BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

Service on City Boards, Commissions, and Committees is one of the principal means by which citizens can participate in the conduct of City government. The number of citizens qualified for such service always exceeds the number of appointments that periodically can be made by the City Council.

On or before December 31 of each year, the City Clerk shall, consistent with the Maddy Act (Cal. Gov. § 54972), prepare a list of all appointive terms of Boards, Commissions and Committees which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. Also, the City Clerk shall list all Boards, Commissions and Committees whose members serve at the pleasure of the City Council, and the necessary qualifications of each position. The list shall be posted in the City's normal posting location for agendas as well as the Newport Beach Public Library located at 1000 Avocado Avenue.

The City Clerk shall further maintain a file of Candidates for Board, Commission, and Committee appointments, which shall be reviewed each year by the City Clerk to insure that those applicants are still available for appointment. Applications shall be retained in the active file for two (2) full years; thereafter they will be destroyed.

Two (2) months prior to a scheduled vacancy, the City Clerk shall prepare and submit to the various newspapers, information relating to the vacancy including meeting dates and times, Board, Commission, or Committee functions, and the method of obtaining and submitting applications and establishing the third Wednesday prior to June 1 as the last date to submit applications. The City Clerk shall notify each applicant of the receipt of their application.

Consistent with the Maddy Act (Cal. Gov. § 54974), within twenty (20) days after an unscheduled vacancy occurs on a Board, Commission or Committee, a special vacancy notice shall be posted in the City Clerk's office, and other locations as directed by City Council. Additionally the City Clerk shall prepare and submit to the various newspapers information relating to the vacancy including meeting dates and times, and Board, Commission or Committee application procedure. Final appointment (other than emergency appointments) shall not be made for at least ten (10) working days after the posting of notice.

Pursuant to Charter Section 705, if an unscheduled vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a

replacement to serve the balance of the unexpired term plus one (1) full term of four (4) years.

Periodically, situations may arise wherein due to the occurrence of a number of simultaneously scheduled Board, Commission or Committee vacancies, it may be appropriate to make certain adjustments in the advertising and recruitment procedures, which are regularly utilized to fill these vacancies. In these cases, the City Council may make the following adjustments by majority vote at a regular public meeting:

A. The two (2) month period prior to the occurrence of a scheduled vacancy, which is established for advertising purposes, may be extended to three (3) months.

B. The last date to submit applications for a vacancy may be changed from the third Wednesday prior to June, to no sooner than the third Wednesday prior to May 1.

C. The period established for the ad-hoc Appointments Committee's recommendation to the Council of candidates, may be extended from at least two (2) weeks, to at least four (4) weeks prior to the date of appointment.

When vacancies occur, the City Council shall make every effort to appoint the best-qualified person to serve the interest of Newport Beach. The City Council shall only appoint persons who have filed an application for appointment with the City Clerk no later than five (5) days prior to the date on which the City Council nominates candidates for positions. The application shall serve as a basis for determining if the person is a qualified elector of the City, has no conflict of interest that would prevent the applicant from serving, and otherwise satisfies the criteria for appointment specified in the City Charter and any relevant ordinance, resolution or Council Policy. The City Council prefers that members of Boards, Commissions, and Committees represent different geographical areas of the City, but residence is a consideration only when applicants are otherwise equally qualified.

To afford the maximum opportunity for citizen service, no person shall be eligible for appointment to any one (1) City Board, Commission, or Committee for more than two (2) consecutive four (4) year terms, exclusive of a prior appointment to fill an unexpired term. Appointees shall serve on only one (1) standing City Board, Commission or Committee at any time, with the exception of individuals who serve on committees as representatives from other City Boards, Commissions or Committees (i.e., a Planning Commissioner may be seated on the Finance Committee as a representative of the Planning Commission). This provision may be waived by a majority vote of City Council.

Unless an alternative appointment procedure is provided in the formation ordinance/resolution, at such time when an appointment to a Board, Commission or Committee is necessary, the Mayor, at his/her discretion, may establish an ad-hoc Appointments Committee composed of three (3) Council Members. If appointed by the Mayor, the ad-hoc Appointments Committee's duties are as follows:

A. Review all applications for position to City Boards, Commissions and Committees. The ad-hoc Appointments Committee will review applicant answers to all questions contained in the application;

B. Conduct any necessary interviews with individual applicants; and

C. At least two (2) weeks prior to the date of appointment, recommend to the full City Council at a regular public meeting, two (2) or more candidates for each Board, Commission or Committee vacancy. Members of the City Council may wish to interview the recommended candidates further prior to final selection by the City Council. By requiring two (2) or more candidates for each vacancy, it is the intent of the City Council that at least two (2) separate individuals should be considered for each vacancy (i.e., if there are two (2) vacancies, at least four (4) separate individuals will be considered).

The ad-hoc Appointments Committee, in conducting their review of applications and interviews with the individual applicants, if any, shall attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias. It is generally recognized that from time-to-time it is possible for any individual to have a conflict on any one (1) given issue.

The ad-hoc Appointments Committee, however, shall endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Board, Commission or Committee.

If no alternative appointment procedure is provided in the formation ordinance/resolution, and if the Mayor does not form an ad-hoc Appointments Committee, the City Clerk shall review all applications and submit all qualified applicants to the City Council for consideration at an open and noticed meeting.

PROCEDURE FOR VOTING ON APPOINTMENTS TO CITY COMMISSIONS, BOARDS AND COMMITTEES

A. The City Council will vote on all appointments and seats on each Board, Commission and Committee simultaneously. The voting will be by paper ballot and the City Clerk will tabulate and announce the results, including the vote tally.

B. Each member of the City Council will cast the number of votes as indicated on the paper ballot for each seat from the list of the nominees. In order to be appointed, the nominees must receive at least four (4) votes.

C. For Boards, Commissions and Committees with two (2) vacancies, if two (2) of the nominees receive four (4) or more votes, they will be automatically appointed.

D. If there is a tie vote, ballots will be distributed to the Council Members to vote for the tying candidates only.

E. In the event that no one receives four (4) votes, nominees receiving zero (0) or one (1) vote will be dropped and the City Council will cast two (2) votes from the list of the remaining nominees and the determination will be made as previously stated.

The City Clerk shall also be responsible for the following functions associated with Board, Commission and Committee appointments:

A. Preparation of letters for the Mayor's signature notifying successful candidates of their appointment.

B. Preparation of letters for the Mayor's signature notifying unsuccessful candidates for appointment.

C. Preparation of letters for the Mayor's signature thanking outgoing members for their service and coordination with the Purchasing Agent in the preparation of formal Certificates of Appreciation.

If established, once the final appointments are made by the City Council, the ad-hoc Appointments Committee will be dissolved.

Business Improvement District Appointments

The appointment of Business Improvement District advisory boards or the designation of an owners' association is exempt from this Council Policy, but shall be consistent with the California Streets and Highways Code.

Adopted - June 28, 1965
Amended - August 15, 1966
Amended - September 26, 1966
Amended - June 10, 1968
Amended - July 12, 1976
Amended - September 12, 1977
Amended - November 28, 1977
Amended - December 19, 1977
Amended – June 26, 1978
Amended – March 12, 1979
Amended – July 27, 1981
Amended - November 23, 1981
Amended - January 24, 1994
Amended - February 26, 1995
Amended - August 12, 1996
Amended - February 24, 1997
Amended – March 22, 1999
Amended – July 12, 1999
Amended – September 27, 1999
Amended – March 14, 2000
Amended – May 8, 2001
Amended – April 23, 2002
Amended – May 14, 2013

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