



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Boards and Commissions: Consideration of Amendment to Term Limits for Members of Boards and Commissions; Discussion of Revisions to Nomination and Appointment Process for Boards and Commissions, including Civil Service Commission

1. Introduction of Ordinance Amending Section 2.36.010 of the Glendale Municipal Code Pertaining to Term Limits for Members of the Boards and Commissions
2. Motion Directing Staff Regarding the Nomination and Appointment Process for Boards and Commissions
3. Motion Directing Staff Regarding the Nomination and Appointment Process for Members of the Civil Service Commission
4. Motion to Note and File

COUNCIL ACTION

Item Type: Action Item

Approved for November 1, 2022 **calendar**

EXECUTIVE SUMMARY

The Council requested a discussion of an amendment to the Glendale Municipal Code to allow flexibility with respect to the three-term limit for members of the City's boards and commissions. The Council also requested a discussion on the process for the nomination and appointment to the boards and commissions.

COUNCIL PRIORITIES

N/A.

RECOMMENDATION

Council may introduce and adopt an ordinance creating an exception to the aggregate limit of three terms for boards and commissions. Staff seeks Council direction on whether to revise the process for nominating and appointing members to the boards and commissions. Finally, staff seeks direction on the process for nominations to the Civil Service Commission, whose members serve four-year terms that are not coterminous with the term of the councilmember that nominates them.

BACKGROUND

Glendale Municipal Code (“GMC”) Section 2.36.010 imposes an aggregate term limit of three (3) four-year terms of service on the City’s boards and commissions (“Aggregate Term Limit”). Thus, individuals may only serve three four-year terms on City boards and commissions whether it is the same service on one commission for all three terms or a combination of service on multiple commissions over 3 terms. Section 2.36.010 provides an exception to the Aggregate Term Limit to allow an individual to serve one additional term where he or she was appointed by a councilmember elected in 2015 or 2017 provided he or she had served two terms prior to the effective date of Ordinance No. 5904 (adopted in 2017) and there had been at least one year in between the second and third terms of service (“Aggregate Term Limit Exception”). Section 2.36.010 also provides that a board or commission member who serves 24 months or more of a term shall be deemed to have served a full term. Lastly, Section 2.36.010 provides that any term that is less than four years as a result of a delay by Council in nominating and appointing a person to a board or commissioner during a councilmember’s term shall nevertheless constitute a full term.

Council has asked to reconsider the exception that existed in the GMC prior to the adoption of Ordinance No. 5904 in 2017, whereby the Council could appoint an individual who has served 3 terms by make a finding it was in the best interest of the City to appoint an individual beyond the Aggregate Term Limit. That issue is discussed further below, as is the topic of discussion regarding the nomination and appointment process for the selection of members to the boards and commissions, including the Civil Service Commission.

ANALYSIS

Term Limits

Prior to 2017, members of the boards and commissions could not serve more than two four-year terms. However, Section 2.36.010 contained a provision that notwithstanding the term limit, the Council could appoint an incumbent of such board or commission to

serve more than two terms if it made a finding that “there are no candidates available for appointment, or that it would be in the best interest of the city.” The Council deleted this exception from the Code in 2017 when it adopted Ordinance No. 5904 at the same time it increased the limit on terms from two to three. At the time, this limit applied only per board or commission. Thus, an individual who served three terms on one board or commission was not prohibited from subsequently serving on another board or commission.

In 2019, the Council adopted Ordinance No. 5930 further addressing term limits for boards and commissions and implemented the Aggregate Term Limit, subject to the Aggregate Term Limit Exception.

Council has asked to re-consider the exception that existed in the GMC prior to the adoption of Ordinance 5904 in 2017, whereby the Council could make a finding it was in the best interest of the City to appoint an individual beyond the Aggregate Term Limit. At the time the Council removed this exception, the Council did so for its expressed desire of bringing in new or fresh perspectives to the boards and commissions. The contrary view is that the pool of qualified and interested applicants for the boards and commissions is sometimes limited, and the City benefits from having the perspectives of individuals with experience and institutional knowledge in these roles. Staff expresses no opinion on the hard cap of term limits. If Council desires to create an exception for unique circumstances, an ordinance re-instituting the exception where it is in the City’s best interest or there are no candidates for appointment is provided for Council to introduce and adopt.

Commissioner Nomination Process

The Council also requested a discussion of the process for nomination and appointment of members to the boards and commissions. In 2018, City staff researched other models for the nomination and appointment to boards and commissions and that information is provided here.

Under the current process for nominating and appointing individuals to the boards and commissions, each councilmember nominates one individual to serve on one seat of each board or commission. Each nominee must be approved by a majority of the City Council.

Under 2007 and 2009 amendments to the Glendale Municipal Code, each board and commission member serves a term coterminous with the term of the councilmember that nominates him or her, except for members of the Civil Service Commission who serve four years by the terms of the Charter. Except for members of the Civil Service Commissions, board members or commissioners serve at the pleasure of the Council and may be removed by a majority of the Council.

The current process of each councilmember nominating a member to each board and commission commenced in 2007, first with the Design Review Board, then applying that

practice to all board members and commissioners in 2009 with an amendment to the Municipal Code. At that time, the Council also made all board member and commissioner terms coterminous with the terms of the councilmembers that nominate them. Prior to those amendments, a panel of two councilmembers was selected to nominate an individual to fill a vacancy to a board or commission after the Clerk's Office had sufficient time to advertise the position. Although initially an ad hoc process, the creation of the panels was made more formal through a rotating process of creation of panels so that no two council members served on the same panel for a series of ten panels, and then it would rotate.

The Council had several concerns and stated purposes when changing the process in the period of 2007-09. Besides the additional time for a panel to meet with prospective candidates if necessary and make a decision on a nominee, panel members at times might have differences of opinion on a nominee and might not be able to come to agreement. In addition, councilmembers supporting the change to the current system stated that having each councilmember nominate a member would make that councilmember "responsible" for that commissioner for things like unexcused absences or inappropriate behavior, or if their decisions were unpopular. Ultimately, the Council concluded that the process used now would be more efficient and responsive than the prior process.

Alternative Processes – Comparison of Cities

For general law cities with an elected Mayor, the Mayor appoints individuals to all boards and commissions, subject to approval of the City Council. Since Glendale is a charter city without an elected Mayor, there are no specific legal requirements restricting the City's nomination/appointment process. As noted above, staff from the City Manager's office conducted research to determine alternative procedures used by other cities for appointment of individuals to boards and commissions. Fourteen (14) cities were examined based on their similarity to Glendale or their utilization of unique appointment processes. Results fell into three categories: Individual Councilmember representation, Council At-Large representation, or a hybrid of the two.

A. Individual Councilmembers Represented

Mayor Nominates, Council Votes

In this appointment format, the mayor is in charge of nominating commissioners. Appointing a commissioner, however, requires a majority vote from Council.

Cities using this process have directly elected Mayors and include:

- Garden Grove, CA
- Long Beach, CA
- Torrance, CA

Councilmembers Nominate by Ward/District, Council Votes

Each councilmember nominates a commissioner to represent his/her ward on every commission. The nominees are then appointed by city council's majority vote.

Cities using this process include:

- Anaheim, CA
- Santa Ana, CA

Councilmembers Nominate by Ward/District, Mayor Appoints

Each councilmember nominates a commissioner to represent his/her ward on every commission. The Mayor, however, ultimately appoints or denies the nominee without a council vote.

Cities using this process include:

- Inglewood, CA

It should be noted that the 6 cities cited above have elected mayors and Council districts.

B. Council At-Large Represented

Two-Round Ballot

In this process, City Council jointly considers all qualified applicants during an open session without any formal nomination process. Council then votes on the applicants until all the seats are filled. Each councilmember gets as many "yay" votes as there are vacant seats. If no candidate gets a majority, those with the least number of votes are dropped from the ballot, and the process repeats with the reduced number of candidates.

Cities using this process include:

- Burbank, CA

Council Nominates, Council Votes

Nominations occur at Council meetings. Any councilmember can nominate one applicant per seat. City Council then votes (one vote per vacant seat) on which of the nominees will get appointed to the commission. Whoever gets the majority vote wins the seat.

Cities using this process include:

- Santa Monica, CA

Council Nominates for Interview, Council Votes

During open session, councilmembers use a ballot to silently nominate one or more applicants to interview. If an applicant receives two or more nominations, he or she is interviewed publically at a special meeting. Council then deliberates and votes to

appoint one of the interviewees. All “silent” ballots are made public at the end of the council meeting. It should be noted there may be Brown Act issues with this approach although Chula Vista appears to have addressed it by making the silent ballots public at the end of the meeting.

Cities using this process include:

- Chula Vista, CA

C. Hybrid Systems

Advisory Commission Nominates, Council Votes

Most commissioners are nominated by individual councilmembers and appointed with a majority vote from council. This process is similar to Anaheim’s and Santa Ana’s, both of which have wards/districts.

For charter commissions, councilmembers silently nominate one or more applicants to interview. If an applicant receives four or more nominations, he or she is interviewed publically at a special meeting. Council then deliberates and votes to appoint one of the interviewees. The process is similar to Chula Vista’s.

A few commission seats have special eligibility requirements (e.g. candidates must have 4 years of childhood education background, must be a tenant, must be a landlord, etc.). To fill these vacancies, a Council-appointed commission is tasked with filtering through applications, conducting interviews, and nominating commissioners. Council then votes on the nominees. San Jose uses this process.

Council-Committee Filters & Interviews, Council Votes

A mayor-appointed Council Committee made up of three councilmembers filters through applications and conducts interviews in open session. The full Council then votes on the nominee.

Cities using this process include:

- Lower Merion, PA
- Auburn, ME

Councilmembers Appoint, Full Council Appoints Two At-Large

Each councilmember nominates a commissioner to represent his/her views on every commission. These nominees are appointed through a majority vote of the full Council. The full Council also appoints two applicants to represent the Council At-Large.

Cities using this process include:

- Sonoma, CA

- Pasadena, CA¹

Qualifications, Disqualifying Positions and Subject Matter Expertise

For reference purposes, it is noted that the GMC requires that one or more of the members of certain boards and commissions have a certain background or experience, or specific licensing requirements.

The following table shows which boards and commissions have current seats reserved for subject experts and which do not:

Boards & Commissions with Reserved Seats for Subject Experts	Boards & Commissions with <u>NO</u> Reserved Seats for Subject Experts
Arts & Culture Commission	Civil Service Commission
Audit Committee	Commission on the Status of Women
Building & Fire Board of Appeals	Comm. Dev. Block Grant Advisory Committee
Design Review Board	Parks, Recreation & Comm. Serv. Commission
Historic Preservation Commission	Planning Commission
Transportation and Parking Commission	Water & Power Commission

The specific expertise or background of the listed commissions is set forth in Exhibit 1.

Civil Service Commission Nomination and Appointment Process

Staff also seeks direction on the process for nomination and appointment of members to the Civil Service Commission as the rules applicable to that process should be revised for clarity. The City Council adopted Resolution No. 07-183 in 2007 guiding the nomination process for appointment of members to the boards and commissions. Under that resolution, upon a vacancy or upcoming expiration of a term of a board member or commissioner, the nominating councilmember was selected in alphabetical order provided he or she had not nominated a sitting board or commission member to that commission. This resolution was partially abrogated with respect to the Title 2 boards and commissions² when the Council amended the GMC between 2007 and 2009 to make the terms of the Title 2 boards and commissions coterminous with the term of the

¹ The first at-large commissioner is nominated by the mayor and appointed by city council's majority vote. The second at-large commissioner is also nominated by the mayor, but the mayor must choose from one of seven applicants recommended to them from the city council (each councilmember recommends one applicant to be nominated). The nominated candidate is then appointed by city council's majority vote. Pasadena has a directly elected Mayor.

² The Title 2 boards and commissions are the boards and commissions created pursuant to Title 2 of the Glendale Municipal Code and include all the boards and commissions except the Civil Service Commission which was created by the City Charter.

councilmember that nominated them.

After the adoption of the coterminous rule for Title 2 boards and commissions, the nomination process for the Civil Service Commission should have technically continued to follow the alphabetical rotation rule of Resolution No. 07-183 since the Charter mandates that Civil Service commissioners serve four year terms irrespective of the nominating Councilmember. However, for many years, it became a common practice for the nomination of the Civil Service commissioners to “follow” the nominating councilmember. If the nominating councilmember was still on Council when a term was expiring, then that nominating Councilmember made the nomination to reappoint or replace that commissioner. If the nominating councilmember was no longer on Council, then the nomination followed the councilmember who “replaced” the nominating councilmember. For more recent appointments, the nominations were made utilizing the alphabetical process of Resolution No. 07-183; the process was facilitated by a number of upcoming vacancies in rather quick succession in 2019-20.

At this time, there is one Civil Service Commission position with a term that technically expired in 2021³. There is another term expiring in September 2023, with the remaining terms expiring in 2024. Staff seeks direction whether Council desires to implement the alphabetical rotation, and whether to start the rotation based on the Council makeup at the time the current position expired in 2021 (which has some justification in the current resolution) or starting at the present time. Council can also choose to implement the prior practice of having the nomination follow the nominating councilmember (or his or replacement). Alternatively, Council can adopt a policy establishing the nomination order based on length of service on Council, provided no councilmember gets one more than one appointee to the Commission.

STAKEHOLDERS/OUTREACH

N/A.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This matter it is exempt from CEQA as there is no reasonable possibility it will have a significant effect on the environment.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

³ Commissioners serve a four year term and until their successor is appointed.

ALTERNATIVES

ADMINISTRATIVE ACTION

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Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

1. List of specific experience/qualification required for boards and commissions