

CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS

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**I. Policy**

- A. *Intent* - The intent of this policy is to define, describe and address various matters related to city council advisory boards and commissions that are not otherwise defined, described or addressed by ordinance or state law.
- B. *Establishment* – The city council may establish advisory boards and commissions, from time to time, by ordinance or resolution, as part of the sub-government of the city and set forth their powers and duties.
- C. *Purpose* - The purpose of establishing advisory boards and commissions is 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 as may be directed by the city council or the staff liaison; (3) provide advice to the city council on specific policy-related issues as may be requested or directed by the city council or recommended by the staff liaison.
- D. *Scope* – The provisions set forth in this policy apply to all advisory boards and commissions, unless otherwise provided by ordinance or state law.

**II. Boards and Commissions**

- A. *Rules of Procedure* – The latest version of Rosenberg’s Rules of Order (Simple Rules of Parliamentary Procedure of the 21<sup>st</sup> Century) shall govern the conduct of meetings of all advisory boards and commissions, unless otherwise provided by ordinance or state law. The city clerk shall maintain the latest version of Rosenberg’s Rules of Order which the staff liaison shall use and reference when necessary.
- B. *Ralph M. Brown Act* – The Ralph M. Brown Act shall apply to all commissioners and all advisory boards and commissions.
- C. *Representation* – Each newly created advisory board or commission shall consist of at least five voting members and two alternate members. Each advisory board and commission shall have a voting member recommended or nominated by each district councilmember, with the fifth voting member and two alternate members reserved for those recommended or nominated by the mayor. Nothing set forth herein shall preclude the city council from creating advisory boards and commissions with additional voting members and alternate members.
- D. *Alternate Members* – Alternate members shall be entitled to vote only when filling in for an absent voting member at a meeting.

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E. *Quorum* – A quorum shall be necessary to conduct an official meeting of any advisory board or commission.

F. *Terms* – The initial terms of office for any newly created advisory board or commission shall be staggered with an odd number of members serving an initial term consisting of an odd number of years and an even number of members serving an initial term of an even number of years, with all subsequent terms set at two to four years for each member.

No person who has served three successive terms as a member of the same advisory board or commission shall be eligible for reappointment to that advisory board or commission. For purposes of this section, any member who serves for two years or more of a term, whether appointed or unexpired, shall be deemed to have served a full term. Neither terms completed prior to the effective date of this provision nor terms in progress at the time this provision takes effect shall count toward the three-term limit.

F.G. *Term Extensions* – Notwithstanding the designated terms, a term shall be subject to automatic extension until the respective member's successor is officially appointed and assumes office.

G.H. *Chairperson Designation* – At the first meeting of each fiscal year, or as soon thereafter, or as otherwise provided by the city council, each advisory board or commission shall designate a chairperson and vice-chairperson from amongst its members. The chairperson shall serve as the presiding officer of the respective advisory board or commission, and the vice-chairperson shall serve as the presiding officer in the absence of the chairperson. A majority of the advisory board or commission may remove the chairperson or vice-chairperson at any time with or without cause. The decision to remove the chairperson or vice-chairperson shall not be subject to appeal to the city council.

H.I. *Meeting Minutes* - The minutes of all advisory board and commission meetings shall be filed with, and maintained by, the pertinent departments or divisions and shall be maintained according to the City's Records Retention Schedule.

I.J. *No Compensation* – No member shall receive any compensation or stipend for his or her services while serving on an advisory board or commission, unless otherwise provided by ordinance or state law.

J.K. *Reimbursement* – A member may be entitled to reimbursement for any personal expenditures (not including time) related to the purchase or procurement of any supplies

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or equipment only if such expenditures were authorized beforehand by the pertinent department director or designee and approved by the respective advisory board or commission as an agenda item at a duly noticed public meeting.

K.L. *Attendance Sheet* – Each staff liaison shall prepare and maintain an ongoing regular meeting attendance sheet for their respective advisory boards and commissions throughout each fiscal year and submit the same to the city clerk after the last regular meeting of the month of each of their advisory boards and commission. The city clerk shall submit a master attendance sheet to the city council at the first regular city council meeting of each month as a consent calendar item. Attendance sheets shall include the name of the advisory board and commission, the name each member, and whether the member was in attendance or absent for each listed regular meeting, and if absent whether the absence was excused or unexcused.

L.M. *Absences* – Any member who may not be able to attend a scheduled advisory board or commission meeting and wants to be excused from attending said advisory board or commission meeting shall promptly notify the staff liaison as soon as possible, via email or text, unless otherwise prohibited due to illness or technological infeasibility, the reason or reasons why the member cannot attend the subject meeting. The staff liaison shall forward a copy of the request to be excused to the entire advisory board or commission immediately upon receipt of the request to be excused by the staff liaison. The staff liaison shall verbally disclose at the advisory board or commission meeting, at the appropriate time on the agenda, any requests to be excused received from any member. The advisory board or commission shall approve a request to be excused if the absence is due to any of the following: (1) the member is ill; (2) the member has to provide care to an ill spouse, domestic partner or other partner or dependent who resides with the member, (3) the member must attend an official city event approved by the advisory board or commission or city council, or (4) for any other reason approved by a 2/3<sup>rd</sup>s vote the respective advisory board or commission. The action taken by the advisory board or commission on a request to be excused from attending an advisory board or commission meeting shall be included in the minutes of the respective advisory board or commission meeting.

M.N. *Excessive Un-Excused Absences.* Any member who has accumulated more than three unexcused absences during any given fiscal year (from July 1 through June 30) shall be deemed to have automatically forfeited his or her office as a member. There shall be no appeal or reconsideration of such an automatic forfeiture of office.

N.O. *Regular Meetings* – Regular meetings may be scheduled on an as-needed basis provided that at least 72 hours advanced notice is provided as required by the Brown Act. In the alternative, regular meetings may be set by ordinance or resolution adopted

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by the city council or via resolution adopted by the respective advisory board or commission, along with meeting times and location.

~~O.P.~~ *Special Meetings* – Pursuant to the Brown Act, special meetings may be called at any time by the presiding officer of the respective advisory board or commission, or by a majority of the members of the advisory board or commission, subject to providing at least 24 hours advance notice as required by the Brown Act.

~~P.Q.~~ *Action* – All advisory boards and commissions shall take final action by either minute order of resolution. Advisory boards or commissions shall not be authorized to adopt ordinances.

~~Q.R.~~ *Ad-Hoc Advisory Subcommittees* – The chairperson may establish, on an as-needed basis, an ad-hoc advisory subcommittee to review any issue or item within the subject matter jurisdiction of the respective advisory board or commission, which shall not be subject to the Brown Act, provided the ad-hoc advisory subcommittee consist of less than a quorum of the subject advisory board or commission, serves a limited or single purpose, functions for a temporary period of time, and is dissolved once the ad-hoc advisory subcommittee's specific task is completed.

~~R.S.~~ *Standing Committees* – A majority of any advisory board or commission may establish, on an as-needed basis, a standing committee, to review and monitor any issue or item within the subject matter jurisdiction of the respective advisory board or commission, which shall be subject to the Brown Act, regardless of its composition and number of members, if it has continuing subject matter jurisdiction over the respective issue or item or a meeting schedule set by resolution or other formal action of the advisory board or commission.

~~S.T.~~ *City Council Liaison* - The city council may appoint a councilmember to serve as a council liaison to any advisory board or commission it so chooses. The council liaison shall attend at least one advisory board or commission meeting per fiscal year (from July 1 through June 30) and any additional meetings on an as-needed or as-requested basis, subject to the council liaison's availability. The role of the council liaison includes the following: (a) serving as a liaison between the advisory board or commission and city council; (b) informing the respective advisory board or commission regarding any city council direction or requests; (c) providing clarification to the respective advisory board or commission regarding any city council direction or requests; and (d) reporting on the status of various assignments and matters under consideration by the subject advisory board or commission to the city council. The council liaison shall not be authorized to vote and shall refrain from participating in an advisory board or commission's

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discussions or deliberations.

- a. *Attendance Sheet* – Each staff liaison shall prepare and maintain an ongoing regular meeting attendance sheet for their respective advisory boards and commissions throughout each fiscal year and submit the same to the city clerk after the last regular meeting of the month of each of their advisory boards and commission. The city clerk shall submit a master attendance sheet to the city council at the first regular city council meeting of each month as a consent calendar item. Attendance sheets shall include the name of the advisory board and commission, the name of each Council Liaison, and whether the Liaison was in attendance or absent for each listed regular meeting.
- U. *Staff Liaison* - The pertinent department director or designee shall designate a staff member, with the consent of the city manager, to serve as a staff liaison to each advisory board and commission. The staff liaison shall provide administrative assistance to the staff liaison's assigned advisory board or commission.
- V. *Administrative Assistance* - Administrative assistance shall include: (a) scheduling meetings and making necessary arrangements, such as, but not limited to confirming each member's availability and venue availability; (b) preparing agendas; (c) preparing staff reports; (d) preparing minutes; (e) preparing and providing any required public notice; (f) taking roll call during meetings; (g) processing requests for excused absences; (h) serving as parliamentarian during meetings; (i) conducting and providing any follow-up, including research, regarding matters requested by formal action of the staff liaison's assigned advisory board or commission; (j) serving as a liaison between the advisory board or commission and city staff, council liaison, and other entities including, without limitation, any pertinent city departments and divisions, public agencies and private entities; (k) providing assistance as may be requested from time-to-time by the staff liaison's department director or designee; and (l) providing assistance as may be requested from time-to-time by the council liaison provided the assistance is related to the subject matter jurisdiction of the staff liaison's assigned advisory board or commission. Notwithstanding the above, the pertinent department director or designee may modify, revise, postpone or cancel any of the above administrative assistance if deemed necessary under the subject circumstances at the time.

### III. Appointment Procedures

- A. *Appointments* – Pursuant to state law, the mayor shall make all advisory board and commissioner appointments subject to the approval of a majority vote of the entire membership of the city council in an open session meeting of the city council, based on nominations or recommendations submitted by each district councilmember for those member seats designated for district-based appointments. This is intended to ensure that

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there is representation of each district on each advisory board or commission. The mayor is authorized to appoint, subject to approval by majority vote of the entire membership of the city council any additional members to any advisory board or commission that already has a representative from each district who was nominated or recommended by the respective district councilmember, provided that such additional members do not result in disproportionate representation by any given district on the respective advisory board or commission. The mayor may appoint alternate members to advisory boards and commissions subject to approval by majority vote of the entire membership of the city council provided that such appointments do not result in disproportionate representation by any given district on the respective advisory board or commission.

- B. *Local Appointments List* - The city clerk shall prepare an appointments list of all regular and ongoing boards and commissions which are appointed by the city council in accordance with applicable state law.
- C. *Special Vacancy Notice* - Whenever an unscheduled vacancy occurs on any advisory board or commission, the city clerk shall, as soon as practicable, post a special vacancy notice in the city clerk's office, on the city's website and at the same physical locations the city council regular meeting agendas are posted.
- D. *Appointment Application* - All applicants, including incumbents, seeking appointment as a member to any advisory board or commission shall complete the standard application form provided by the city clerk which shall be submitted to the city clerk for processing and consideration. Incomplete applications shall be returned to the applicant as incomplete and will not be accepted for processing unless a complete application is submitted. Complete applications submitted after the applicable application deadline shall be rejected. There shall be no appeal or reconsideration of any applications rejected as incomplete or late.
- E. *Filling Unexpired Terms* – Vacancies created prior to the expiration of a member's term of office shall be filled for the remaining term of said vacancy, with priority provided to alternate members who reside in the same district as the member who previously occupied the vacated office.
- F. *At-Will Service* – Service as a member of any advisory board or commission shall be at-will, meaning that any member may be removed, dismissed or discharged at any time with or without cause, upon a recommendation of the councilmember, who nominated or recommended the subject appointment in the first place, and approval of the city council at a duly noticed meeting of the city council. The decision to remove, dismiss or discharge a member shall be deemed final and shall not be subject to appeal or reconsideration.

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G. Planning Commission Appointments – Interview Process - All Planning Commission appointments shall be conducted in open session and shall include an interview process by the City Council prior to any appointment action, consistent with the Ralph M. Brown Act.

**IV. Eligibility**

- A. *Eligibility* - Unless otherwise permitted or required by ordinance for a particular advisory board or commission, an applicant shall be at least 18 years of age and a registered voter of the City of Moreno Valley, and meet all other eligibility requirements set forth in this policy and established by ordinance for the respective advisory board or commission.
- B. *Concurrent Offices* – No member shall serve on more than one advisory board or commission at the same time. The consequence of serving on two advisory boards and commissions at the same time is that a sitting member who is appointed to another advisory board or commission shall be deemed to have automatically forfeited his or her membership on the first advisory board or commission, upon accepting a subsequent or concurrent appointment as a member to another advisory board or commission.
- C. *Change of Residency* – Any member who changes their residency, if residency is requirement of the particular office, from the district from which he or she was appointed or relocates their residency out of the City of Moreno Valley during his or her term shall be deemed to have automatically forfeited his or her office. There shall be no appeal or reconsideration of such automatic forfeiture of office.
- D. *Loss of City Voter Registration* - Any member who ceases to be a registered voter of the City of Moreno Valley, if such voter registration a requirement of the particular office, shall be deemed to have automatically forfeited his or her office. There shall be no appeal or reconsideration of such automatic forfeiture of office.
- E. *Oath of Office* - Prior to assuming office as a member of an advisory board or commission, the appointee shall take the oath/affirmation of office as required by the California Constitution, and/or provide any required bond.
- F. *City Employees* – No city employee or former city employee who has been separated from the city for less than one calendar year may serve as a member of any advisory board or commission.
- G. *Nepotism* – Any person who has an immediate family member who serves on the city

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council shall not be eligible for appointment to any advisory board or commission. In addition, any person who has an immediate family member who is employed by the city shall not be eligible for appointment to any advisory board or commission that oversees any aspect of the department or division that the immediate family member works at on a routine basis. If during a 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 advisory board or commission, it shall result in the automatic forfeiture of his or her office. There shall be no appeal or reconsideration of such forfeiture of office.

- H. *First Amendment Rights* - While a member of an advisory board or commission is not expected to relinquish or waive his or her first amendment rights for an appointment to an advisory board or commission, all members are expected to publicly support or not publicly oppose any official action taken by their respective advisory board or commission or the city council regarding any matter within the subject matter jurisdiction of the respective advisory board or commission. This simply creates an expectation that once someone accepts an appointment to an advisory board or commission, he or she should not be making any public comments that are contrary to or in conflict with any official policy or formal action taken by the city council or the respective advisory board or commission at: (a) any city council meeting or other public meeting of any legislative body of the city or its affiliated agencies, including without limitation the planning commission, (b) any regional boards, committees or commissions which include a member appointed by the city council, or (c) any other legislative bodies of any jurisdiction or agency which include the city within their jurisdictional boundaries.
- I. *Mandatory Ethics Training* – Any member who fails to complete the mandatory AB 1234 two-hours ethics training, within one year of the date of official appointment, and thereafter every two years, shall result in the automatic forfeiture of his or her office. There shall be no appeal or reconsideration of such automatic forfeiture of office.
- J. *Disclosure of Confidential Information* - A board or commissioner who discloses, without written authorization by the staff liaison, 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 office, 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. There shall be no appeal or reconsideration of such an automatic forfeiture of office.
- K. *Criminal Background Check* – All applicants shall be subject to the same criminal background checks which prospective city employees are subject to as a condition of employment. Failure to submit to the required criminal background check within the

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time prescribed shall result in the automatic rejection of the subject applications and/or forfeiture of the applicant's appointment status. There shall be no appeal or reconsideration of any such rejection or forfeiture.

- L. *Felony Arrests* – Any member arrested for any felony offense but not charged shall be automatically suspended as a member until such time a decision has been made by the pertinent prosecuting authority to not charge the member for the offense(s) that were the basis of the subject arrest. If no charges are brought against the subject member, he or she shall be automatically reinstated until his or her term expires. There shall be no appeal or reconsideration of such suspension or reinstatement.
- M. *Felony Charges* – Any member charged, but not yet convicted, shall be automatically removed, dismissed and discharged as a member, and shall not be eligible to subsequently apply to serve as a member to any advisory board or commission unless the charges have been dismissed, or the member has been acquitted of the charges. There shall be no appeal or reconsideration of such removal, dismissal or discharge.
- N. *Criminal Convictions* – No person shall be eligible to serve as a member of any advisory board or commission if he or she has been convicted of any state or federal felony offense or any crime of moral turpitude.
- O. *Other Grounds for Forfeiture of Office* – A member shall be deemed to have automatically forfeited his or her office under the following circumstances: (a) an adjudication pursuant to a quo warranto proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the member will not be able to perform the duties of his or her office for the remainder of his or her term; (b) the decision of a competent tribunal declaring void the members appointment; (c) the making of an order vacating the members office or declaring the office vacant when the member fails to furnish an additional or supplemental bond; (f) the member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict.

**V. Definitions.**

- A. **Definitions and Descriptions**– The following words, terms and phrases shall be subject to the following definitions and descriptions:
  - 1. “Brown Act” shall mean the Ralph M. Brown Act, which governs open meetings for local government bodies, as contained in section 54950 et seq. of the California Government Code.

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2. "Crimes of Moral Turpitude" include any category of crimes that involve either dishonesty or depraved conduct that is shocking to a reasonable person, including but not limited to murder, embezzlement, burglary, arson, robbery, perjury, aggravated assault, attempted lewd acts on a minor, child abuse, domestic violence, failure to register as a sex offender, felon in possession of a firearm, rape, voluntary manslaughter, and welfare fraud.
3. "Immediate family member" shall mean 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.
4. "Oath of office" shall mean the oath of office specified in the California Constitution, as set forth in Article XX, section 3, absent the second paragraph, which has been deemed invalid under United States Constitution.
5. "Office" shall mean membership on an advisory board of commission.
6. "Mandatory Ethics Training" shall mean the mandatory ethics training required of all local legislative bodies eligible to receive reimbursements as set forth in section 53234 through 53235.2 of the California Government Code.
7. "Presiding Officer" shall mean the member designated as chairperson who shall be responsible for administering the rules of conduct during a meeting of an advisory board or commission, subject to the advice of the staff liaison who shall serve as parliamentarian.
8. "Quorum" shall mean a majority of the current number of voting members on the respective advisory board or commission unless otherwise provided by ordinance. An alternate may be counted toward establishing a quorum in the event the alternate is present at the respective meeting filling in for an absent commissioner.
9. "State law" shall include, but not limited to, the Constitution of the State of California, legislation enacted and codified into the California Codes, regulations set forth in the California Code of Regulations, and case law set forth in the published decisions of the California Supreme Court, California Courts of Appeal, and California Attorney General Opinions.
10. "Subject matter jurisdiction" shall mean those issues or matters that are within the

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scope of decision-making authority of the respective advisory board or commission, as set forth by ordinance, resolution or formal action adopted or imposed by the city council.

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