



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** January 3, 2005      **ITEM NUMBER:** Item Number

**SUBJECT:** COMMISSION APPOINTMENT PROCESS AND SELECTION

**DATE:** DECEMBER 21, 2004

**FROM:** City Manager's Office

**PRESENTATION BY:** ALLAN L. ROEDER, CITY MANAGER

**FOR FURTHER INFORMATION CONTACT:** Steven E. Hayman, Assistant City Manager  
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## **RECOMMENDATION:**

Establish procedure for the appointment of Commissioners.

## **BACKGROUND:**

At the City Council Study Session of December 13, 2004, several items were discussed relative to City Council Reorganization including various processes, procedures, appointments, etc. As a result of the discussion, staff was requested to bring forward a limited range of options for interviewing and appointing new members to the Planning Commission and Parks and Recreation Commission.

## **ANALYSIS:**

Commission appointments are currently scheduled to take place at the regular City Council meeting of February 7, 2005, pending second reading and approval of Ordinance 04-17. Before the February 7, 2005 meeting, City Council should decide how the appointment process will be conducted. Attachment A presents a range of optional means for conducting interviews and appointing Commission members. Each option provides a brief narrative description of the process and a detailed "Step by Step" procedure.

There are certain common elements to all of the options detailed in Attachment A that are discussed in the following:

1. Any process involving a majority of the City Council – whether it be interviewing or appointing Commissioners – must be conducted in public and provide for public comment. All actions taken in connection with the appointment of Commissioners must be a matter of public record. Letters of interest and resumes submitted by applicants are also public information.

2. While the opportunity for Public Comment is a fundamental component of the public process, the City Council may establish reasonable limitations in this regard. This may include a limitation on the length of time individual public members can speak as well as the cumulative time for comments. This should be determined at the time the appointment process is selected.
3. While the City Council may choose to interview applicants, it is under no obligation to interview all applicants. The City Council may limit the number of interviews without the establishment of criteria or eligibility regulating the process.

Attachment B is the final listing of applicants for the two Commissions. It should be noted that based upon your prior action, once five members are appointed to each Commission, two commissioners from each will be appointed to a two year term by draw. This process will create staggered terms.

Additionally, two applications for the Planning Commission were received after the Council-directed deadline from Leonard Filner and Martin H. Millard. Both applicants believe there are extenuating circumstances. City Council will need to indicate whether these applicants should be considered in the process.

#### **ALTERNATIVES CONSIDERED:**

The Alternatives are identified in Attachment A.

#### **FISCAL REVIEW:**

There are no fiscal impacts associated with this item.

#### **LEGAL REVIEW:**

The City Attorney has been involved throughout the preparation of this report. No further review is required at this time. Each possible option for commissioner selection was reviewed to ensure that selection fully complies with the Brown Act. As noted above, any steps taken to develop a consensus of a majority of Council Members on appointments must be open to the public, including voting, and documents considered by Council Members in selecting appointees must be available to the public. No further review is required at this time.

**CONCLUSION:**

The City Council is requested to make a decision as to (a) whether or not interviews will be conducted and if so, on what basis and (2) the method to be used for Commission appointments.

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STEVEN E. HAYMAN  
Assistant City Manager

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ALLAN L. ROEDER  
City Manager

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MARC R. PUCKETT  
Director of Finance

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KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: Deputy City Clerk  
Development Services Director  
Administrative Services Director  
Public Services Director

ATTACHMENTS: A [Commission Appointment Process](#)  
B [Commission Applicant List](#)