

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

CURRENT

SUBJECT: PROCEDURE FOR MAYOR AND COUNCIL APPOINTMENTS  
POLICY NO.: 000-13  
EFFECTIVE DATE: July 28, 2020

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, and districts pursuant to the provisions of this policy. This policy will apply unless it conflicts with the City Charter, ordinance, corporate bylaws, or other controlling legal authority.

POLICY:

*Non-Discrimination and Geographical Diversity:* Charter section 42 provides that the membership of City commissions, boards, and committees should be diverse and reflect the entire community. The appointing authority should consider persons whose particular strengths, backgrounds, experience, perspective and talents might contribute significantly to efficient and representative policy development and administration in local government.

Appointments to commissions, boards, committees, authorities, and districts, shall be made without discrimination on account of race, color, creed, sex, age, national origin or ancestry, religion, pregnancy, physical or mental disability, veteran status, marital status, medical condition, gender identity, or sexual orientation, unless such factor is a legal requirement and necessary to fulfill the purpose of such board, commission, committee, authority, or district. To help achieve geographical diversity, the appointing authority may consider the community and council district where each appointee resides.

*Non-Residents of the City:* It is the intent of the Council that appointees 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, then the Council may make a conscious exception to this policy. When nominating a person who is not a City resident, the nominator shall provide information to the appointing authority regarding the nominee's unique qualifications to serve.

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*Term of Service:* The Charter and other laws governing commissions, boards, committees, authorities, and districts provide limitations on the number of terms or years a member may serve. Unless otherwise provided, the maximum length of service of appointees shall be limited to two full consecutive terms per Charter section 41, or eight consecutive years in office per Charter section 43; with one term or four years, whichever is longer, intervening before they become eligible for reappointment. If for any reason, a member serves a partial term in excess of one-half of a full term, that partial term will be considered a full term for the purpose of any term limitations. Appointees whose terms of service have expired shall continue to serve until their successor is duly appointed and qualified, even if the total time served extends beyond the maximum permissible length of service.

**PROCEDURES:**

A. Notice of Vacancy

In accordance with California Government Code section 54970 through 54974, the City Clerk shall: (1) maintain a list of all appointive terms that will expire during the next calendar year; and (2) post a notice of any unscheduled vacancy. Board and commission members who choose to resign shall ensure that their resignation is promptly reported to the City Clerk. To the extent practicable, the City Clerk will make this information available on the City's website and regularly inform the Mayor, Councilmembers, and City Attorney of unscheduled vacancies and upcoming expired terms.

B. Mayoral Appointment with Council Confirmation

*Nomination and Appointment:* Unless otherwise specified by Charter, ordinance, or other controlling authority, Councilmembers may submit to the Mayor one nominee for each vacancy. The nomination should include the nominee's resume and completed application. Nominees will be required to undergo a background check only if required by governing law. Nominations to fill an expired term must be submitted to the Mayor no later than 30 days before the expired term ends. However, the Mayor may consider nominations submitted after the 30-day period. Nominations to fill an unscheduled vacancy must be submitted to the Mayor within 15 business days of the date the Clerk posts the notice of the unscheduled vacancy. After the relevant time period has passed, and upon receipt of the Mayor's memorandum, the Council President will place the matter of the appointment on the next available regularly scheduled Council meeting docket.

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*Confirmation:* 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 Mayor may recommend another appointee within forty-five days thereafter, and the Council President will place the matter of appointment on the next available regularly scheduled Council meeting docket.

*Charter Requirements:* Nothing in this Council Policy is intended to contravene the provisions of Charter sections 41 or 43(c), which state that the Council shall make appointments if the Mayor fails to select an appointee within forty-five days after a board, commission or committee is established, or a vacancy occurs. If the Council assumes the appointment process, it will follow the procedures set forth in Section C of this Council Policy, below.

**C. City Council Appointment**

*Nomination:* Unless otherwise specified by Charter, ordinance, or other controlling authority, the Council President shall notify each Councilmember by memorandum of the opportunity to submit nominations for appointment. Each Councilmember may submit one nominee for each vacancy, together with information in support of such nominee, to the Council President within the time specified in the memorandum. After the relevant time period has passed, the Council President will place the matter of the appointment, with all Councilmember nominees, on the next available regularly scheduled Council meeting docket.

*Appointment:* If there are more nominees than vacancies on the same commission, board, committee, authority or district, an election will be held to fill the vacancies as described below:

1. The Council President will call 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 will be three minutes per candidate.
2. The Council President will call on each member of the Council to ask brief questions of any of the candidates concerning either the presentation or matters contained in his or her 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 the vacancies shall be held as follows:

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- a. Vacancies will be filled one at a time. The election shall be conducted by written ballot at a scheduled meeting of the City Council. The City Clerk will provide a ballot to each Councilmember, who shall vote for the candidate he or she feels to be most qualified and then return the ballot to the City Clerk. Each Councilmember will have one vote in a round of balloting. The City Clerk shall announce the votes for each candidate at the end of the round of balloting.
  - b. If a single appointment is to be made and more than one qualified candidate has been nominated for the position, the Council shall vote until one candidate receives at least five Councilmember votes. If no one receives at least five Councilmember votes in the first round of balloting, the nominee with the lowest number of votes shall be dropped from the next round of balloting, unless the lowest vote-getters are in a tie situation. This procedure includes nominees who have received zero votes. New ballots will be distributed and a new round of voting will be taken. Voting will continue in this manner until a candidate receives at least five Councilmember votes and is appointed, or the Council President declares an impasse (see “d” below).
  - c. If multiple appointments are to be made and more qualified candidates have been nominated than the number of available positions, the Council shall consider each position separately, as set forth above, using the procedure in subsection “b”. After the first appointment is made, all of the remaining nominees, including those who may have been dropped as the lowest vote-getters in the rounds of voting for a previous position, will be considered in the first ballot for the next appointment. Voting will then continue as set forth in subsection “b” above. This procedure will be used until all of the positions have been filled, or until the Council President declares an impasse (see “d” below).
  - d. The Council President will have the discretion to determine when an impasse should be declared, and may declare one, after multiple rounds of voting have occurred and no candidate has received at least five Councilmember votes.
5. If all nominees are denied, the Council President shall reopen the opportunity to all Councilmembers to submit another nominee, and the Council President shall place these nominees for consideration on a regularly scheduled Council meeting docket.

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*Appointments Under Charter Sections 41 and 43(c):* Whenever under the provisions of the Charter or ordinance the Mayor is vested with authority to appoint the members of boards or committees and does not take such action within 45 days after the board is established, or a vacancy occurs, the Council shall make such appointments by using the process in this Section. For purposes of this Council Policy, the Council can proceed to make appointments 45 days after the term of a board or commission member has expired, and the Mayor has not made an appointment. The nomination process shall comply with the Ralph M. Brown Act and the Charter, and shall include the following steps:

- a. The Council President will post a memorandum to the Council as a public notice on a City Council meeting agenda, calling for Councilmembers to submit nominations of candidates to fill the seat(s), along with any supporting materials for the nomination.
- b. Councilmembers shall provide any such nominating materials directly to the Director of Legislative Affairs within 10 days of the date on the City Council agenda, and not provide the materials to, or discuss them with, a majority of other Councilmembers or their representatives, in compliance with the Ralph M. Brown Act.
- c. The Director of Legislative Affairs will submit all nominations as part of an item on the next available Council docket, during which the full Council will interview and select nominee(s) for appointment. The appointment process at the Council meeting will follow the procedures in this Section, detailed above.

**D. Post-Appointment Procedures**

It is the intent of the 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 to which they have been appointed; be provided with required reporting forms and information; and receive continuing written notification of procedures that must be followed during their term of office, as follows:

Responsibility

Action

Mayor or Council  
President (Staff)

- 1. Inform appointee of requirement to take oath of office at City Clerk's office.

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2. Inform appointee of requirement to file statement of economic interests reporting forms if disclosure is required for the position.
- City Clerk (Deputy) 3. Prepare oath card for appointee.
4. Compile sets of forms and information for appointees whose positions require the filing of statements of economic interests, notify members of applicable filing deadlines, and provide information on how to obtain the required reporting forms.
- Appointee 5. Prior to assuming the duties of office, appear at City Clerk's Office, take the oath of office, and sign the oath card. All members who are reappointed to a board, commission, or other advisory body must retake the oath of office and sign a new oath card.
6. If the position is listed in the agency's conflict of interest code as one which requires the disclosure of economic interests, obtain information on the reporting forms from the Clerk. Complete and file the statement of economic interests forms in accordance with the applicable conflict of interest code and disclosure instructions.
7. Complete ethics training course as required by Council Policy 000-04, "Code of Ethics and Ethics Training."
- City Clerk (Deputy) 8. Compile and maintain a list of active memberships including status of oaths administered and economic interests disclosure filings.
9. Receive and file statements of economic interests forms filed by members and appointees.
10. Follow up on filings and send written notice to delinquent filers advising of requirement to comply with the conflict of interest code.
11. Advise Ethics Commission of appointees' or members' failure to file following the sending of written notification.

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HISTORY:

Adopted by Resolution R-205453 – 04/27/1972  
Amended by Resolution R-207141 – 01/02/1973  
Amended by Resolution R-215960 – 05/12/1976  
Amended by Resolution R-217454 – 01/05/1977  
Amended by Resolution R-217592 – 01/26/1977  
Amended by Resolution R-217893 – 03/15/1977  
Amended by Resolution R-221971 – 10/06/1978  
Amended by Resolution R-250473 – 10/23/1979  
Amended by Resolution R-258342 – 04/25/1983  
Amended by Resolution R-261492 – 09/10/1984  
Amended by Resolution R-261821 – 10/29/1984  
Amended by Resolution R-262084 – 12/03/1984  
Amended by Resolution R-307275 – 02/16/2012  
Amended by Resolution R-308069 – 04/24/2013  
Amended by Resolution R-313174 – 07/28/2020