

# *City of San José, California*

## **COUNCIL POLICY**

<b>TITLE</b> CONSOLIDATED BOARD AND COMMISSION POLICIES	<b>PAGE</b> A1 of 3	<b>POLICY NUMBER</b> 0-4
<b>EFFECTIVE DATE</b> Various	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b>		August 28, 1990: Item 7d(4)

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Previous Policy No. 0-4

Approved: August 28, 1984: Item 8b(2)

Amended: November 20, 1990 - Item No. 7d(1)

Amended: February 19, 1991 - Item No. 7b(6)

**Background:** It is the duty of the City Council to appoint persons to the various City Boards and Commissions. Since policies and customs previously had not been totally defined in any one document, the City Council approved the establishment of a policy stating procedures necessary to efficiently make appointments to Boards and Commissions, and to acknowledge official services to the City by the Commissioners.

**Purpose:** The purpose of this policy is to provide Council Members and Rules Committee Members with a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards and Commissions and to establish a process for the Council to make appointments to the various Boards and Commissions. This policy will also provide a procedure whereby the Council is informed of the membership status of Boards and Commissions and an appointee's service to the City is acknowledged in an official manner.

#### **Policy**

1. A roster of Board and Commission members shall be maintained by the City Clerk. The roster shall show the first appointment date of each appointee, and the term expiration date.
2. The City Clerk shall provide an application form, a Guide to Applicants, and a job description of each Commission. All persons wishing to serve on a Commission, including current Commissioners who wish to be reappointed, must file an application. All appointees to Boards and Commissions must be San José residents. In specific cases where a qualified San José resident cannot be found to fill the position, the Council may authorize a non-resident.
3. Applications more than one year old will be discarded.
4. The City Clerk shall report to the City Council quarterly any vacancies that exist, or terms that will expire within the next sixty days. Copies of such notices shall be sent to the secretaries of Boards or Commissions listed therein. When a vacancy exists, the Clerk shall place a notice of said vacancy on four consecutive Council agendas.
5. Upon receipt of notice that a vacancy exists, the Rules Committee shall, as soon as possible, recommend a candidate to the City Council.
6. It is the policy of the City Council that members of Boards and Commissions shall not be appointed to more than two full terms.

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7. Resignations from Boards and Commissions may be submitted directly to the City Council or to the City Council through the Board or Commission. Secretaries shall notify the City Clerk of vacancies occurring due to the "automatic resignation" provision of the San José Municipal Code Section 2.08.070 which reads, in part:

"The office of a member of any Board, Bureau or Commission, other than the Planning Commission and the Civil Service Commission, shall become vacant, and the incumbent holder of such office shall be deemed to have automatically resigned therefrom if the incumbent holder of such office has unexcused absences from any three consecutive meetings of the Board, Bureau or Commission of which such person is a member, or if he/she is absent more than twenty percent (20%) from such meetings in any calendar year due to unexcused absences. For purposes of this section, an unexcused absence shall mean an absence for other than the following reasons: illness of the member, or illness or death of his/her spouse, parent, child, brother or sister, or he/she is away on authorized Board, Bureau or Commission business . . . "

8. Criteria for suitable awards for members of Boards and Commissions:
  - A. The City Clerk shall prepare a plaque for members of Boards or Commissions who have served for at least one year and who have not been reappointed to that Board or Commission.
  - B. No plaque or resolution shall be prepared if a person ceases to be a member of a Board or Commission for any reason set forth in SJMC Section 2.08.060 or 2.08.160, except resignation or ineligibility, nor shall a plaque or resolution be prepared if the vacancy occurs because of insufficient attendance.
  - C. Plaques shall be prepared and presented to all Board and Commission Members that a City Council appointments. The criteria is that the Board or Commission Members must have submitted a written application and be interviewed, and/or elected, and appointed by the City Council.
9. Generally, recommendations for appointment to the Airport, Civil Service, Fine Arts and Planning Commissions are not made by the Rules Committee. The City Council holds public interviews of the applicants using the following procedure: Upon receipt of an application for the Airport, Civil Service, Fine Arts or Planning Commission, the City Clerk shall make a copy of the application for each member of the City Council and keep the original. After review of the applications, each Council Member shall notify the Clerk in writing of the applicants he/she wishes to interview. If four Council Members indicate they would like to interview the same applicant, the Clerk shall contact the applicant to notify him/her of the time, place and date of the interview. If no single applicant is selected by four members of the Council, then the City Clerk shall choose the top five applicants selected for interview by members of the Council.

At the Council meeting at which the interviews are held, the Clerk shall supply the Council Members with a ballot containing the names of all the applicants to be interviewed. Upon completion of the interviews, each Council Member shall mark his/her selection of applicant on the ballot. The Clerk shall publicly read the votes of the Council Members, and the applicant(s) receiving the most Council votes (over six) shall be appointed. If there are two or more vacancies, and more than two applicants receive more than six votes, then the applicants receiving the highest number of votes shall be appointed. In the case of a tie, a second balloting shall take place.

10. The Youth Commission consists of eleven members. One member shall be selected from each Council district and shall be a resident of that Council district; and one member shall be selected at large and shall be a resident of the City of San José. They shall reflect as nearly as reasonably possible the diverse, demographic characteristics of the youth population of the City. Eligibility requirements and terms of office are detailed in Sections 2.08.1640 and 2.08.1650, respectively, of the San José Municipal Code.

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11. Appointment Process: The following appointment process is applicable to all Board and Commission vacancies except the Airport Commission, the Civil Service Commission, the Fine Arts Commission, the Planning Commission, the Salary Setting Commission and the Youth Commission.
  - A. Following receipt of applications submitted in response to a Notice of Vacancy, the City Clerk submits full application packages to all Council Members and the City Attorney, along with a statement setting forth attendance information on any incumbents who may be applying for reappointment.
  - B. The City Attorney prepares and distributes a "Conflict of Interest" memo to all Council Members.
  - C. The Council Member Liaison to the Commission prepares and distributes a background memo on the Commission which should include any imbalances, special needs, or areas of expertise needed for more equitable representation on the Commission.
  - D. The Rules Committee will recommend appointments to specific Boards and Commissions for Council consideration based on the memo from the Council Liaison as well as any memos which may be submitted by other Council Members.
  - E. After the Council makes an appointment, and upon notification by the City Clerk, the Mayor's Office shall prepare a letter for the Mayor's signature notifying the appointee of the appointment and referring the appointee to the City Clerk's Office to sign an Oath of Office. The City Clerk shall notify the secretary of the appropriate Board or Commission that an appointment has been made. It shall be the responsibility of the secretary to assure that the appointee is not allowed to act in his/her official capacity until the Oath of Office has been signed.



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### **APPOINTMENT OF CITY EMPLOYEES AND COUNCIL ASSISTANTS TO BOARDS AND COMMISSIONS**

Previous Policy No. 0-20

Approved: August 21, 1990. Item 7d(1)

**Background:** City Boards and Commissions are designed to provide the City Council with advice and recommendations. Such Boards and Commissions are composed of persons who are representative of the citizenry at large or of specified professional groups.

**Purpose:** City Boards and Commissions are intended to provide Council with a perspective different and additional to that provided by staff and other persons retained to provide that advice.

#### **Policy**

1. Unless a particular Board or Commission is required by the San José Municipal Code or Resolution of the Council to have staff representatives appointed thereto, no City staff member or Council assistant shall be appointed to any City Board or Commission.
2. Former or retired City employees shall not be appointed to the Civil Service Commission.



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<b>APPROVED BY COUNCIL ACTION</b>		August 28, 1990: Item 7d(4)

### **INVOLVEMENT IN THE LEGISLATIVE PROCESS**

**Approved:** October 2, 1990, Item 7d(3)(a), as amended to include local and state ballot measures.

**Background:** Several Boards and Commissions have requested clarification on the process for requesting the Council to take a position on legislation. Since Boards and Commissions are advisory to the Council, they cannot independently take positions on legislation at the state and federal level. They can, however, recommend positions to the City Council on legislation in areas of their expertise.

**Analysis:** Boards and Commissions have an important role to play in advising the City on legislation. A process must provide the Mayor and Council with the opportunity to review the recommendations and then determine whether to refer the legislation for analysis. Action must be taken in a timely way to comply with the state and federal legislative schedule.

Boards and Commissions recommending positions on legislation to the Mayor and City Council shall use the following process:

1. Boards and Commissions send a letter to the Mayor and City Council requesting that they take a position on state or federal legislation.
2. The Mayor and City Council refer the request to the City Clerk's Office which in turn schedules the item on the next available Rules Committee agenda.
3. If appropriate, the Rules Committee refers the legislation to the Administrative Services Committee for analysis and recommendation to the City Council.
4. Staff will be responsible for notifying the Board or Committee Chair when the legislation forwarded by them will be heard by the Administrative Services Committee. Board and Commission members may then write letters to appropriate legislators and assist the City in lobbying efforts for or against the legislation.



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### **POLITICAL INVOLVEMENT OF BOARDS, COMMISSIONS AND COMMITTEES AND THEIR MEMBERS**

Previous Policy No. 0-22

Approved: October 2, 1990, Item 7d(3)

**Purpose:** It is the purpose of this policy to provide guidelines governing the political involvement of City of San José Boards, Commissions, Committees and their members.

#### **Policy**

1. City of San José Boards, Commissions and Committees are strictly prohibited from endorsing any candidate or from taking an independent position on any legislation or ballot measure. Further, Boards, Commissions and Committees may not be involved in gathering or disseminating information on any candidates or campaigns (e.g., surveys, public debates, mailings, etc.)
2. Individual members of Boards, Commissions and Committees are free to exercise their individual right of political participation such as endorsing or contributing to a particular campaign. In this regard, an individual's membership on a City Board, Commission or Committee may be used for identification purposes only. Members of certain Commissions (e.g., Planning Commission) must also be aware that State law imposes certain legal restrictions on soliciting or accepting political contributions and participating in quasi-judicial or entitlement actions.
3. No Board, Commission, Committee or individual member may take or allow any such action which gives the appearance of official City involvement in any political campaign. For example, individual members may not use the titles of "Chair" or "Vice-Chair" on any endorsement listing; and, facsimiles of City stationery may not be used for any political mailings.

**Procedure to Implement Policy:** The City Clerk shall mail this policy to all current Board, Commission and Committee members and appropriate City staffs on a regular basis, not less than once a year.



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### BOARD AND COMMISSION REFERRAL SYSTEM

Approved: July 2, 1991, Item 7b(2)(c)

**Purpose:** It is the purpose of this Policy Statement to establish a uniform procedure that will provide for prompt and effective responses to requests for information that may be outside the Board, Commission or Department's normal Work Program or Plan.

#### Definitions:

1. **Board or Commission Request:** A request made by the Board or Commission, adopted as a motion, that would fall under the category of Major Study or is outside the adopted work program of the Board, Commission or Department.
2. **Major Study:** A request for information and/or research which meets one or more of the following criteria:
  - a. It requires 40 staff-hours or more to complete. Exception: In the event of a hiring freeze, department-by-department basis dependent upon the impact of the freeze on a particular department.
  - b. It is not a planned budgeted activity.
  - c. Response action will seriously affect the respondent's annual planned performance or output.
  - d. It will require a formal report.
  - e. Possible change in current policy which was the culmination of extensive public input and/or as a result of committee/task force deliberations (i.e., C & C Tax Task Force or any policy task force, etc.).
  - f. New policy research on which there has been no Council discussion or direction or because of its sensitivity and would involve more than 5 hours of Staff time.

**Policy:** It is the policy of the City Council that all requests for information and/or research outside the normal work program that are requested by a Board or Commission must adhere to the following provisions:

1. A request for a major study requires approval of the majority of the City Council, through the Rules Committee.
2. Boards or Commissions will make requests for information through the Rules Committee via the City Clerk.
3. When a request for information and/or research is made to the Rules Committee, it is the responsibility of the Manager and his/her staff or other Council Appointee and their respective staffs to determine the scope of the request and to advise the Council through the Rules Committee if a major study will be required, if the request can be met by reports or material already on file, or if a brief research effort will be required.

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4. All requests to City Departments, not other Council Appointees, by a Board or Commission for brief reports or information items that will take longer than 4 or 5 hours and must be written and compiled should be directed to the Rules Committee via the City Clerk with a copy to the City Manager in order that staff work may be properly coordinated. This does not prevent the Board or Commission from getting written information that may require minor staff time or is already consistent with the Board or Commission's normal work program, i.e., Staff support information which is part of the Board or Commission's normal work program should be accommodated.
5. A request for brief verbal information or for copies of reports already prepared and ready for distribution may be made directly to the appropriate Board or Commission Staff member.
6. At his or her discretion, the City Manager or other Council Appointee may indicate at any time to the Council that outstanding Council Referrals assigned to a specific department or departments or Council Appointees represent a workload sufficiently large enough to disrupt the on-going, planned work for which the department is responsible. In these cases, the City Manager or other Council Appointee will propose to the Council through the Rules Committee a priority order of outstanding referrals and indicate those for which responses would have to be deferred in order to alleviate the department's work load burden. Bimonthly, the Rules Committee will review, modify and approve the priority listing of referrals to be answered and of those to be deferred.

**Procedures:**

1. Major Studies - A request for a major study by a Board or Commission must be submitted in writing from the Chair to the City Clerk to be placed on the next available Rules Committee Agenda. If approved by a majority of the Rules Committee, the guidelines for the study shall be stated. Evaluation of the request shall take place at the Rules Committee meeting using the following criteria:
  - a. If this study is within the parameters of the Board or Commission making the request.
  - b. The informational value of the study.
  - c. The parameters of the study.
  - d. The Staff time to be involved in completing the study.
  - e. The estimated cost of the study.
  - f. The general feasibility of the study.
2. Requests for studies, information outside the normal work program of the Board or Commission or Departmental support staff for said Board or Commission will be submitted to the City Clerk. At the Rules Committee, the City Manager or Council Appointee will recommend courses of action which consider budgeted workloads and annual work plans as well as evaluative criteria cited in the foregoing paragraph.
3. The Rules Committee's recommended action will be forwarded to the full City Council for adoption and the City Clerk will send a written response to the Board or Commission notifying them of the Council's adopted recommendation regarding their request.
4. If the request for information or major study is recommended by the Rules Committee and adopted by the full City Council, the appropriate Department or Council Appointee will provide the requested report to the Board or Commission via a Council Referral.