



**AGENDA
ITEM**

23



CITY COUNCIL

AGENDA STAFF REPORT

DATE: April 16, 2025
TO: Mayor and City Council
APPROVED BY: Richard A. Daniels, Interim City Manager 
REQUESTED BY: Mayor Pro Tem Victor Legaspi
PREPARED BY: Veronica L. Alvarado, City Clerk 
SUBJECT: Removal and Replacement of Current Appointee to the Community Services Commission with a New Appointment to the Same Commission.

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Recommendation:

None.

Background:

Mayor Pro Tem Legaspi has requested an item be placed on the City Council Agenda for the removal and replacement of current appointee to the Community Services Commission with a new appointment to the same commission.

Discussion and Analysis:

Removal of a commissioner would be made pursuant to Municipal Code Section 2.19.020 (B) which states: "A member of any commission, board, or committee may be removed at any time by the city council member who appointed such member to the respective commission, board, or committee for any reason and/or if absent from three regularly scheduled meetings in a calendar year. Such removal must be announced at a public meeting of the city council.

Appointment of a new commissioner would be made pursuant to Municipal Code Section 2.19.010 (A)(1)(a) which states: "Each city council member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five days after an election is certified or vacancy otherwise exists), a city council member has failed to make an appointment, the appointment will be made by a majority vote of the city council and the appointee shall continue for the duration of the term of office of the city council

member who failed to make the appointment and shall not be removed from office except by majority vote of the city council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the city council expires or the member's seat becomes vacant, the original council member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.

The criteria for an appointee to hold office is listed below:

1. Pursuant to Municipal Code, Section 2.19.030 Eligibility - Sections A-E:
 - A. To be eligible for, and to hold appointment, each appointee shall neither hold public office, or City employment, nor shall he/she be an officer of any local, state or national partisan official group. All members of commissions, boards and committees of the City shall be residents of the city or shall regularly work within the City.
 - B. Members of the City Council may be appointed by the majority of the City Council to attend commission, board or committee meetings as liaisons to the City Council.
 - C. Appointee shall be subject to the conflict-of-interest sections of the Political Reform Act of 1974.
 - D. An individual may serve on only one (1) committee, board or committee at any time.

Fiscal Impact:

None.

Coordinated With:

City Clerk

Attachment(s):

1. Municipal Code Section 2.19.010-Appointments to commissions, board, and committees-Process; Section 2.19.020-Vacancies and removal of members and Section 2.19.030-Eligibility.

ATTACHMENT NO. 1

2.19.010 - Appointments to commissions, boards and committees—Process.

A. Appointments to all city commissions, boards and committees, shall be made by the following process:

1. Five-Member Commissions, Boards or Committees.

- a. Each city council member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five days after an election is certified or vacancy otherwise exists), a city council member has failed to make an appointment, the appointment will be made by a majority vote of the city council and the appointee shall continue for the duration of the term of office of the city council member who failed to make the appointment and shall not be removed from office except by majority vote of the city council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the city council expires or the member's seat becomes vacant, the original council member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.
- b. This subsection will not apply to the planning commission where instead commissioners will be chosen pursuant to an application, interview, and appointment process set by city council resolution.

2. Seven-Member Commissions, Boards or Committees.

- a. Each city council member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five days after an election is certified or vacancy otherwise exists), a city council member has failed to make an appointment, the appointment will be made by a majority vote of the city council and the appointee shall continue for the duration of the term of office of the city council member who failed to make the appointment and shall not be removed from office except by majority vote of the city council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the city council expires or the member's seat becomes vacant, the original council member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.
- b. The remaining two members will be appointed by majority vote of the city council for a two year term. If the member's seat becomes vacant during the term, a new member will be appointed by a majority vote of the city council to serve out the remainder of the term.
- c. This subsection will not apply to the community police advisory commission where instead each city council member will appoint one commissioner, the city manager will appoint one commissioner, and the chief of police will appoint one commissioner

following an application and interview process as set by city council resolution.

- B. Pursuant to this code and Government Code Section 54974, the following procedures shall be employed in filling vacancies on commissions, boards and committees in the city:
1. The city clerk shall advise the city council of the names of those persons whose term of office on a city commission, board or committee will be expiring thirty days prior to such expiration.
 2. The city clerk shall promptly advise the city council of any unscheduled vacancy whether due to resignation, death, termination or other causes.
 - a. Whenever an unscheduled vacancy occurs in any commission, board or committee for which the city council has the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the city clerk, and in other places as directed by the city council not earlier than twenty days before or not later than twenty days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made by the city council for at least ten working days after the posting of the notice in the city clerk's office.
 - b. Notwithstanding subsection (C)(2)a of this section, the city council may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. Such emergency appointments shall be made by the mayor with the approval of the city council. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.
 3. The department director of the department assigned to each city commission, board or committee shall notify the city clerk of any position which should be declared vacant pursuant to the provisions of this code or state law. The city clerk shall in turn advise the city council of all such notification.
 4. The city council shall provide by ordinance any additional procedures necessary for appointments to commissions, boards and committees.

(Ord. No. 1226, § 1, 5-18-22; Ord. No. 1159, § 1, 2-3-15)

2.19.020 - Vacancies and removal of members.

- A. Any member of the commission may resign from any commission, board or committee at any time.
- B. A member of any commission, board, or committee may be removed at any time by the city council member who appointed such member to the respective commission, board, or committee for any reason and/or if absent from three regularly scheduled meetings in a calendar year. Such removal must be announced at a public meeting of the city council.
- C. Notwithstanding any other provision of this chapter, any member of any commission, board or committee (except non-voting ex-officio members) who absents himself or herself from any three regularly scheduled meetings (for any reason) in a twelve-month period shall automatically forfeit his or her position and shall automatically be removed from the membership of the commission, board or committee. Any member so removed shall not be reappointed for a period of one year to any city commission, board or committee. It shall be the responsibility of the assigned department to report attendance at each meeting of the commission, board or committee to the city clerk.
- D. Members will also be automatically removed for violating the Political Reform Act of 1974 as determined by the appropriate agency with authority to render such decisions or failing to comply with mandatory ethics training or conflict-of-interest filings required by the state or the city.

(Ord. No. 1226, § 1, 5-18-22; Ord. No. 1159, § 1, 2-3-15)

2.19.030 - Eligibility.

- A. To be eligible for, and to hold appointment, each appointee shall neither hold public office, or city employment, nor shall he/she be an officer of any local, state or national partisan official group. All members of commissions, boards and committees of the city shall be residents of the city or shall regularly work within the city.
- B. Members of the city council may be appointed by the majority of the city council to attend commission, board or committee meetings as liaisons to the city council.
- C. Appointee shall be subject to the conflict-of-interest sections of the Political Reform Act of 1974.
- D. An individual may serve on only one committee, board or committee at any time.
- E. With the exception of the planning commission, which shall receive compensation as determined by the city council, commission, board and committee members shall receive a stipend of fifty dollars for each meeting that the member attends. The city manager or city council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.

(Ord. No. 1226, § 1, 5-18-22; Ord. No. 1159, § 1, 2-3-15)