



# Memorandum

**TO: HONORABLE MAYOR AND  
CITY COUNCIL**

**FROM: TONI J. TABER, CMC**

**SUBJECT: SEE BELOW**

**DATE: August 1, 2014**

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**SUBJECT: BOARDS AND COMMISSIONS STRUCTURAL IMPROVEMENT  
PROJECT—COUNCIL POLICY 0-4**

**RECOMMENDATIONS:**

Approve the revisions to Council Policy 0-4

**BACKGROUND:**

The City's Board and Commissions program is codified in the San Jose Municipal Code. Municipal Code Section 2.08 contains information regarding the membership, purpose, and scope of all City Boards and Commissions.

A comprehensive review of the City's Boards and Commissions program was the objective of the City Council over the past seven years. There have been a number of reports to the Council and Council Committees during this period which have addressed potential improvements to the governance structure and discussed issues concerning the potential consolidation or elimination of boards, commissions, and committees. The following is a chronology of those actions.

- On September 25, 2007, the City Council voted to create a new Neighborhoods Commission and directed the Administration to take the following actions:
  1. The Neighborhoods Commission not duplicate the mission or work of any existing commission, including the Planning Commission, Library Commission, Parks and Recreation Commission, or Historic Landmarks Commission;
  2. The Neighborhoods Commission not be another level of review for land use projects;
  3. Until the Neighborhoods Commission annual work plan is completed and approved by Council, no decisions be made about staffing and budget requirements; and
  4. Staff returns with an analysis of all existing boards, commissions, and other public bodies, and the costs to staff each, looking at redundancies and opportunities for consolidation, efficiency, and elimination.

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- The Rules and Open Government Committee approved the City Clerk's "Framework for Structural Improvements to the City's Boards and Commissions Program" on October 22, 2008. The recommended improvements included:
  - 1. Enhance the recruitment, screening, and selection processes for members of boards and commissions by:
    - a. Improving the Recruitment Process – Increasing outreach and advertising as well as expanding the scope of the Project Diversity Steering Committee (PDSC) to include, in addition to interviewing and making recommendations on potential boards and commission members, recruiting citizens with diverse backgrounds, experiences, and perspectives to apply, serve, and contribute.
    - b. Improving the Screening Process – Reviewing selection criteria, including establishing minimum qualifications where appropriate, augmenting the City application with commission-specific questions, involving City staff as appropriate, and providing for more structured interviews by the Project Diversity Steering Committee.
    - c. Streamlining the Selection Process – Moving to quarterly appointments to reduce the number of vacancies and shorten application cycles and wait times in filling positions.
  - 2. Improve the effectiveness of boards and commissions by focusing on:
    - a. Processes – Updating and consolidating procedures, including attendance policies and development of a handbook for prospective and new commissioners;
    - b. Training – Creating orientation training for all new commissioners, developing a code of conduct for commissioners, annual training for all commissioners, and developing a budget for ongoing training.
    - c. Governance – Ensuring that all boards and commissions have bylaws that govern their operations, work plans that detail the actions planned for the year, and annual reports that inform the City Council and the public about a board or commission's work during the year. Additionally, clarifying the roles and responsibilities of City staff supporting the commissions, City Attorney staff, and Council liaisons.
    - d. Retention and Recognition – Ensuring that the City recognizes the contributions of each board and commission member to the City and its work.

Following the Rules Committee's approval of the framework, the City Clerk conducted stakeholder outreach in FY 2008-09 regarding these recommendations. The process included multiple focus group sessions with members of Boards and Commissions and City staff. There was general support for the framework and consensus in favor of the proposed improvements.

- On June 2, 2009, the City Council approved the final steps in the creation of the Neighborhoods Commission. In doing so, the Council also approved a recommendation to, *"Direct the Administration to complete outreach efforts relating to the evaluation of efficiencies and opportunities to consolidate or eliminate any of the City's existing boards and commissions."* The next steps identified in the report included:

**1. Structural Improvements:**

- a. Complete outreach on the framework for structural improvements.
- b. Bring forward final recommendations for improvements by June.
- c. Revise governing documents as appropriate, expand the application to add commission-specific supplemental questionnaires, and develop standardized resources, including a comprehensive handbook for all members of boards and commissions.
- d. Implement structural improvements by December.

**2. Review of Existing Boards and Commissions:**

- a. Begin outreach to impacted boards and commissions.
  - b. Return to the City Council with recommendations for eliminating, consolidating, and improving boards and commissions later this year.
- On September 23, 2009 the Rules and Open Government Committee referred a proposal from Councilmember's Kansen Chu and Nora Campos to increase the size of the Mobilehome Advisory Commission from five (5) to seven (7) members to the City Clerk as part of the Structural Improvements process.
- During consideration of the Fiscal Year 2010 – 2011 Budget, the City Council adopted Manager's Budget Addendum # 16 (MBA #16) which called for the following:
1. Reduce the number of Boards/Commission meetings per year; and
  2. Incorporate standard Workplan and Annual Report templates for each Board/Commission.
- On October 6, 2010, the Rules and Open Government Committee accepted recommendations from the Administration and City Clerk which further clarified that the intent of MBA #16 was to reduce the total number overall of meetings annually, including meetings of subcommittees. Staff recommended that all boards, commissions, or committees complete their Workplan and examine the need and purpose for subcommittees. The review should determine whether the subcommittees are necessary and exist to further the primary scope and mission of the board, commission, or committee. The report cautioned that subcommittees should not meet more often than the "committee as a whole", unless an objective in the Workplan demands more frequent meetings to accomplish the objective.
- On June, 14, 2011, the City Council adopted the Mayor's June Budget Message which directed: *"The City Clerk is further directed to work with the Rules Committee to review all commissions for opportunities to achieve savings through consolidation or elimination. This should be brought to the Rules Committee during the fall."*
- On December 7, 2011, the Rules and Open Government Committee accepted the City Clerk's report and directed that further outreach be conducted with stakeholders prior to returning to the Committee with final recommendations.

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- In February 2012, the Office of the City Clerk conducted three stakeholder outreach meetings to solicit input from Boards and Commissions and their members and the community regarding the topic. Over 200 persons attended the meetings.
- Between September 2011 and February 2012, the City Clerk visited with over ten Commissions to directly discuss the proposals and obtain input from staff, Commissioners, and the public.
- On May 7, 2013, the City Council voted to approve revisions to Title 2.08 related to the Boards and Commissions Structural Improvement Project. Ordinance No. 29250 was passed on first reading with the following significant changes:
  - Eleven Members nominated by Councilmembers and Mayor and appointed by City Council
    - *Airport Commission:* Airport Commission, Airport Noise Advisory Committee
    - *Appeals Hearing Board:* Appeals Hearing Board, Traffic Appeals Commission
    - *Housing and Community Development Commission:* Advisory Commission on Rents, Housing and Community Development, Mobilehome Advisory Commission (with direction to review applicable laws as to required characteristics)
    - *Parks and Recreation Commission:* Parks and Recreation Commission, Parks and Recreation Bond Oversight Committee
    - *Arts Commission*
    - *Senior Citizens Commission*
    - *Youth Commission*
  - Consolidate Library Commission, Library Bond Oversight Committee, Library Parcel Tax Oversight Committee, and Early Care and Education Commission into the Library and Early Education Commission consisting of eleven members nominated by Councilmembers and Mayor plus four members with an early childcare background and appointed by City Council
  - Consolidate the Human Rights Commission and the Disability Advisory Commission into the Human Services Commission consisting of eleven members nominated by Councilmembers and Mayor plus two members, one disabled service provider or disabled representative and one domestic violence service provider or survivor appointed by City Council
  - Discontinued: Small Business Development Commission
  - Codify the Project Diversity Screening Committee as the Council Appointment Advisory Commission

Additionally, staff stated they would return with an updated Council Policy regarding Boards and Commissions.

## ANALYSIS:

After Council approval of the revisions to Title 2.08 related to the Boards and Commissions Structural Improvement Project, the City Clerk's office proceeded to implement the changes approved by Council. Additionally, in Spring 2013, the City Clerk began accepting applications electronically, which increased the number of applications received for each vacancy.

### Section I: Recruitment, Selection, Appointment, and Resignation

Section one has been drafted and revised using the experience of three recruitments (Spring 2013, Fall 2013, Spring 2014). The proposed recruitment processes calls some specifics such as all appointments voted on by the full council shall have a ballot and oral reading of the votes to ensure the votes are recorded as intended.

The Recruitment, Selection, Appointment and Resignation section of this policy will be approached in two phases. Phase one will concentrate on the process relating to appointments to charter commissions, Appeals Hearing Board, Ethics Commission, council nominated commissions and certain positions on council nominated positions that are filled by the Council Appointment Advisory Committee. Phase two will address the process relating to other boards and commissions which do not fall under the categories addressed in phase one.

Term limits, which are set out in Municipal Code 2.08.150, are further reinforced in this draft Policy 0-4. Because the intent of term limits is to allow new voices to be heard, there is no provision for "emeritus" members. Members who have termed out shall be treated as members of the public and can attend meetings, make comments during public comment periods and submit letters to the commissions, but shall have no extra rights or privileges.

One revision reflected in the Policy, which needs to be incorporated into Title 2.08, is eliminating the requirement that the Council Appointment Advisory Commission (CAAC) interview all applicants. In practice, this has proved to be extremely difficult. The sheer number of applicants, over 100 per cycle, and the amount of time to interview each applicant has made scheduling the interviews and conducting them an undue burden on both staff and the CAAC. The CAAC should continue to interview and nominate those positions for which they are responsible, as well as for any position a Councilmember does not make a nomination within thirty days of notification as specified in Title 2.08.180. Additionally, the CAAC may nominate upon the request of a Councilmember.

### Section II: Requirements for Board Members and Commissioners Upon Appointment

All requirements of Section II, except for number 5 have been in place during the past year and for all recruitments. Number 5, mandatory training, has been delayed until this Council Policy can be approved.

### Section III: Board and Commission Governance and Operations

One of the directions approved by Council was the creation of a standard set of by-laws for all commissions. Additionally, all boards and commissions should operate using a standard

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template for agendas and minutes. This draft Policy 0-4 includes draft by-laws as Appendix B. The by-laws, when adopted by the Board or Commission, may include alterations to reflect the nature of each commission. Since the nature of the Boards, Commissions and Committees are to advise Council, any substantive changes should be approved by Council.

Subcommittees are discouraged, but are not eliminated. The attached draft Policy states: "The creation of standing subcommittees is discouraged unless provided for by staff or Council direction." If support staff and the commission feel the use of a subcommittee is more efficient and provides for better quality advice and recommendations for Council, the commission may submit a request to Council for approval of the creation of the subcommittee. Ideally, this should be done at the same time the workplan is submitted for approval. Ad Hoc committees do not need Council approval.

This section of the policy also addresses the issue of staff attendance at commission meetings. The draft policy requires all meetings of the full commission or any subcommittees shall have a staff member in attendance to record the meetings properly. Also included is direction for all minutes follow the "action minute" format, which is used by the City Clerk for all City Council and Committee meetings. Use of the action minute format will save staff time and ensure consistent minutes across all City boards, commissions and committees.

Section IV: Code of Conduct

There are no substantial changes to the Code of Conduct section of this revised policy.

Section V: Authority of Boards and Commissions

There are no substantial changes to the Code of Conduct section of this revised policy.

Section VI: Board and Commission Recognition

There are no substantial changes to the Code of Conduct section of this revised policy.

**COORDINATION:**

This memorandum has been coordinated with the Office of the City Attorney.

**PUBLIC OUTREACH:**

This item does not meet any of the criteria outlined below; however, the memo has been posted on the City Clerk's website as part of the August 6, 2014 Rules and Open Government Committee Meeting Agenda.

- ☐ Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater (Required: Website posting)
- ☐ Criterion 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)

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- ☐ Criterion 3: Consideration of proposed changes to service delivery, programs, staffing, that may have impacts to community services and have been identified by staff, or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers).

A handwritten signature in black ink, appearing to read "Toni J. Taber", with a stylized flourish at the end.

TONI J. TABER, CMC  
City Clerk

For Questions please contact Toni J. Taber, City Clerk, at (408) 535-1270.

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### COUNCIL POLICY

<b>TITLE</b> Consolidated Policy Governing Boards and Commissions	<b>PAGE</b> 1 of 23	<b>POLICY NUMBER</b> 0-4
<b>EFFECTIVE DATE</b> Various	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b> August 28, 1984, Item 8b(2); August 28, 1990, Item 7d(4); November 20, 1990, Item No. 7d(1); February 19, 1991 - Item No. 7b(6); August 1, 1991, Item No. Item 7d(4)		

#### BACKGROUND

The following policy is a Consolidation of Council Policies 0-4, 0-20, and 0-22, in addition incorporating portions of Council Policies 0-15 and 0-36. It is intended as a comprehensive selection of policies as they relate to Boards and Commissions and updated as part of the Board and Commission Consolidation approved by City Council on May 7, 2013.

City of San Jose Boards and Commissions are established in order to provide independent recommendations to Council or, in the context of quasi-judicial boards such as the Planning Commission, Civil Service Commission, Ethics Commission, Appeals Hearing Board, Federated Retirement Board and Police and Fire Retirement Board, to make independent decisions and take administrative actions (also called "quasi-judicial actions"). The Boards and Commissions play an important role by being visible in the community and bringing a broad representation of ideas into the process.

One of the functions of the City Council is to authorize the creation of and grant the powers and duties of Boards and Commissions. This policy intends to fully define the policies and customs as related to those Boards and Commissions.

#### SECTIONS:

- I. RECRUITMENT, SELECTION, APPOINTMENT, AND RESIGNATION
- II. REQUIREMENTS FOR BOARDMEMBERS AND COMMISSIONERS
- III. BOARD AND COMMISSION GOVERNANCE AND OPERATIONS
- IV. CODE OF CONDUCT
- V. AUTHORITY OF BOARDS AND COMMISSIONS
- VI. BOARD AND COMMISSION RECOGNITION
- VII. IMPLEMENTATION

#### DEFINITIONS

For purposes of this policy, the following definitions are in effect throughout:

**Charter Commission** – Commissions established by and whose purpose, membership, and powers and duties are defined in the City Charter, Article X Boards and Commissions.

**Council Nominated Commission** – Commissions whose membership is appointed by City Council Nomination. A listing of current Council Nominated Commissions is included in Appendix A of this policy.



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**SECTION I: RECRUITMENT, SELECTION, APPOINTMENT, AND RESIGNATION**

**Purpose**

This policy establishes a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards and Commissions and provides members of the City Council and Rules and Open Government Committee a process to make appointments to the various Boards and Commissions.

**Policy**

**A. PERSONS WHO ARE REPRESENTATIVE OF THE CITIZENRY AT LARGE OR OF SPECIFIED PROFESSIONAL GROUPS:**

1. A current roster of Board and Commission members shall be maintained by the City Clerk. The roster shall show the first appointment date of each appointee, and the term expiration date.
2. The City Clerk shall provide an application form to all persons wishing to serve on a Commission. Those persons wishing to serve on a Commission, including current Commissioners who wish to be reappointed, must file an application. All appointees to Boards and Commissions must be San José residents. If an appointee moves out of City of San José with less than six months left on their term, they shall be allowed to finish their term; otherwise, appointees must retain residency in the City of San José. In specific cases where a qualified San José resident cannot be found to fill the position, the Council may authorize a non-resident.
3. Those applicants who were not appointed to a Board or Commission will have their applications maintained on file in the City Clerk's Office for a period of one year from the date of application. During that year, the applicant may be eligible for appointment to an unanticipated vacancy on the Board or Commission for which they applied.
4. The City Clerk shall notify the City Council via memorandum of vacancies and recruitments occurring within the next sixty days. Copies of such notices shall be sent to the secretaries of Boards or Commissions listed therein. When a vacancy exists, the Clerk shall place a notice of said vacancy on the City Calendar and Website for viewing by the public.
5. It is the policy of the City Council that members of Boards and Commissions shall not be appointed to more than two consecutive full terms. A member may be appointed to fill two years or less of an unexpired term and still be eligible to be appointed to two full terms for a total of 10 consecutive years maximum service. No person who has been appointed to a commission for two full terms shall be again eligible to hold that position until one full term has elapsed. However, a commissioner may serve a third consecutive term pursuant to Section 2.08.150 (F) if City Council finds that reappointment of such member to a commission would be necessary to: 1) Maintain a functioning quorum on the commission; or 2) Maintain commissioners with one or more years of experience or a required background on the commission; or 3) Establish or reestablish staggered terms to preserve a continuity of membership on the board or commission.
6. No commissioner shall serve on more than one commission at a time. Should a commissioner seek appointment to another commission, upon his/her new

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appointment, they shall be deemed automatically resigned from his or her original commission. Recommendations for appointment to the Charter Commissions (Civil Service Commission, Planning Commission, and Council Salary Setting Commission), Appeals Hearing Board, and Ethics Commission are not made by the Rules and Open Government Committee. The City Council holds public interviews of the applicants according to the following procedure:

- a. Upon receipt of an application for the Civil Service Commission, Planning Commission, Council Salary Setting Commission, Appeals Hearing Board, and the Ethics Commission, the City Clerk shall make a copy of the application for each member of the City Council and keep the original.
  - b. After review of the applications, each Council Member shall notify the Clerk in writing of the applicants he/she wishes to interview. If four Council Members indicate they would like to interview the same applicant, the Clerk shall contact the applicant to notify him/her of the time, place and date of the interview, which shall occur during an open meeting of the City Council.
  - c. If no single applicant is selected by four members of the Council, then the City Clerk shall choose the top five applicants selected for interview by members of the Council.
7. At the Council meeting at which the interviews are held, the Clerk shall supply the Council Members with a ballot containing the names of all the applicants to be interviewed. Upon completion of the interviews, each Council Member shall mark his/her selection of applicant on the ballot. The Clerk shall publicly read the votes of the Council Members, and the applicant(s) receiving the most Council votes (over six) shall be appointed. If there are two or more vacancies, and more than two applicants receive more than six votes, then the applicants receiving the highest number of votes shall be appointed. In the case of a tie, a second balloting shall take place.
8. Appointment Process: The following appointment process is applicable to all Council Nominated Commissions (See Appendix A for a complete list).
  - a. Each Councilmember, including the Mayor, shall nominate one Commissioner to each Council Nominated Commission. Names of those individuals chosen through the nomination process will be submitted to the City Council for formal appointment.
  - b. On or before the occurrence of a vacancy, the City Clerk shall notify the Councilmember responsible for the nomination of that seat.
  - c. The Commission Secretaries shall prepare and send to the City Clerk's Office for distribution a background memo on the Commission which should include any imbalances, special needs, or areas of expertise needed for more equitable representation on the Commission. The memo should include a statement setting forth attendance information on any incumbents who may be applying for reappointment.
  - d. Upon receipt of applications, the City Clerk shall submit the applications to the City Attorney and Department of Planning, Building, and Code Enforcement for a Conflict of Interest review. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with a "Conflict of Interest" memo regarding the applicants.

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- e. Upon the close of the vacancy period, full application packages will be provided to each of the Councilmembers making appointments. The full application packages contain: commission applications, City Attorney and Department of Planning, Building, and Code Enforcement Conflict of Interest Memos, Commission Secretary's background memos, and any other information as necessary.
  - f. Nominations will be submitted to and approved by the City Council.
  - g. In the event that a Councilmember or the Mayor does not provide a nominee within the specified deadline or choose to delegate their selection to the Council Appointment Advisory Commission, the Council Appointment Advisory Commission shall be authorized to submit a nominee to the City Council
  - h. After the Council makes an appointment to a board or commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. It shall be the responsibility of the Commission Secretary to assure that the appointee does not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.
  - i. The Council Nominated Commission selection process is only applicable to those Commissions specifically referencing San José Municipal Code Section 2.08.180.
  - j. The City Clerk may continue to accept applications for Boards and Commissions while there are no vacant positions in order to have a pool to fill unanticipated vacancies.
9. Certain positions on Council Nominated Commissions shall only be filled by the Council Appointment Advisory Commission. The following appointment process applies to all CAAC nominated commissioners:
- a. On or before the occurrence of a vacancy, the City Clerk shall notify the Council Appointment Advisory Commission.
  - b. Commission Secretaries provide the Council Appointment Advisory Commission with requirements for those positions needing to be filled.
  - c. Upon receipt of applications, the City Clerk shall submit the applications to the City Attorney and Department of Planning, Building, and Code Enforcement for a Conflict of Interest review. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with a "Conflict of Interest" memo regarding the applicants.
  - d. The Council Appointment Advisory Commission (CAAC) will conduct interviews of prospective commissioners as soon as possible following receipt of applications. The Council Appointment Advisory Commission will score candidates based on the application and answers to interview questions.
  - e. Upon completion of all applicant interviews for a given position, the Council Appointment Advisory Commission will select their nominee by vote of the Commission and submit their nomination to the the City Council for final approval.
10. Appointment Process for Filling Unanticipated Vacancies.

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- a. Upon receipt of resignation from the Board or Commission, the City Clerk shall notify the Councilmember for the represented district of the unanticipated vacancy.
  - b. The City Clerk will prepare the packet of valid applications on file for the commission with a vacant seat and submit those to the Councilmember.
  - c. If the Councilmember chooses to appoint one of the applicants on file, the nomination will be submitted to and approved by the Rules and Open Government Committee and forwarded to the City Council for final action.
  - d. If the Councilmember chooses not to appoint any of the applicants on file, they may conduct outreach for additional applicants to the commission.
  - e. If no acceptable candidate applies, the vacancy will be filled during the next normal Board and Commission recruitment period.
  - f. If a commissioner is appointed to fill an unexpired term with less than six months remaining, the Councilmember may choose to additionally appoint them to the following four year term.
11. Resignations from Boards and Commissions shall be submitted in writing to the City Clerk and Commission Secretary. Commission Secretaries will notify the City Clerk of vacancies occurring due to the provision of the San José Municipal Code Section 2.08.060 that automatically deems a seat vacant.

### **B. CITY EMPLOYEES AND COUNCIL ASSISTANTS:**

1. Because City Boards and Commissions are intended to provide the City Council with a perspective different and additional to that provided by staff and other persons retained to provide that advice, unless a particular Board or Commission is required by the San José Municipal Code or Resolution of the Council to have staff representatives appointed thereto, no City employee, paid or unpaid, shall be appointed to any City Board or Commission, with the exception of the Youth Commission. Youth Commissioners may also serve the City as a paid or unpaid intern.
2. Former or retired City employees will not be appointed to the Civil Service Commission.

## **SECTION II: REQUIREMENTS FOR BOARD MEMBERS AND COMMISSIONERS UPON APPOINTMENT**

### **Purpose**

Based upon various local, state, and federal laws and requirements, Board Members and Commissioners are required to complete and have on file with the Office of the City Clerk certain paper work and complete certain trainings in order to serve on a Board or Commission.

### **Policy**

1. Upon appointment and reappointment, Commissioners and Board Members are required to file a current oath of office with the Office of the City Clerk (Article 20, Section 3 of the California Constitution). ***A new oath of office must be administered for each term of office.***

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2. Commissioners and Board Members shall read and sign a Code of Ethics Statement. (San José City Council Policy 0-15).
3. The following Board Members and Commissioners are required to file a Statement of Economic Interest, Form 700.
  - a. Any Commission designated in the City's conflict of interest code;
  - b. Pursuant to Government Code 87200, Retirement Board members and Planning Commissioners; and
  - c. Any Commissions added to Government Code 87200 following approval of this policy.
4. Some Commissioners are required to complete ethics training related to AB1234. Said training must be for a minimum of two hours, and completion certificates must be filed with the Office of the City Clerk within 90 days of appointment. AB1234 Ethics Training must be completed every two years.
5. Within the first year of appointment, Commissioners will be required to complete a mandatory training session covering, but not limited to, the City Charter, the San José Municipal Code Section 2.08, City Council Policies related to Boards and Commissions, City Policies and Procedures, Brown Act and Sunshine/Open Government Reforms, ethics requirements, Statement of Economic Interest Disclosure requirements, Parliamentary Procedures, and more.

### **SECTION III: BOARD AND COMMISSION GOVERNANCE AND OPERATIONS**

#### **Purpose**

Standardized Rules and Regulation have been established to better serve the public in that any resident, business, or other interested party appearing before a City Commission may know what to expect regardless of the board or commission. This process standardization was ordered as part of the Boards and Commissions Consolidation approved by City Council on May 7, 2013.

#### **Policy**

##### **A. BYLAWS:**

All City Commissions, except City quasi-judicial Boards (Retirement Boards, Planning Commission, Civil Service, Appeals Hearing Board, Ethics Commission.), will operate under a standardized set of Bylaws developed by the City Clerk. Any deviation from the standardized Bylaws must be approved by the Rules and Open Government Committee. See Appendix B for Commission By-Laws.

##### **B. WORKPLANS:**

All City Commissions will submit their annual workplan and annual report to the Rules and Open Government Committee for approval annually.

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**C. MISSION STATEMENT:**

All City Commissions, except City quasi-judicial Boards (Retirement Boards, Planning Commission, Civil Service, Appeals Hearing Board, Ethics Commission), will develop a short mission statement specifically defining the purpose of the commission. The mission statement shall not exceed the scope of the Commission as defined in the San José Municipal Code Section 2.08.

**D. SUBCOMMITTEES:**

1. Standing subcommittees are generally not allowed under the commission bylaws as they are Brown Act bodies that require additional staff support. The creation of standing subcommittees is discouraged unless provided for by staff, directed by the Rules and Open Government, or approved by the Rules and Open Government.
2. Ad hoc or "temporary" subcommittees are allowed for specific short term projects with a narrow scope and shall not last longer than six months. Ad hoc subcommittees are not subject to the notice and posting requirements of the Brown Act. The purpose for forming an ad hoc subcommittee must be defined. Membership shall be composed solely of members of the commission and shall consist of less than the quorum of the members of the commission. If the ad hoc subcommittee intends to distribute information with each other, e-mail will be used. Should hard copies be desired, the ad hoc subcommittee will be responsible for distribution unless the subcommittee was formed at the behest of City staff. Under no circumstances shall ad-hoc subcommittees be formed to bypass the rules and laws of Open Government (such as this Council Policy, Brown Act, City of San Jose Open Government rules).
3. If a standing subcommittee is formed, it shall not meet more often than the committee as a whole. As a Brown Act body, a standing subcommittee shall require staff support. Standing committees must prepare and maintain Action Minutes.

**E. COMMISSION OPERATIONS:**

The California Ralph M. Brown Act (Gov. Code §54950 et seq.) will be in effect except where stricter standards are adopted by the City of San José pursuant to Resolution \_\_\_\_\_. At no point will a policy be enacted that reduces the standards of the Brown Act.

**F. MEETING SCHEDULE:**

1. According to San José Municipal Code Section 2.08, all boards and commissions are required to submit an annual workplan of activities to be undertaken. The frequency and schedule of meetings should be determined by the board or commission's workplan and align with the corresponding City Department, City Service Area, and Council Committee to allow flexibility in scheduling meetings.
2. Commission Meetings may not be cancelled or rescheduled due to personal conflicts in the commission members' personal schedules.
3. Meetings will be conducted according to Robert's Rules of Order.

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**G. AGENDAS:**

1. A standardized agenda format will be provided to Commission Secretaries by the City Clerk and should be used for all agendas, for regular meetings and/or subcommittee meetings.
2. Agendas must include the following:
  - a. Commission Name
  - b. The Meeting Date and Time
  - c. Meeting Location
  - d. Description of each item of business to be transacted or discussed
  - e. Public Comments
3. Agenda Distribution Policy:
  - a. Agendas will be distributed via email if an email address has been provided.
  - b. Should a commissioner require hard copies of the agenda and related materials, the commissioner must put the request in writing. Requests for hard copies of materials will be effective until the end of the calendar year in which the request was submitted. Requests must be renewed annually. Hard copies will be placed in outgoing first-class mail on the same day the agenda is posted, unless the agenda is posted after 3:00 p.m., in which case the agenda will be mailed the following business day. There is no implied guarantee that the hard copy will arrive at the commissioner's address prior to the meeting.
4. Agendas and related materials will be posted seven days in advance of the meeting per the City's Sunshine Resolution No. \_\_\_\_\_. An amended agenda making administrative, non-substantive changes may be posted no later than three days before the meeting.
5. Agendas and related materials will be posted online and will contain a link to all of the documents referenced or distributed to members of the body. Decision-making bodies are not obligated to post online any documents presented at the time of an evidentiary hearing.

**H. MEETINGS:**

1. Commission Meetings must be audio recorded and the recording must be maintained for two years. The Commission Secretary is responsible for maintaining the audio recording for the two year retention period.
2. Members of Boards and Commissions must follow the attendance rules set forth in Chapter 2.08 of the San José Municipal Code. In the case of an excused absence, Commissioners should notify the Commission Secretary of their excused absence as soon as possible.
3. All members of Boards and Commissions will adhere to the Declaration of Conflict of Interest Policy memorialized in Council Policy 0-34.

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4. Public meetings of a Board or Commission held in the Council Chambers and Committee Rooms will follow the Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms memorialized in Council Policy 0-37.
5. Committee Secretaries will be expected to:
  - a. Be a member of City staff
  - b. Attend all meetings, including subcommittee meetings
  - c. Ensure meetings are effectively organized and recorded
  - d. Maintain effective records and administration, including minutes of subcommittee and regular committee meetings
  - e. Uphold the legal requirements of governing documents, etc (where relevant).
  - f. Manage communication and correspondence

**I. MINUTES:**

Minutes are the official written record of what transpires during a meeting and serve as the permanent record of actions taken and staff direction.

1. Minutes will be taken in "Action Minute" format. Action Minutes include only a summary of the public comment and action taken by the Commission.
2. Minutes should include the following:
  - a. What type of meeting: Regular, Special, Adjourned, et al.
  - b. The name of the Commission
  - c. Date and Location of the meeting
  - d. The word "Minutes"
  - e. Time the meeting convened
  - f. Names of commissioner and staff persons present
  - g. Public Comments
  - h. Approval of Minutes
  - i. Items on the agenda and actions taken for each item including, but not limited to, motions, direction to staff, brief summary of discussion, as well how each member voted, who made the motion and the second.
  - j. Time the meeting adjourned
  - k. Name of individual preparing the minutes.
3. Commission Secretaries will be expected to follow the standardized minutes format provided by the City Clerk.



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**SECTION IV: CODE OF CONDUCT**

**A. MEMBERS OF BOARDS AND COMMISSIONS**

**1. All Boards and Commissions**

All Commissioners should conduct meetings in a dignified and courteous manner. No bias or prejudice against any individual or group of people should be manifested by any Commissioner or condoned by any Commission.

The following Code of Conduct applies to all Boards and Commissions, except the City Retirement Boards, whose members are subject to a fiduciary duty.

- a. When speaking or writing publicly on matters within the purview of his or her Commission, unless a Commissioner has been authorized to speak on behalf of the Commission or the Commissioner is speaking on behalf of a position that the Commission has taken by formal action, the Commissioner should make very clear that he or she is speaking on his or her own behalf and not on behalf of the Commission.
- b. No Commissioner will use his or her Commission title or speak or write as a Commissioner except when speaking on behalf of the Commission. Except when a Commissioner is speaking on behalf of the Commission, no Commissioner will identify him or herself as a Commissioner without making clear that he or she is not speaking on behalf of the Commission.
- c. Business cards may be provided to those Commissioners where requested by the Commission, which will only be used when the Commissioner is on official business.
- d. Use of City stationery must be limited to official Commission business. All correspondence concerning the Commission's business should be processed by staff.
- e. Commission recommendations to the City Council must be recommendations of the Commission as a whole, and not subject to undue influence by a Council Liaison, Councilmember, City staff, or any outside agency.
- f. Individual Commissioners are free to discuss any issues and concerns with the Council Liaison, Council District representative or any Council office. However, Commissioners cannot assign themselves as "liaison" to the various Council members and must take care that contact with Council members does not result in a prohibited seriatim meeting of either the Council or the Commission under the Brown Act.
- g. Commissions may not interview candidates for political office or make endorsements of such candidates. Individual Commissioners must not use their Commission title in making personal political endorsements, including using the title for identification purposes only.
- h. Commissioners individually or Commissions as a whole are free to recommend candidates for appointment to any City Board or Commission including their own to the Rules and Open Government Committee, Council Appointment Advisory Commission or individual Council members.

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- i. Commissions may not independently support or oppose state or federal legislation, but instead will be free to make recommendations on legislation to the City Council through the Rules and Open Government Committee.
- j. Commissioners are prohibited from using their position as a commissioner to promote themselves for personal gain as an expert on the subject matter of their commission.
- k. Commissions may not appoint or invite anyone to act as the City's representative or to advocate a particular cause or viewpoint on behalf of the Commission. Only the City Council has the authority to designate the City's representatives. Commissions, however, may seek the advice or input of others in the course of making their recommendations to the Council.
- l. Commissioners who are members of an organization which is in litigation against the City on issues related to the work of the Commission should not participate in any Commission discussion or review of matters affecting the organization if they are an officer of the organization, a named litigant in the lawsuit or disqualified because of a conflict of interest. Litigation includes an administrative enforcement action, lawsuit in a court of law or a claim filed with the City or Successor Agency to the Redevelopment Agency.
- m. All conflict of interest and circumstances giving rise to a perceived conflict of interest should be avoided. Commissioners must avoid the appearance of favoritism towards people and organizations with whom a Commissioner is affiliated. For example, if a Commissioner serves as a volunteer board member for a service organization, the Commissioner must not vote on any matter which will directly affect that organization. The exception to abstention based on organizational affiliation applies where the Commissioner was appointed as a representative of the organization such as the Rent Control Boards or the Deferred Compensation Committee.
- n. Commissioners may not contact consultants or others under contract with the City directly, outside of a Commission meeting, unless so authorized by the Department head charged with contract administration.
- o. Commissions should only take actions within their authority, duties and responsibilities as specifically set forth in the City's Municipal Code. Assigned legal staff will advise on legal issues related to jurisdiction and authority as required.
- p. Commissioners must not act as mediators or facilitators between the parties on matters that come before them. Any facilitation must be part of the public process and as requested or required by the City Council.
- q. Commissions may place items on the Council agenda in accordance with the Rules Resolution. Commissions should not ask Council members to place items on a Rules and Open Government Committee or City Council Agenda.

**2. Quasi-Judicial Commissions**

Some City Boards and Commissions conduct hearings in order to make determinations, which may or may not be subject to appeal to the Council. These hearings are referred to as being quasi-judicial. Council members may, from time to time, be witnesses at such hearings.

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Commissions which sit as hearing bodies and take administrative actions, including the Planning Commission, Civil Service Commission, Elections Commission and Appeals Hearing Board must be diligent to ensure that a hearing is fair and impartial.

- a. Commissioners should not have ex parte conversations with anyone on the subject, outside of the hearing. If a Commissioner has a communication with a party or a party's representative regarding the subject matter, facts or the issues of an administrative action pending before the Commission, the communication shall be disclosed on the record of the administrative action or proceeding before the action is heard.
- b. Any visit to the site or other information gained outside of the hearing must be stated on the record. Commissioners should disqualify themselves if there is any appearance of bias.
- c. Commissioners should not make any public comment on a matter pending before them until after the Commission has rendered a decision.

**B. COUNCILMEMBERS**

**1. Council Liaisons**

The Council Liaison is the Councilmember who is specifically assigned to be the liaison between the City Council and the Commission. The primary role of the Liaison is that of facilitator of communications between the Commission and the Council. A Councilmember who is appointed to sit as a member of a Board or Commission is not a liaison for purposes of this Policy.

**a. Definition of the Role**

The Council Liaison shall facilitate communications between the Commission and the Council. The Liaison should not be an advocate for the Commission, give direction or influence a decision of the Commission. The Liaison may, however, assist and provide guidance to Commissions with their Work Plans or agendas.

**b. Purpose**

The Liaison acts as:

- 1) Spokesperson on behalf of the Council when so directed by the Council.
- 2) Contact person, if the Commission or an individual Commissioner wants such a channel of communication.
- 3) Monitor for the Commission to identify procedural and structural issues relating to the effective functioning of the Commission for Council.

**c. Participation Expectation**

- 1) Councilmember attendance as Council Liaison at Commission meetings is not required but is encouraged. The Councilmember may send a member of his/her staff in his/her place.
- 2) A Liaison shall have no vote on the Commission and shall not act as an ex officio member of a Commission.

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- 3) A Liaison's attendance at Commission retreats is discouraged unless attendance is requested by the Commission.

d. **Role of Liaison Staff**

- 1) Council staff do not serve as "alternates" to the Liaison but may attend to observe, provide information on behalf of the Liaison and answer questions in order to report back to their respective Council members.
- 2) Council staff members should not participate in the discussion by the Commission. However, staff can communicate messages on behalf of the Liaison and answer Commission questions.
- 3) Council staff members who attend meetings may sit at the table with the Commission at the discretion of the Commission or the chair.

2. **Other Councilmembers**

The following guidelines apply to all Council members.

- a. Council members should not speak to any Commissioner on any matter that may come before the Council in a manner designed to influence the Commission. Nor should any Councilmember privately lobby any Commissioner outside of the meetings in an attempt to influence his or her individual vote.
- b. Any Councilmember who has testified on his or her own behalf or as a witness before a Commission on any administrative action which then comes to Council is disqualified from participating as a Councilmember on the matter only if there is a legal conflict of interest.
- c. A Councilmember must clearly state when he or she is speaking on behalf of the City Council.

## **SECTION V: AUTHORITY OF BOARDS AND COMMISSIONS**

### **A. RESOLUTIONS**

Because it is the policy of the City Council that its actions be restricted to issues which most directly impact and affect the City of San José, San Jose Boards and Commissions must also adhere to the City of San Jose Council Resolution Policy memorialized in Council Policy 0-11.

### **B. LEGISLATION**

Since Boards and Commissions are advisory to the Council, they cannot independently take positions on legislation at the state and federal level. They can, however, recommend positions to the City Council on legislation in areas of their expertise. In addition, Boards and Commissions must act in a timely way to comply with the state and federal legislative schedule, using the following process:

1. Boards and Commissions will send a letter to the Mayor and City Council requesting that they take a position on state or federal legislation.

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2. The Mayor and City Council will refer the request to the City Clerk's Office in order to schedule the item on the next available Rules and Open Government Committee agenda.
3. If appropriate, the Rules and Open Government Committee will refer the legislation to the appropriate Council Committee for analysis and recommendation to the City Council. Staff will be responsible for notifying the Chair of the Board or Commission when the legislation forwarded by the Board or Commission will be heard by the designated Council Committee.
4. If the City Council takes a position on the legislation, then Board and Commission members may write letters to appropriate legislators and assist the City in lobbying efforts for or against the legislation.

### **C. POLITICAL INVOLVEMENT**

1. City of San José Boards and Commissions are strictly prohibited from endorsing any candidate or from taking an independent position on any legislation or ballot measure. Further, Boards and Commissions may not be involved in gathering or disseminating information on any candidates or campaigns (e.g., surveys, public debates, mailings, etc.)
2. Individual members of Boards and Commissions are free to exercise their individual right of political participation such as endorsing or contributing to a particular campaign. Members of certain Commissions (e.g., Planning Commission) must also be aware that State law imposes certain legal restrictions on soliciting or accepting political contributions and participating in quasi-judicial or entitlement actions.
3. No Board or Commission or individual member of a Board or Commission may take or allow any action which gives the appearance of official City involvement in any political campaign. For example, individual members may not use the titles of "Chair" or "Vice-Chair" on any endorsement listing and actual or facsimiles of City stationery may not be used for any political mailing.

### **D. BOARD AND COMMISSION REFERRAL SYSTEM**

From time to time, a Board or Commission may have a request for information that is outside the Board or Commission's Work Plan.

1. A "Major Study" means a request for information and/or research which meets one or more of the following criteria:
  - a. It requires 20 staff-hours or more to complete. Exception: In the event of a hiring freeze, department-by-department basis dependent upon the impact of the freeze on a particular department.
  - b. It is not a planned budgeted activity.
  - c. Response action will seriously affect the respondent's annual planned performance or output.
  - d. It will require a formal report.

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- e. Possible change in current policy which was the culmination of extensive public input and/or as a result of committee/task force deliberations (i.e., C & C Tax Task Force or any policy task force, etc.).
  - f. New policy research on which there has been no Council discussion or direction or because of its sensitivity and would involve more than 5 hours of Staff time.
2. All requests for information and/or research outside the Work Plan requested by a Board or Commission must adhere to the following provisions:
- a. A request for a Major Study requires approval of the majority of the City Council, through the Rules and Open Government Committee.
  - b. A request for a Major Study by a Board or Commission must be submitted in writing from the Chair to the City Clerk to be placed on the next available Rules and Open Government Committee Agenda.
  - c. When a request for information and/or research is made to the Rules and Open Government Committee, it is the responsibility of the appropriate Council Appointee and his or her respective staff to determine the scope of the request and to advise the Council through the Rules and Open Government Committee if a Major Study will be required, the request can be met by reports or material already on file, or a brief research effort will be required.
  - d. If approved by a majority of the Rules and Open Government Committee, the guidelines for the Major Study must be stated. Evaluation of the request will take place at the Rules and Open Government Committee meeting using the following criteria:
    - i. If the Major Study is within the parameters of the Board or Commission making the request.
    - ii. The informational value of the study.
    - iii. The parameters of the study.
    - iv. The Staff time to be involved in completing the study.
    - v. The estimated cost of the study.
    - vi. The general feasibility of the study.
3. Boards and Commissions may receive written information that may require minor staff time or is already consistent with the Board or Commission's Work Plan, i.e., requests for information which is part of the Board or Commission's Work Plan should be accommodated.
4. A request for brief verbal information or for copies of reports already prepared and ready for distribution may be made directly to the appropriate employee who staffs the Board or Commission.

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**SECTION VI. BOARD AND COMMISSION RECOGNITION**

A member of a Board or commission may be recognized for his or her service as follows:

1. The City Clerk will prepare and present a commendation for each outgoing member of a Board or Commission who have served for at least one year and who have not been reappointed to that Board or Commission. Commendations shall be prepared and presented to all Board and Commission Members that the City Council appoints.
2. No commendation shall be prepared if a person ceases to be a member of a Board or Commission for any reason set forth in SJMC Section 2.08.050 or 2.08.130, except resignation or ineligibility, nor shall a commendation be prepared if the vacancy occurs because of insufficient attendance.

**SECTION VI. IMPLEMENTATION**

The City Clerk will mail this policy to all current Board and Commission members, all City Councilmembers and appropriate City employees and will post this policy on the City Clerk's Boards and Commissions page on the internet located at [www.sanjoseca.gov](http://www.sanjoseca.gov).

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**APPENDIX A**  
**LIST OF COUNCIL NOMINATED COMMISSIONS**

Each Councilmember and the Mayor makes one appoint to the following commissions. The appointed commissioner does not necessarily need to reside in the district that Councilmember represents.

Airport Commission, 11 members

Arts Commission, 11 members

Council Appointment Advisory Commission, 11 members

Housing and Community Development Commission, 13 members, 11 members nominated by Mayor and City Council, 1 member recommended by an organization of owners of San Jose mobilehome parks, and 1 member recommended by an organization of residents of San Jose mobilehome parks

Human Services Commission, 13 members, 11 nominated by Mayor and City Council, 1 Disability Service Provider or Disabled Representative, and 1 Domestic Violence Provider or Survivor

Library and Early Education Commission, 15 members, 11 nominated by Mayor and City Council, 4 Representatives with an early childcare background.

Parks and Recreations Commission, 11 members

Senior Citizens Commission, 11 members

Youth Commission, 11 members



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**APPENDIX B**  
**Bylaw template**

**A RESOLUTION OF THE \_\_\_\_\_ COMMISSION  
ADOPTING AND ESTABLISHING RULES FOR THE CONDUCT OF ITS MEETINGS  
PROCEEDINGS AND BUSINESS, AND REPEALING THE PREVIOUS RESOLUTION**

*WHEREAS*, the \_\_\_\_\_ Commission has found it necessary and desirable to adopt Rules of Order for the conduct of its business, now therefore,

*BE IT RESOLVED BY THE* \_\_\_\_\_ Commission of the City of San Jose that the Commission does hereby adopt Rules of Order for the conduct of its business, as follows:

**RULES OF ORDER**

**ARTICLE I**

**GENERAL PROVISIONS**

**Section 100. DEFINITIONS.** As used in these rules, unless the context clearly indicates otherwise:

- (a) "Commission" means the \_\_\_\_\_ Commission;
- (b) "Brown Act" means the Ralph M. Brown Act, Government Code Sections 54950 et seq., as amended.
- (c) "Sunshine Reforms" means the open government rules adopted by the San Jose City Council

**Section 101. GENERAL.** The name of the Commission, the number of its members, the members' qualifications, and their appointment, removal and terms of office shall be rescribed by Section 12.08.130.

**Section 102. OFFICE.** San Jose City Hall, 200 E. Santa Clara Street, San Jose, California, is designated as the office of the Commission.

**Section 103. REGULAR MEETING PLACE.** Except as the Commission may from time to time provide an alternate location, the regular meeting place of the Commission shall be in San Jose City Hall, 200 E. Santa Clara Street, San Jose, California in a room to be designated on the meeting agenda. If by reason of emergency, it is unsafe to meet at the

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regular meeting place of the Commission, meetings may be held at any place designated by the Chairperson.

**Section 104. RECORDS.** All books, records, papers, tapes and minutes of the Commission meetings shall be maintained in \_\_\_\_\_, San Jose City Hall, 200 E. Santa Clara Street.

**ARTICLE II**  
**OFFICERS**  
**CHAIR AND VICE CHAIR**

**Section 200. ELECTION.** The Chair and Vice-Chair of the Commission shall be elected by the Commission from its membership.

**Section 201. TERMS OF OFFICE.** The Chair and Vice-Chair shall be elected for terms of one (1) year commencing at noon on the first meeting day of January/July, and continuing to the first meeting day of January (or July for some boards or commission) of the succeeding year. Elections of the Chair and Vice-Chair shall be conducted at the first meeting of the Commission immediately following the expiration of the terms of office. The Chair and Vice-Chair shall serve at the pleasure of the Commission during the term of office and may be removed from office by the Commission at any time for any reason.

**Section 202. VACANCIES IN OFFICE.** The office of the Chair or Vice-Chair shall become vacant before the expiration of his or her term of office upon the happening of any of the events set forth in sub-sections (a) and (b) of Section 02.08.050 of the City of San José Municipal Code, or upon such officer's absence from five (5) consecutive regular meetings, unless excused by the Rules and Open Government Committee. If the Chair or Vice-Chair should cease to be a member of the Commission, or if for any other reason the office of the Chair or Vice-Chair should become vacant prior to the expiration of the term of office, the Commission shall elect a successor to the office of Chair or Vice-Chair for the unexpired portion of the term.

**Section 203. CHAIR, POWERS AND DUTIES.** The Chair shall have the following powers and duties:

- (a) The Chair shall preside at all meetings of the Commission.
- (b) The Chair shall sign all written resolutions of the Commission and all minutes of all meetings of the Commission which are approved by the Commission.
- (c) The Chair shall perform all other duties which may be required by the City of San José Municipal Code, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Municipal Code and the ordinances of the City of San Jose.

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**Section 204. VICE CHAIR, POWERS AND DUTIES.** The Vice-Chair shall have the following powers and duties:

- (a) In the event of and during the absence of the Chair, he or she shall preside as Chair at all meetings of the Commission and shall have and perform all other powers and duties of the Chair; and
- (b) He or she shall perform all duties which may be required of the Vice-Chair by the City Charter, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Charter and ordinances of the City of San Jose.

**Section 205. CHAIR PRO TEMPORE** In the event of vacancies in offices of the Chair and Vice-Chair, or in the event of the absence of the Chair and Vice-Chair, at the time of any meeting, the Commission may elect one of its members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

**ARTICLE III**

**SECRETARY**

**Section 300. APPOINTMENT.** The Secretary shall be the staff person designated to serve as such by the Department Head of the Department to whom the Commission is assigned.

**Section 301. POWERS AND DUTIES.** The Secretary shall have the following powers and duties:

- (a) The Secretary shall attend all meetings of the Commission and shall record or keep minutes of all that transpires;
- (b) The Secretary shall attest all minutes of the meetings of the Commission;
- (c) The Secretary shall preserve, and be custodian of, all books, records, papers and tapes of the Commission. Whenever necessary he or she shall certify true copies of Commission documents; and
- (d) The Secretary shall perform all duties required of him or her by these rules and regulations, Council Policy 0-4, and/or required of him or her by resolution or order of the Commission consistent with the City of San José Municipal Code and ordinances of the City of San Jose.

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**ARTICLE IV**  
**MEETINGS**

**Section 400. GENERAL.** Except as otherwise provided by this article, meetings of the Commission shall be open and public and shall comply with the requirements of the Brown Act and the City's Sunshine Reform rules.

**Section 401. REGULAR MEETINGS.** Regular meetings of the Commission shall be at *5:30 p.m. on the first and third Wednesday of each calendar month [replace with your commissions meeting details]*. If the time scheduled for a regular meeting falls on a City Holiday, the regular meeting shall be held on the next succeeding business day.

**Section 402. SPECIAL MEETINGS.** A special meeting may be called at any time by the Chair of the Commission, or by a majority of its membership, by delivering personally or by mail written notice to each member of the Commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice must be delivered personally or by mail at least four days before the time of the meeting as specified in the notice, unless 2/3 of the members determine the issue must be resolved in less than 4 days and no less than 24 hours. The call and notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered by the Commission at the special meeting.

Written notice of the special meeting may be dispensed with as to any member who, at or prior to the time the meeting convenes, filed with the Secretary of the Commission a written waiver of notice. Written notice of special meetings may also be dispensed with as to any member of the Commission who is actually present at the meeting at the time it convenes.

**Section 403. ADJOURNMENT – ADJOURNED MEETINGS.** The Commission may adjourn any regular, adjourned regular, special or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated time and place; and he shall cause a written notice of the adjournment to be given in the manner provided in Section 502 for special meetings unless the notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings in Section 501 of these rules and regulations.

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**Section 404. CONTINUANCE.** A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Commission in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

**ARTICLE V**

**MEETING AGENDA AND PROCEDURE**

**Section 500. AGENDA.** The Commission shall provide for an agenda and may regulate or limit business to be considered by the Commission at any meeting. The Secretary shall prepare and distribute the agenda for the Commission.

**Section 501. QUORUM.** Six (6) members, being a majority of the total authorized membership of the Commission, shall constitute a quorum to transact business. A lesser number of members present at a meeting may constitute a quorum solely to adjourn the meeting or adjourn the meeting to a stated time.

**Section 502. VOTING.** No action shall be taken by the Commission except by affirmative vote of not less than six (6) members of the Commission whether or not all commission members are present; however, a majority of a lesser number present may adjourn or adjourn to a stated time.

**Section 503. MANNER AND RECORDATION OF VOTES.** Voting by members of the Commission shall be by "ayes" and "noes," and the result of each vote shall be entered by the Secretary in the record of the Commission proceedings. Upon the request of any Commission member, a roll call vote shall be taken on any matter upon which a vote is called, and each vote shall be recorded by the Secretary to the record of the Commission proceedings.

**Section 504. ORDER OF BUSINESS.** At regular meetings of the Commission the order of business shall be conducted in accordance with the requirements of the Brown Act and the City of San José Open Government Resolution No \_\_\_\_\_. The order of business may be changed at any meeting by the Commission.

**Section 505. VOTE.** All actions require a majority of current members, not just a majority of the quorum present. Vacant positions shall not be counted for the purpose of determining the number of current members.

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**Section 506. PUBLIC COMMENT.** Consistent with the Brown Act, an open forum period shall be agendized for public comment on any item within the jurisdiction of the Commission and the Chairperson shall also ensure that the public has an opportunity to comment on specific agenda items consistent with the Brown Act. Public comment on specific agenda items is limited to two (2) minutes per speaker per item. Public comment during the open forum period to two (2) minutes per speaker. The Chairperson may increase or decrease these limits if the importance of a specific agenda item or the number of parties seeking to speak on an item warrants an adjustment to facilitate conducting the Commission's business.

ADOPTED this       day of       , by the following vote:

AYES:       Commissioners –

NOES:       Commissioners –

ABSENT:     Commissioners –

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commission

Attest:

\_\_\_\_\_  
Commission

\_\_\_\_\_  
Secretary