



City Council Memorandum

City of Arts & Innovation

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TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 24, 2026

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: ADOPT A RESOLUTION TO REVISE THE CITY COUNCIL RULES OF PROCEDURE AND ORDER OF BUSINESS RELATED TO ELIGIBILITY FOR SERVICE ON CITY BOARDS AND COMMISSIONS FOR INDIVIDUALS INVOLVED IN ACTIVE LITIGATION AGAINST THE CITY, TO ADDRESS CLASS ACTION LAWSUITS; REPEAL RESOLUTION NO. 24348

ISSUE:

That the City Council consider adopting a resolution to revise the City Council Rules of Procedure and Order of Business to establish an eligibility requirement for service on City Boards and Commissions for individuals involved in active litigation against the City, but to exclude individuals who are solely part of a class action as a class member.

RECOMMENDATIONS:

That the City Council adopt the attached resolution repealing Resolution No. 24318 and revising the City Council Rules of Procedure and Order of Business to establish an eligibility requirement for nomination to City Boards and Commissions for individuals involved in active litigation against the City, but to exclude individuals who are solely part of a class action as a class member.

BACKGROUND:

The City Council Rules of Procedure and Order of Business (Rules of Procedure) establish the framework for the conduct of City Council meetings and related functions and activities. The Rules of Procedure are intended to ensure that City Council business is conducted in an orderly and fair manner and to establish uniform norms and procedures to support an efficient and orderly legislative process.

On October 24, 2025, the City Council adopted Resolution No. 24318, which revised and updated the City Council Rules of Procedure and Order of Business and repealed the prior resolution. Resolution No. 24318 represents the most recent update to the Rules of Procedure and remains in effect today.

The City Charter provides the City Council with authority over the appointment, service, and removal of members of City Boards and Commissions. Article VIII, Section 802 of the Charter provides that members of boards and commissions serve at the pleasure of the Mayor and City Council, are nominated and appointed from the qualified electors of the City and are subject to

removal by the Mayor and City Council. Section XIV of the Rules of Procedure addresses Boards and Commissions, including provisions related to appointments and eligibility for service.

At the January 6, 2026 City Council meeting, Councilmember Mill requested that an item be brought back to establish an eligibility requirement related to service on City Boards and Commissions for individuals involved in litigation against the City.

At the January 27, 2026 City Council meeting, the City Council adopted Resolution 24348, amending Section XIV of the Rules of Procedure to provide that City Councilmembers will not nominate an individual involved in active litigation against the City to serve on City Boards and Commissions. At that meeting, Councilmember Hemenway requested that the City Attorney's Office evaluate whether a further amendment would be needed to address how the eligibility rule would apply to class action lawsuits.

DISCUSSION:

In order for an individual who is solely a class member in a class action lawsuit not to be precluded from nomination, the minor revision below is proposed:

XIV. BOARDS, COMMISSIONS, AND COMMITTEES

A. For Citywide vacancies on any boards and commissions, the Mayor shall nominate an applicant for appointment by the Mayor and City Council. For Ward-specific seats, the Councilmember for the Ward shall nominate an applicant for appointment by the Mayor and City Council. Neither the Mayor nor the Councilmember shall nominate any applicant for such appointment who has a pending lawsuit against the City. **For class action lawsuits, "pending lawsuit" shall mean a pending lawsuit to which the applicant is a class representative party, proponent or plaintiff, but shall not include a lawsuit to which the applicant is solely a class member.**

The only nomination and appointment that this restriction would not apply to is when a position on a board or commission remains vacant for sixty days or more. Under such circumstances, per City Charter section 803 and 805, the Mayor has the authority to appoint, without Council approval, and the City Council cannot limit the Mayor's authority without a Charter revision.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of the proposed resolution.

Prepared by: Susan Wilson, Assistant City Attorney
Approved by: Mike Futrell, City Manager
Approved as to form: Rebecca McKee-Reimbold, Interim City Attorney

Attachments:

1. Revised Resolution
2. Resolution R-24348