

CHAPTER 3.02
CITY COUNCIL AND MAYORAL APPOINTMENTS TO COMMITTEES,
BOARDS, AND COMMISSIONS

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§ 3.02.010. 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 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

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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.

Where a vacancy on a Commission exists or where by 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. A standing contact list of community partners and organizations will be maintained by the Clerk's Office to facilitate effective outreach. 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.
- 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 application 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.

- 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.
- D) The advertisement 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 advertisement, whichever comes earlier, at which time the City Clerk will proceed to fill vacancies with the available applicants.
- 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.
- F) The City Clerk's office shall keep applications on file and applications shall be considered active for one year from the date received.
- 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.

Exhibit 1

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10) CITY COUNCIL APPOINTMENTS.

- A) The City Clerk will prepare a staff report relative to the applications received; 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.
- B) 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.
- C) If there is at least one more applicant than the number of vacancies from the list(s) so provided to the Council, any Councilmember, including the Mayor, may nominate any applicant(s) listed in the staff report for appointment.

- i) .
- ii) In instances where there are a vacancy and an expiring term and the term of the vacant office is less than the new term of office, the Councilmember nominating the applicant will also indicate which term of service they nominate them to.

- D) 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.
- E) Should a vacancy occur within the first year of an appointment, the remainder of the unexpired term may be filled from the current, active pool without running a recruitment.
- F) 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, the serving Commissioners will continue to serve until the effective date of the new appointments.

11) 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.

12) MAYORAL APPOINTMENTS.

As to any appointments made by the Mayor (other than the Mayor's appointment to the Planning Commission), they shall be submitted on the next regular City Council meeting agenda. The City Council shall confirm or not confirm the appointment(s).

13) TERM OF OFFICE.

Prior to the expiration of the term, persons who wish to continue service shall submit a new application to be eligible for consideration for appointment to a new term.

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§ 3.02.020. 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.

§ 3.02.030. Relevant authority.

City Charter Section 601; Government Code Section 54957 of the Brown Act Maddy Local Appointive List Act of 1975 (Section 54970 et seq. Government Code)

§ 3.02.040. Related administrative directive, city policy, city procedure.

None applicable.

§ 3.02.050. Related forms, documents, or links.

Information on the city's Boards and Commission, and Application:

<http://stocktongov.com/government/boardCom/default.html>

§ 3.02.060. Frequently asked questions.

None applicable.

§ 3.02.070. 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

10/09/12 - Amended by Resolution No. 2012-10-09-1203

1/26/16 - Amended by Resolution No. 2016-01-26-1203

8/22/17 - Amended by Resolution No. 2017-08-22-1104

11/02/21 - Amended by Resolution No. 2021-11-02-1212

7/9/24 - Amended by Resolution No. 2024-07-09-1503

12/10/24 - Amended by Resolution No. 2024-12-10-0604