

# CITY COUNCIL AND MAYORAL APPOINTMENTS TO COMMITTEES, BOARDS, AND COMMISSIONS

## CHAPTER 3.02

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| <b>SUBJECT:</b> APPOINTMENTS, VACANCY, APPLICATION                           | <b>NUMBER:</b> Title 3, Chapter 3.02          |
| <b>ADOPTED DATE:</b><br>10/31/77   | <b>RESOLUTION NUMBER:</b><br>34,620           |
| <b>LAST AMENDED:</b><br>10/09/2012   | <b>RESOLUTION NUMBER:</b><br>2012-10-09-1203  |
| <b>COUNCIL POLICY CONTACT:</b><br>City Council, Chair, Legislative Committee | <b>CITY DEPARTMENT CONTACT:</b><br>City Clerk |

### POLICY

- 1) In 1975 the State Legislature amended Government Code Section 54957 of the Brown Act, removing “public officer” from those appointees that the Council could consider in executive session. This action resulted in the requirement that all discussions and deliberations by the City Council regarding appointments or confirmation of appointments are to take place in public at regular or special meetings of the City Council as opposed to closed executive sessions. This amendment was placed into effect January 1, 1976.
- 2) To comply with this new requirement, the City Council on January 19, 1976 adopted Resolution No. 32,937 establishing procedures for interviewing and confirming appointments in open Council session. The resolution additionally incorporated the existing informal procedures of the City Council regarding such appointments.
- 3) On January 1, 1977, the Maddy Local Appointive List Act of 1975 (Section 54970 et seq. Government Code) became effective requiring, among other things, that:
 

On or before December 31st of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. The appointees’ list shall contain the following information:

  - A) A list of 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 the position.
  - B) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.
  - C) These requirements are contained in this Council policy.

- 4) The purpose of this policy is to establish an orderly process to provide all citizens of Stockton equal access to specific and current information about the many regulatory and advisory boards, commissions, and committees appointed by the City Council and/or the Mayor, to provide for equal opportunity to be informed of vacancies which, from time to time, shall occur, and to provide for open sessions in the interview or confirmation appointment process. Hereafter, for sake of simplicity, all boards, commissions and committees appointed as set forth in the following Policy ~~and the Planning Commission, members of which are appointed by a City Councilmember subject to ratification by the City Council,~~ shall be referred to as "Commission" or "Commissions." A member of a board, commission or committee shall be referred to as a "Commissioner."

5) APPOINTMENTS LIST

- A) Each year, on or before December 31, the City Clerk shall prepare and provide to the City Council an appointments list of all regular and ongoing Commissions which are appointed by the Stockton City Council, a Stockton City Councilmember or by the Mayor. The appointment list shall set forth the following information:

A list of all current Commission vacancies and of 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 the position.

- B) The appointments list shall be made available to members of the public on the City's website for free or a hard copy for a reasonable fee as indicated on the City's Fee Schedule.

6) VACANCY ANNOUNCEMENTS

In mid-January and mid-July, where a vacancy on a Commission exists or where by June 30 or December 31, respectively, a Commissioner's term of office will expire, the City Clerk shall announce through the news and social media, and post notice thereof on the City's website and in the Office of the City Clerk, that a vacancy exists or that a term of office will expire. Announcements/postings shall indicate:

- A) Title of the position;
- B) Minimum qualifications;
- C) Special residency requirements, if any;
- D) Frequency of meetings of the Commission;
- E) Remuneration, if any;
- F) Where to submit an application;
- G) Final date for submission of an application; and
- H) Term of office.

## 7) APPLICATIONS

- A) All applicants for Commission membership, including persons currently serving on a Commission who seek to be reappointed, shall complete and submit a uniform public service application form to the City Clerk's Office prior to the final time and date for submission of the application. An applicant may submit for consideration to more than one Commission, depending on the applicant's qualifications and interest; ~~provided, however, that no person may serve at one time on more than one Commission. A minimum of three weeks will be allowed to submit applications. No application will be accepted after the filing deadline as established by the City Clerk's Office.~~
- A)B) ~~The City Council may appoint a person then serving on a Commission to serve on a different Commission after taking into account the number of other qualified applicants seeking appointment and whether the person's appointment to the different Commission is compatible with the person's current Commission service or creates the potential for overlapping subject matter jurisdiction.~~
- B)C) The application shall identify the membership on the Commission or Commissions being sought, the applicant's background and qualifications, and may include any additional material deemed relevant by the applicant. Additional material will not be accepted after the filing deadline.
- C)D) ~~If the City Clerk's Office receives applications the number of which is equal to or less than the number of vacancies for the Commission where the vacancy exists or where a term of office will expire within the recruiting period, the City Clerk shall readvertise within two weeks from the previous filing deadline. The readvertisement advertisement will provide the application period will remain open until the City Clerk has received one more application than the number of vacancies to be filled or 45 days from the date of the readvertisement advertisement, whichever comes earlier. If an insufficient number of applications is received following readvertisement, the City Clerk will postpone further advertising until the next recruitment period., at which time the City Clerk will proceed to fill vacancies with the available applicants.~~
- D)E) The City Clerk or other staff will review the applications to determine the applicant's compliance with this Policy and any other requirements specified in the Commission's Roster.
- E)F) The City Clerk's office shall keep applications on file and applications shall be considered active for one year from the date received.
- F)G) All applications shall be deemed to be public documents and shall be available for public inspection. Nothing herein shall preclude the Mayor or an individual Councilmember from requesting additional or clarifying information of an applicant prior to the Council's consideration of the applicants for appointment as provided in this Policy.

## 8) STOCKTON RESIDENCY

Absent specific qualifying requirements to the contrary, all applicants and appointees to Commissions shall be residents of the City of Stockton during the term of their appointment.

## 9) PROHIBITION OF CITY EMPLOYEES

City Employees Prohibited. Because of potential conflicts between City employment and an employee serving on City Commissions, no City employee, with the exception of the staff person appointed to serve on the Successor Agency to the Redevelopment Agency, shall be appointed to a Commission.

## 10) APPLICANT INTERVIEWS

- A) Except as provided ~~in subsections I, J and K of this Article III, this subsection A and subsections B through H will apply to the interview process for Commission applicants. Tbelow,~~ the City department or affected agency that staffs a Commission for which there is a vacancy or for which a term of office will expire during the recruitment period shall prepare interview questions, reviewed and approved by the City Manager's Office, and forward the questions to the City Clerk. To the extent feasible, questions should be open-ended and limited to no more than five key queries. The City department or affected agency that staffs a Commission, in consultation with the City Manager's Office, will determine whether to provide the interview questions to the applicants ahead of the interview itself.
- B) The City Clerk will notify the Council and the applicants regarding the date and time of the interviews. The interviews will be streamed live. This will allow the Council the opportunity to view the interviews live via streamed video or at any time prior to the date on which the Council will make its appointment. The video stream of the interviews will remain on the City's website only until the Council concludes the appointment process.
- C) The City Clerk shall notify all applicants of the time and place of the interviews, the amount of time allowed for the interview and the method by which the Council appointment shall be made. If notifying the candidates by electronic mail, the City Clerk shall also follow up with a phone call to the applicant. Applicants who desire to withdraw from consideration shall notify the City Clerk, preferably in writing.
- D) On the date and time of the interview, applicants will arrive at the designated location, date and time as set by the City Clerk.
- E) Applicants will assemble in the designated location where the City Clerk/designee will provide the applicants with the following information:
  - 1) Instructions regarding the interview procedure; and
  - 2) The date and time of the meeting at which the Council will be voting on the appointment; applicants may be asked by the Council to appear at this meeting.
- F) Applicants will be interviewed one at a time. Candidates yet to be interviewed will be instructed to wait in a lobby or other designated location until such time that s/he is invited to the location of the interview. Applicants not present for the interview will automatically be removed from further consideration for that recruitment period.

G) During the interview, the City Clerk/designee will give the opportunity for the applicant to make a two-minute opening statement; the City Clerk/designee will read each question aloud from the list of prepared questions. Each interview is timed and limited to no more than 10 minutes per applicant. Applicants will be excused at the end of the interview.

~~H) Interviews will be live video-streamed, and posted on the City's website for viewing by the Council and the public. The interviews and the applications will remain posted on the web-site only until the Council makes the appointment.~~

~~H)~~ Interviews for applicants to the Central Parking District Authority Board, Cultural Heritage Board and Public Art Advisory Committee shall be conducted by committees of the respective Boards or Committee and the committee's recommendation then considered by the full Boards and Committee. The Boards' and Committee's recommendations will be forwarded to the City Council for Council action. The City Council may appoint or not appoint the recommended applicant. An appointment to fill an unexpired term shall become effective immediately. Other appointments shall become effective as of July 1st or January 1st respectively. In the latter case, then serving Board or Committee members will continue to serve until the effective date of the new appointment. If the City Council does not appoint the recommended applicant, the Boards or Committee shall make another recommended appointment.

~~J) Appointments to the Stockton Youth Advisory Committee shall be made in the same manner as appointments to the Planning Commission as set forth in Article V.~~

~~K)~~ The City Council shall not appoint the City Council Salary Setting Commission. Applicants for that Commission shall be interviewed by the Civil Service Commission which will make the appointment (as provided ~~in subsection H of Article IV in Charter Section 1912~~) and the Director of Human Resources shall notify the City Council of the appointment.

## 11) CITY COUNCIL APPOINTMENTS

A) Subsequent to the interviews, the City Clerk will immediately notify the Council that the interviews have been conducted. ~~In order for the appointment process to continue as to any Commission, there must be at least one more applicant than the number of vacancies and/or number of expiring terms of office for that recruiting period. If not, the position will remain vacant and/or the Commissioner serving will continue to serve until his/her replacement has been appointed. If the appointment process continues, t~~The City Clerk shall notify the Council of and the date the Council will be voting on the appointments. The Council will have the opportunity to view the interviews during the live stream or may view the video stream at any time prior to the date set for Council appointment. Councilmembers shall limit conversation regarding the applicants amongst each other consistent with the Brown Act.

B) The City Clerk will prepare a staff report relative to the interviews conducted; this report will be placed on a regular meeting agenda for Council consideration on the date indicated to the applicants. The applicants are not required to appear at this meeting unless requested by a

Councilmember before the appointment date. Any Councilmember may ask additional questions of the applicant(s) if the applicant has been requested to appear and has appeared at the meeting.

- C) At the meeting at which the City Clerk has prepared a staff report relative to the persons who have been interviewed for an appointment to a Commission, for each Commission on which there is a vacancy or for which a term of office will expire, the City Clerk will provide to the City Council a list of those persons who have been interviewed.
- D) All discussions by the City Council regarding appointments or confirmation of appointments shall be conducted in compliance with the Brown Act. The appointment process shall not require a public hearing; however, persons desiring to comment on the applicants may do so prior to Council action. A Councilmember may ask questions or seek clarification from any applicant present at the meeting before the Council takes action.
- E) If there is at least one more applicant than the number of vacancies ~~From~~ the list(s) so provided to the Council, each Councilmember, including the Mayor, will rank the applicants for each Commission such that the number of applicants that each Councilmember ranks will be one number greater than the number of vacancies and/or the number of Commission members whose terms will be expiring. (This will likely avoid tie votes.) For example, if there is only one vacancy or only one term expiring, the Councilmember's first choice for appointment will be ranked with the number "2" and the Councilmember's second choice with the number "1." If because of a vacancy and/or because of an expiring term, there is more than one appointment to a Commission, the Councilmember will assign to the Councilmember's first choice the higher(est) number and lesser number(s) to the Councilmember's other choice(s). For example, if there were one vacancy and one term expiring, each Councilmember would rank three applicants, assigning the number "3" to the Councilmember's first choice, the number "2" to the Councilmember's second choice and the number "1" to the third choice.
  - 1) After the Council has ranked the applicants, the City Clerk will tally the rankings and the applicant(s) receiving the highest number(s) would, subject to Council ratification, be appointed. If there is a tie, then the process described in E above will be repeated only as to the applicants who are tied.
  - 2) In instances where there ~~are~~ is a vacancy and an expiring term and the term of the vacant office is less than the new term of office, the applicant with the highest number will serve the new term of office and the applicant with the next highest number will serve the lesser term.
- F) If the number of applicants is less than or equal to the number of vacancies, Council may direct staff to open a recruitment or proceed to fill any number of vacancies from the available list of applicants.
- ~~F)~~G) Should a vacancy occur within the first year of an appointment, the remainder of the unexpired term may be filled from the current, active applicant pool without running a recruitment.

G)H) An appointment to fill an unexpired term shall become effective immediately. Other appointments shall become effective as of July 1st or January 1st, respectively. In this latter case, the n serving Commissioners will continue to serve until the effective date of the new appointments.

## 12) APPOINTMENTS TO THE PLANNING COMMISSION

As to the Planning Commission, where a vacancy exists or a term of office is expiring from a particular Councilmember's District, the Councilmember from that District shall make the appointment subject to City Council approval; for the at-large Planning Commissioner, the Mayor shall make the appointment subject to City Council approval.

## 13) MAYORAL APPOINTMENTS

As to any appointments made by the Mayor (other than the Mayor's appointment to the Planning Commission), they shall be submitted ~~to the City Manager for distribution to the Council at least five days prior to presentation to the Council on the next regular City Council meeting agenda~~. The City Council shall confirm or not confirm the appointment(s).

## 14) TERM OF OFFICE

No person shall serve more than two terms on any Commission other than the following: Port Commission; San Joaquin Commission on Aging; San Joaquin County Mosquito/Vector Control Board; and San Joaquin Regional Transit District Board. If a person is appointed to a vacancy and there are more than two years remaining on that term, that shall count as one term.

## 15) VOTING POLICY

Unless there is a stated Conflict of Interest, members may not abstain from voting on an issue.

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## RESPONSIBILITIES

### City Clerk

Prepare and provide to the City Council an appointments list of all regular and ongoing Commissions in compliance with the Maddy Act.

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## RELEVANT AUTHORITY

Government Code Section 54957 of the Brown Act  
Maddy Local Appointive List Act of 1975 (Section 54970 et seq. Government Code)

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## RELATED ADMINISTRATIVE DIRECTIVE, CITY POLICY, CITY PROCEDURE

None applicable

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## RELATED FORMS, DOCUMENTS, OR LINKS

~~None applicable~~ Information on the City's Boards and Commissions, and Application:  
<http://stocktongov.com/government/boardCom/default.html>

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## FREQUENTLY ASKED QUESTIONS

None applicable

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## UPDATE HISTORY

10/31/77 - Adopted by Resolution No. 34,620  
2/6/84 - Amended by Resolution No. 40-380  
8/25/86 - Amended by Resolution No.86-0549  
11/7/88 - Amended by Resolution No.88-0696  
1/3/89 - Amended by Resolution No. 89-0017  
3/19/90 - Amended by Resolution No. 90-0174  
4/1/91 - Amended by Resolution No. 91-0211  
5/28/91 - Amended by Resolution No. 91-0390  
2/22/93 - Amended by Resolution No. 93-0070  
10/10/95 - Amended by Resolution No. 95-0490  
6/10/96 - Amended by Resolution No. 96-0303  
5/01/07 - Amended by Resolution No. 07-0172  
8/24/10 - Amended by Resolution No. 10-0271  
6/28/11 - Amended by Resolution No. 11-0175  
12/13/11 - Repealed and replaced by Resolution No. 11-0332  
10/09/2012 - Amended by Resolution No. 2012-10-09-1203