
OPERATING POLICY FOR BOARDS, COMMISSIONS AND COMMITTEES

I. Policy

- A. *Authority* – The City Council has broad authority to establish boards, commissions and committees as part of the sub-government of the City and set forth the powers, duties, and method of appointment of their members.
- B. *Purpose* - The purpose of this policy is to set forth those City Council policies that generally apply to all City’s boards, commissions and committees, unless there is a different and/or more specific policy provided by an ordinance that formed a certain board, commission or committee.

II. Boards, Commissions and Committees

- A. *Formation* – All City boards, commissions and committees shall only be established by an ordinance or resolution duly approved and adopted by the City Council.
- B. *General Scope* - Boards, commissions and committees are created by the City Council to: (1) provide an additional forum and opportunity for community participation in the public decision making process; (2) perform specific administrative acts on behalf of the City; and (3) recommend to City Council specific policy-related issues for possible City Council study and action.
- C. *Powers and Duties* – The specific powers and duties of each board, commission and committee shall be set forth in the formation ordinance or resolution that creates a board, commission or committee.
- D. *Terms* – Unless otherwise provided by the formation ordinance or resolution for a particular board, commission or committee, the term of members of boards, commissions and committees shall be three (3) years, or until his or her successor is appointed by the City Council.
- E. *Compensation* - Unless otherwise provided by the formation ordinance or resolution for a particular board, commission or committee, all members of any board, commission or committee shall serve without monetary compensation for their services.
- F. *Number of Members* - Unless otherwise provided by the formation ordinance or resolution for a particular board, commission or committee, the number of regular members on any board, commission or committee shall consist of no more than nine (9) plus up to two (2) alternate members.

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- G. *Quorum* - Unless otherwise provided by the formation ordinance or resolution for a particular board, commission or committee, a quorum for any meeting shall require at least four (4) regular members to be present at the meeting, unless otherwise permitted by the Ralph M. Brown Act as set forth in California Government Code section 54950, et seq. Alternate members shall not be counted towards this quorum requirement.
- H. *Attendance and Absences* – If a member of any board, commission or committee is unable to attend a scheduled meeting, he or she should notify the Staff Liaison as soon as possible. Failure to notify the Staff Liaison in advance of an expected absence from a meeting will constitute an un-excused absence. Excused absences include, but are not limited to: (1) illness; (2) care of a family member; (3) transportation difficulty; (4) pre-scheduled appointments; (5) job interview; (6) employment issues; or (7) general household matters. The board, commission or committee reserves the right to excuse an absence for other legitimate reasons provided that a motion to excuse is made, seconded and approved by a majority of the subject board, commission or committee.
- I. *Meeting Locations* - *Meeting* locations for boards, commissions and committees shall be designated by staff based on the occupancy capacity of the meeting space and whether the meeting space is generally available on a consistent basis for periodic meetings of the subject board, commission or committee.
- J. *Regular Meetings* – The schedule of regular meetings of any board, commission or committee may be set by ordinance, resolution, or formal action of the City Council.
- K. *Ralph M. Brown Act* – All boards, commissions and committee are subject to the Ralph M. Brown Act as set forth in California Government Code section 54950, et seq.
- L. *Rules of Procedure* - All meetings of boards, commissions and committees shall be subject to Rosenberg’s Rules of Procedure.
- M. *Staff Liaison* - The City Manager shall assign at least one staff member to serve as Staff Liaison to each board, commission and committee. The Staff Liaison shall provide staff assistance, as may be required, to his or her assigned board, commission or committee. Staff assistance includes communicating concerns/requests for the board, commission or committee to the Council Liaison, preparing agendas, taking minutes and providing general administrative support.
- N. *Council Liaison* - The City Council may appoint a City Councilmember to serve as a Council Liaison to any board, commission or committee it so chooses. The Council Liaison shall attend at least one meeting per calendar year of their respective board, commission or committee. The Council Liaison may attend additional meetings on an as-needed or as-requested basis, subject to the Council Liaison’s availability. The Council Liaison, with the assistance of the Staff Liaison, shall serve as a contact person

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for the City Council to ask questions, receive clarification or provide direction regarding any matter within the subject matter jurisdiction of the Council Liaison's board, commission or committee.

III. Appointment Procedures

- A. *Local Appointments List* – Pursuant to the Maddy Act, as set forth in Government Code sections 54970-54974, on or before December 31 of each year, the Mayor shall direct the City Clerk to prepare a Local Appointments List which: (1) identifies all regular and ongoing boards, commissions, and committees which are established by the City Council; and (2) lists all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for each position. The Local Appointments List shall be made available to members of the public through posting at the same physical locations regular City Council meeting agendas are posted, at the City's library and any of its branches and on the City's website.
- B. *Special Vacancy Notice* - Whenever an unscheduled vacancy occurs on any board, commission, or committee for which the Mayor has the appointing power, subject to the City Council's confirmation, whether due to resignation, forfeiture, death, termination or other causes, a special vacancy notice shall be posted in the City Clerk's office, at the same physical locations regular City Council meeting agendas are posted, at the City's library and any of its branches and on the City's website not earlier than 20 days before or later than 20 days after the vacancy occurs.
- C. *Appointment Application* - All applicants, including incumbents, for membership on any board, commission or committee shall complete the standard application form provided by the City Clerk, which shall be the same application form for all board, commission and committee member applicants. Applications shall be forwarded to the Mayor for review. Incomplete applications will be returned to the applicant as incomplete and will not be forwarded to the City Council for review.
- D. *Emergency Appointments* – The Mayor may, if he/she finds that an emergency exists, fill an unscheduled vacancy immediately, subject to the City Council's confirmation. A person appointed to fill the vacancy on an emergency basis shall serve only in an acting basis until the final appointment is made.
- E. *Final Appointments* - Final appointments to any board, commission, or committee shall not be made for at least 10 working days after the posting of any directly related vacancy notice.
- F. *Elected Mayor* - As set forth in Government Code Section 40605, the Mayor makes all appointments to boards, commissions, and committees, from the pool of applicants,

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subject to approval by a majority vote of the City Council, unless otherwise specifically provided by state law. In the event, there is no majority approval of the Mayor's appointment, the Mayor may make subsequent appointments from the remaining pool of applicants subject to approval by a majority of the City Council, until one of the appointments is approved by a majority of the City Council.

- G. *Open Session Appointments* - Appointments must be discussed and confirmed in an open session meeting of the City Council and appointments must be reported in an open session meeting of the City Council on the day of the appointment.
- H. *At-Will Status* -- All appointments to boards, commissions and committees are at-will, meaning that the City Council by majority vote has the right to remove or dismiss at any time with or without cause any member of a board, commission or committee created by the City Council, unless otherwise prohibited by any applicable law, regulation or policy.

IV. Eligibility

Unless otherwise set forth in state law or the City's Municipal Code, the following eligibility requirements shall apply to appointments and continued service as a member of a board, commission or committee.

- A. *Other Positions* - No board, commission or committee member shall concurrently serve on more than one board, commission or committee of the City or its affiliated agencies, occupy a position of employment with the City or its affiliated agencies, or hold a paid office with the City or any of its affiliated agencies. Acceptance of a position on another board, commission or committee or acceptance of employment or a paid office with the City or its affiliated agencies by a board, commission or committee member during his or her term shall result in the automatic forfeiture of his or her board, commission or committee membership status and said position shall be declared vacant by the City Clerk
- B. *Residency/Registered Voter* - A board, commission or committee member shall be a registered voter of the City and maintain his or her principal place of residence within the City throughout his or her term, unless otherwise provided by the formation ordinance or resolution for certain boards, commissions and committees that permit non-residents or minors to serve as members. If a board, commission or committee member loses his or her registered voter status or ceases to maintain his or her principal place of residence within the City during his or her term, then it shall result in an immediate forfeiture of office and said position shall be declared vacant by the City Clerk, unless otherwise provided by the board, commission or committee's formation ordinance or resolution.

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- C. *Criminal Charges/Convictions* – A person imprisoned or on parole for the conviction of a felony shall be disqualified from being appointed to a board, commission or committee. In addition, a person shall be disqualified from being appointed to a board, commission or committee if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes. For purposes of this section, "conviction of a felony" includes a conviction of any of the aforementioned felonies not only under the laws of California but also under the laws of any other state, the United States, or any foreign government or country, if committed in California, would be the same as any of the aforementioned felonies, and for which the person has not received a pardon from the Governor of California, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction. If a conviction of any of the aforementioned felonies occurs during a board, commission or committee member's term it shall result in an immediate forfeiture of office and said position shall be declared vacant by the City Clerk. If a board, commission or committee member is charged with any of the aforementioned felonies, but not yet convicted, he or she shall be suspended immediately from the office he or she then holds and the person shall not be entitled to receive the emoluments of the office, including, but not limited to, the rights to assume office, the exercise of the powers of the office, and the compensation, including benefits, which may be prescribed for the position. In the event a court of competent jurisdiction does not convict for any of the aforementioned felonies, sets aside or nullifies such a conviction, the inability to assume office or the suspension from holding office shall be lifted, and the person suspended from office shall be restored to the same office with its emoluments, including those that would have otherwise accrued during the suspension, excluding, however, interest on any monetary payments.
- D. *Youth Programs/Activities* – A conviction of any of the offenses specified in Public Resources Code Section 5164 shall disqualify a person from being appointed to a board, commission or committee which oversees any youth programs and/or youth activities in the City. If such conviction occurs during the board, commission or committee member's term it shall result in an immediate forfeiture of office and said position shall be declared vacant by the City Clerk. If a board, commission or committee member is charged with any of the aforementioned offenses, but not yet convicted, he or she shall be suspended immediately from the office he or she then holds and the person shall not be entitled to receive the emoluments of the office, including, but not limited to, the rights to assume office, the exercise of the powers of the office, and the compensation, including benefits, which may be prescribed for the office. In the event a court of competent jurisdiction does not convict, sets aside or nullifies the conviction, the inability to assume office or the suspension from holding office shall be lifted, and the person suspended from office shall be restored to the

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same office with its emoluments, including those that would have otherwise accrued during the suspension, excluding, however, interest on any monetary payments.

- E. *Background Check* - A board, commission or committee member appointee who refuses or neglects to submit to the same background checks required of City employees within the time prescribed shall result in the automatic forfeiture of his or her appointment status.
- F. *Mental Incapacity* - Any person committed to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict shall be disqualified from being appointed to a board, commission or committee. If any such order of commitment occurs during the board, commission or committee member's term, it shall result in an immediate forfeiture of office once the order of commitment becomes final and said position shall be declared vacant by the City Clerk.
- G. *Physical Incapacity* - A board, commission or committee member who has been adjudicated as being physically incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the he or she will not be able to perform the duties of his or her office for the remainder of his or her term shall result in an immediate forfeiture of office upon the City receiving proof of the final adjudication and said position shall be declared vacant by the City Clerk.
- H. *Excessive Unexcused Absences* - A board, commission or committee member who accumulates unexcused absences amounting to more than 25 percent of the meetings held during any twelve month period, commencing on the annual anniversary date of his or her appointment, shall result in the automatic forfeiture of his or her board, commission or committee membership status upon receiving notice from the City Clerk confirming the unexcused absences and said position shall be declared vacant by the City Clerk.
- I. *Oath/Bond* - A board, commission or committee member appointee who refuses or neglects to take and subscribe to the oath/affirmation set forth in Section 3 of Article XX of the California Constitution within the time prescribed or refuses or neglects to file any required bond within the time prescribed shall result in the automatic forfeiture of his or her appointment status and said position shall be declared vacant by the City Clerk.
- J. *Ethics Training* - A board, commission or committee member who refuses or neglects to attend or participate in a bona fide AB 1234 Ethics Training program, approved by the City Clerk or City Attorney, within the time prescribed shall result in the automatic forfeiture of his or her board, commission or committee membership status and said position shall be declared vacant by the City Clerk.

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- K. *Disclosure of Confidential Information* - A board, commission or committee member who discloses, without written authorization by the City Clerk or City Attorney, any information deemed confidential or exempt from disclosure under any federal, state or local law, regulation or policy shall result in the automatic forfeiture of his or her board, commission or committee membership status upon receiving notice from the City Clerk or City Attorney confirming that the disclosure was unauthorized under an applicable federal, state or local law, regulation or policy and said position shall be declared vacant by the City Clerk.
- L. *Nepotism* – Any person who has an immediate family member who serves on the City Council shall not be eligible for appointment to any board, commission or committee. In addition, any person who has an immediate family member who is employed by the City shall not be eligible for appointment to any board, commission or committee that oversees any aspect of the department or division that the immediate family member works at or in on a routine basis. Immediate family member includes a spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin that is, a child of an aunt or uncle. If during a board, commission or committee member’s term, an immediate family member is elected or appointed to the City Council or employed by the City to work in a department or division that is overseen by the member’s board, commission or committee, this shall result in the automatic forfeiture of his or her board, commission or committee membership status and said position shall be declared vacant by the City Clerk, unless the immediate family chooses instead to relinquish his or her City Council seat or the subject employee transfers to another department or division beyond the oversight purview of the respective member’s board, commission or committee.