

CITY COUNCIL AGENDA ITEM NO. 3

Meeting Date: January 11, 2022

Subject/Title: Interviews and consideration of recommendations by Mayor Bryant for appointment of commissioners to the Planning Commission

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PURPOSE AND RECOMMENDATION

Following an application period, the applicants for the Planning Commission are interviewed by the City Council; Members are then nominated by the Mayor and approved by the City Council. Following the interviews this evening, consistent with the Brentwood Municipal Code, the Mayor will nominate two applicants to fill the vacancies due to terms that expired on 12/31/2021.

Staff recommends that the City Council Conduct interviews and consider selection of applicants, and, by motion, make appointments to the Planning Commission.

PREVIOUS ACTION

At the City Council meeting of February 9, 2021, the City Council gave direction to staff on a process to conduct interviews for commission applicants.

BACKGROUND

The purpose of tonight's meeting is to conduct interviews for members of the Planning Commission and to provide advice to the Mayor on who could be considered for appointment.

There are currently two positions available on the Planning Commission due to two terms that expired 12/31/2021.

Following the Interview process and the Mayor's recommendation, the Council may vote to appointment two members to the Planning Commission for two-year terms

The following interview and appointment process is as follows:

Commission Interview and Appointment Process: **Parameters**

Commission Appointment Process

Parameters

The selection and appointment of members to City commissions is subject to both state and local laws. At the state level, Government Code § 40605 provides that:

State Government Code 40605: In general law cities where the office of mayor is an elective office pursuant to Article 5 (commencing with Section 34900) of Chapter 7 of Part 1 of Division 2 of Title 4, the mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

Brentwood is a general law city with a directly elected mayor, and is thus bound by the state requirement. In addition, Brentwood's own Municipal Code sets out processes that must be followed for appointments to the City's commissions:

Planning Commission (BMC § 2.20.020): The mayor shall appoint the members of the planning commission, with the approval of the city council, to serve terms of two years. Each member, unless removed by city council, shall hold his or her office until a successor is appointed. Appointments shall be made to staggered terms to provide that no more than three appointments expire at the same time. All persons appointed to the planning commission shall be residents of the city.

Arts Commission (BMC §2.48.020) (BMC §2.48.020) Qualifications: Appointment; Term of office.

A. Qualifications. To be eligible for appointment to the arts commission, a person must at the time of the appointment be a city resident. If a member ceases to be a city resident, his or her position becomes immediately vacant. Commissioners should be knowledgeable about the arts and represent a cross-section and distribution of membership among the major art and cultural fields, which may include one or more of the following: architecture, dance, art education, fiber arts, literature, music, painting, performing arts, photography, ceramics, sculpture, murals, visual arts, functional arts, and crafts.

B. Appointment. The mayor appoints the members of the arts commission, with the approval of the city council.

C. Term. The term of office for each member is three years. Each member, unless removed by city council, serves until a successor is appointed. Appointments will be made to staggered

Park and Recreation Commission (BMC § 2.46.040 A): Commission members shall be nominated by the mayor, and be approved by the city council, at a regularly scheduled council meeting, for terms of three years. Terms of members shall be staggered so that no more than two terms shall expire in any one year. The maximum term for any commissioner is three consecutive three-year terms. A one-year absence after serving the maximum term is required before being reconsidered for appointment.

Process

Bearing these parameters in mind, staff reviewed the Council's direction to develop a framework that would allow the full Council to be involved in the interview process. A draft framework was presented to the Council at their meeting of February 9, 2021, and the Council approved the following framework:

1. Selection of applicants to be interviewed

- a. Unless an applicant has withdrawn their application, a compilation of all received applications will be provided to the City Council.
- b. The Mayor and City Council members will each choose up to five (5) candidates to be interviewed from among the applications submitted. Each applicant that is selected by at least two (2) Mayor/Council members will be advanced for an interview.

- c. In the alternative to Section 1.b., the Mayor and City Council may agree to interview all applicants for a particular commission.

2. Interviews

- a. Regular or special meetings may be held for the interview and/or selections of applicants for each commission. Unless the number of candidates otherwise permits, there will be one meeting for each commission.
- b. The purpose of each meeting is to allow City Council members to interview applicants, to provide advice to the Mayor on who could be considered for appointment, and for the City Council to consider approval of the Mayor's recommended appointees. Except for Park and Recreation Commissioners, the formal appointment of whom must occur at a regularly scheduled City Council meeting, the meeting notice/agenda will be drafted to allow final action to approve the Mayor's recommended appointee(s) at that special meeting.
- c. Each special meeting will be held in-person or virtually, and will be properly noticed and open to the public. Redacted applications and resumes of each applicant will be attached to the meeting agenda.
- d. Public comment will be received on the special meeting's agenda item.
- e. For virtual meetings, at the meeting's start, the applicants will be in a separate private "room" or "lobby" (without access to the video or audio of the public meeting), and be brought in to the public meeting in sequence. The order of sequence will be randomly selected by the City Clerk drawing names.
- f. The Mayor and each Council Member will have the opportunity to ask one (1) question each of the applicants. Each Council Member will submit up to three (3) questions, in order of preference to the City Clerk no later than twenty-four (24) hours before the special meeting. In case of multiple Council Members having the same first or second preference question, a second or third preference question may be used. The City Clerk will share the final questions with the Council Members once the meeting has begun. The same questions must be asked of all applicants. Each applicant will be limited to three (3) minutes for each question. Limited follow up questions may be permitted by the Mayor, based on available time.

3. Appointments

- a. After all interviews are complete, the Mayor, with the assistance of the City Clerk, will poll the City Council members on their top two choices, in order from first to last. The Mayor will then state his or her top two choices, in order of first to last, indicating which applicant(s) will be appointed to a full term, or to complete an unexpired term, if applicable, and submit them to the City Council for approval.
- b. Following submittal of the Mayor's recommended applicant(s), there will be City Council discussion and then a vote on each applicant, until all open seats are filled. If an applicant receives the majority of the City Council votes (including those of the Mayor), then they are approved. For the Park and Recreation Commission, a final vote on the recommended candidates will occur at a regular City Council meeting. If any applicant does not receive a majority vote, they are not selected, and the Mayor could either make

another recommendation, or ask staff to advertise the Commission opening(s) again, seeking additional applicants.

FISCAL IMPACT

There is no fiscal impact associated with this item.

Attachments:

Planning Commission Applications