

RESOLUTION NO. 2013-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
ADOPTING PERSONNEL COMMISSION BYLAWS

WHEREAS, on May 16, 2012 the Personnel Commission of Huntington Beach adopted bylaws subject to Council approval;

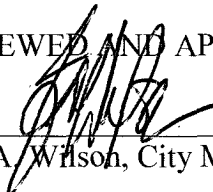
NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach that the Bylaws of the City of Huntington Beach Personnel Commission, in the form hereto attached and incorporated herein by reference, are hereby adopted and approved and shall stand as the Bylaws of this Commission until valid amendment thereof.

Section 1. The Personnel Commission Bylaws attached hereto as Exhibit A is approved and adopted.

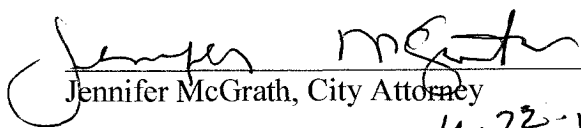
PASSED AND ADOPTED by the City Council of the city of Huntington Beach at a regular meeting thereof held on the 1st day of July, 2013.

  
Mayor

REVIEWED AND APPROVED:

  
Fred A. Wilson, City Manager

APPROVED AS TO FORM:

  
Jennifer McGrath, City Attorney

6.22.13

INITIATED AND APPROVED:

  
Director of Human Resources

**BYLAWS**

**[Effective July 1, 2012]**

**PERSONNEL COMMISSION**

*of the*

**CITY OF HUNTINGTON BEACH**

Section 1. TITLE AND MEMBERSHIP. The official title of this Commission shall be "Personnel Commission of the City of Huntington Beach", which may also be referred to as the "Huntington Beach Personnel Commission", "City Personnel Commission" or "Personnel Commission." The Personnel Commission shall consist of five (5) members, each appointed by the City Council. The members shall serve for terms of two (2) years. Terms shall expire on June 30 of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term. No person shall serve more than two (2) consecutive terms on the Commission.

Section 2. DUTIES OF COMMISSION. The duties of the Personnel Commission shall be as provided in the City Charter, as provided by ordinance of the City of Huntington Beach, as provided in the Municipal Code and as may be delegated to it by the City Council.

Section 3. OFFICERS. The officers of the Personnel Commission shall be a Chair and a Vice-Chair who shall be elected by majority vote of the Commission. Outgoing officers' term expires upon election of new officers. Officer nominations will be submitted annually in June. An election of officers shall be held as soon as practical following the first day of July of every year. The Chair and Vice-Chair shall be elected based on seniority, as follows:

- a. The Commissioner with the most seniority who has not served as Chair, or the Commissioner who served as Chair longest ago if all Commissioners have served as Chair, shall be elected Chair.
- b. The Commissioner with the most seniority who has not served as Vice-Chair, or the Commissioner who served as Vice-Chair longest ago if all Commissioners have served as Vice-Chair, shall be elected Vice-Chair.

- c. Seniority between Commissioners shall be determined by the chronological order of the uninterrupted service date of first attendance of each as a sworn Commissioner at a Personnel Commission meeting. If seniority between two or more Commissioners is equal based on the first determination, then seniority between the subject Commissioners shall be based on the highest or higher vote counts of the Commissioners' appointing City Council Members.
- d. Any Commissioner may decline nomination as Chair or Vice-Chair. Such declination shall not alter the selection process for Chair or Vice-Chair among the remaining Commissioners.

The elected Chair and Vice-Chair shall assume office immediately following said election. In the event of a vacancy of the Chair, the Vice-Chair shall serve the balance of the unexpired term of the Chair. In the event of a vacancy of the Vice-Chair, a member of the Commission shall be elected, in accordance with the aforementioned seniority determination, to serve the balance of the unexpired term of the Vice-Chair. No person shall occupy the office of Chair or Vice-Chair for more than two consecutive terms. The Director of Human Resources of the City shall serve as Secretary of the Commission.

Section 4. DUTIES OF CHAIR AND VICE-CHAIR. The Chair shall preside at the meetings of the Commission and in case of his/her absence or inability to act, the Vice-Chair shall act, and in the absence of both the Chair and Vice-Chair, the Commission shall appoint a Chair pro tempore who shall have all the powers and duties of the Chair and shall serve only until such time as the Chair or Vice-Chair returns and is able to act. The Chair shall have the power to make or second any motion, to present and discuss any matters, and vote, notwithstanding the fact that they are the presiding officer of the Commission.

The Chair, or his/her designee shall be available to meet with the City Council Liaisons to the Personnel Commission, the Mayor, or his/her designee whenever requested to discuss issues common to the City Council and Personnel Commission.

When a Personnel Commission item has been appealed to the City Council, or when a Personnel Commission decision on an item before the City Council differs from staff's recommendation, the Chair or his/her designee shall attend City Council meetings and present the majority position of the Personnel Commission on the pertinent item. When the Chair is not a member of the voting majority on the item before the Council, the Chair shall appoint a member of such Commission majority as the Commission's representative.

Section 5. DUTIES OF THE SECRETARY. It shall be the duty of the Secretary to keep accurate and permanent records of the acts and proceedings of the Commission, and such records shall be retained and have the same status as other records of the city; to schedule matters for hearing and consideration by the Commission; to provide timely notice of meetings, agenda and actions as required by code, ordinance, statute or the Commission; and to perform such other duties required by code, ordinance, statute or the Commission. In case of absence of the Secretary, an Acting Secretary, appointed by the Secretary, shall act, and in the absence of both Secretary and Acting Secretary, the Chair shall appoint a Secretary pro tempore who for such period shall have all the powers and duties of the Secretary and serve only until such time as the Secretary or Acting Secretary returns and is able to act.

Section 6. ADVISORS. The Chair, or a majority of the Commission, may request the attendance at Personnel Commission meetings of any officer or employee of the City to assist the Commission in its deliberations in an advisory capacity.

Section 7. MEETINGS.

(a) Open Meetings. All meetings of the Commission shall be governed by the Ralph M. Brown Act [Government Code Section 54950].

(b) Regular Meetings. Regular meetings shall be held on the third Wednesday of each month at the Huntington Beach Civic Center commencing at 5:30 PM or as soon thereafter as the meeting may be called to order. Public Notice and an agenda of meeting shall be given as required by law. In the event the date for a regular meeting falls on a legal holiday, such meeting date shall be deemed to be the day following such holiday. In the event the date of a regular meeting follows the date of a regular City Council meeting and such Council meeting falls on a legal holiday, thereby requiring such Council meeting to be postponed to the following day, the date of the regular Commission meeting shall be deemed to be the day after the postponed Council meeting is held.

(c) Special Meeting. A special meeting may be called at any time by the Chair, or by a majority of the members, with public notice and an agenda of meeting as required by law.

(d) Public Hearings. The Commission shall not begin any public hearing item after 11:00 PM unless the Commission, by majority vote, so agrees.

(e) Adjournment. Any meeting may be adjourned to a date certain which may be specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within the twenty-four (24) hours after the time of the adjournment.

Section 8. ATTENDANCE. Regular attendance at meetings of the Personnel Commission is required of all members to enable the Commission to discharge the duties conferred thereupon. In the event a member is absent from two or more consecutive regular meetings, without securing the consent of the Chair, such consent not to be unreasonably withheld, and upon majority vote, the Commission shall request the City Council appointing member to remove the Commissioner and appoint a new member to fill the unexpired term. In the event a member is absent from 50% or more of the regular meetings held in a calendar year, (with or without consent of the Chair), the Commission may request the City Council appointing member to remove the Commissioner and appoint a new member to fill the unexpired term.

Section 9. QUORUM. At any meeting of the Personnel Commission, a majority of said Commission shall constitute a quorum for the transaction of business. In the event there is no quorum at a Commission meeting, the Secretary shall adjourn such meeting or shall adjourn to a date certain.

Section 10. ORDER OF BUSINESS. The order of business for a regular or special meeting shall be:

- (a) Call to order by the Chair.
- (b) Consideration of matters on the agenda.
- (c) Any other business which may properly come before the Commission.

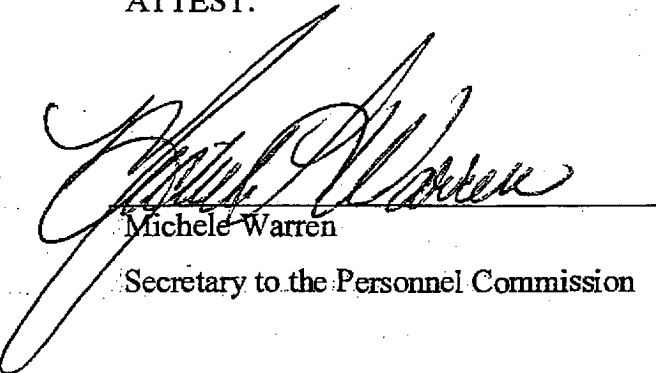
Section 11. PARLIAMENTARY PROCEDURE. The parliamentary rules contained in the current revision of Rosenberg's Rules of Order, except as otherwise noted in these bylaws, shall, in general, govern the proceedings of this Commission. The Chair shall decide all questions of order, subject to appeal by the Commission, and all appeals shall be decided by a majority vote of the members present. The Chair shall vote on all matters coming before the Commission whether there is a tie vote or not. No member may vote at a meeting by proxy, or by any method not consistent with the Ralph M. Brown Act. Every member present shall vote


on all questions. The result of any vote shall be audibly announced by the Secretary and recorded in the minutes as the vote of the Commission. Any member present who disqualifies himself/herself for any reason from voting upon any question shall state his/her reasons for so doing. The Secretary shall enter any disqualification and the grounds therefore in the minutes of the meeting. A member who has disqualified himself/herself shall not be required to vote upon the question on which they have disqualified himself/herself, and his/her failure to vote shall be recorded as an abstention. An affirmative vote of a majority of the members present and voting shall be required for the passage of any matter before the Commission, except as otherwise noted in these bylaws.

Section 12. CHANGES IN BYLAWS. An affirmative vote of the majority of members of the Personnel Commission shall be required to amend these bylaws. Copies of a proposed amendment shall be given to each member at a regular meeting, and shall be mailed to each member at least five (5) days prior to a meeting, and may then be voted upon at the next regular meeting.

Section 13. ADOPTION. APPROVED AND ADOPTED ON THE 16<sup>th</sup> of May, 2012, as the Bylaws of the Personnel Commission of the City of Huntington Beach by a (unanimous) vote of 4:3:0.

ATTEST:

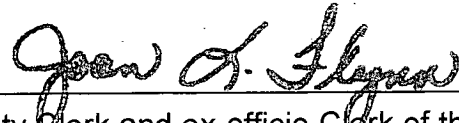
  
Michele Warren  
Secretary to the Personnel Commission

  
Anji D. Clemens Ed.D.  
Personnel Commission Chair  
Effective July 1, 2012

STATE OF CALIFORNIA  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH        )

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **July 1, 2013** by the following vote:

**AYES:** Sullivan, Hardy, Harper, Boardman ,Carchio, Shaw, Katapodis  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



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City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California