



CITY OF MOUNTAIN VIEW

MEMORANDUM

City Manager's Office

DATE: November 28, 2017

TO: Council Procedures Committee

FROM: Audrey Seymour Ramberg, Assistant City Manager

SUBJECT: Clarification of Membership Requirements for Non-Charter Advisory Bodies

BACKGROUND

The Council Procedures Committee (CPC) met on January 27, 2015 and moved to recommend to Council that with the exception of the three Commissions established by the City's Charter, all members of advisory bodies be required to take either the State of California Constitutional oath, or if not a U.S. citizen, take an oath prepared by the City Attorney that will be specific to performing duties as a member of the City advisory body. The bodies included in the Charter (the Environmental Planning Commission, Library Board, and Parks and Recreation Commission) were not included because the Charter requires that members of these bodies be qualified electors of the City.

The City Council considered the CPC's recommendation on February 10, 2015 (Attachment 1) and then adopted a resolution to amend Council Policy K-2 – Advisory Body Appointments on March 3, 2015 (Attachment 2) to remove the requirement that members of non-Charter advisory bodies (including the Human Relations Commission or HRC) be registered voters (sometimes also referred to as “qualified electors”) and allow for an alternate oath. It was an oversight at that time to not also amend the 1997 resolution establishing the HRC, which includes a requirement that HRC members be registered voters (Attachment 3).

Subsequent to this 2015 Council action, the CPC met on June 29, 2017 to consider allowing the appointment of City employees to non-Charter advisory bodies. In its presentation to the CPC at that time, staff identified the revisions to the Advisory Body Handbook and Council Policy K-2 that would be needed to allow for such a change in membership eligibility. At this meeting, the CPC decided to recommend to the Council that the City establish a two-year pilot program during which the appointment of City employees would be allowed and that the Advisory Body Handbook and Council Policy K-2 be revised accordingly. Subsequently, staff realized that the HRC resolution

would also need to be revised because it states that City employees are not eligible for appointment to the HRC.

When the CPC's recommendation comes to Council, the item will include a revision to the HRC resolution to include a two-year pilot program during which City employees are eligible for appointment. The resolution will also be revised as a clean-up measure to reflect the Council's 2015 policy direction to remove the requirement that HRC members be registered voters. (Staff review will continue to determine whether any other advisory body-specific policy documents require revision in order to enact these changes.)

This item is coming back to the CPC at this time to ensure further clarity regarding membership eligibility.

ANALYSIS

The February 10, 2015 Council report states that the CPC's interest in removing the requirement that advisory body members be registered voters was to ensure that "non-Charter advisory bodies reflected the community as a whole, which includes noncitizens." Because this matter was raised in a specific context and the term "noncitizen" was not defined, it has not been clear whether Mountain View residents with undocumented immigrant status are eligible for membership on non-Charter advisory bodies. However, based on recent Council action related to equitable treatment for Mountain View residents (summarized below), staff seeks direction to clarify that Mountain View residents (or other constituencies depending on the particular membership requirements of individual advisory bodies) are eligible for appointment to non-Charter advisory bodies without regard to immigration status.

On December 13, 2016, the City Council adopted a resolution declaring Mountain View a Human Rights City. On March 23, 2017, the Council adopted the Equitable Communities resolution which stated the City's commitment to "ensure the rights and privileges of everyone in the City, regardless of religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity." On May 6, 2017, in its biannual goal-setting process, the City Council adopted a priority goal to "Promote Strategies to Protect Vulnerable Populations and Preserve the Socioeconomic and Cultural Diversity of the Community." Within this goal, referred to as "Community for All," various projects were identified related to promoting inclusion, safety, and access to services to Mountain View's immigrant residents regardless of documentation status.

On October 24, 2017, during its consideration of sanctuary city and anti-registry policies, the City Council directed staff to implement various practices, including

prohibiting City staff from requiring anyone to report their immigration status before providing City services, benefits, or opportunities unless required by law and removing questions regarding immigration status from all City forms and applications unless required by law.

In addition to these recent policy directions, the City has a long-standing commitment to inclusion through the creation and work of the HRC. The 2017-18 HRC Work Plan, approved by Council on September 12, 2017, includes a project to assess the needs and assets of Mountain View's immigrant population. Related to this, members of the HRC have expressed an interest in being more inclusive of immigrant perspectives and have asked how undocumented residents might become eligible for appointment to the HRC.

Finally, staff notes the City's successful Multilingual Community Outreach Program, which offered the first Spanish Language Civic Leadership Academy in 2017. One of the program's stated goals was to encourage continued engagement and volunteerism, and participants have asked about the opportunity to serve on City advisory bodies.

In light of this policy context, staff seeks the CPC's direction to clarify that Mountain View residents (or other constituencies depending on the particular membership requirements of individual advisory bodies) are eligible for membership on non-Charter advisory bodies regardless of immigration status. With this direction, staff would bring this clarification and any recommended specific language changes to Council as part of the report transmitting the other changes already approved by the CPC (i.e., removing the registered voter requirement and establishing a pilot program allowing appointment of City employees for non-Charter advisory bodies).

RECOMMENDATION

1. Clarify that Mountain View residents (or other constituencies depending on the particular membership requirements of individual advisory bodies) are eligible for membership on non-Charter advisory bodies regardless of immigration status.
2. Direct staff to revise relevant policy documents to reflect this clarification and to provide general consistency and clarity regarding the membership eligibility requirements for non-Charter advisory bodies.

ASR/LS/5/MGR

602-11-28-17M-E

- Attachments:
1. [February 10, 2015 Council report](#)
 2. [March 3, 2015 Council report](#)
 3. 1997 HRC Resolution

cc: Human Relations Commission