

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

SUBJECT: PROCEDURE FOR MAYOR AND COUNCIL APPOINTMENTS
POLICY NO.: 000-13
EFFECTIVE DATE: December 3, 1984

PURPOSE:

It is the intent of the City Council to establish a uniform procedure for the appointment and confirmation of members of commissions, boards, committees, authorities, districts, and councils pursuant to the provisions of this policy and California Government Code sections 54970 through 54974. Nothing in this Policy shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of the Charter of the City of San Diego, any federal or state law, or any duly enacted ordinance.

POLICY:

Mayoral Appointment with Council Confirmation

When a vacancy occurs or is expected to occur on a board, commission, or advisory body to which the Mayor has the power of appointment subject to Council confirmation, the City Clerk shall notify the Mayor and each member of the Council by memorandum of such vacancy or expected vacancy. Notification shall be deemed effective upon receipt of the City Clerk's memorandum, as indicated by the Mayor or Council office time and date stamp. Each Council member may, but is not required to, submit the name of one nominee for each vacancy, together with information in support of such nominee, to the Mayor within thirty days after receiving the notification of the vacancy.

At the request of the Mayor, the Council President shall cause to be placed on the next regularly scheduled Council meeting docket the matter of the Mayor's appointment to fill the vacant position. The appointee shall, if a majority of Council members agree, appear before the Council. The Council shall confirm or deny the Mayor's recommended appointee to the vacant position. If the confirmation of the Mayor's recommended appointee is denied, the Council President shall cause to be placed on the next regularly scheduled Council meeting docket the matter of the Mayor's appointment to fill the vacant position.

In accordance with San Diego City Charter section 43 (c), whenever under the provisions of the Charter or ordinance the Mayor is vested with authority to appoint the members of a board, commission, or advisory body and does not take such action within 45 days after the board, commission, or advisory body has been established or a vacancy occurs, then the Council shall make such appointments.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

City Council Appointment

When a vacancy occurs or is expected to occur on a board, commission, or advisory body to which the City Council has the sole power of appointment, the City Clerk shall notify the Mayor and each member of the Council by memorandum of such vacancy or expected vacancy and request the Mayor and Council members to submit to the Council President no later than thirty days after said notification the name of one nominee to fill each vacancy, together with any information in support of such nominee. Notification shall be deemed effective upon receipt of the City Clerk's memorandum, as indicated by the Mayor or Council office time and date stamp.

The Council President shall notify the Mayor and City Council by memorandum of the nominees to fill the vacancy. No earlier than one week after the issuance of said memorandum, the Council President shall cause to be placed on the next available Adoption Agenda of a regularly scheduled Council meeting the matter of discussion by the Council of the nominees. The Council shall consider all such nominees and select a nominee to fill the vacancy.

Selection Procedure for City Council Appointments

The following procedure is for selection of nominees to fill vacancies on a board, commission, or advisory body to which the City Council has the power of appointment. As defined in Charter section 15, a majority vote refers to the vote of a majority of the members elected to the Council. If multiple vacancies on the same board, commission, or advisory body are to be filled, an election will be held to fill all vacancies at one time. The following procedure shall be used to fill single or multiple vacancies:

1. The Council President calls on each candidate whose name appears on the docket as a nominee to make a presentation to the Council in support of his or her candidacy for appointment. The maximum presentation length is 3 minutes per candidate.
2. The Council President calls on members of the Council to ask brief questions of any of the candidates concerning either their presentations or matters contained in their application filed with the City.
3. If the number of nominees equals the number of vacancies the nominees may be elected by general consent or acclamation to fill the position.
4. If the number of nominees is greater than the number of vacancies, an election to fill all the vacancies shall be held at one time as follows:
 - a. The City Clerk provides ballots to the Council and each Council member votes for the candidate he or she feels to be most qualified for each vacancy and returns the ballot to the City Clerk. Each Council Member has one vote per vacancy.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

- b. The candidate or candidates receiving the highest number of votes, with a minimum of 5 votes, shall be appointed to the vacancy or vacancies.
- c. If there is one vacancy and no candidate receives a minimum of 5 votes the Council may limit the slate to the two highest vote getters as finalists. The finalist receiving a majority shall be appointed to the vacancy.
- d. In a multiple vacancy situation, if no candidate receives a minimum of five votes, balloting shall continue until there are sufficient candidates receiving a majority to fill the vacancies. In a tie situation among the top vote getters, a run off shall be held between those candidates who are tied. If an insufficient number of candidates receive a majority of votes to fill all vacancies, a run off shall be held to fill the remaining vacancies.

General Policies Relating to Appointments

1. Non-Discrimination Policy and Geographical Diversity.

The Council shall comply with the charge contained in Charter Section 42 to “take into consideration sex, race, and geographical area so that the membership of such commissions, boards, committees or panels shall reflect the entire community.” In that regard, the Mayor, or Council President, shall ensure that the information before the City Council includes: (1) the community and Council District where the nominee or appointee resides; (2) a list of the current members of such commission, board, committee, or panel, including the community and Council District where each member resides; and (3) the current or past occupation of the nominee or appointee, and each current member of such commission, board, committee, or panel. This information also shall be made available to the public.

Appointments to commissions, boards, committees or panels shall be made without discrimination on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, unless any such factor is a requirement specified by the City Council as a necessary means to fulfill the purpose of such commission, board, committee, or panel.

2. Non-Residents of the City.

It is the intent of the Mayor and City Council that persons recommended as appointees to any City agency pursuant to this policy shall be residents of the City of San Diego. However, when a person with unique qualifications is available to serve who is a resident of San Diego County, but not the City of San Diego, the Mayor and City Council may make a conscious exception.

When nominating a person who is not a City resident, the nominator shall provide a statement of the nominee’s unique qualification to the Mayor and City Council. The notification shall be by memorandum and delivered within the nomination period.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

3. Term of Service.

The charter of The City of San Diego and some, but not all, other laws creating commissions, boards, committees, authorities, districts, and councils provide limitations on the number of terms or years a member can serve. Pursuant to this policy the maximum length of service of appointees shall be limited to 2 full consecutive terms or 8 consecutive years in office, whichever is longer; with 1 term or 4 years, whichever is longer, intervening before they become eligible for reappointment. Appointees whose terms of service have expired may continue to serve until their successor is duly appointed and qualified.

4. Attendance Requirement.

Unless otherwise specified by ordinance, each member of any board, commission, or advisory body shall be subject to the following attendance requirements. If any member misses three or more consecutive meetings, or one-third of all regularly scheduled meetings during the calendar year, that member's position shall be deemed immediately vacated, without further action. Absences may be excused by majority vote of the board or commission. It shall be the responsibility of the chairperson of the board, commission, or advisory body to report, or cause to be reported, absences triggering the immediate vacation of a position to the City Clerk.

5. Notice of Vacancies.

It is the intent of this policy to take cognizance of and comply with the provisions of section 54972 through 54974 of the California Government Code.

6. Mayoral Approval or Veto Process

For the period of time in which the Mayor-Council form of government remains in effect, in accordance with the Charter, the Mayor shall have veto power over all Council resolutions appointing members to boards, commissions, or advisory bodies. The approval or veto process shall be carried out in compliance with the procedures laid out in the Charter.

RESPONSIBILITY:

It is the intent of the City Council that appointees promptly take the oath of office; be formally advised of any filing requirements pursuant to the conflict of interest code adopted by the agency or board to which they have been appointed; be provided with required reporting forms and information; and receive continuing written notification of procedures they are to follow during their term of office. The responsibilities of those involved in the post-appointment procedures are as follows:

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

| <u>Responsible Party</u> | <u>Action</u> |
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| Mayor (staff) for Mayoral appointments; Council President (staff) for Council appointments | <ol style="list-style-type: none"> 1. Inform appointee of requirement to take oath of office at City Clerk's Office. 2. Inform appointee of requirement to file statement of economic interests reporting forms if disclosure is required for the position. |
| City Clerk (Deputy) | <ol style="list-style-type: none"> 3. Prepare oath card for appointee. If position requires filing of statement of economic interest, attach a notice to oath card that appointee shall be provided with forms and instructions and must sign an acknowledgment for receipt of materials. 4. Compile sets of forms and information for appointees whose positions require the filing of statements of economic interests. |
| Appointee | <ol style="list-style-type: none"> 5. Appear at City Clerk's Office, take the oath of office, and sign the oath card. 6. If the position requires economic interests disclosure, obtain the necessary reporting forms from the Clerk, together with instructional information regarding the reporting and sign acknowledgment receipt for the forms. 7. If required by the agency's conflict of interest code, complete and file the statement of economic interests in accordance with the code instructions. |
| City Clerk (Deputy) | <ol style="list-style-type: none"> 8. Compile and maintain a list of active memberships including status of oaths administered and economic interests disclosure filings, if required. Provide copies of the list to the Mayor; Council President; City Attorney; and board, commission, or advisory body chairpersons. 9. Notify members of annual filing deadlines for statements of economic interests and provide required reporting forms. 10. Receive and file statement of economic interest forms filed by members and appointees. |