

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW AMENDING COUNCIL POLICY K-2, COUNCIL ADVISORY BODY APPOINTMENTS, AND APPROVING THE COUNCIL POLICY AND PROCEDURES COMMITTEE'S RECOMMENDATIONS FROM DECEMBER 5, 2019 REGARDING ELIGIBILITY REQUIREMENTS FOR THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE, VISUAL ARTS COMMITTEE, PERFORMING ARTS COMMITTEE, AND SENIOR ADVISORY COMMITTEE, TO BE REFLECTED IN EACH COMMITTEE'S BY-LAWS AND THE COUNCIL ADVISORY BODIES HANDBOOK

WHEREAS, the City's existing Council Policy K-2, Council Advisory Body Appointments, was reviewed by the Council Policy and Procedures Committee (CPPC); and

WHEREAS, the two-year pilot program to allow City employees to serve on non-Charter Advisory Bodies terminated on February 27, 2020; and

WHEREAS, the CPPC recommended approval of revisions to Council Policy K-2 regarding eligibility and attendance requirements for advisory body members, appointment of alternates, and eligibility requirements for specified advisory bodies; and

WHEREAS, the CPPC also revised the title of Council Policy K-2 to read as "Council Advisory Bodies";

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. The amendments to Council Policy K-2, as set forth in Exhibit A of this resolution, are hereby approved.

2. The Council Policy and Procedures Committee's recommendations from December 5, 2019, relating to eligibility requirements for specified advisory bodies, are hereby approved, and the Council hereby directs that each committee's by-laws and the Council Advisory Bodies Handbook be amended to reflect such recommendations as follows:

- a. Bicycle/Pedestrian Advisory Committee: Mountain View residents only.

b. Visual Arts Committee: 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, and one of these members may be a nonresident.

c. Performing Arts Committee: One member may be a nonresident if they have demonstrated special interest or training in the performing arts.

d. Senior Advisory Committee: Remove “senior” age requirement, allow a senior service provider to be a nonresident, and a majority of members must be Mountain View residents.

SV/WW/6/RESO
428-01-26-21r

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 Committee is to systematically screen candidates and make recommendations to the entire 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 (EPC), Library Board of Trustees, and Parks and Recreation Commission. 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, Board of Library Trustees, and Parks and Recreation Commission) 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 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.

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

However, where the City Council expressly determines it to be in the best interest of the community, 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 on or before September 30.
5. Persons being considered for appointment (or reappointment) must be interviewed at least once to qualify for appointment.

PROCEDURES:

1. Appointments/Reappointments
 - a. During August of each year, 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 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 Appointments Review Committee Chair with a listing of all eligible incumbents interested in being appointed.

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

- b. During September of years when any advisory body terms are expiring, 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.

Advertisements shall state whether or not the incumbent for an appointment is eligible for reappointment and whether or not the incumbent has requested reappointment.

Also during the month of September, the City Clerk shall send all current applicants a new application form and a brief synopsis of this City Council policy.

- c. During the first week of October, the City Clerk shall provide the Council Appointments Review Committee with copies of applications received for all advisory body openings.

Also during the first week of October, the City Clerk shall coordinate with the Council Appointments Review Committee Chair to schedule interviews with all applicants for each advisory body opening.

- d. Between October 15 and November 30, the Council Appointments Review Committee shall interview all applicants, with the exception of EPC applicants. The entire City Council will interview EPC candidates at a Council Study Session during the month of November and, at the conclusion of the interviews, the Council shall determine their appointment recommendations and take final action at the next Regular Council meeting. Attachment A to this policy outlines the selection process for the EPC.

At the conclusion of the interviews, the Council Appointments Review Committee shall determine its appointment recommendations. The

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

Appointments Review Committee (or City Council for EPC appointments) may appoint alternates to fill vacancies, for any reason, for unexpired terms.

If the majority of the 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 Council at the earliest possible date.

- e. The Council Appointments Review Committee shall make a written recommendation to the City Council at a Council meeting in November or December, at which time the appointments shall be made.

In the event of 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.

- f. Upon the 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 secretary of the appropriate advisory body.
- g. All persons appointed to an advisory body must take either the loyalty oath required by the State Constitution as set forth in Attachment B or, if they are not a U.S. citizen, the alternative oath in Attachment C. 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 secretary of the advisory body that the appointee is ready to act in official capacity.

2. Vacancies

- a. The secretary 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.

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

- 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 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;
 - The meeting was not on the advisory board member's formally adopted annual schedule of meetings if an annual schedule was adopted.
- c. The expectation shall be specified that members are expected to attend all regularly scheduled meetings and as many special meetings as possible.
- 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. 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.

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

- g. Council will take into consideration attendance records when evaluating the overall performance of advisory body members.
- h. Staff will submit annual attendance reports to Council.
- i. In that event or if the advisory body member is convicted of a crime involving moral turpitude or ceases to be a qualified elector of the City, 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 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.
- l. Upon notice of the vacancy, the Council Appointments Review Committee shall initiate Steps 1.d and 1.e, 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.

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

3. Removal

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

Revised: January 26, 2021

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

Revised: October 28, 1997

Effective Date: January 26, 1976

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