

**CITY OF STOCKTON, CALIFORNIA
CITY COUNCIL POLICY**

Subject: CITY COUNCIL AND MAYORAL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES	Policy No. 100-2	Page No. 1 of 7
	Effective Date: 5/01/07	

Revised from 6/10/96

BACKGROUND:

In 1975 the State Legislature amended Government Code Section 54957 of the Brown Act, removing "public officer" from those appointees that the Council could consider in executive session. This action resulted in the requirement that all discussions and deliberations by the City Council regarding appointments or confirmation of appointments are to take place in public at regular or special meetings of the City Council as opposed to closed executive sessions. This amendment was placed into effect January 1, 1976.

To comply with this new requirement, the City Council on January 19, 1976 adopted Resolution No. 32,937 establishing procedures for interviewing and confirming appointments in open Council session. The resolution, additionally incorporated the existing informal procedures of the City Council regarding such appointments.

On January 1, 1977, the Maddy Local Appointive List Act of 1975 (Section 54970 et. seq. Government Code) became effective requiring, among other things, that:

On or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. The appointees' list shall contain the following information:

A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

These requirements are contained in this Council policy.

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PURPOSE:

To establish an orderly process to provide all citizens of Stockton equal access to specific and current information about the many regulatory and advisory boards, commissions, and committees appointed by the City Council and/or the Mayor, to provide for equal opportunity to be informed of vacancies which, from time to time, shall occur, and to provide for open sessions in the interview or confirmation appointment process.

POLICY/PROCEDURES:

I. Appointments List

- A. Each year, on or before December 31, the City Clerk shall prepare and file with the City Council an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the Stockton City Council or the Mayor. The appointment list shall contain the following information:
 - 1. A list of all appointive terms which will expire during the next calendar year with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.
 - 2. A list of all boards, commissions, and committees whose members serve at the pleasure of the Stockton City Council and the necessary qualifications for each position.
- B. The appointments list shall be made available to members of the public for a reasonable fee. The fee is to be established by resolution of the City Council.

II. Procedure for Filling Vacancies

- A. Vacancies on boards, commissions, and committees where the City Council and/or the Mayor has the appointing authority shall be announced through the news media and notice thereof posted in the Office of the City Clerk within 20

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days after the vacancy occurs. Announcements shall indicate:

- 1) Title of the position,
- 2) Minimum qualifications,
- 3) Special residency requirements, if any,
- 4) Frequency of meetings of the board, commission, or committee,
- 5) Remuneration, if any,
- 6) Where to submit application,
- 7) Final date for submission of applications, and,
- 8) Term of office.

B. All applicants for positions shall complete and submit a uniform public service application form to the Mayor's Office prior to the final date for submission of application. A minimum of two weeks will be allowed to submit applications. No application will be accepted after the filing deadline as established by the City Manager's Office.

1. The application shall identify the position being sought, the applicant's background and qualifications and may include any additional material deemed relevant by the applicant. Additional material will not be accepted after the filing deadline.
2. If the number of applications received by the City Manager's Office is equal to or less than the number of vacancies for the Board or Commission where the vacancy exists then the City Manager shall commence with re-advertising for

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the position within two weeks from the previous filing deadline. This provision shall not require more than one re-advertisement for any particular vacancy regardless of the number of applications received on the second advertisement.

3. Absent Council action to the contrary all applicants and appointees to City Council Boards, Commissions, and Committees shall be residents of the City of Stockton. All appointees shall continuously remain residents during the term of their appointment.
- C. Prior to the appointment date, the City Manager shall forward to the City Council a copy of all applications received and shall place an Agenda Item on the next most convenient Agenda, information setting forth the interview process. This process shall not preclude a Councilmember from requesting that the interviews be held at a subsequent meeting for reason of absence.
- D. Each time there is a vacancy to be filled, new interview questions shall be prepared by the City department or agency affected by the vacancy and submitted to the City Manager for review. To the extent feasible, questions should be open-ended and limited to no more than five key queries.
- E. During the interview, all the candidates will be allowed to make a two minute opening statement and then will be asked the same list of questions by the City Clerk prior to being questioned by the City Council.
- F. All applications shall be deemed to be public documents and shall be available for public inspection. Nothing herein shall preclude the Mayor or an individual Councilmember from requesting additional or clarifying information on an applicant after the final date for submission of applications.
- G. Applicants who desire to withdraw from consideration shall so notify the City Manager in writing.

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- H. A form letter shall be sent to all applicants notifying them when and where the interviews shall take place, the amount of time allowed for the interview and the method by which the appointment shall be made. The list of interview questions shall be attached to the form letter.
- I. Applicants will be sequestered in a room in City Hall during the actual interview of other candidates and will be interviewed one at a time with the remaining candidates sequestered in another room.
- J. All discussions and deliberations by the City Council regarding appointment or confirmation of appointments shall take place in public at regular or special meetings of the Council.
- K. Mayoral appointments shall be submitted to the City Manager for distribution to the Council at least five days prior to confirmation by the Council.
- L. Appointments to Boards, Commissions, and Committees shall not be made by the Mayor or City Council for at least 10 working days after the posting of the notice in the City Clerk's Office.

The only exception to this regulation is in filling unscheduled vacancies. If an emergency exists, the 10 day waiting period may be waived and the unscheduled vacancy filled immediately. Persons appointed to fill such a vacancy shall only serve on an acting basis until the final appointment is made.

- M. The appointing process shall not require a public hearing; however, persons desiring to comment upon the applicants or position can do so in writing to the City Council to the attention of the City Manager.

III. Method of Appointment to Boards and Commissions

- A. The City Clerk shall prepare a written ballot to include the names of each candidate. At the conclusion of the interviews, and after any Council discussion,

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the Clerk shall distribute a ballot to each Councilmember.

- B. Each Councilmember shall mark an "x" on the ballot next to the candidate(s) of their choice.
 - 1. The number of vacancies shall determine the number of candidates each Councilmember may choose regardless of the number of candidates interviewed. Example: If there are 2 vacancies, each Councilmember may only choose 2 candidates.
 - 2. Candidates that are not interviewed shall be crossed off the ballot and shall not be considered.

- C. Each completed ballot shall be returned to the City Clerk for the tally. The City Clerk shall announce the results of each ballot.
 - 1. The candidate(s) receiving at least four (4) votes is selected and the results announced by the City Clerk. Additional rounds of voting are needed if no one candidate receives at least four (4) votes.
 - 2. If no one candidate receives at least four (4) votes, all candidates shall continue in a second round. After the second round of voting, the candidate or candidates with the least number of votes shall be eliminated. The remaining candidates shall proceed to subsequent rounds of voting.
 - 3. The process shall continue until the candidate(s) receiving at least four (4) votes is selected and the results announced by the City Clerk. Following the announcement of the selection results, the City Clerk shall present the resolution approving the candidate(s) selected for appointment. Four (4) votes of the Council are required to approve the resolution.

IV. Attendance Policy for Boards/Commissions/Committees Appointed by the Mayor and/or City Council

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A. The following policy shall apply:

Unexcused absence from three consecutive regular meetings or five or more regular meetings in any twelve-month period shall result in the position being vacated subject to any appeal established under any other provision and to any other established removal process. Excused absences shall include illness, medical reasons, work related conflicts, jury duty, or confirmed conflicts of interest and shall be authorized by the Chairperson of the respective body provided that notification is given to the Chairperson or appropriate staff prior to such absence.

In addition, attendance shall be recorded in a uniform format (copy attached) and such attendance record shall be transmitted to all outside agencies which have members on any City board, commission, or committee.

Adopted by Resolution No. 34,620 10/31/77
 Amended by Resolution No. 40,380 2/6/84
 Amended by Resolution No. 86,0549 8/25/86
 Amended by Resolution No. 88-0696 11/7/88
 Amended by Resolution No. 89-0017 1/3/89
 Amended by Resolution No. 90-0174 3/19/90
 Amended by Resolution No. 91-0211 4/1/91
 Amended by Resolution No. 91-0390 5/28/91
 Amended by Resolution No. 93-0070 2/22/93
 Amended by Resolution No. 95-0490 10/10/95
 Amended by Resolution No. 96-0303 6/10/96
 Amended by Resolution No. 07-0172 5/01/07