



CITY OF MOUNTAIN VIEW

MEMORANDUM

City Clerk's Office

DATE: December 5, 2019

TO: Council Policy and Procedures Committee

FROM: Lisa Natusch, City Clerk

SUBJECT: Council Policy K-2 – Council Advisory Body Appointments – Eligibility, Attendance, and Appointment of Alternates

BACKGROUND

This memo presents three issues for Council Policy and Procedures Committee (“Committee”) discussion: eligibility requirements for advisory body members, attendance requirements, and the appointment of alternates.

Eligibility Requirements

On June 29, 2017, the Committee reviewed the possibility of allowing City employees to serve on non-Charter advisory bodies and recommended to the full Council adoption of a two-year pilot program to allow City employees to serve on Council advisory bodies. The City Council adopted the policy revision on February 27, 2018.

On August 27, 2019, in advance of the potential February 2020 sunset, the Committee met to consider recommending to the full Council extending the pilot, discontinuing the program, or adopting it as policy (Attachment 3). The Committee expressed overall support for the program but noted City of Mountain View residency was not a requirement for employee applicants and requested staff come back to the Committee for discussion in conjunction with the eligibility requirements item already on the Committee work plan (added to the Committee work plan by the Committee on March 25, 2019). Currently, there are differing eligibility requirements/compositions of members by advisory body.

Attendance

On March 25, 2019, Council referred the issue of advisory body attendance to the Committee for review for discussion of criteria for the definitions of excused and unexcused absences as well as options for reporting attendance to Council. Currently, advisory body attendance is governed by the City Charter and Council Policy K-2.

Appointment of Alternates

On November 12, 2019, Council referred the issue of the appointment of advisory body alternates to the Committee for review during discussion of Environmental Planning Commission appointments. The current policy allows for the appointment of an alternate to fill an unexpected vacancy should an advisory body member be elected to the City Council, although a review of past practice indicates that alternates have been appointed should an unexpected vacancy occur for any reason.

ANALYSIS

Eligibility

In the August 27, 2019 Committee discussion of employee eligibility to serve on advisory bodies, the general requirement of Mountain View residency was discussed. For the Bicycle/Pedestrian Advisory Committee, Downtown Committee, Performing Arts Committee, and Visual Arts Committee advisory bodies, Mountain View residency is not a requirement. For example, the eligibility requirements for the Bicycle/Pedestrian Advisory Committee include that members live or work in Mountain View and that a majority of members must be Mountain View residents.

A breakdown of current eligibility and composition requirements of the City's advisory bodies is included as Attachment 2 to this memo. In general, eligibility and composition requirements are defined in individual bylaws. Items for Committee consideration include:

- Does the Committee want to continue allowing non-Mountain View residents to be eligible to serve on some non-Charter advisory bodies?
- Does the Committee want to remove the ability for non-Mountain View residents to be eligible to serve on non-Charter advisory bodies?

- If employees are to continue to be eligible to serve on non-Charter advisory bodies, is Mountain View residency a requirement?

Should the Committee recommend changes to the eligibility and composition requirements, staff will bring to Council revisions to the relevant documents for approval and recommend ratifying those eligibility requirements in Council Policy K-2 for reference.

Attendance

City Council Policy K-2 (Attachment 1), Section 2, Vacancies, defines the qualifications for an excused absence. The policy states the City Charter requirement that an advisory body seat becomes vacant if an advisory body member has been absent from three regular consecutive meetings without a qualified excuse and defines that 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 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 member is ill;
- The advisory board member is on bereavement leave due to the death of a family member as defined in the City's Personnel Rules and Regulations; and
- The meeting was not on the advisory board member's formally adopted annual schedule of meetings if an annual schedule was adopted.

In order to provide additional guidance to advisory body members and advisory body staff liaisons regarding attendance requirements, the following potential additions to the Council Policy are provided for Committee consideration, following staff review of attendance policies from other agencies:

1. Specify the expectation that members are expected to attend all regularly scheduled meetings and as many special meetings as possible.
2. When an advisory body member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and/or staff liaison.

3. 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.
4. Consider specifying that absences from special meetings be recorded but not be classified as “excused” or “unexcused.”
5. Consider defining excused absences as an absence for which the absent member has informed the chair and/or the staff liaison of their intended absence prior to the scheduled meeting, and the absence is due to one of the following:
 - a. Personal illness;
 - b. Advisory body-related business;
 - c. Emergency;
 - d. Employment obligation;
 - e. Bereavement leave due to the death of a family member as defined in the City’s Personnel Rules and Regulations;
 - f. Maternity/paternity leave;
 - g. Required military service; or
 - h. Personal leave (with specified use per year).
6. Specify 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.
7. Specify that Council will take into consideration attendance records when evaluating the overall performance of advisory body members.

8. Consider annual attendance reporting by staff to Council. Currently, attendance records are provided to Council during the recruitment process for advisory body members applying for reappointment.

Appointment of Alternates

Appointed alternates are individuals who have been interviewed by the full Council (Environmental Planning Commission applicants) or by the Council Appointments Review Committee (CARC) and appointed by the Council to fill a seat should an unscheduled vacancy occur. The appointment of alternates allows a seat to be filled immediately without initiating a full recruitment process upon notification of a vacancy, preventing any potential quorum issues or voting issues (tie votes).

Current policy allows for the appointment of an alternate to fill an unexpected vacancy “if a vacancy is created by the election of a current board, commission, or committee member to the City Council.” A review of past practice indicates that qualified applicants who have been appointed as alternates have filled unexpected vacancies occurring for any reason, such as a member’s relocation out of Mountain View or a change in employment that results in a time conflict. If this practice is to be continued, staff recommends that the policy be updated to reflect that alternates may be appointed to fill an unscheduled vacancy for *any* reason.

At the November 12, 2019 Study Session to interview Environmental Planning Commission applicants, Council also considered a current advisory body member’s request for a leave of absence. Council discussed the use of alternates for filling this type of unexpected temporary vacancy. If the Committee recommends consideration of alternates to fill a member’s approved leave of absence, staff recommends the policy be updated to specify that alternates may be appointed for this purpose for the specific time frame.

RECOMMENDATION

Discuss and provide direction to staff on any revisions to Council Policy K-2 regarding residency requirements, rules governing absences, and the appointment of alternates.

If the program allowing employees to serve on advisory bodies is terminated or modified, staff recommends the two current employee members (Performing Arts Committee, Visual Arts Committee) be allowed to complete their current terms.

In addition, following this review of the policy and regardless of any changes made, staff recommends the Committee consider recommending changing the name of Council Policy K-2 from “Council Advisory Body Appointments” to the more general title “Council Advisory Bodies,” as the policy covers more than the recruitment and appointment of advisory body members.

NEXT STEPS

Based on Committee direction, staff will bring any recommended changes to the full Council for consideration in Q1 2020.

LN/6/CLK
428-12-05-19M

- Attachments:
1. Council Policy K-2—Council Advisory Body Appointments
 2. Current Advisory Body Eligibility and Composition Requirements
 3. CPPC Report—August 27, 2019
 4. Council Report—February 27, 2018
 5. CPPC Report—June 29, 2017

Current Advisory Body Eligibility and Composition Requirements			
Advisory Body	Mountain View Resident/Registered Voter	Employees Eligible to Serve	Other eligibility/composition requirements
Bicycle/Pedestrian Advisory Committee		X	<ul style="list-style-type: none"> Live or work within the City limits and have a strong interest and enthusiasm for planning, improving and maintaining bicycle and pedestrian facilities. Majority of the members shall be Mountain View residents.
Downtown Committee		X	<ul style="list-style-type: none"> The eligibility and composition of the Downtown Committee are under consideration in Item 5.2 on the 12/5/2019 CPPC agenda.
Environmental Planning Commission*	X		
Human Relations Commission		X	
Library Board*	X		
Parks and Recreation Commission*	X		
Performing Arts Committee		X	<ul style="list-style-type: none"> Must have a demonstrated special interest or training in the performing arts and may not be a current or past (within 24 months) board member or employee of a user of the Center or a current office-holder of the City. Preference will be given to those residing in or employed in Mountain View.
Senior Advisory Committee		X	<ul style="list-style-type: none"> Seniors and/or senior service providers; Mountain View residents.
Visual Arts Committee		X	<ul style="list-style-type: none"> The majority of members shall be Mountain View residents, and all shall have a strong interest in and enthusiasm for the visual arts. Two of the members should be recognized specialists in one or more aspects of the creation of art, the judgment of quality of art or the placement of art.
Youth Advisory Committee (Appointed by the Council Youth Committee)		X	<ul style="list-style-type: none"> Combined maximum of 15 middle-school and high-school students who are Mountain View residents.
*Charter Advisory Body			