



# **REVIEW OF CITY COUNCIL RULES OF PROCEDURE AND ORDER OF BUSINESS – BOARD AND COMMISSION VACANCIES**

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## **City Manager's Office**

**Inclusive, Community Engagement & Governmental Processes Committee**

June 1, 2022

# BACKGROUND

On January 5, 2022 - Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC) received and discussed a schedule to review nine Rules of Procedure and Order of Business items. Through discussion, the Committee added three additional items for review to the schedule and requested the discussion item be presented to Council for input.

On February 15, 2022, City Council received and discussed a schedule to review twelve Rules of Procedure and Order of Business items. Through discussion, the Council added additional items for review. The revised schedule of proposed items for review is included as Attachment A.

Over the next six months, ICGC will review and discuss Resolution items with proposed changes forwarded to City Council for discussion with a comprehensive report of committee recommendations and draft Resolution presented to City Council at a later date.

# DISCUSSION

*June 1, 2022, review Item(s) include:*

## Section XIV – Boards, Commissions, and Committees

- A. For vacancies on the Community Police Review Commission, Board of Ethics, Planning Commission and Board of Public Utilities, the Mayor's Nominating and Screening Committee shall review applications submitted and identify applicants for interview with the Mayor and City Council. The City Clerk shall notify the City Council of those selected for interview. The Mayor and each member of the City Council may add an additional applicant for interview, if desired. Appointments shall be made by the Mayor and City Council immediately following the interviews. With a full quorum, five affirmative votes are required.
- B. For Citywide vacancies on any of the remaining boards and commissions, the Mayor shall recommend an applicant for appointment by the Mayor and City Council. For Ward-specific seats, the Councilmember for the Ward shall recommend an applicant for appointment by the Mayor and City Council. With a full quorum, five affirmative votes are required. With less than a full quorum, four affirmative votes are required.



# DISCUSSION

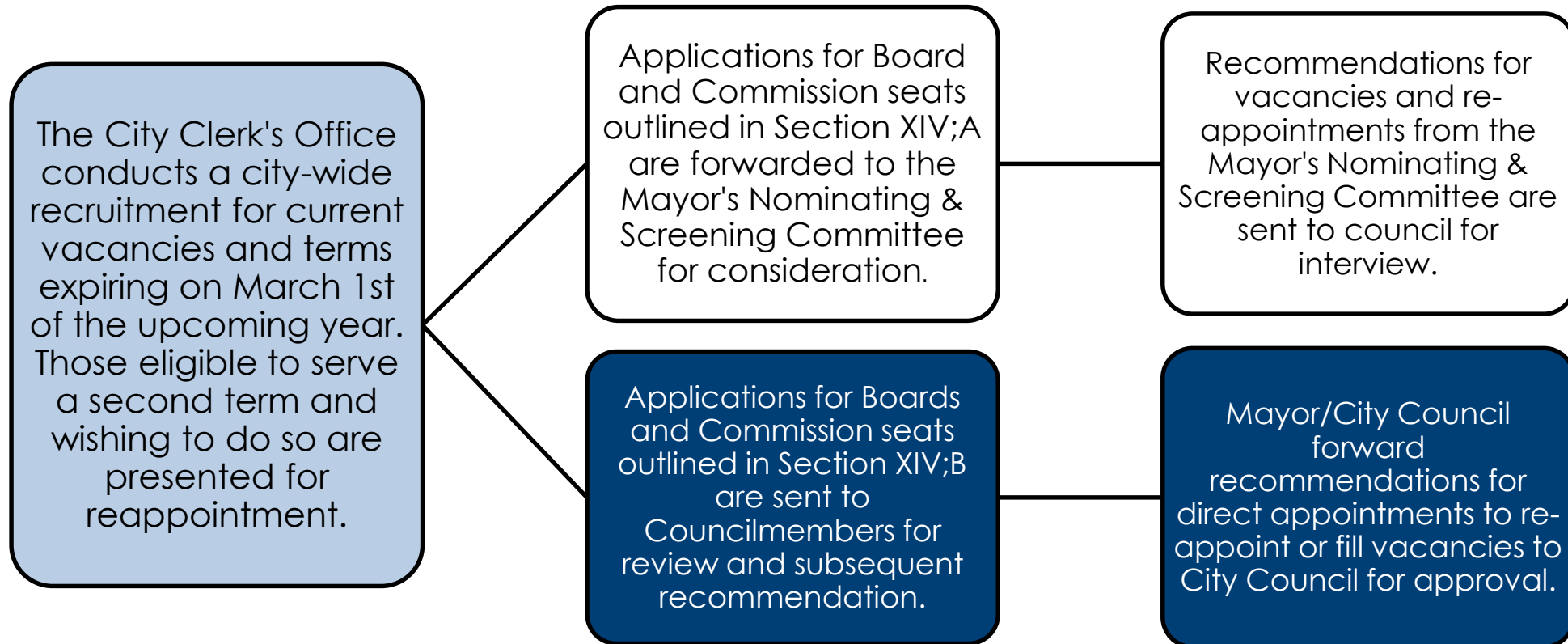
- E. The City Clerk shall provide quarterly attendance reports to the Mayor and City Council.
- F. The City Clerk shall notify the Mayor for Citywide seats and the appropriate Councilmember for Ward specific seats for direction to be taken in the event of either of the following conditions: (a) a board/commission member is absent unexcused from three regular meetings of the board/commission; or (b) a board/commission member is absent, whether excused or unexcused, from more than one-third of the regularly scheduled meetings in any calendar year.
- G. Resignations from City boards and commissions shall be effective immediately upon receipt by the City Clerk, who shall then forward a received resignation to the City Council for filing. Future effective dates noted in writing and submitted as part of, or with any resignation, shall be honored to the extent the resignee remains eligible. Withdrawal of a resignation for desired continued service must be submitted to the City Clerk in writing and must include the reason for withdrawing. The City Clerk shall forward any withdrawal to the Mayor and City Council, who may consider and approve the withdrawal. A resignation shall remain in effect notwithstanding the submission of a withdrawal, unless and until the Mayor and City Council approve the withdrawal.

# REVIEW OF CURRENT PROCESS USED

Applications are accepted from the public online year-round for boards and commissions. Vacancies are recorded through quarterly attendance reports and resignations are included on Council Agendas.

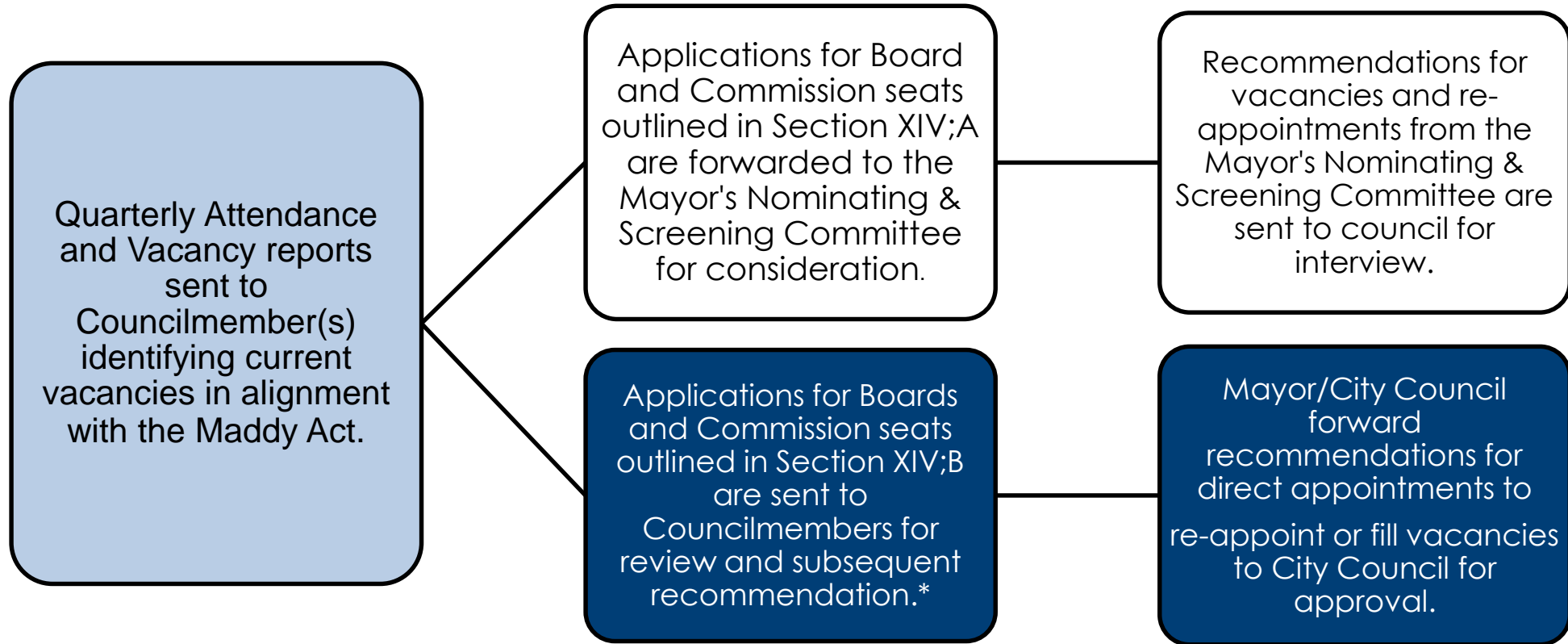
# REVIEW OF CURRENT PROCESS USED

## Vacant Positions Filled Annually



# REVIEW OF CURRENT PROCESS USED

## Mid-year Vacancies



*\*Charter Section 803, All vacancies shall be filled as described in Charter Article VIII – Appointive Boards and Commissions, except that when a position on a board or commission has remained vacant for sixty days the Mayor shall appoint a person to fill the vacancy.*

# ADVANTAGES TO CURRENT PROCESS

- Applications are collected year-round for all Boards and Commissions allowing recruitment to occur despite number of vacancies.
- The cadence of Board and Commission terms allow for effective application review and interviews prior to the March 1st term date.
- Applicants may identify more than one board or commission of interest as part of the application process.
- Allows Councilmembers the flexibility to add applicants to the process prior to the City Council interview process.
- There is an application pool of over 500.



# DISADVANTAGES TO CURRENT PROCESS

- The current process does not accommodate subsequent vacancies that take place within six months of interview resulting in the necessity to facilitate the interview process interviewing the same applicant pool again.
- Applicants' availability may have changed from the time the application was submitted to the start of the review process.
- Applications that are not selected to move forward to the interview process may remain in the application pool for an undetermined amount of time.
- As part of the application review process, the Clerk's Office must contact hundreds of applications by email, phone, or letter to determine if the content of the application is still current.
- Additional applicants may be added for interview after the publication of the City Council agenda compromising Sunshine Ordinance and Brown Act compliance. The addition of applicants modifies the published interview schedule.
- Vacancies that remain for more than sixty days are authorized to be filled by the Mayor as outlined in the City Charter but may not be supported by the Councilmember.

# OTHER CITIES PROCESSES/PRACTICES

- Seven cities accept applications on a continuous basis online (Anaheim, Bakersfield, Fresno, Long Beach, Sacramento, Santa Ana, and Stockton).
- Four cities have an established application retention schedule of one year (Chula Vista) to two years (Anaheim, Long Beach, and Santa Ana).
- The majority of cities collected universal applications with the exception of specialized boards or commissions that required a separate application.
- Terms for service varied throughout the cities with two cities board and commission terms running concurrent with the nominating Councilmember or Mayor's term of office.

# PROPOSED RECOMMENDATIONS

- Establish an application retention schedule of two years to ensure all applications include current information.
- Ensure compliance with the Sunshine Ordinance and Brown Act by ensuring any additional applicants added to the interview processes by City Councilmember are received by an established deadline and are included on the City Council agenda and subsequent interview scheduled.
- Include the provision to appoint previously interviewed candidates for vacancies that occur within one year of interviews being conducted for said board or commission. Proposed language:
  - If a vacancy occurs on any board or commission within one year of interviews being conducted for that board or commission, interviews are not required if all of the following criteria are met: (1) the vacancy was properly noticed and new applications solicited; (2) no new, qualified applications were received; (3) one or more qualified applications from the original interviews remain eligible and interested in being appointed; and (4) the appointment process for the board or commission does not specifically prohibit this subsection.

# STRATEGIC PLAN ALIGNMENT

## Strategic Priority No. 5 – High Performing Government

Goal No. 5.2 – Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and ensure services are accessible and distributed equitably throughout all geographic areas of the City.

### Cross-Cutting Threads

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Community Trust



Fiscal Responsibility



Sustainability &  
Resiliency



Equity



Innovation

# RECOMMENDATIONS

That the Inclusiveness, Community Engagement, and Governmental Processes Committee:

1. Provide any recommendations deemed necessary to the current and/or proposed City Council Rules of Procedure and Order of Business related to Board and Commission vacancies as documented in Resolution No. 23618; and
2. Request staff bring forth any specific language recommendations along with a corresponding resolution to the full City Council for discussion.