

# CITY OF LAKE ELSINORE, CALIFORNIA

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## COUNCIL POLICY MANUAL

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**SUBJECT: Commission Appointments**

**Policy No. 200-5A**

**Effective Date: 11/03/04**

**Revised: 9/12/06**

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### **DEFINITIONS**

For purposes of this Policy, the term “*Commission*” shall have the meaning set forth below:

A “*Commission*” shall be a regular, ongoing committee, board or commission consisting of members appointed by the City Council. The City Council shall establish by ordinance all Commissions which shall advise the City Council and perform such other functions and duties as prescribed by the City Council.

### **BACKGROUND**

The City of Lake Elsinore currently has two standing Commissions: the Planning Commission and the Public Safety Advisory Commission. The Planning Commission was established pursuant to Lake Elsinore Municipal Code Chapter 2.24 and the Public Safety Commission was established pursuant to Lake Elsinore Municipal Code Chapter 2.26. Within specific areas of responsibility, each Commission serves as an advisory body to the City Council on policy matters or reviewing specific issues as directed by the City Council or prescribed by law. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.24) and State statute (Government Code Section 65100 et seq. and Sections 65300-65401).

The City has adopted a City Council Policy Manual which includes City Council Policy Nos. 100-2 (Code of Ethics), 100-3 (Anti-Discrimination), 200-2 (Open Meetings – Brown Act), and 200-3 (Conflict of Interest) which specified policies are also applicable to all advisory bodies. A copy of these Policies shall be provided to all appointed Commission members.

### **PURPOSE**

To define policies and procedures for the appointment by the City Council of members of Commissions.

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### POLICIES AND PROCEDURES APPLICABLE TO COMMISSIONS

#### A. General; Methods of Selection

1. **General.** The City Council shall establish a Commission by ordinance which clearly defines the extent of the Commission's authority and the nature of the Council's review of the Commission's action (e.g. *de novo* or on the record). Appointments shall be discussed and made in open session.
2. **Method of Selection.**
  - i. **Annual List.** A list of all regular and ongoing boards, commissions, and committees whose members serve at the pleasure of the City Council shall be posted on or before December 31 of each year. This list shall be known as the "Local Appointments List." The list shall contain the following information: a) a list of all appointive terms which will expire during the next calendar year, b) the name of the incumbent appointee, c) the date of appointment, d) the date the term expires, and e) the necessary qualifications for the position.
  - ii. **Posting of Annual List.** The Local Appointments List shall be posted at City Hall and copies shall be available to members of the public for a reasonable fee which shall not exceed actual cost. The Local Appointments List shall also be provided to and posted in the Lake Elsinore Branch of the Riverside County Library located at 600 W. Graham Avenue.

#### B. Qualifications; Compensation; Elective Office

##### 1. Qualifications

- i. The Ordinance establishing the Commission shall specify that members shall be at least 18 years of age and such other qualifications as the City Council deems necessary and appropriate. (LEMC Chapter 2.24)

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- ii. Members of the City Council or any City Commission are disqualified for membership in any other Commission. No person shall be a concurrent member of more than one Commission.
2. **Compensation.** The City Council shall fix the compensation of all appointive Commission members by ordinance or by resolution.
3. **Elective Office.** Commission members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office. Commission members who are running or who have run for elective office shall comply with the provisions of California Government Code Section 84308 concerning the prohibition against solicitation and acceptance of certain campaign contributions, the disclosure of certain campaign contributions and the disqualification from participating in decisions in which the person making the campaign contribution has a financial interest.

### **C. Application/Selection Process**

1. A current list of applicants is established each year. Applications may be submitted to the City Clerk at any time between January 1 and December 31. These applications may be considered for various vacancies throughout the year; however, on December 31, any remaining applications of these persons not appointed will be void. In order to be considered in the following year, new applications will need to be submitted starting January 1. During the year, the application process begins for a particular opening when a vacancy occurs due to term expiration, resignation, removal or death of a member.
2. The application period will normally run for a period of four weeks from the date the vacancy occurs. Applications are available from the City Clerk's office. A copy of this Policy No. 200-5A shall be provided to all applicants.

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3. Applicants are required to complete and return a separate application form for each Commission they desire to serve on by the established deadline. Applications sent by fax or email shall not be accepted. The City Clerk shall compile a list of applicants from the applications received (the "List of Applicants").
4. Incumbents seeking a reappointment are required to complete and file an updated application with the City Clerk by the application deadline.
5. At least thirty (30) days prior to such date as a vacancy requires filling, the City Clerk shall schedule the matter at the next available regular Council meeting. The City Council shall appoint a subcommittee of two (2) City Council Members to select appointees from the List of Applicants (as defined above)
6. After the application deadline, the subcommittee members shall evaluate the applications received and may schedule or waive interviews, or extend the application process in the event insufficient applications are received.
7. After consideration of the foregoing, the appointment subcommittee shall select the candidate(s) it wishes to recommend to the City Council and shall submit a written report to the City Council citing its reasons for selecting the candidate(s) recommended. Applications submitted by the finalists will be provided to the City Council and made a part of the Council agenda packet for its review and consideration.
8. The appointment subcommittee shall nominate its selected applicants at a City Council meeting. A vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Council present shall be appointed.
9. Following a Council appointment, the City Clerk shall notify successful and unsuccessful applicants, as applicable, in writing.

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10. An orientation will be scheduled by support staff following an appointment (but before taking office).

### **D. Term of Office**

1. The term of office for members of the Planning Commission and the Public Safety Advisory Commission is four (4) years. The term of office for members of all other Commissions shall be the term set forth in the enacting ordinance for such Commission.
2. Terms are staggered to be overlapping, so that all terms do not expire in any one year.
3. If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

### **E. Appointments/Oaths**

1. The City Council is the appointing body for all Commissions. All members serve at the pleasure of the City Council for designated terms.
2. All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the Council present.
3. Prior to taking office, all members must complete an Oath of Allegiance required by the Article XX, ¶3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
4. Appointments made during the middle of the term are for the unexpired portion of that term.

### **F. Conflict of Interest and Disclosure Requirements**

1. A Conflict of Interest Code has been updated and adopted by the City Council pursuant to Government Code Section 87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the

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adopted Conflict of Interest Code, members serving on the Planning Commission and Public Safety Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within thirty days of appointment and annually thereafter. A statement is also required within thirty days after leaving office.

2. If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

### **G. Selection of Chair and Vice Chair**

1. The Chair and Vice Chair of each Commission shall be selected upon establishment and in July of each year thereafter by a majority of the members and shall serve for one year or until their successors are selected.
2. Each Commission may annually rotate its Chair.

### **H. Meetings and Officers**

1. **Agendas/Notices/Minutes**
  - i. All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, cancelled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
  - ii. Support staff for each Commission shall be responsible for properly noticing and posting all regular, special, cancelled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council,

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City Manager, City Attorney, City Clerk and other appropriate staff, as requested.

- iii. Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted Records Retention Schedule.

### 2. **Conduct and Parliamentary Procedures**

- i. Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow the most recent edition of The Standard Code of Parliamentary Procedure revised by the American Institute of Parliamentarians.
- ii. A majority of Commission members shall constitute a quorum and a quorum must be seated before official action is taken.
- iii. The Chair of each Commission shall preside at all meetings and the Vice Chair shall assume the duties of the Chair when the Chair is absent.

### 3. **Meeting Locations and Dates**

- i. Meetings shall be held in the Council Chambers or other designated City facilities as noticed.
- ii. All Commissions shall conduct regular meetings at least once a month. Special meetings may also be scheduled as required by the Commission.
- iii. Monthly regular meetings shall have a fixed date and time established by the Commission. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the Commission to conduct its meeting in a most efficient and effective way as long as proper and adequate

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notification is provided to the Council and made available to the public.

#### 4. **Other Rules and Procedures**

Each Commission may adopt other rules and procedures as it feels necessary to effectively and efficiently accomplish its duties.

#### **I. Attendance**

1. An Attendance Policy shall apply to all advisory bodies. Provisions of this Policy No. 200-5A are listed below.
  - i. A compilation of attendance will be submitted to the City Council at least annually listing absences for all Commissions/Committee members.
  - ii. Absences, which result in attendance at less than two thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the Council.
  - iii. Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council or appropriate City staff member for a waiver of this Policy No. 200-5A or to obtain a leave of absence.
2. While it is expected that members be present at all meetings, the chair should be notified if a member knows in advance that he/she will be absent.

#### **J. Relationship to Council, Staff and Media**

1. Upon referral by the Council, the Commission shall study referred matters and return their recommendations and advise to the Council. With each such referral, the Council may authorize the City staff to provide certain designated services to aid in the study.

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2. Commissions shall not become involved in the administrative or operational matters of City departments unless specifically provided in their prescribed powers and duties. Members may not direct staff to initiate major programs, conduct large studies, or establish department policy without approval of the City Council. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions may not establish department work programs or determine department program priorities unless specifically authorized. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.
3. Additional or other staff support may be provided upon a formal request to the City Council.
4. The Commission Chair shall act as the Commission's lead representative. Pursuant to Council Policy 400-6, no Commission Chairperson or member shall prepare or distribute an official press release to the media. Commission members may express personal opinions and comments so long as the member clarifies that his or her statements do not represent the position of the Commission and/or the City Council.

### **K. Council Referrals**

Referrals and requests from the City Council for advice and recommendations shall be transmitted by the City Manager or by the City Council during a joint study session. Commissions shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

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**L. Recommendations, Requests and Reports**

As necessary and appropriate, the agenda for the regular City Council meeting will include an item called “Commission/Committee Reports, Announcements and/or Appointments”. At this time, Commissions may submit recommendations in writing or reports and may request direction and support from the City Council. Such requests shall be communicated to the City Manager in advance so that they may be listed on the agenda. The Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

**M. Public Appearance of Commission Members**

When a Commission member appears in a non-official, non-representative capacity before the public, for example in a Council meeting, the member shall indicate that he or she is speaking only as an individual. If the Commission member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a Commission member’s appearance inappropriate. Conversely, when a member who is present at a Council meeting is asked to address the Council on a Commission matter, the member should represent the viewpoint of the particular Commission as a whole (not a personal opinion).

**N. Removal**

Appointed officials hold office at the pleasure of the City Council. The City Council may remove a Commission member without notice or a hearing upon a vote of the majority of the City Council.

**O. Resignations**

Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.

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**P. Unscheduled Vacancies**

1. **Notice of unscheduled vacancy; Selection.** Whenever an unscheduled vacancy occurs in any Commission (whether due to resignation, death, termination, or other causes) a special vacancy notice shall be posted in the office of the City Clerk, the Lake Elsinore Branch of the Riverside County Library, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the Commission shall not be made by the City Council for at least 10 working days after the posting of the notice in the City Clerk's office.
2. **Emergencies.** Notwithstanding the foregoing, the City Council may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

**Q. Disbanding of Advisory Body**

Unless otherwise required by law, a Commission may be disbanded due to lack of business or other cause upon majority vote of the City Council following a recommendation of the City Council, Commission Chair or appropriate staff.

**R. Waiver of Requirements**

In the event compliance with any of the above requirements would seriously interfere with or interrupt the important business of the City, the City Council may, with the approval of four Council members, waive one or more of said requirements.

### **HISTORY**

Adopted by Minute Action

11/03/04

Amended by Resolution No. 2006-152

9/12/06

