RESOLUTION REVISING COUNCIL POLICY NO. 100-2 CITY COUNCIL AND MAYORAL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES, ADOPTED BY RESOLUTION 11-0175 ON JUNE 28, 2011, AND REPLACING IT WITH A NEW POLICY UPDATING THE RECRUITMENT AND APPOINTMENT PROCESS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. City Council Policy No. 100-2 City Council and Mayoral Appointments to Boards, Commissions, and Committees, revised by Resolution 11-0175 on June 28, 2011, is hereby repealed.

2. New City Council Policy No. 100-2 is hereby adopted to incorporate Commission recruitments twice a year in mid-January and mid-July and include an appointment process that would rank the applicants, a copy of which is attached as Exhibit 1 and incorporated by this reference.

PASSED, APPROVED, and ADOPTED December 13, 2011.

ANN JOHNSTON, Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE, City Clerk of the City of Stockton

City Atty:  
Review:  
Date  December 7, 2011
Policy No. 100-2 City Council and Mayoral Appointments to Boards, Commissions, and Committees

BACKGROUND

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.

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.

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:

1. 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.

2. 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.

These requirements are contained in this Council policy.

PURPOSE

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/Procedure", and the planning commission, members of which are appointed by a City Council member 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”.

POLICY/PROCEDURES

I. 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 Council member 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.

II. Vacancy Announcements, Applications, Applicants
   A. 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:
      1. Title of the position;
      2. Minimum qualifications;
      3. Special residency requirements, if any;
      4. Frequency of meetings of the Commission;
      5. Remuneration, if any;
      6. Where to submit an application;
      7. Final date for submission of an application; and
      8. Term of office.
   B. Applications
      1. All applicants for Commission membership 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.

2. 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.

3. 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 re-advertise within two weeks from the previous filing deadline. The City Clerk's Office will re-advertise for three weeks. If, after this re-advertisement period, the number of applications remains equal to or less than the number of vacancies for the Commission where the vacancy exists or where the term of office will expire within the recruiting period, the City Clerk will postpone further advertising until the next recruitment period.

4. 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.

5. The City Clerk's office shall keep applications on file and applications shall be considered active for one year.

6. 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.

C. Applicant and Appointee Requirements

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.

III. Interviews

A. 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 website only until the Council makes the appointment.

IV. 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, the City Clerk shall notify the Council of 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 Council member 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 Council member may ask questions or seek clarification from any applicant present at the meeting before the Council takes action.

E. From the list(s) so provided to the Council, each Council member, including the Mayor, will rank the applicants for each Commission such that the number of applicants that each Council member 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 Council member’s first choice for appointment will be ranked with the number “2” and the Council member’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 Council member will assign to the Council member’s first choice the higher (est) number and lesser number(s) to the Council member’s other choice(s). For example, if there were one vacancy and one term expiring, each Council member would rank three applicants, assigning the number “3” to the Council member’s first choice, the number “2” to the Council member’s second choice and the number “1” to the third choice.

F. 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.

G. 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 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.
H. Appointments to fill vacancies shall become effective immediately and other appointments shall become effective as of July 1 or January 1, respectively. Then serving Commissioners will continue to serve until the effective date of the new appointments.

V. 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.

VI. 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. The City Council shall confirm or not confirm the appointment.

VII. Term of Office

No person shall serve more than two terms on any Commission. 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.

VIII. Commissioner Orientation Program

The City Clerk shall establish a formal Commissioner Orientation Program, to include the following components:

A. The appointee must take the oath of office before participating as a Commissioner.

B. The Commissioner should meet with key staff members, including the department head responsible for the Commission and the primary staff contact for the Commission, if other than the department head.

C. The Commissioner should review the Commission Handbook and be briefed on (1) the Commission's formal role and relationship to the City Council, (2) the Commission's meeting procedures and typical interaction with staff and City Council, (3) the Brown Act, conflict of interest requirements, and ethical training requirements, (4) technical aspects of the Commission's jurisdiction, such as the types of issues that will be faced, and (5) key issues or projects that the Commission is or will be considering.

IX. Attendance Policy for Boards/Commissions/Committees Appointed by the Mayor and/or City Council

A. For any Board, Commission and Committee (hereafter "Commission") that meets regularly more than once a month, a commissioner's unexcused absence from either three consecutive regular meetings or five or more regular meetings in any 12 month period shall result in the position being vacated, subject to City Council ratification as provided in this Article. For any Commission that meets regularly
once a month or less frequently, a commissioner’s unexcused absences from 25% or more of the regular meetings in any 12 month period shall result in the position being vacated, subject to City Council ratification as provided in this Article.

B. Excused absences shall include illness or other medical reasons and work related conflicts. The Chairperson of the particular Commission shall determine if the absence is excused provided a commissioner provides notice of the absence to the Chairperson or to the staff person assigned to the Commission prior to the meeting. In the case of a Chairperson absence, the Vice-Chair shall make the determination.

C. The staff person assigned to the Commission shall record the attendance of commissioners in a uniform format as shown on Figure 1 – Attendance Report. As to any commissioner who is required to be a resident of a councilmember’s district, if the attendance record of that commissioner is such that additional unexcused absences would result in the position being vacated, the staff person assigned to the Commission shall notify the councilmember from that district of the commissioner’s attendance record. If the attendance records indicate that any commissioner has exceeded the number of unexcused absences as provided in Section A above, the staff person shall prepare a report to the City Council so stating and recommending that the City Council ratify that the position has been vacated. The City Council, at a regular meeting, shall consider the recommendation and take whatever action the City Council deems appropriate. If the City Council ratifies that the position has been vacated due to unexcused absences, the staff person shall notify any outside agency on which the commissioner sat of the Council action.

X. Removal of Members from Boards, Commissions and Committees

A. A person appointed by the City Council to any Board, Commission or Committee (hereafter, “Commission”) shall continue to serve as a member thereof except when:

1. The person’s term of office expires and a different person has been appointed.

2. The person voluntarily resigns from the Commission.

XI. Voting Policy

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

XII. Mandatory Ethics Training for Commissioners

State law (commonly known as AB 1234) requires mandatory ethical training on all elected local officials and those commissions eligible to receive a stipend or reimbursement. Each commissioner to which this Article applies must receive two hours training in ethics within the first year of his/her appointment and, thereafter, must receive two hours of ethics training every two years. The City will endeavor to provide this training live and commissioners are strongly encouraged
to attend the live training in order to have interaction with, and to ask questions of, the presenter. The training may, however, also be taken on line. Failure to meet this training requirement within the applicable time frame is cause for removal.

Figure 1 – Attendance Report

CITY OF STOCKTON
BOARD/COMMISSION/COMMITTEE
ATTENDANCE REPORT

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P=Present  A=Absent  E=Excused  I=Illness  M=Med/medical  C=Conflict of Interest

Council Policy 102-2, IV states: "Unexcused absences from three consecutive meetings or five or more regular meetings in any twelve month period shall result in the position being vacated subject to any appeal established under any other provision and to any other established removal process. Excused absences shall include illness, medical reasons, or confirmed conflicts of interest and shall be authorized by the Chairperson of the respective body."

I hereby authorize the absences noted above pursuant to Council Policy 102-2, IV: ____________________________

CHAIRPERSON

NOTE: THIS FORM CAN BE USED FOR TWO (2) REGULAR MEETINGS. (Note: Return to Secretary upon completion.)

7/88

Adopted by Resolution No. 34,620 dated 10/31/77

Amended by Resolution Nos. 40,380 dated 2/6/84; 86-0549 dated 8/25/86; 88-0696 dated 11/7/88; 89-0017 dated 1/3/89; 90-0174 dated 3/19/90; 91-0211 dated 4/1/91; 91-0390 dated 5/28/91; 93-0070 dated 2/22/93; 95-0490 dated 10/10/95; 96-0303 dated 6/10/96; 07-0172 dated 5/01/07; 10-0271 dated 8/24/10