



TO: Mayor and Councilmembers

FROM: Deborah S. Lopez, City Clerk

SUBJECT: Mayoral Appointments to City and Regional Boards, Commissions, and Committees

RECOMMENDATION:

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 20-__ entitled “An Ordinance of the City Council, of the City of Goleta, California, Adding Chapter 2.15 to the Goleta Municipal Code to Provide for Mayoral Appointments to City and Regional Boards, Commissions, and Committees, and Amending Chapters 2.08, 2.09, 2.11, 2.12, 2.13, and 2.14 for Consistency.”

BACKGROUND:

Absent an exception provided by statute, Government Code Section 40605 requires the elected Mayor in general law cities, with the approval of the City Council, to make all appointments to City and regional boards, commissions, and committees.

In the 2018 municipal election, the Goleta voters directly elected the Mayor. Thereafter, staff worked with the City Attorney’s office to create an interim process for mayoral appointments to City and regional boards, commissions and committees, consistent with Government Code section 40605, that would provide for candidate interviews and input by the entire City Council, consistent with the vision of the Council and the Mayor. This process has been applied since late 2018 and has worked well.

In January 2019, Mayor Perotte and Mayor Pro Tempore Richards directed staff to memorialize the interim process for mayoral appointments to boards, commissions, and committees into the municipal code.

DISCUSSION:

Two types of appointments are discussed in this report: appointment of members of the public to City and regional boards, commissions, and committees; and appointment of City Councilmembers to regional boards, commissions, and committees and to the Council’s standing and ad hoc subcommittees.

Appointments (Members of the Public)

The proposed ordinance codifies the interim process for mayoral appointments of members of the public to City and regional boards, commissions and committees established shortly after the 2018 municipal election. This process does not apply to the Mayor's appointment of Councilmembers to regional boards, commissions and committees, which is discussed in the subsequent section of this report.

Pursuant to this process, the City Clerk will advertise for and accept applications, the Council will conduct interviews, and each Councilmember will announce the Councilmember's preferred candidate(s) for the vacant position(s). The City Clerk will compile a list of candidates for each vacancy based on the Councilmembers' selections, from which the Mayor will make appointments. The Mayor's final decisions will be brought back to the Council for approval.

Appointments to the Planning Commission will be designed to maintain the City's practice of allowing each Councilmember to weigh in on the selection of one Planning Commissioner. A Planning Commissioner's term in office expires at the first regular meeting in February following the expiration of the term of the City Councilmember who proposed the Commissioner's candidacy. Under the new procedure, each newly elected/reelected Councilmember will announce one preferred candidate for appointment to the Planning Commission. No other Councilmember may weigh in with their preferred candidates in order to preserve the City's one-to-one correspondence between Councilmembers and Planning Commissioners. In the event of an unscheduled Planning Commissioner vacancy, the Councilmember who suggested the vacating Commissioner's candidacy will suggest a successor for appointment by the Mayor. If that Councilmember is no longer on the Council, the Mayor will fill the vacancy for the remaining term without Councilmembers' input. See proposed Goleta Municipal Code (GMC) Section 2.15.040(C) for more details.

The five-member Library Advisory Commission serves the unincorporated service area of the Goleta Valley and the Isla Vista Community Services District, as well as the City of Goleta. Two Commissioners are required to be City residents and three Commissioners must reside in either the unincorporated area or the District as set forth in Section 2.14.050 of the Goleta Municipal Code. To this end, the Mayor appoints three Commissioners suggested by the County Board of Supervisors to represent the unincorporated service area and two Commissioners suggested by the City Council to represent the City. These latter two appointments will be made according to the process for candidate interviews and selection set forth in the proposed ordinance.

Unless otherwise specified in Title 2 of the Goleta Municipal Code or by operation of law (i.e.: rules of regional boards, commissions and committees), all appointees to boards and commissions will be removed from office either automatically (for unexcused absence from three regular meetings in any fiscal year) or at the discretion of the Mayor subject to approval by at least three members of the City Council, which could include the Mayor. Pursuant to Government Code section 34903, the Mayor is a member of the City Council and has all of the powers and duties of a City Councilmember.

Councilmember Appointments

While state law directs an elected mayor in general law cities to make “all appointments to boards, commissions, and committees,” and that includes appointments of Councilmembers to regional boards, commissions and committees, the law does not address appointments of Councilmembers to the standing and ad hoc subcommittees of the Council itself. Historically, this had been done by vote of the full Council. Since 2018 the Mayor has made the formal appointments to Council subcommittees, but staff have clarified that this is not required and, given the Mayor and Council’s expressed preference for more inclusive decision-making, subcommittees are not addressed in the proposed ordinance.

By not specifying the manner of appointing Councilmembers to subcommittees in the ordinance, Council may continue with its prior process of making appointments by vote of the full Council. Under that process, the City Clerk will request that each Councilmember submit their preferences for the standing and ad hoc subcommittees they wish to serve on, and the City Clerk will bring that consolidated list to the full Council for its consideration. The full Council will vote on the standing and ad hoc subcommittee appointments. A similar process will also apply to the appointment of Councilmembers to regional boards and commissions, except that Council’s vote for those regional appointments will be advisory, and the mayor will make the formal appointment as required by Government Code Section 40605.

If the Council would prefer to follow a mayoral appointment process for Council subcommittee appointments, staff recommends adopting the following alternative language for Section 2.15.050:

“2.15.050 Mayoral Appointment.

A. The Mayor shall, in his or her discretion and subject to City Council approval, appoint an individual to each vacant position of a City board or commission or a regional board, commission, or committee from the list of candidates furnished by the City Clerk. In the event that no application is submitted for a vacancy duly noticed according to the requirements of Section 2.15.020, the Mayor may appoint the incumbent with the approval of the City Council.

B. The Mayor shall, in his or her discretion and subject to City Council approval, appoint liaisons from among the members of the City Council to regional boards, commissions, and committees.

C. The Mayor shall, in his or her discretion, appoint subcommittees of the City Council.

D. Pursuant to Government Code section 34903, the Mayor is a member of the City Council and has all of the powers and duties of a City Councilmember.”

FISCAL IMPACTS:

There is no fiscal impact associated with this item.

ALTERNATIVES:

The City Council may choose not to adopt the ordinance; however, such action would leave the procedures for appointments to City and regional boards, commissions and committees in the Goleta Municipal Code in conflict with state law.

Reviewed By:

Legal Review By:

Approved By:



Kristine Schmidt
Assistant City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. "An Ordinance of the City Council, of the City of Goleta, California, Adding Chapter 2.15 to the Goleta Municipal Code to Provide for Mayoral Appointments to City and Regional Boards, Commissions, and Committees, and Amending Chapters 2.08, 2.09, 2.11, 2.12, 2.13, and 2.14 for Consistency."

ATTACHMENT 1:

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 20-__ entitled "An Ordinance of the City Council, of the City of Goleta, California, Adding Chapter 2.15 to the Goleta Municipal Code to Provide for Mayoral Appointments to City and Regional Boards, Commissions, and Committees, and Amending Chapters 2.08, 2.09, 2.11, 2.12, 2.13, and 2.14 for Consistency."

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GOLETA, CALIFORNIA, ADDING CHAPTER 2.15 TO THE GOLETA MUNICIPAL CODE TO PROVIDE FOR MAYORAL APPOINTMENTS TO CITY AND REGIONAL BOARDS, COMMISSIONS, AND COMMITTEES, AND AMENDING CHAPTERS 2.08, 2.09, 2.11, 2.12, 2.13, AND 2.14 FOR CONSISTENCY

The City Council of the City of Goleta, California does ordain as follows:

Section 1. Findings.

- a. In the 2014 municipal election the People of Goleta decided to directly elect a Mayor, and in the 2018 municipal election the People of Goleta directly elected the Mayor.
- b. Government Code section 40605 provides that an elected mayor shall make all appointments to a city's boards, commissions, and committees, subject to the City Council's approval.
- c. Compliance with Government Code section 40605 requires the amendments to Title 2 of the Goleta Municipal Code set forth in this ordinance.

Section 2. Chapter 2.15 is hereby added to Title 2 ("Administration and Personnel") of the Goleta Municipal Code and shall read as follows:

Chapter 2.15

Mayoral Appointments

Sections:

- 2.15.010 Purpose**
- 2.15.020 Notice of Available Positions**
- 2.15.030 Applications**
- 2.15.040 Council Interviews and Candidate Selection**
- 2.15.050 Mayoral Appointment**
- 2.15.060 Council Approval**
- 2.15.070 Unscheduled Vacancies**
- 2.15.080 Removal**

2.15.010 Purpose.

The purpose of this Chapter is to establish the procedure by which all members of City and regional boards, commissions, and committees shall be appointed by the Mayor with the approval of the City Council.

2.15.020 Notice of Available Positions.

A. In accordance with the requirements of the Maddy Act (Government Code, § 54970 et seq.), the City Clerk shall post a Local Appointments List on the Goleta Website on or before December 31 of each year. The list shall identify those City boards and commissions whose members are appointed by the Mayor, those appointments that are set to expire during the next calendar year, and all other information required by Government Code section 54972.

B. The City Clerk shall provide notice of appointed positions that become available through an unscheduled vacancy according to the requirements of Government Code section 54974. Notice of vacancies shall be posted in the City Clerk's office, on the Goleta Website, and in other places as directed by the City Council, not earlier than 20 days before and not later than 20 days after the vacancy occurs.

2.15.030 Applications.

Any resident seeking appointment to a City or regional board, commission, or committee, including incumbents seeking reappointment, must submit a completed application to the City Clerk. The City Clerk shall receive all completed applications, schedule a day for applicant interviews, and post notice of the public meeting at which interviews for all board and commission vacancies will be conducted, consistent with the requirements of the Brown Act. The City Clerk shall also furnish Councilmembers with copies of each completed application. The provisions of this section and section 2.15.040 do not apply to appointments of City Councilmembers to regional bodies or to Council subcommittees.

2.15.040 Council Interviews and Candidate Selection.

A. The City Council shall interview each applicant for an appointed City or regional board, commission, or committee position during a public meeting. Members of the public will be permitted to attend the meeting, but the meeting will not be recorded, and applicants will be asked to voluntarily not attend the interviews of other applicants for the same position.

B. At the conclusion of all interviews for positions to each board or commission, except the Planning Commission, each Councilmember shall announce the Councilmember's preferred candidate(s) for the interviewed position(s). The City Clerk shall compile a list of candidates for each vacancy based on the Councilmembers' selections.

C. At the conclusion of all interviews for positions to the Planning Commission, each Councilmember elected or re-elected to office in the immediately preceding election shall announce one preferred candidate. The City Clerk shall compile a list of candidates for each vacancy based on the designated Councilmembers' selections. In the event of an unscheduled vacancy on the Planning Commission, only the Councilmember who suggested the vacating Commissioner's candidacy shall announce a candidate for appointment by the Mayor. If that Councilmember is no longer a member of the Council, the Mayor shall fill the vacancy for the remaining term without the benefit of a Councilmember recommendation.

D. In the event that no application is submitted for a vacancy duly noticed according to the requirements of Section 2.15.020, the City Council may direct the City Clerk to re-advertise for the position.

2.15.050 Mayoral Appointment.

A. The Mayor shall, in his or her discretion and subject to City Council approval, appoint an individual to each vacant position of a City board or commission or a regional board, commission, or committee from the list of candidates furnished by the City Clerk. In the event that no application is submitted for a vacancy duly noticed according to the requirements of Section 2.15.020, the Mayor may appoint the incumbent with the approval of the City Council.

B. The Mayor shall, in his or her discretion and subject to City Council approval, appoint liaisons from among the members of the City Council to regional boards, commissions, and committees.

C. Pursuant to Government Code section 34903, the Mayor is a member of the City Council and has all of the powers and duties of a City Councilmember.

2.15.060 Council Approval.

The Mayor's appointments shall be published as a consent calendar item for the City Council's approval on the agenda of the next regular meeting of the City Council following the public meeting for interviews.

2.15.070 Unscheduled Vacancies.

Unless otherwise specified in this title, a vacancy on any City or regional board, commission, or committee, other than by expiration of a term, shall be filled by an appointment by the Mayor with the approval of the City Council for the unexpired portion of the term pursuant to the process set forth in Sections 2.15.020 through 2.15.060. Notice of the unscheduled vacancy shall be posted in the manner set forth in Section 2.15.020(B).

2.15.080 Removal.

Unless otherwise specified in this title or in any other provision of law, appointees may be removed from office under the following circumstances:

A. *Automatic removal.* A member of any City board or commission is automatically removed from office if the member is absent without excuse from three regular meetings of the respective board or commission in any fiscal year. Actions to excuse a member's absence from a meeting must be recorded in the meeting minutes.

B. *At-will removal.* All appointees serve at the will and pleasure of the Mayor. Any Councilmember may recommend to the Mayor that any one or more appointee be removed at any time, with good cause or without cause. The Mayor may, in his or her discretion, remove such member subject to City Council approval upon a motion approved by at least three members of the City Council.

Section 3. The following sections of Chapter 2.08 ("Design Review Board"), Title 2 of the Goleta Municipal Code are hereby amended to read as follows:

"Section 2.08.030. Members, Appointments, Quorums.

A. The DRB shall be composed of seven members, appointed by the Mayor with the approval of the City Council as set forth in Chapter 2.15. Of the seven members, a minimum of four shall be residents of the City. At least two members shall be licensed architects, and at least two members shall be licensed landscape professionals (landscape architect or landscape contractor). The three at-large members must reside within the City. The Mayor may also appoint one or more alternates to the DRB. Such alternates may participate in all general DRB matters but may only vote on a project approval or other Board decision when a regular DRB member is absent or recused from a meeting. The members shall be skilled in reading and interpreting architectural and landscape drawings and able to judge the effects of a proposed building, structure, landscaping or sign upon the desirability and development of surrounding areas.

B. Four members shall constitute a quorum, but a quorum must contain a minimum of one licensed architect and one landscape professional or two licensed architects. A quorum must also contain a minimum of two City residents."

"Section 2.08.040 Term of Office and Reappointment of Members.

Effective in February of each year, the Mayor shall make appointments to the DRB. Members of the DRB shall be appointed for a term of three years. The terms of the members shall be staggered so that approximately one third of the members are appointed each year. Members shall serve until their successors are

appointed by the Mayor with the approval of the City Council as set forth in Chapter 2.15.”

Section 4. Sections 2.08.050 (“Vacancies”) and 2.08.060 (“Termination or Change in Term”) of Chapter 2.08, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

Section 5. Sections 2.09.030 and 2.09.050 of Chapter 2.09 (“Planning Commission”) of Title 2 the Goleta Municipal Code are hereby amended to read as follows:

“2.09.030 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

“2.09.050 Term of Office.

A. Members of the Commission shall be appointed for a four-year term which shall expire at the first regular meeting of the first February following the expiration of the current term of office of the City Councilmember who suggested the commission member’s candidacy pursuant to Section 2.15.040(C).

B. There is no limit as to the number of times that a Commissioner may be appointed.”

Section 6. Sections 2.09.060 (“Removal from Office”), and 2.09.070 (“Vacancy in Office”) of Chapter 2.09, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

Section 7. Sections 2.11.040 and 2.11.060 of Chapter 2.11 (“Public Tree Advisory Commission”), Title 2 of the Goleta Municipal Code are hereby amended to read as follows:

“2.11.040 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

“2.11.060 Term of Office.

A. Members of the Public Tree Advisory Commission shall be appointed to a four-year term.

B. There is no limit on the number of terms to which commissioners may be appointed.

C. Notwithstanding the expiration of a term, a commissioner may continue to serve until his or her successor has been appointed.”

Section 8. Sections 2.11.070 (“Removal of Office”) and 2.11.080 (“Vacancy in Office”) of Chapter 2.11, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

Section 9. Section 2.12.040 of Chapter 2.12 (“Parks and Recreation Commission”) of Title 2 of the Goleta Municipal Code is hereby amended to read as follows:

“2.12.040 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

Section 10. Sections 2.12.070 (“Removal of Office”) and 2.12.080 (“Vacancy in Office”) of Chapter 2.12 (“Parks and Recreation Commission”) of Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

Section 11. Sections 2.13.040 through 2.13.090 of Chapter 2.13 (“Establishment of Municipal Library and Library Board of Trustees”) of Title 2 of the Goleta Municipal Code are hereby repealed.

Section 12. Section 2.14.040 of Chapter 2.14 (“Library Advisory Commission”), Title 2 of the Goleta Municipal Code is hereby amended to read as follows:

“2.14.040 Appointment.

Two members of the Commission shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15. Three members of the Commission suggested by the County Board of Supervisors shall be appointed by the Mayor to represent the unincorporated service area of the Goleta Valley.”

Section 13. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of the Ordinance which can be given effect without the invalid provision or application.

Section 14. Effective Date. This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

Section 15. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED AND ADOPTED this ____ day of November 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY