

ORDINANCE NO. 6,973–N.S.

AMENDING THE TITLE OF BERKELEY MUNICIPAL CODE (BMC) CHAPTER 3.02;  
AND AMENDING BMC SECTION 3.02.040 TO LIMIT TERMS ON DESIGNATED  
COMMISSIONS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the title of Berkeley Municipal Code Chapter 3.02 is amended as follows:

Chapter 3.02 MISCELLANEOUS RULES RELATING TO COMMISSIONS

Section 2. That Berkeley Municipal Code Section 3.02.040 is amended to read as follows:

**Section 3.02.040 Limiting the number of years commissioners on designated commissions may serve and precluding membership on any additional commission for members serving on designated commissions.**

A. Commissioners on the Housing Advisory Commission, Landmarks Preservation Commission, Planning Commission and Zoning Adjustments Board (hereafter “Designated Commissions”) shall serve no more than eight cumulative years on such commission, commencing with service occurring on or after December 1, 1995. Interruption of service shall be counted for purposes of calculating whether the commissioner has exceeded the limit imposed by this section, including:

1. Absence from the commission due to termination pursuant to Berkeley Municipal Code Section 3.02.020;
2. Absence from the commission due to any leave(s) of absence pursuant to Berkeley Municipal Code Section 3.02.030;
3. Absence from the commission due to termination pursuant to the provisions of the Conflict of Interest Code, for failure to file the required Statement of Economic Interests, and subsequent reappointment.

Temporary appointment to a Designated Commission to fill a temporary vacancy caused by a commissioner who is on a leave of absence from the Designated Commission shall not be included for purposes of calculating the eight cumulative years limit imposed by this section. Termination of appointment pursuant to section A above shall be eight cumulative years starting from the date of the initial appointment. A commissioner who has served eight years on a Designated Commission may be reappointed to such commission after a two-year break in service.

B. No commissioner who serves on any other board or commission, except the Rent Stabilization Board, Board of Library Trustees, School Board or Berkeley Housing Authority Board shall be eligible for service on a Designated Commission and may be terminated from such Designated Commission on the effective date of this ordinance. In addition, any member of any City board or commission, who serves on any Designated Commission shall be ineligible to serve on any other commission appointed by the City Council unless s/he first resigns from the Designated Commission, except where the Designated Commission is itself represented on

another body, and the Commissioner is serving on that body as a representative of that Designated Commission.

This provision shall become effective July 1, 2007, and shall apply to commissioners serving as of that date and to all appointments made on or after that date. (Ord. 6624-NS § 1, 2001: Ord. 6201-NS § 1, 1993: Ord. 6009-NS § 1, 1990)

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on March 13, 2007, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Capitelli, Moore, Olds, Wozniak and Mayor Bates.

Noes: Councilmembers Anderson, Maio, Spring and Worthington.

Absent: None.