



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JULY 26, 2016**

FROM: CITY CLERK'S OFFICE **WARDS: ALL**
CITY MANAGER'S OFFICE

**SUBJECT: ROLE OF THE MAYOR'S NOMINATING AND SCREENING COMMITTEE –
STANDING COMMITTEE TOPIC AREAS AND REFERRALS – BOARD AND
COMMISSION ATTENDANCE AND APPOINTMENT PROCESS -
RESOLUTIONS**

ISSUES:

The issues for City Council consideration are to receive an update and approve the role of the Mayor's Nominating and Screening Committee, assignment of topic areas for the City Council Standing Committees, referral of matters from boards and commissions to Standing Committees, and the board and commission attendance and appointment process; repeal Resolution No. 16190; and adopt a resolution amending the City Council Rules of Procedure and Order of Business.

RECOMMENDATIONS:

That the City Council:

1. Adopt a resolution repealing Resolution No. 16190 (Attachment 1) creating the initial Mayor's Nominating and Screening Committee and setting now outdated timelines;
2. Adopt a Resolution (Attachment 2) to Codify into the City Council Rules of Procedure and Order of Business:
 - a. The role of the Mayor's Nominating and Screening Committee;
 - b. The general topic area assignments (Attachment 3) for staff initiated reports to City Council Standing Committees;
 - c. The matching of boards and commissions with City Council Standing Committees for referral of agenda items (Attachment 4);
 - d. That members of the City Council forward nominations for Ward-specific board and commission seats directly to the City Council, except those subject to interview by the Mayor and City Council;
 - e. That the Mayor forward nominations for Citywide board and commission seats directly to the City Council, except those subject to interview by the Mayor and City Council;

- f. That the Mayor's Nominating and Screening Committee continue the practice of reviewing applications for Community Police Review Commission, Board of Ethics, Planning Commission, and Board of Public Utilities to select those for interview with the Mayor and all members of the City Council able to identify additional applicants for interview;
- g. The board and commission revised attendance policy (Attachment 5); and
- h. That the City Clerk continue to provide quarterly attendance reports to the Mayor and City Council.

COMMITTEE RECOMMENDATIONS:

The Governmental Affairs Committee met on April 6 and May 4, 2016, with Chair Melendrez, Vice-Chair Gardner, and Member Davis present, and unanimously approved the above recommendations.

BACKGROUND:

Mayor's Nominating and Screening Committee

On July 22, 1986, the City Council adopted Resolution No. 16190 establishing a Mayor's Nominating and Screening Committee for processing appointments to City boards and commissions to become operative if a proposed Charter Amendment giving the Mayor a vote on the nomination and appointment of such members was adopted by the voters at the November 4, 1986, general election. The voters approved the Charter amendment and the Charter language remains the same today. The resolution sets forth the composition of the Mayor's Nominating and Screening Committee which also remains the same today.

In July 2015, Councilmember Davis requested discussion of the dissolution of the Mayor's Nominating and Screening Committee. On January 6, 2016, the Committee recommended repeal of Resolution No. 16190 and update of the Mayor's Nominating and Screening Committee's role to reflect current practice and other appropriate matters for its subject matter jurisdiction for codification into the City Council Rules of Procedure and Order of Business Resolution.

Unlike the remaining seven Standing Committees, the Mayor's Nominating and Screening Committee has not experienced "direct referral" items. All matters of business are those defined in the Charter or referred by the City Council, e.g., board and commission vacancies, annual City Spirit Award, Riverside Neighborhood Partnership appointments (now self-appointed by the Partnership), and various recommendations on structure and/or appointments to ad hoc committees, e.g., Measure C Committee members, Sports and Entertainment Center Task Force, Arlington Heights Greenbelt Study, Model Deaf Community Task Force, Gateway Mural Project, and City Homeless Advisory Task Force.

The Committee's primary function is review of the applicant pool and selection of applicants to interview for the Community Police Review Commission, Planning Commission, and Board of Public Utilities and now recommended to be further expanded to include the newly created Board of Ethics. Any Councilmember may add applicants to the interview list. Pursuant to the City Council Rules of Procedure and Order of Business (Resolution No. 22980) as amended on March 15, 2016, the Committee is charged with reviewing preferences and offering

recommendations to the City Council for Standing Committee and regional organization appointments.

Upon consultation, the Mayor confirmed his belief that the name, role, and current practices of the Mayor's Nominating and Screening Committee serve the City appropriately without need for change at this time. Adequate opportunity already currently exists for the Mayor to present policy recommendations and discussions to the City Council either directly or through its Standing Committees.

The Governmental Affairs Committee unanimously recommended to repeal the outdated Resolution No. 16190 and codify the role of the Mayor's Nominating and Screening Committee into the City Council Rules of Procedure and Order of Business and reflect changes to the board/commission appointment process as outlined below.

City Council Standing Committee Referrals

Section XIII. B. of the City Council Rules of Procedure and Order of Business sets certain parameters for the referral of items to Standing Committees.

Generally, all new requests for Committee agenda items must first be referred by the City Council. Three specific exceptions are listed (RPU finance reports, Successor Agency matters, and requests for comments on projects within the City's Sphere of Influence). Another such exception applies to requests approved by the Committee Chair and the City Manager.

When City Staff, through the City Manager and upon concurrence of the relevant Committee Chair, determine to which committee a new request should be assigned, in general they are following the internal guidelines listed in Attachment 3 (which also specifies the aforementioned three exceptions).

At times, discussion matters may overlap more than one committee's general topic areas. Also, the City Council may prefer to refer a matter to a committee where a Councilmember that has particular interest serves as Chair or a member.

At their meetings of April 6 and May 4, 2016, the Governmental Affairs Committee unanimously recommended codifying into the City Council Rules of Procedure and Order of Business the following provisions regarding referrals to City Council Standing Committees:

- The general topic area assignments as proposed for staff initiated reports to City Council Standing Committees; and
- The matching of boards and commissions with City Council Standing Committees for referral of agenda items as presented in Attachment 4.

Board/Commission Appointment Process

Charter Section 802 provides that members of boards and commissions shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. Each such board or commission shall have at least one member from each Council ward. They shall be subject to removal by the Mayor and City Council by a motion adopted by five affirmative votes with the Mayor entitled to vote. The

members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.

On February 26, 1980, the City Council determined that if a partial term is served for more than one year, it will be considered as a full term by the City Council and that the members of City boards and commissions will be limited to serving for two terms. On January 27, 2009, the City Council directed that mid-year appointments to boards and commissions shall serve the full terms of up to and not-to-exceed four years, expiring on March 1st of the corresponding year.

Annually and for mid-year appointments, the appointment process practiced since the voters amended the Charter to provide that each board/commission shall have at least one member from each of the Council wards has not changed.

- For the Community Police Review Commission, Planning Commission, and Board of Public Utilities, the Mayor's Nominating and Screening Committee reviews applications and selects applicants for interview by the Mayor and City Council. The City Council is notified of the choices and may add applicants for interview by contacting the City Clerk.
- For all other boards/commissions, Councilmembers work with the Mayor and forward a recommendation for appointment to the City Council. The Mayor forwards recommendations to the City Council for citywide seats.

At their meetings of April 6 and May 4, 2016, the Governmental Affairs Committee unanimously recommended that the City Council Rules of Procedure and Order of Business provide:

- Members of the City Council forward nominations for Ward-specific board/commission seats directly to the City Council, except for those subject to interview;
- The Mayor forward nominations for Citywide board/commission seats directly to the City Council, except for those subject to interview; and
- The Mayor's Nominating and Screening Committee review applications for Community Police Review Commission, Board of Ethics, Planning Commission, and Board of Public Utilities to select those for interview with the Mayor and all members of the City Council able to identify additional applicants for interview

Board/Commission Attendance Policy - Removal Process

The City Council updated the board/commission attendance policy on May 6, 2014, to read,

“Board/commission members shall make every effort to notify the Chairperson or his/her designee no later than 24 hours prior to any regular meeting of his/her intent not to attend said meeting. A member's inability to provide 24 hours advance notice shall not preclude the board/commission from exercising its discretion to excuse said absence as outlined in Section 805 of the City Charter. The term of any member of the board/commission shall expire and the position vacated subject to either of the following conditions: (a) he or she is absent unexcused from three consecutive regular meetings of the board/commission; or (b) he or she is absent, whether excused or unexcused, from more than one-third of the regularly scheduled meetings in any calendar year.”

The first full year attendance report prompts clarification from the City Council on the attendance policy for calculation of “regular meetings” and the impact of cancelled meetings due to lack of a quorum. Charter Section 805 further provides, “If a member of a board or commission absents

himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.”

At their meetings of April 6 and May 4, 2016, the Governmental Affairs Committee unanimously recommended that the board and commission attendance policy be codified into the City Council Rules of Procedure and Order of Business; that the City Clerk to continue quarterly attendance reports to the Mayor and City Council; and, in lieu of immediate vacation of the seat, refer violations of the attendance policy to the appropriate Councilmember for Ward specific seats and to the Mayor for Citywide appointments for direction on action to be taken.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

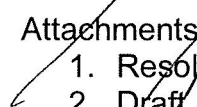
Prepared by: Colleen J. Nicol, City Clerk
Marianna Marysheva-Martinez, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Concurs with:



ANDY MELENDREZ, Chair
Governmental Affairs Committee

Attachments:

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1. Resolution No. 16190
 2. Draft Resolutions
 3. Standing Committee Referral Guidelines - Staff
 4. Standing Committee Referral Guidelines - Boards/Commissions
 5. Attendance Policy