner terms shall be for four (4) years, expiring on March 31st and staggered, and that Community Services Commissioner terms shall be for three (3) years, expiring on March 31st and staggered. Term limits were not established by this ordinance. Since the term limits were set by policy and not by ordinance, it is the opinion of the City Attorney that the City Council has the option to reappoint as they so choose.

The Planning Commission is currently composed of the following individuals:

COMMISSIONERS	ORIGINAL APPOINTMENT	LAST APPOINTMENT	TERM EXPIRES
Jason Manley - Chair	4/15/2019	4/15/2019	3/31/2023
Daren Nigsarian	9/18/2017	4/15/2019	3/31/2023
Michelle Bernier	4/18/2016	6/1/2020	3/31/2024*
Manuel Munoz - Vice Chair	6/1/2020	6/1/2020	3/31/2024*
Esther Rojas	7/12/2021	7/12/2021	3/31/2021**

*2020 Commission appointments delayed due to Coronavirus (COVID-19) restrictions.

**2021 Commission appointments delayed to March 2022 due to Coronavirus (COVID-19) restrictions.

Community Services Commission

On March 31, 2022, two (2) extended three-year term appointments, and four (4) three-year term appointments will expire, as follows:

1. Commissioner Carrie Surich was originally appointed on March 3, 2014, to fill an unscheduled vacancy expiring on March 31, 2015, and was last appointed on January 16, 2018. However, due to the Coronavirus (COVID-19) pandemic restrictions, on February 1, 2021, the City Council approved the postponement of the annual Commission recruitment and appointment process until March 2022, and extended any expiring terms by one year. Commissioner Surich has served a total of eight-years and has expressed an interest in reappointment.
2. Commissioner Teresa Kempker was originally appointed on April 3, 2017, and was last appointed on January 16, 2018. However, due to the Coronavirus (COVID-19) pandemic restrictions, on February 1, 2021, the City Council approved te postponement of the annual Commission recruitment and appointment process until March 2022, and extend any expiring terms by one year. Commissioner Kempker has served a total of five-years and nine months and has expressed an interest in reappointment.
3. Commissioner Denise Schmidt was originally appointed on April 15, 2019. Commissioner Schmidt has served a total of 3-years and has expressed an interest in reappointment.
4. Commissioner Gabriela Garcia was originally appointed on April 15, 2019. Commissioner Garcia has served a total of 3-years and has submitted her resignation, effective January 6, 2022.
5. Commissioner Kathy Felix was originally appointed on June 1, 2020, to fill a scheduled vacancy. Commissioner Felix has served a total of one-year and six months and is not interested in reappointment.
6. Commissioner Richard Rojas was originally appointed February 1, 2021, to fill the unscheduled vacancy. Commissioner Rojas has served a total of 11-months and has expressed an interest in reappointment.

The Community Services Commission, which is a consolidation of the "Leisure & Cultural Services" and "Social Concerns Commission," was formed in accordance with Ordinance No. 1151, adopted on November 17, 1981. The Commission consists of seven (7) members with staggered three-year terms. The Commissioners meet once per month, but can meet up to 14 times per year, as they have additional meetings dedicated primarily to consider Community Development Block Grant (CDBG) funding allocations.

The Community Services Commission currently has six (6) formal subcommittees:

1. Community Grants and CDBG
2. Child Development
3. Special Events
4. Parks
5. Youth Committee
6. Senior and Social Services

The number and membership of the subcommittees is determined at the annual Commission reorganization.

If Council proceeds with a recruitment process, staff recommends that the City Council stagger appointments due to the delays in appointments for two years as a result of the Coronavirus (COVID-19) pandemic, which has caused six of the seven Community Services Commissioner positions to have expiring terms this year. The suggested staggering per position number above is:

- 1 & 2 - One-year terms to 3/31/2023;
- 3 & 4 - Two-year terms to 3/31/2024; and
- 5 & 6 - Three-year term to 3/31/2025

This staggering would result in three (3) three expired terms in 2023 (Commissioner Laveaga's term does not expire until 3/31/2023), two (2) expired terms in 2024, and two (2) expired terms in 2025.

Staff also recommends that City Council once again select two (2) alternates to the Community Services Commission in the event a vacancy occurs prior to the annual term limit renewal process in 2023. The alternates chosen by the City Council would fill a vacancy if one were to subsequently occur. Staff would contact the alternates in the order of precedence established by City Council to determine if the alternate(s) are willing and able to fill the vacant seat for the remainder of its term of appointment.

Community Services Commissioner Stipend

Community Services Commissioners currently receive a stipend of \$50 per month. However, since its formation the stipend has fluctuated as listed below:

- \$50 per month, as per the 2005 Warrant List approved by City Council.
- \$25 per month, as per Resolution No. 5237, based upon the 2007-2008 Fiscal Year Budget.
- \$50 per month, as per the Fiscal Year 2008-2009 Budget.
- \$25 per month, as per the June 17, 2019, City Council meeting, based upon the Fiscal Year 2019-2020 Budget cuts.
- \$50 per month, as per the August 19, 2019, City Council meeting.
- \$45 per month, as per the June 15, 2020, City Council meeting, based upon the Fiscal Year 2020-2021 Budget cuts.

Community Services Commission Terms and Term Limits

On November 5, 1985, the City Council adopted a policy setting term limits for the Community Services Commissioners. The adopted policy stated that the Community Services Commissioners may serve three (3) consecutive terms of three-years each or a maximum of 10 years.

On February 21, 1989, City Council adopted Ordinance No. 1351 that specified Planning Commissioner terms shall be four (4) years, expiring on March 31 and staggered, and Community Services Commissioner terms shall be for three years, expiring on March 31st and staggered. Term limits were not established by this ordinance. Since the term limits were set by policy and not by ordinance, it is the opinion of the City Attorney that the City Council has the option to reappoint as they so choose.

The Community Services Commission is currently composed of the following individuals:

COMMISSIONERS	ORIGINAL APPOINTMENT	LAST APPOINTMENT	TERM EXPIRES
Carrie Surich	3/3/2014	1/16/2018	3/31/2021**
Teresa Kempker - Vice Chair	4/3/2017	1/16/2018	3/31/2021**
Denise Schmidt	4/15/2019	4/15/2019	3/31/2022
Gabriela Garcia	4/15/2019	4/15/2019	3/31/2022
Kathy Felix - Chair	6/1/2020	6/1/2020	3/31/2022*
Marie Laveaga	4/3/2017	6/1/2020	3/31/2023*
Richard Rojas	2/1/2021	2/1/2021	3/31/2022

*2020 Commission appointments delayed due to Coronavirus (COVID-19) restrictions

** 2021 Commission appointments delayed to March 2022 due to Coronavirus (COVID-19) restrictions.

Beautification Committee

On May 1, 2000, the City Council approved the formation of the Beautification Committee to recognize and reward residents, businesses, and organizations who beautify their properties and contribute to the citywide beautification campaign. The committee was established with seven (7) members with indefinite terms to include:

- Three (3) members appointed at the sole discretion of the Chamber of Commerce Board of Directors.
- One (1) staff member to be appointed by the City Manager.
- Three (3) citizens-at-large to be appointed by the City Council

The committee functions on a stand-alone basis, is supported by Community Services staff, and receives oversight as necessary by the City Council. Committee members do not receive a stipend.

There are currently two (2) vacant seats to be filled on the Beautification Committee, one by the City Council and one by the Chamber of Commerce. Committee Member Manuel Munoz (a Council appointee) was appointed to the Planning Commission on June 1, 2020, but due to the Coronavirus (COVID-19) pandemic restrictions, Manuel Munoz agreed to serve on both the Planning Commission and the Beautification Committee until his City Council appointed position on the Beautification Committee could be filled. Committee Member Grace Garcia (a Chamber appointee) submitted her resignation, effective January 6, 2022, which has created a vacancy. The City Council does have the option of reducing the size of the Beautification Committee from seven members to five members, and not filling the two vacancies. If City Council decides to reduce the size of the Beautification Committee, staff recommends that City Council still appoint two alternates at a future City Council meeting in case additional vacancies occur in the next year.

The Beautification Committee is composed of the following individuals:

COMMISSIONER	ORIGINAL APPOINTMENT	LAST APPOINTMENT	TERM EXPIRES
Nicole Schmidt-Aiello - Vice Chair	7/18/2016	7/18/2016	Indefinite term
Lavenia Wilson - Chair	11/4/2019	11/14/2019	Indefinite term
Grace Garcia	4/3/2017	4/3/2017	Indefinite term
Carol Nigsarian	4/4/2016	4/4/2016	Indefinite term
Manuel Munoz	4/3/2017	4/3/2017*	Indefinite term
Elizabeth Otero	11/4/2019	11/4/2019	Indefinite term
Sammy Kotob	6/7/2021	6/7/2021	Indefinite term

*Manuel Munoz also serves on the Planning Commission, so his position needs to be replaced with a new Commissioner.

If the event the City Council authorizes staff to advertise and schedule interviews for vacancies and alternate seats for each Commission/Committee, interviews will be tentatively scheduled prior to the City Council Meetings of February 14, March 7, and March 21, as needed. The City Council could then consider Commission/Committee appointments at its regular meeting on March 21 or April 4, 2021.

FISCAL IMPACT/SOURCE OF FUNDING:

Advertising costs to solicit applications for Commission/Committee seats are approximately \$600. Planning Commissioners earn a \$50 stipend per meeting, usually meeting twice per month for a maximum of \$100 per month. Community Services Commissioners earn a maximum monthly stipend of \$50. Beautification Committee members do not receive a stipend. There is sufficient funding in the Fiscal Year 2020-2021 adopted General Fund budget to cover these costs.

GENERAL PLAN RELEVANCE:

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