

CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY**CURRENT**

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

PURPOSE:

It is the intention 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.

POLICY:

When a vacancy occurs or is expected to occur on a commission or advisory body to which the mayor has the power of appointment, the mayor shall notify each member of the Council by memorandum of such vacancy or expected vacancy and request nominees for the Mayor's consideration in making an appointment to fill the vacancy. Each Council member may, but is not required to, submit the name of one nominee, with attendant supporting information, to the Mayor within thirty days after receiving the notification of the vacancy.

Notification shall be deemed effective upon receipt of the mayor's memorandum, as indicated by the Council office time and date stamp. At the close of the thirty day response period, the mayor shall then cause to be placed on the next regularly scheduled Council meeting docket the matter of the appointee the Mayor has selected 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 Mayor 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.

When a vacancy occurs or is expected to occur on a commission or advisory body to which the City Council has the power of appointment, the City Clerk shall notify each member of the Council by memorandum of such vacancy or expected vacancy and request Council members to submit to the Mayor no later than thirty days after said notification the name of one nominee to fill the 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 Council office time and date stamp. 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." The Mayor shall notify the City Council by memorandum of the nominees to fill the vacancy. No earlier than one week after the issuance of his memorandum, the Mayor 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.

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

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with unique qualifications is available to serve, and who is resident of San Diego County, but not the City of San Diego, then the Mayor and City Council may make a conscious exception.

When nominating a person who is not a City resident, the Mayor or Councilmember shall notify all other Councilmembers of their nomination and provide a statement of his or her unique qualification. The notification shall be by memorandum and delivered within the nomination period.

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. 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 governed by the maximum length of service provisions of the Charter so that appointees shall be limited to two (2) full consecutive terms or eight (8) consecutive years in office, whichever is longer; with one term or four (4) years, whichever is longer, intervening before they become eligible for reappointment.

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

Selection Procedure

The following procedure is for selection of nominees for vacancies on a board, commission or other 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 Mayor calls on each candidate whose name appears on the docket as a nominee to make a presentation to the Council in support of his candidacy for appointment (maximum three (3) minutes presentation each).
2. The Mayor calls on member of the Council to ask brief questions of any of the candidates concerning either the presentation 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 candidates he/she feels to be most qualified for each vacancy and returns the ballots to the City Clerk. Each Council Member has one vote per vacancy.
 - b. The candidate(s) receiving the highest number of votes (minimum of five) shall be appointed to the vacancy(ies).

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- c. If there is one vacancy and no candidate receives a minimum of five (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 candidates receive a minimum of five votes, balloting would continue until there were sufficient candidates receiving a majority to fill the vacancies. In a tie situation among the top vote getters those candidates would run off for the vacancies. If an insufficient number of candidates receive a majority of votes to fill all vacancies, a run off shall be held among the remaining vacancies.

RESPONSIBILITY:

It is the intent of the City Council that appointees promptly take the oath of office, are formally advised of any filing requirements pursuant to the conflict of interest code adopted by the agency to which they have been appointed, are provided with required reporting forms and information, and continuing notification and follow-up will be clearly provided by documented procedures; namely,

| <u>Responsibility</u> | <u>Action</u> |
|-----------------------|--|
| Mayor (staff) | <ul 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) | <ul 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 | <ul 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. |

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- City Clerk (Deputy) 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; City Attorney and Board/Commission 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.
11. Follow-up on filings and send written notice to delinquent filers advising of requirement to comply with code. (A copy of each notice to be sent to the City Attorney.)
12. Advise City Attorney of appointees' or members' failure to file following the sending of written notification.

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