

DATE: October 4, 2016

TO: Mayor and Members of the City Council  
President and Members of the Board of Directors of the Estero Municipal Improvement District (EMID)

VIA: Kevin M. Miller, City/District Manager

FROM: Dante Hall, Assistant City Manager  
Doris L. Palmer, Communications Director/City Clerk/District Secretary  
Jean Savaree, City Attorney/District Legal Counsel

SUBJECT: DISBANDMENT OF AUDIT, INFORMATION TECHNOLOGY ADVISORY AND PARKS AND RECREATION CITIZEN ADVISORY COMMITTEES AND AMENDMENT TO THE FOSTER CITY MUNICIPAL CODE/ESTERO MUNICIPAL IMPROVEMENT DISTRICT CODE REMOVING STAGGERED TERMS

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### RECOMMENDATION

It is recommended that the City Council/EMID Board of Directors take the following actions:

1. Adopt resolutions disbanding current Audit, Information Technology Advisory and Parks and Recreation Committees and establishing new Audit, Information Technology Advisory and Parks and Recreation Committees with a membership of five members per committee;
2. Introduce and pass to second reading an Ordinance amending the Foster City Municipal Code 2.36.050 Members – Terms so that staggered terms are not required for the new committees;
3. Adopt an Ordinance amending the Estero Municipal Improvement District Code 2.28.050 Members – Terms so that staggered terms are not required for the new committees.

### EXECUTIVE SUMMARY

Based on policy direction received on September 19, 2016, from the City Council/EMID Board (“Council”), staff has prepared resolutions disbanding the Audit, Information Technology Advisory and Parks and Recreation Committees (“Committees”), directing

that new Committees be established, limited to five (5) members to be appointed simultaneously and that the newly appointed members be eligible to serve two (2) consecutive terms of three (3) years.

Staff has also prepared ordinance amendments removing the requirement for staggered terms which is currently found in Foster City Municipal Code 2.36.050 Members – Terms and Estero Municipal Improvement District Code 2.28.050 Members – Terms for City Council/EMID Board consideration. With this amendment, the Council will be entitled to appoint all new committee members simultaneously.

### BACKGROUND/ANALYSIS

At its May 15, 2016 Council meeting, staff was asked to prepare information for the City Council/EMID Board of Directors as they reviewed the Policy Statements for the Committees, their meeting schedules and size.

At the September 19, 2016 Council meeting, the City Council/EMID Board reviewed information prepared by staff regarding the policy statements for the Committees to address the Committees' size, purpose, membership and meeting schedules. After public input and Council discussion, Minute Order No. 1470 was adopted, directing staff to prepare resolutions disbanding the Committees effective December 31, 2016. It was further ordered that new committees be established and that revised policy statements, mission, goals and meeting schedules be prepared for the Council's consideration by the new committees in consultation with their Council and staff liaison. Staff was further directed to amend Foster City Municipal Code 2.36.050 Members – Terms and Estero Municipal Improvement District Code 2.28.050 Members – Terms so that staggered terms are not required, that new Committee members be allowed to serve no more than two (2) consecutive three (3) year terms and that any resident of Foster City may apply for membership in the newly established Committees regardless of past service.

As requested by Council, staff has prepared resolutions disbanding the Committees effective December 31, 2016, and resolutions establishing new Audit, Information Technology Advisory and Parks and Recreation Committees. The newly formed committees will be comprised of five (5) members appointed simultaneously. Committee members will be eligible to serve two (2) consecutive three (3) year terms and in making appointments to these committees, the City Council will consider applications from any City resident regardless of past service on citizen advisory committees.

In order to implement the simultaneous appointment of all five (5) members of the new committees, an amendment to both the Foster City and EMID Code is required. The proposed revisions are as follows:

Foster City Municipal Code:

#### 2.36.050 Members – Terms

Each member of a committee shall serve without compensation for a term of three years and at the pleasure of the council. Removal of any committee member shall be upon a two-thirds vote of the council. ~~The first members of a committee shall establish their terms by lot, one third serving until January 1st next succeeding a full year of operation; one third serving until January 1st one year later, and one third serving until January 1st two years later.~~

EMID Municipal Code:

#### 2.28.050

Each member of a committee shall serve without compensation for a term of three years and at the pleasure of the board. Removal of any committee member shall be upon a two-thirds vote of the board. ~~The first members of a committee shall establish their terms by lot, one third serving until January 1st next succeeding a full year of operation, one third serving until January 1st one year later, and one third serving until January 1st two years later.~~

If the City Council/EMID Board approves these resolutions, introduces the amendment to Foster City Municipal Code §2.36.050 and adopts the amendment to EMID Code §2.28.050, staff will conduct an outreach campaign for new appointments for a six week period, which will include a press release, social media postings, FCTV postings, announcement with service clubs, and fliers. Council/EMID Board appointments will be made at the December 19, 2016 Council meeting with terms to begin in January 2017.

Timeline:

- Advertise for Applicants: October 5, 2016 – November 16, 2016
- Application Deadline: November 17, 2016
- Committee Appointments: December 19, 2016

As directed by Council, in January 2017, the newly appointed committee members will work with their Council and staff liaisons to prepare proposed revisions to each committees' Policy Statements, mission, goals and meeting schedule for the Council's consideration.

#### FISCAL IMPACT

There is no fiscal impact.

Attachments:

1. City/EMID Resolutions – Disbanding Committees
2. City/EMID Resolutions – Establishing Committees
3. City/EMID Ordinances
4. Minute Order No. 1470

RESOLUTION NO. 2016-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY  
AUTHORIZING THE DISBANDMENT OF THE AUDIT COMMITTEE AND  
INFORMATION TECHNOLOGY ADVISORY COMMITTEE

CITY OF FOSTER CITY

WHEREAS, the Audit Committee was established and appointed by the City Council/EMID Board of Directors on June 20, 1977 and its purpose was to advise the City Council/District Board regarding the selection of the independent auditor(s), the review of the annual audit process and financial statements, and other financial matters as requested by the City Council/EMID Board; and

WHEREAS, the Information Technology Advisory Committee was established and appointed by the City Council on April 5, 1999 and its purpose was to assist the City Council and staff on Information Technology and Telecommunications matters that have an impact on the needs of the community; and

WHEREAS, the City Council has determined that the size of these committees should be adjusted and their Policy Statements revised; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby disband the Audit Committee and Information Technology Advisory Committee effective December 31, 2016.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 4th day of October, 2016, by the following vote:

AYES: Councilmembers Bronitsky, Hindi and Mayor Perez

NOES: Councilmembers Mahanpour and Pollard

ABSENT: None

ABSTAIN: None

  
HERB PEREZ, MAYOR

ATTEST:

  
DORIS L. PALMER, CITY CLERK

RESOLUTION NO. 3358

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT AUTHORIZING THE DISBANDMENT OF THE AUDIT COMMITTEE AND PARKS AND RECREATION COMMITTEE

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, the Audit Committee was established and appointed by the City Council/EMID Board of Directors on June 20, 1977 and its purpose was to advise the City Council/District Board regarding the selection of the independent auditor(s), the review of the annual audit process and financial statements, and other financial matters as requested by the City Council/EMID Board; and

WHEREAS, the Parks and Recreation Committee was established and appointed by the EMID Board of Directors on April 18, 1963 and its purpose was to act in an advisory capacity to the City Council/EMID Board of Directors in order to provide for the establishment, continuation, and development of a park and recreation program providing the citizens of Foster City with the fullest utilization of all existing recreation facilities; and

WHEREAS, the EMID Board of Directors has determined that the size of these committees should be adjusted and their Policy Statements revised; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Estero Municipal Improvement District does hereby disband the Audit Committee and Parks and Recreation Committee effective December 31, 2016.

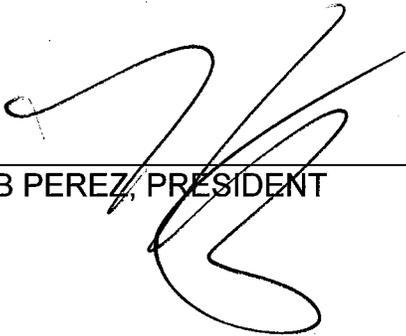
PASSED AND ADOPTED as a resolution of the Board of Directors of the Estero Municipal Improvement District at the regular meeting held on the 4th day of October, 2016, by the following vote:

AYES: Directors Bronitsky, Hindi and President Perez

NOES: Directors Mahanpour and Pollard

ABSENT: None

ABSTAIN: None

  
HERB PEREZ, PRESIDENT

ATTEST:

  
DORIS L. PALMER, DISTRICT SECRETARY

RESOLUTION NO. 2016-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY AUTHORIZING THE ESTABLISHMENT OF THE AUDIT COMMITTEE, INFORMATION TECHNOLOGY ADVISORY COMMITTEE AND PARKS AND RECREATION COMMITTEE

CITY OF FOSTER CITY

WHEREAS, pursuant to Foster City Municipal Code §2.36.010, the City Council may, by resolution, establish citizen advisory committees; and

WHEREAS, at its September 19, 2016 meeting the City Council directed the disbandment of current citizen advisory committees and the establishment of the newly reformatted Audit Committee; and

WHEREAS, the City Council has determined that it wishes, by resolution, to establish an Audit Committee, Information Technology Advisory Committee and Parks and Recreation Committee effective January 1, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby authorize:

1. Establishment of the Audit Committee, Information Technology Advisory Committee and Parks and Recreation Committee per Foster City Municipal Code §2.36.010;
2. The committees shall function as outlined in Chapter 2.36 of the Foster City Municipal Code, Citizens Advisory Committees;
3. The City Clerk is directed to advertise for applicants who shall be considered for appointment on December 19, 2016;
4. The committees shall have a membership of five; and
5. Once appointed, members of the committees shall be tasked with reviewing the policy statements for their committees and in consultation with their Council and staff liaison, returning to the City Council with suggested revisions to the existing policy statements, mission, goals and meeting schedules for their committees.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 4th day of October, 2016, by the following vote:

AYES: Councilmembers Bronitsky, Hindi and Mayor Perez

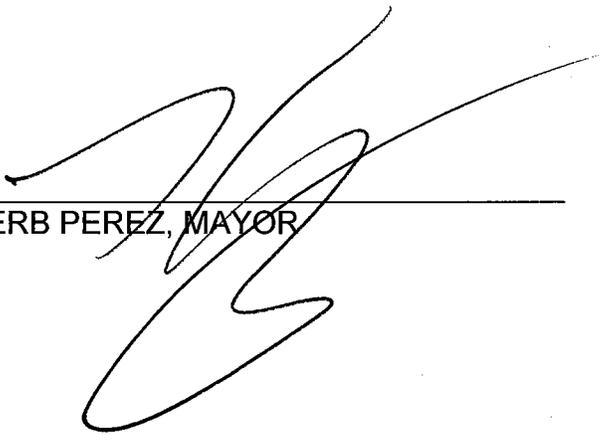
NOES: Councilmembers Mahanpour and Pollard

ABSENT: None

ABSTAIN: None

ATTEST:

  
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DORIS L. PALMER, CITY CLERK

  
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HERB PEREZ, MAYOR

RESOLUTION NO. 3359

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT AUTHORIZING THE ESTABLISHMENT OF THE AUDIT COMMITTEE

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, pursuant to Estero Improvement District Code §2.28.010, the Board of Directors may, by resolution, establish citizen advisory committees; and

WHEREAS, at its September 19, 2016 meeting the Board of Directors directed the disbandment of current citizen advisory committees and the establishment of the newly reformatted Audit Committee; and

WHEREAS, the Board of Directors has determined that it wishes, by resolution, to establish an Audit Committee effective January 1, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Estero Municipal Improvement District does hereby authorize:

1. Establishment of an Audit Committee per Estero Improvement District Code §2.28.010;
2. The committee shall function as outlined in Chapter 2.28 of the Estero Improvement District Code, Citizens Advisory Committees;
3. The District Secretary is directed to advertise for applicants who shall be considered for appointment on December 19, 2016;
4. The committee shall have a membership of five; and
5. Once appointed, members of the committees shall be tasked with reviewing the policy statements for their committees and in consultation with their EMID Board and staff liaison, returning to the EMID Board with suggested revisions to the existing policy statements, mission, goals and meeting schedules for their committees.

PASSED AND ADOPTED as a resolution of the Board of Directors of the Estero Municipal Improvement District at the regular meeting held on the 4th day of October, 2016, by the following vote:

AYES: Directors Bronitsky, Hindi and President Perez

NOES: Directors Mahanpour and Pollard

ABSENT: None

ABSTAIN: None



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HERB PEREZ, PRESIDENT

ATTEST:



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DORIS L. PALMER, DISTRICT SECRETARY

ORDINANCE NO. 135

AN ORDINANCE OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT AMENDING SECTION 2.28.050, OF CHAPTER 2.28, CITIZEN ADVISORY COMMITTEES, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT CODE, RELATING TO MEMBERS – TERMS AND REMOVING THE REQUIREMENT OF STAGGERED TERMS AND AMENDING THE REQUIREMENT OF TWO-THIRD VOTES TO MAJORITY VOTE FOR THE REMOVAL OF COMMITTEE MEMBERS

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT DOES ORDAIN, as follows:

Section 1. §1 of Ordinance 124 (part) of the Estero Municipal Improvement District Code is amended to read as follows:

Section 2.28.050 Members – Terms

Each member of a committee shall serve without compensation for a term of three years and at the pleasure of the council. Removal of any committee member shall be upon a majority vote of the board.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the District Secretary shall have it posted in three (3) public places designated by the Board of Directors.

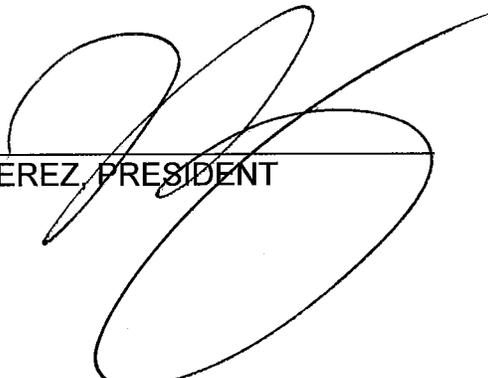
PASSED AND ADOPTED as an Ordinance of the Estero Municipal Improvement District at a regular meeting of the Board of Directors held on the 4th day of October, 2016, by the following vote:

AYES: Directors Bronitsky, Hindi and President Perez

NOES: Directors Mahanpour and Pollard

ABSENT: None

ABSTAIN: None



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HERB PEREZ, PRESIDENT

ATTEST:



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DORIS L. PALMER, DISTRICT SECRETARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING SECTION 2.36.050, OF CHAPTER 2.36, CITIZEN ADVISORY COMMITTEES, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE FOSTER CITY MUNICIPAL CODE, RELATING TO MEMBERS – TERMS AND REMOVING THE REQUIREMENT OF STAGGERED TERMS AND AMENDING THE REQUIREMENT OF TWO-THIRD VOTES TO MAJORITY VOTE FOR THE REMOVAL OF COMMITTEE MEMBERS

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN, as follows:

Section 1. §1 of Ordinance 531 (part) of the Foster City Municipal Code is amended to read as follows:

Section 2.36.050 Members – Terms

Each member of a committee shall serve without compensation for a term of three years and at the pleasure of the council. Removal of any committee member shall be upon a majority vote of the council.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4th day of October, 2016 and passed and adopted on the 17th day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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HERB PEREZ, MAYOR

ATTEST:

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DORIS L. PALMER, CITY CLERK

# MINUTE ORDER

No. 1470

OFFICE OF THE CITY CLERK  
FOSTER CITY, CALIFORNIA

Date: September 22, 2016

Attention: City Council/EMID Board  
Kevin Miller, City/District Manager  
Staff Liaisons, Audit, Information Technology Advisory and Parks and  
Recreation Committees

City Council/EMID Board of Directors Meeting Date: September 19, 2016

Subject: Review of Policy Statements for the Audit, Information Technology  
Advisory and Parks and Recreation Citizen Advisory Committees to  
Address the Committees' Purpose, Membership and Meeting Schedules

Motion by Mayor/President Perez, seconded by Vice Mayor/Vice President Bronitsky, and carried, 3-2-0, Councilmember/Director Pollard and Councilmember/Director Mahanpour voted "no," IT WAS ORDERED to direct staff to prepare resolutions disbanding the Audit, Information Technology Advisory and Parks and Recreation Committees effective December 31, 2016. It was further ordered that new committees be established and that revised policy statements, mission, goals and meeting schedules be prepared for the Council's consideration by the new committees in consultation with their Council and staff liaison. Staff was further directed to amend Foster City Municipal Code 2.36.050 Members – Terms and Estero Municipal Improvement District Code 2.28.050 Members – Terms so that staggered terms are not required, that new Committee members be allowed to serve no more than two (2) consecutive three (3) year terms and that any resident of Foster City may apply for membership in the newly established Committees regardless of past service.



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CITY CLERK/DISTRICT SECRETARY