

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING CITY COUNCIL POLICY K-2, COUNCIL ADVISORY BODIES, TO ADD REQUIREMENTS
FOR FILING STATEMENTS OF ECONOMIC INTERESTS AND BROWN ACT TRAINING AND
REMOVING THE ABILITY TO APPOINT ALTERNATES TO FILL POTENTIAL FUTURE VACANCIES

WHEREAS, Council Policy K-2 sets forth policies and procedures governing the appointment of City commission, board, and committee members (collectively, "Council advisory bodies"); and

WHEREAS, the Council Policies and Procedures Committee (CPPC) held a duly noticed public meeting on December 15, 2022, during which the CPPC considered proposed amendments to Council Policy K-2 to add language restricting member participation in meetings until a past-due Statement of Economic Interests is filed, requiring members to attend Brown Act training, removing the ability to appoint alternates to fill potential future vacancies, and other minor modifications; and

WHEREAS, the CPPC recommended approval of the proposed revisions to Council Policy K-2; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby approves amendments to Council Policy K-2, as set forth in Exhibit A of this resolution.

HG/6/RESO
428-03-14-23r

Exhibit: A. Council Policy K-2

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

PURPOSE:

To establish policies and procedures governing the appointment of City commission, board, and committee members (collectively, "Council advisory bodies").

POLICY:

1. The Mayor shall appoint three Councilmembers to the Council Appointments Review Committee, one of whom shall be designated as Chair. The responsibility of the Council Appointments Review Committee is to systematically screen candidates and make recommendations to the entire City Council.
2. Per the City Charter, it is the policy of the City Council to appoint qualified electors (i.e., registered voters) of the City to the Environmental Planning Commission, ~~Library~~ Board of ~~Library~~ Trustees, Parks and Recreation Commission, and Rental Housing Committee. For all other non-Charter advisory bodies, members are not required to be registered voters and may serve regardless of immigration status. It is also the policy of the City Council to appoint members to all advisory bodies who will provide, as nearly as possible, a representative balance of the broad population of the City. Appointees to Council advisory bodies serve at the pleasure of the City Council.

Charter Section 900 prohibits members of any board or commission established by the City Charter (the Environmental Planning Commission, ~~Library~~ Board of ~~Library~~ Trustees, Parks and Recreation Commission, and Rental Housing Committee) from holding any employment in the City government. For all other non-Charter advisory bodies, appointments may include individuals employed by the City of Mountain View if there is no conflict between the duties, functions, or responsibilities of the Council advisory body position and the roles and duties of the City employment position, and if the individual is also a resident of the City of Mountain View.

The overriding criterion for appointment, however, must be the City Council's belief that the person appointed can bring skill, integrity, knowledge, interest, and especially an understanding of the basic obligation to evaluate issues in the broad context of the public interest.

Appointed persons shall be limited to two consecutive terms prior to reappointment on a given advisory body, with the exception of the Downtown Committee. However, where the City Council expressly determines it to be in the best interest of the community or in the

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event an insufficient number of new applications are received, the City Council may reappoint beyond this limit.

3. A person appointed to an advisory body can only serve on one advisory body at a time. Unless appointed to an unexpired term of less than two years caused by resignation or other such vacancy, the term of office for each advisory body member shall normally be four years or until a successor is appointed and shall, where possible, commence on the first day of January.
4. The City Clerk shall provide application forms and shall maintain a composite listing of all applications on file which have been received. The names of applicants on file in the City Clerk's Office shall be available to the public. An application may be submitted at any time, but must be renewed every year.
5. Persons being considered for appointment (or reappointment) must be interviewed at least once to qualify for appointment.
6. Each Council advisory body shall adopt an annual schedule of meetings each year.

PROCEDURES:

1. Appointments/Reappointments

- a. ~~Five months p~~Prior to term expirations, the City Clerk shall poll all incumbents eligible for reappointment regarding their interest in being reappointed.
 - (1) Incumbents must update their applications.
 - (2) In NO case shall automatic reappointment of an incumbent be assumed.
 - (3) The Council Appointments Review Committee will consider the actual performance, contribution, and record of incumbents in determining whether the person should be reappointed.
 - (4) The City Clerk will provide the Council Appointments Review Committee Chair with a listing of all eligible incumbents interested in being reappointed.

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- b. ~~Four months p~~Prior to term expirations, the City Clerk shall, in coordination with the Council Appointments Review Committee Chair, be responsible for ensuring that there is suitable advertisement of upcoming appointments. This shall include appropriate display ads in local newspapers, as well as other special ads where possible, including a suitable ad (e.g., one-half page in *The View*) providing informative descriptions of the various advisory bodies, their responsibilities, etc.; and other possible methods, such as cable television announcements, a special, reusable television production on commission membership, etc. The deadline for applications should be set as near as practicable to the date interviews will be held by the recommending body.

Additionally, the City Clerk shall send all current applicants a new application form and a brief synopsis of this City Council Policy. In the event an insufficient number of new applications for Council advisory body vacancy(ies) or seats with expiring term(s) are not received by the end of the advertised application period, the City Clerk shall provide an application form to incumbents serving a second term.

- c. ~~Three months p~~Prior to term expirations, the City Clerk shall provide the Council Appointments Review Committee with copies of applications received for all advisory body openings. Prior to term expirations, or when a vacancy occurs, the Council Appointments Review Committee shall interview all applicants, except for applicants for the Environmental Planning Commission, Rental Housing Committee, and Public Safety Advisory Board, which shall be interviewed by the entire City Council.

~~Additionally, the City Clerk shall coordinate with the Council Appointments Review Committee Chair to schedule interviews with all applicants for each advisory body opening.~~

- ~~d. Two to three months prior to term expirations, or when a vacancy occurs, the Council Appointments Review Committee shall interview all applicants, with the exception of the Environmental Planning Commission, Rental Housing Committee, and Public Safety Advisory Board applicants, which will be interviewed by the entire City Council. At the conclusion of the interviews, the City Council shall determine their appointment recommendations and take final action at its next Regular Meeting.~~

~~At the conclusion of the interviews, the Council Appointments Review Committee shall determine its appointment recommendations. The Appointments Review Committee (or City Council for Environmental Planning Commission, Rental Housing~~

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~~Committee, and Public Safety Advisory Board appointments) may appoint alternates to fill vacancies, for any reason, for unexpired terms.~~

In the event an insufficient number of applications are received for a Council advisory body with expiring terms, an incumbent may be recommended for appointment by the Council Appointments Review Committee without being interviewed again. If a majority of the Council Appointments Review Committee determines that a sufficient number of or cross-section of suitable applicants was not available to be considered, no recommendation need be made. In this case, the opening(s) shall be readvertised and recommended qualified appointments forwarded to the City Council at the earliest possible date.

- de. The Council Appointments Review Committee shall make a written recommendation to the City Council at a City Council meeting preceding term expirations, or when a vacancy occurs, at which time appointments shall be made. At the conclusion of interviews held by the entire City Council, appointments shall be made at the next meeting practicable.

In the event of a delay or other inability to make a prompt appointment, the departing incumbent may, unless otherwise directed by the City Council, continue to serve until replaced.

- ef. Upon City Council adoption of the resolution of appointment, the Council Appointments Review Committee Chair shall notify each appointee in writing and include a statement concerning the legal requirements that the appointee must meet. A copy of the notice of appointment shall be sent to the staff liaison of the appropriate advisory body.

- fg. All persons appointed to an advisory body must sign and file a Council Advisory Body Personal Code of Conduct statement (Attachment 2 to the City Council Code of Conduct) with the City Clerk. ~~take either the loyalty oath required by the State Constitution as set forth in Attachment A or, if they are not a U.S. citizen, the alternative oath in Attachment B. The City Clerk shall administer and file the oath of office and determine that all other legal requirements have been met and shall then notify the staff liaison of the advisory body that the appointee is ready to act in official capacity.~~

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- g. All persons appointed to an advisory body must take either the loyalty oath required by the State Constitution as set forth in Attachment A or, if they are not a U.S. citizen, the alternative oath in Attachment B to this Policy. The City Clerk shall administer and file the oath of office and determine that all other legal requirements have been met and shall then notify the staff liaison of the advisory body that the appointee is ready to act in official capacity.
- h. All persons appointed to an advisory body shall attend Brown Act training as provided by the City Attorney's Office upon joining the advisory body and every two years thereafter for the duration of service on the advisory body.
- i. Assembly Bill 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. It is the City's policy to emphasize the importance of ethics in government and, therefore, requires all advisory body members, except for members of the Youth Advisory Committee, to adhere to the same requirements to receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current training certificate. Noncompliant advisory body members may not be reimbursed for conferences, training (except ethics training), or receive Shoreline event tickets provided through the City's ticket distribution program at the City's expense during the period of noncompliance.
- j. The City's Conflict of Interest Code as adopted by resolution of the City Council requires that certain advisory body members shall, within 30 days after assuming the office and annually thereafter, file a statement disclosing the person's investments and the person's interests in real property held on the date of assuming office and income received during the 12 months before assuming office. The City Clerk will provide access to the Fair Political Practices Commission form to be filed and the deadline by which the form must be filed. In the event the required form is not filed by the deadline specified, the advisory body member shall be immediately suspended from further participation on the body to which they were appointed until the form is properly filed. Absences from meetings of that body due to the suspension will be unexcused, and the provisions of Section 3 of this Policy will apply.

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2. Selection Process

- a. Interviews conducted by the City Council and interviews conducted by the Council Appointments Review Committee shall be performed within equal time limits for each candidate.
- b. Core interview questions shall be selected by the interviewing body.
- c. Candidates will be asked the same question all at once in a panel format, with answers provided in turn by each candidate in a randomized round-robin order. Each question may start and end with a different candidate.
- d. Within the time limits of each interview, the interviewing body may ask a limited number of clarifying questions as a follow-up to a candidate's answers to the core interview questions in the event a candidate's answer was unclear or otherwise not understood. Clarifying questions should not be used to allow a candidate an additional opportunity to expand on the original response.
- e. Each member of the interviewing body shall vote for as many candidates as there are open seats (e.g., if three seats are available, vote for no more than three; if three seats plus one alternate seat are available, vote for no more than four). In the case that a variety of terms are open, the candidate(s) with the highest number of votes shall be granted the longest term(s). In the event there is a tie vote, each member of the interviewing body shall revote for the candidate(s) of their choice and the candidate with the highest number of votes wins. The interviewing body may choose another voting method by majority vote.

3. Vacancies

- a. The staff liaison of each advisory body shall notify the City Clerk promptly in the event that any advisory body member is absent without excuse for three regularly scheduled meetings consecutively or within a calendar quarter.

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- b. The City Charter requires an office to become vacant if an advisory body member has been absent from three regular consecutive meetings without a qualified excuse. A qualified excuse occurs if any of the following apply:
- The advisory body consents to the absence either before, or at the meeting immediately after the absence, for the advisory ~~board-body~~ member to attend to official duties of the City, including, but not limited to, representing the City at conferences or official functions;
 - The advisory ~~board-body~~ member is ill;
 - The advisory ~~board-body~~ member is on family leave for the birth or adoption of a child;
 - The advisory ~~board-body~~ member is on bereavement leave due to the death of a family member as defined in the City's Personnel Rules and Regulations; or
 - The meeting was not on the advisory ~~board-body~~ member's formally adopted annual schedule of meetings.
- c. The expectation shall be specified that members are expected to attend all meetings on the adopted annual schedule of meetings.
- d. When an advisory body member knows in advance that the member will be absent from a meeting, the member shall give advance notice to the Chair and/or staff liaison.
- e. Except as set forth in Section 1.j. ~~¶~~the advisory body Chair, in consultation with the staff liaison, shall propose that each absence be defined as "excused" or "unexcused" at the meeting at which the advisory body member is absent. Each advisory body will then determine by general consent (or, failing to achieve general consent, by majority vote) the status of the absence as excused or unexcused and include that record in the meeting minutes.
- f. It shall be specified that failure to inform the chair or the staff liaison of an absence prior to the meeting will result in an unexcused absence, unless extenuating circumstances prevent advance notice.

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- g. The City Council will take into consideration attendance records when evaluating the overall performance of advisory body members.
- h. Staff will submit annual attendance reports to the City Council.
- i. In the ~~eat~~ event ~~or if the an~~ advisory body member is convicted of a crime involving moral turpitude or ceases to be eligible, the City Clerk shall notify the City Council, who shall then declare that such office is vacant.
- j. Resignations may be submitted at any time to the City Council, either directly or through the advisory body chair.
- k. Whenever a vacancy occurs for any reason except for the expiration of the term, the City Clerk shall post a special notice of vacancy in the City Clerk's Office, City Hall bulletin board, Library bulletin board, and other places as directed by the City Council no earlier than ~~twenty (20)~~ days before or later than ~~twenty (20)~~ days after the occurrence of the vacancy. The City Council shall not make a final appointment to an advisory body for at least 10 working days after the posting of the notice of vacancy. (Government Code § 54974)
- l. Upon notice of the vacancy, the City Clerk's Office shall ~~initiate Steps 1.d and 1.e,~~ take the appropriate steps from this Policy leading to a recommendation to the City Council for a successor to such vacancy. ~~and a~~ successor shall be appointed to serve only to the date of the unexpired term pursuant to Section ~~905~~ of the City Charter.
- ~~m. Notwithstanding the foregoing, the City Council shall not make a final appointment to an advisory body for at least ten (10) working days after the posting of the notice of vacancy in the City Clerk's Office, City Hall bulletin board, Library bulletin board, and other places as directed by the City Council. However, upon a finding that an emergency exists, the City Council may fill the unscheduled vacancy immediately with a person appointed to serve only on an acting basis until the final appointment to the advisory body is made.~~

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4. Removal

An advisory body member is subject to removal by motion of the City Council adopted by at least four affirmative votes.

Revised: March 14, 2023, Resolution No.

Revised: December 14, 2021, Resolution No. 18634

Revised: June 22, 2021, Resolution No. 18574

Revised: January 26, 2021, Resolution No. 18534

Revised: February 27, 2018

Revised: December 13, 2016

Revised: March 3, 2015, Resolution No. 17945

Revised: January 14, 2014, Resolution No. 17832

Revised: November 17, 2009, Resolution No. 17441

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