



BOARDS, COMMISSIONS AND COMMITTEE POLICY

POLICY

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Section I: Recruitment, Selection, Appointment

Purpose

This policy establishes a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards, Commissions and Committees and provides a streamlined process for Councilmembers to interview and appoint to the various Boards, Commissions and Committees.

Policy

Process and Procedure

1. Roster: A current roster of Boards, Commission and Committee members will be maintained by the City Clerk's Office. The roster shall show the first appointment date of each commissioners, the current term, expiration dates, and whether the member is eligible for reappointment.
2. Applications: The Office of the City Clerk will provide an application form to all persons wishing to serve on a Board, Commission or Committee during a recruitment and may continue to accept applications outside of a recruitment period which may be maintained on file for a period of up to one year from the filing date. It is encouraged that interested candidates attend a meeting to become familiar with issues that Board or Commission faces. The City Clerk's office notifies all members when they are approaching the end of their term. For those members who are eligible and interested in



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- reappointment, an updated application is required to be submitted. If only one candidate applies for a Board, Commission or Committee opening by the application deadline (or two candidates for two openings) the Assistant City Clerk will: Reopen the application time for an additional three weeks.
3. Eligibility List: An eligibility list will be established at the discretion of the Council during an interview process and will be maintained on file in the City Clerk's office for a period of one year. During that year, an applicant may be appointed to an unanticipated vacancy for the Board, Commission or Committee which they applied.
 4. City Residency Requirement: All Charter Boards, Commissions (Planning Commission, Parks and Recreation, Civil Service, and Board of Library Trustees) and non-Charter Boards/Commissions (Cultural Commission, Historic and Landmarks, Housing Rehabilitation Loan Committee and Senior Advisory Commission) must be 18 years of age or older, a registered voter and resident of the City of Santa Clara. If a Commissioner moves out of the City of Santa Clara with six or more months left on their term, the Commissioner shall be removed.
 5. Youth Commission Requirements: Youth Commission members must be a resident of the City of Santa Clara, must be between the ages of 12-19 years of age, and as a minimum the membership should consist of at least one representative from each middle and high school in Santa Clara (i.e, Buchser middle School, Cabrillo Middle School, Santa Clara High School and Wilcox High School).
 6. Vacancies: The Assistant City Clerk shall notify the City Council via email of upcoming vacancies 60 days prior to terms ending and unanticipated vacancies within 5 days of receiving notice of resignation. When a vacancy occurs or terms are to expire, the Assistant City Clerk shall place a notice on the City Calendar and Website and post in the Weekly and distribute to other social media outlets.
 7. Terms of Office: Charter Boards and Commissions (Civil Service, Planning Commission, Parks and Recreation Commission, and Board of Library Trustees) terms end on June 30. Non-Charter Boards, Commissions and Committee (Cultural Commission, Historic and Landmarks Commission, Housing Rehabilitation Loan



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Committee and Senior Advisory Commission terms end on December 30.

All Charter and non-Charter Boards, Commission and Committee members may serve two full terms consisting of four years each. If a member serves an unexpired term, they may serve an additional two full terms. If a Commissioner is appointed to fill an unexpired term with less than six months remaining, the City Council may choose to additionally appoint him/her to the following four-year term.

8. Youth Commission Terms: The Youth Commission members may serve six one-year term.
9. Limited to Single Legislative Body: No member shall serve on more than one commission at a time. Should a member seek appointment to another Board, Commission or Committee, upon his/her new appointment, the member shall be automatically vacating his or her original seat.
10. Review of Applications: Applications for Civil Service, Planning and Parks and Recreation Commission will be reviewed by the Office of the City Attorney and performs a high level review of *potential* conflicts of interest that could arise. The Community Development will also perform a review for any pending code violations.
11. Interviews: The Civil Service Commission and the Planning Commission interviews, and appointments are to take place at a Council meeting in the Council Chambers; all other Board, Commission and Committee interviews are held in the Council Conference Room and are open to the public. The official Council appointment of commissioners is done in open session in the Council Chambers on the same evening as the interviews.

Section II: Resignation and Removal of Members

Purpose

This policy establishes a criteria and procedure for members who may need to resign from their position; Council removal of a member due to excessive absences and removals beyond absences.

Policy



Boards, Commissions and Committees Policy (cont.)

Process and Procedures

1. Resignations:

- a. Voluntary Resignation: Voluntary resignations from a Board, Commission or Committee shall be submitted in writing to the City Clerk's Office and Commission Secretary. Resignations are effective on the date submitted to the City Clerk's Office or Commission Secretary, unless a different date is noted on the resignation. Resignations cannot be rescinded or revoked.

2. Removal from Office due to absences: Pursuant to the provision of the City Charter Section 1004 "If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be declared by the City Council."

The process to remove a member is as follows:

- Three unexcused consecutive absences would trigger the Boards, Commission or Committee secretary to notify the City Clerk's Office;
- Upon receiving notification from the Boards, Commission or Committee secretary, the Assistant City Clerk will notify the Council and place an item on an agenda to declare the vacancy;
- The Assistant City Clerk will prepare a letter to inform the board or commission member of removal of office due to excessive unexcused absences.

Excused absences shall be limited to those which meet both of the following requirements:

- (A) The Absent member must have informed the chair or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting (Failure to inform the chair or the staff liaison prior to the meeting; shall result in an unexcused absence, unless extenuating circumstance prevent advance notice), and



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(B) The absence is due to one of the following:

- i. Death in the family,
- ii. Personal illness,
- iii. Board or Commission related-business,
- iv. Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently,
- v. Emergency, or
- vi. Decision by member's supervisor in employment or required military service
- vii. Maternity/Paternity leave

(C) The Board, Commission and Committee's must take action when a member is absent from a meeting and the secretary must keep an attendance record.

3. Potential Reasons for Commission member Removal beyond absences

A. The City Charter states in Section 1002 "Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes."

B. The members of each board or commission shall be subject to removal by motion of the City Council for the following reasons:

- Failure to maintain eligibility requirements
- Failure to complete required training
- Failure to adhere to Council policy governing board and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- Violation of Code of Ethics and Conduct

C. To provide due process, the Committee may choose to include in the policy a process whereby Council places commission member removal recommendations on a council meeting agenda, and/or at a hearing during an open council meeting.

Section III: Requirements for Board members and Commissioner



Boards, Commissions and Committees Policy (cont.)

upon appointment

Purpose

Based upon various local, state and federal laws and requirements, Board, and commission and Committees members are required to complete and have on file with the City Clerk's Office certain paperwork and complete certain trainings in order to serve. The City Clerk's Office will notify the members who fail to complete any requirements.

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1. Oath of Office: Upon appointment and reappointment, Board, Commission and Committee members are required to file a current oath of office with the City Clerk's Office (Article 20, section 3 of the California Constitution) **A new oath of office must be administered for each term of office.**
2. Form 700/Statement of Economic Interest: The following Board Members and Commissioners are required to file a Statement of Economic Interest, Form 700.
 - a. Any Commission designated in the City Conflict of Interest Code;
 - b. Pursuant to Government Code 87200, Planning Commission; and
 - c. Any Commission added to Government Code 87200 following approval of this Policy.
3. AB 1234 Ethics Training: Commissioners who receive compensation, salary, stipend or reimbursement of expenses are required to complete state mandated ethics training. Said training must be for a minimum of two hours, and completion certificates must be filed with the City Clerk's Office within a year of appointment. Such training must be completed every two years. The City Clerk's office notifies New Commissioners and those who need to renew to ensure compliance.
4. AB 1661 Sexual Harassment Prevention Training: Although it is not required by law for Board, Commission or Committee members to complete the harassment prevention training, the City will require them to participate in the online training in order to ensure our workplace and public meeting spaces are inclusive and respectful.



Boards, Commissions and Committees Policy (cont.)

Section IV: Code of Ethics

Purpose

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted a Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the City's government (Board, Commissions and Committees Handbook).

Policy

Expectation

All Elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this code, understand how it applies to their specific responsibilities, and practice its eight core values in their work (found in the Board, Commissions and Committees Handbook).

The actions and words of members of City Board, Commissions and Committee represent the ethics and values of Santa Clara.

Therefore, they are expected to:

- a. Act in a professional manner including being prepared and on time for every meeting;
- b. Be courteous to each other, to City staff and to the public at all times;
- c. Give complete and polite attention to others when they are speaking;
- d. Not interrupt others when they are speaking;
- e. Remain calm and unemotional;
- f. Listen to ideas and comments with an open mind;
- g. Respect differing points of views and the rights of other citizens to be heard;
- h. Keep confidential information private; and
- i. Remember that their purpose is to serve the public interest, not their own.

Additional expectation's

- j. When speaking or writing publicly on matters within the purview of a Board, Commission or Committee, unless a member has been



Boards, Commissions and Committees Policy (cont.)

authorized to speak on behalf of that Board, Commission or Committee, the member should make very clear that he or she is speaking on his or her own behalf and not on behalf of the Board, Commission or Committee.

- k. No member shall use his or her Board, Commission or Committee title or speak or write as a member except when speaking on behalf of the Board, Commission or Committee.
- l. Except when a member is speaking on behalf of a Board, Commission, or Committee no member shall identify him or herself as a member without making clear that he or she is not speaking on behalf of a Board, Commission or Committee.
- m. City business cards shall be provided as approved for community outreach. Information on the business cards must contain at a minimum: member name, the title of the Board, Commission, or Committee. The Department staff will determine the additional information to be pre-printed on the business card. Such cards shall only be used when the member is on official business.
- n. Members are prohibited from using their position as a Board, Commission or Committee member to promote themselves for personal gain.

Section V. Implementation

Upon approval, the Assistant City Clerk will include this policy in the Boards, Commission and Committee handbook which is provided to the new appointed members, and a copy will be provided to all current Boards, Commission and Committee members, all Commission Secretaries, all City Councilmembers and appropriate City employees and will be posted on the City's Boards and Commission web page.

Section VI. Definitions

A City **committee** may be called a **board**, **commission**, or **committee**, depending on its function. However, the terminology used **is** often a matter **of** local preference. All Boards, Commissions and committees advise the City Council concerning policies and programs.

Boards and Commissions. A board and a commission are permanent formal committees with their structure, duties, and powers established by ordinance. The Boards and Commissions found in the City's Charter are: Planning Commission, Parks and Recreation Commission, Civil



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Service Commission, Board of Library Trustees. The Boards and Commissions created by ordinance are: Cultural, Historical and Landmarks Commission, Senior Advisory, and Youth Commission.

Committees. A committee is advisory in nature and can be either a formal (standing) committee established by ordinance or resolution, or an informal (ad hoc) committee created by the mayor and council. The committee may oversee and advise in service areas, or it may advise the mayor and council on issues and recommend policy. An ad hoc committee is sometimes called a task force to emphasize its temporary nature. **A committee may consist of only a sub-committee of councilmembers, or a mix of councilmembers and citizens, or only citizens.**

Quasi-Judicial

Boards, Commissions, and committees with authority to make binding decisions that require or restrict the action of individuals are deemed to be acting in a quasi-judicial capacity with respect to certain decisions. The Planning Commission acts as an advisory body to the City Council on planning and development policy issues and is in charge with the preparation, maintenance and implementation of the City's General Plan. However, actions made by the Planning Commission may be appealed to the City Council. **When the Planning Commission or the Civil Service Commission is deciding an appeal or acting as a Board of Review, they may be making quasi-judicial decisions.**