



Agenda Report

20-159

Agenda Date: 2/10/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Consideration of Approving a New Board, Commission, and Committee Policy

BACKGROUND

At the first quarterly Governance and Ethics Committee meeting held on April 25, 2019, the Committee adopted its 2019 quarterly workplan, which included the review of the Boards, Commissions, and Committees Policy regarding how business activities are conducted and meeting attendance. At the November 21, 2019 Governance and Ethics Committee meeting, the Committee deferred the Boards, Commissions, and Committees Policy report to the first 2020 quarterly Governance and Ethics Committee meeting.

DISCUSSION

The current Boards and Commission policy was approved by Council on July 21, 1998 (Attachment 1). Staff is recommending it be repealed and replaced with the new version which is more in line with best practices and addresses the committee's concerns related to absences, code of ethics and conduct, trainings and much more. The new policy is attached for the Governance and Ethics Committee's consideration as Attachment 2.

The new policy is comprised of four sections:

- **Section I:** Recruitment, Selection, Appointment and Resignations
- **Section II:** Requirements for Board, Commission and Committee members upon appointment
- **Section III:** Code of Ethics
- **Section IV:** Implementation

All sections will be individually presented in its entirety. Although most of the policy is new, there are a few noteworthy highlights:

Applications:

For those members who are eligible and interested in reappointment, an updated application is required to be submitted.

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 to the Board, Commission or Committee to which they applied.

Terms of Office:

Currently all Boards and Commission terms end on June 30. An option to better streamline the recruitment and appointment process is to stagger the terms so that the interview and appointment process is manageable and done in a timely manner. Staff would recommend that Council consider the Charter Boards and Commission (Planning Commission, Parks and Recreation, Civil Service and Board of Library Trustees) continue with terms ending June 30, and for the non-charter Commissions and Committee (Cultural and Arts Commission, Historic Landmarks Commission and Housing Rehabilitation Committee) terms would end December 30.

City Residency Requirement:

All Charter Boards and Commissions (Planning Commission, Parks and Recreation, Civil Service, and Board of Library Trustees) and non-Charter Commissions and Committee (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

Review of Applications for Conflict of Interest:

Applications for Civil Service, Planning and Parks and Recreation Commission will be reviewed by the Office of the City Attorney for potential conflict of interest and the Department of Community Development for any pending code violations.

Interviews:

For Charter Boards and Commission terms ending in June, interviews would be set on the first Monday in May to allow enough time to onboard new members and administer oath of office and be ready to begin new term by July 1.

For non-Charter Commissions and Committee terms ending in December, interviews would be set on the first Monday in November.

Removal from Office:

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, Commission or Committee member of removal of office due to excessive unexcused absences.

Requirements Upon Appointment:

Filing Form 700/Statement of Economic Interest

AB 1234 Ethic Training every two years

AB 1661 Sexual Harassment Prevention Training every two years

Absence from meetings:

Pursuant to section 1004 of the City Charter it states that if a Board or Commission member absents himself/herself from three regular meetings consecutively, unless with permission of such board or commission vacates their position. The Charter does not define what is permissible for an absence. For better accountability and transparency, it is a best practice to define what constitutes an excused absence. If the Council chooses, they may consider the following:

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
- (B) The absence is due to one of the following:
 - i. A 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 leave

Code of Ethics and Values:

The City Council adopted a Code of Ethics and Values in March 2000 to promote and maintain the highest standards of personal and professional conduct. 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 (Code is found in the Board, Commissions and Committees Handbook).

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Review and provide input on the Draft Board, Commission, and Committee Policy.

Reviewed by: Nora Pimentel, Assistant City Clerk

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Recruitment and Interview Policy
2. New Policy