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**TO:** HONORABLE CITY COUNCIL

**FROM:** MOLLY STUMP, CITY ATTORNEY

**DATE:** JUNE 21, 2021

**SUBJECT:** **AGENDA ITEM NUMBER 18 – TITLE:** Adoption of an Ordinance Establishing Board and Commission Term Limits, Consolidating Appointments to March of Each Year, and Codifying the Human Relations Commission's Existing Role of Recommending Grant Funding; and Adoption of a Resolution Establishing Term Limits for the Storm Water Management Oversight Committee

Since the original publication of this item, staff have further reviewed past recruitment schedules and now recommend beginning terms on April 1 instead of March 15. This will give Council an additional two weeks to schedule special meetings for interviews and complete the recruitment process. This modest amount of additional time may be helpful with the consolidation of all boards and commissions to a single recruitment period anticipated to start in mid-January of each year. The Council would be free to finish the recruitment process prior to April 1. Attached are the revised ordinance and resolution specifying that terms will begin on April 1, and below is the recommended motion:

As directed by the City Council, staff recommends the Council:

1. Approve the ordinance attached to this At Places Memo to amend various sections of the Palo Alto Municipal Code in order to: (1) consolidate board and commission recruitments so terms begin on April 1; (2) create term limits for board and commission members; and (3) codify existing duties of the Human Relations Commission; and
2. Approve the resolution attached to this At Places Memo to create term limits for the Storm Water Management Oversight Committee and align its recruitment to occur with the other boards and commissions.

DocuSigned by:  
*Molly Stump*  
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Molly Stump  
City Attorney

\*NOT YET APPROVED\*

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Sections of Title 2 (Administrative Code) of the Palo Alto Municipal Code to Consolidate the Appointment of Members to Boards and Commissions to April of Each Year; Establish Term Limits to Boards and Commissions; and Codify Existing Duties of the Human Relations Commission

The Council of the City of Palo Alto ORDAINS as follows:

**SECTION 1.** Findings and declarations. The City Council finds and declares as follows:

- A. The City has several statutory boards and commissions. See Palo Alto Municipal Code Chapters 2.18 *et seq.*;
- B. Existing PAMC section 2.16.070 requires that the City Council make regularly-scheduled appointments to boards and commissions in December and May of each year. Each board or commission is assigned to one of those months;
- C. The City Council intends to consolidate all board and commission appointments occur by the beginning of April;
- D. The City Council intends to impose term limits to members of boards and commissions; and
- E. The City Council intends to codify the Human Relations Commission’s existing duties of making grant recommendations under various grant programs.

**SECTION 2.** Section 2.16.070 (Schedule of appointments) of Chapter 2.16 (Boards and Commissions Generally) of Title 2 (Administrative Code) is hereby amended as follows (additions are in underline, deletions are in ~~striketrough~~):

2.16.070 Schedule of appointments.

(a) The City Council shall review applications to fill vacancies in the following boards and commissions in ~~May~~ April of each year:

- (1) Human Relations Commission (Chapter 2.22)
- (2) Public Art Commission (Chapter 2.18)
- (3) Utilities Advisory Commission (Chapter 2.23)
- (4) Architectural Review Board (Chapter 2.21)
- (5) Historic Resources Board (Chapter 2.27)
- (6) Parks and Recreation Commission (Chapter 2.25)
- (7) Planning and Transportation Commission (Chapter 2.20)

~~(b) The City Council shall review applications to fill vacancies in the following boards and commissions in December of each year:~~

- ~~(1) Architectural Review Board (Chapter 2.21)~~
- ~~(2) Historic Resources Board (Chapter 2.27)~~
- ~~(3) Parks and Recreation Commission (Chapter 2.25)~~

\*NOT YET APPROVED\*

~~(4) Planning and Transportation Commission (Chapter 2.20)~~

~~(e)~~ The City Council shall fill vacancies in all other boards and commissions in April ~~May or December~~ of each year, or at another time, at its discretion.

~~(d)~~ The City Council may fill mid-term vacancies during the next regularly scheduled recruitment for the board or commission or may hold a special recruitment, at its discretion. Special recruitments shall be subject to the requirements of Section 2.16.060.

**SECTION 3.** Chapter 2.16 (Boards and Commissions Generally) is hereby amended to add new Section 2.16.080 (Term limits) as follows:

**2.16.080 Term limits.**

Effective January 1, 2022, no person may serve more than three consecutive terms of office as a member of the same board or commission. This section shall apply to the boards and commissions listed in section 2.16.070(a), except for the Planning and Transportation Commission, in which no person may serve more than two consecutive terms of office as a member of the same board or commission.

- (a) For the purposes of this section, a -member will be considered to have served a term of office if he or she serves more than half of a standard term. For boards and commissions with three-year terms, half of the term shall be 18 months. For boards and commissions with four-year terms, half of the term shall be two years.
- (b) A member's service that began on or before January 1, 2022 shall count under the provisions of this section only for those members who served for at least one day on a board or commission between January 1, 2021 and January 1, 2022. Notwithstanding the previous sentence, members of boards and commissions serving as of January 1, 2022 shall be permitted to complete their term.
- (c) A member who has served three consecutive terms of office (or two consecutive terms of office for the Planning and Transportation Commission) may remain as a member of the same board or commission for up to six months past the end of the term if no replacement is appointed or until a replacement is appointed, whichever comes first.
- (d) A member who has served three consecutive terms of office (or two consecutive terms of office for the Planning and Transportation Commission) shall not be appointed to the same board or commission within one year of the last date of service.

**SECTION 4.** Section 2.18.040 (Term of office) of Chapter 2.18 (Public Art Commission) is hereby amended as follows:

**2.18.040 Term of office.**

Terms of office on the Public Art Commission shall be three years. Commission appointments shall be staggered so that three (3) members are appointed in 2018 and every three years thereafter, and four (4) members are appointed in 2017 and every three years thereafter. ~~Effective January 1, 2016, terms of office due to expire on April 30 of each year shall be extended to expire on May 31 of the same year, and thereafter terms~~ Terms of office shall commence on the first day of June. Effective January 1, 2022, terms of office due to expire on

May 31 of each year shall be extended to expire on the March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 5.** Section 2.20.020 (Term of office) of Chapter 2.20 (Planning and Transportation Commission) is hereby amended as follows:

2.20.020 Term of office.

Terms of office on the Planning and Transportation Commission shall be four years. ~~Effective January 1, 2016, terms of office due to expire on October 31 of each year shall be extended to expire on December 15 of the same year, and thereafter terms of office shall commence on the sixteenth day of December.~~ Effective January 1, 2022, terms of office due to expire on December 15 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 6.** Section 2.21.025 (Term of office) of Chapter 2.21 (Architectural Review Board) is hereby amended as follows:

2.21.025 Term of office.

Terms of office on the Architectural Review Board shall be three years. ~~Effective January 1, 2016, the terms of office due to expire on October 31 of each year shall be extended to expire on December 15 of the same year, and thereafter terms of office shall commence on the sixteenth day of December.~~ Effective January 1, 2022, terms of office due to expire on December 15 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 7.** Section 2.22.020 (Term of office) of Chapter 2.22 (Human Relations Commission) is hereby amended as follows:

2.22.020 Term of office.

Terms of office on the Human Relations Commission shall be three years. ~~Effective January 1, 2016, terms of office due to expire on April 30 of each year shall be extended to expire on May 31 of the same year, and thereafter terms of office shall commence on the first day of June.~~ Effective January 1, 2022, terms of office due to expire on May 31 of each year shall be extended to expire on the March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

\*NOT YET APPROVED\*

**SECTION 8.** Section 2.23.030 (Term of office) of Chapter 2.23 (Utilities Advisory Commission) is hereby amended as follows:

2.23.030 Term of office.

Terms of office on the Utilities Advisory Commission shall be three years. ~~Effective January 1, 2016, terms of office due to expire on April 30 of each year shall be extended to expire on May 31 of the same year, and thereafter terms of office shall commence on the first day of June.~~ Effective January 1, 2022, terms of office due to expire on May 31 of each year shall be extended to expire on the March 31 of the following year, and thereafter terms of office shall commence on April 1. Commission appointments shall be staggered so that in each three-year cycle, two members are appointed one year, two members are appointed the next year, and three members are appointed the next year. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 9.** Section 2.25.030 (Term of office) of Chapter 2.25 (Parks and Recreation Commission) is hereby amended as follows:

2.25.030 Term of office.

Terms of office on the parks and recreation commission shall be three years. Commission appointments shall be staggered so that in each three-year cycle three members are appointed to serve during the first year, four members are appointed to serve during the second year, and no members are appointed to serve during the third year. ~~Effective January 1, 2016, terms of office due to expire on October 31 of each year shall be lengthened to expire on December 15 of the same year, and thereafter terms of office shall commence on the sixteenth day of December.~~ Effective January 1, 2022, terms of office due to expire on December 15 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 10.** Section 2.27.020 (Term of office) of Chapter 2.27 (Historic Resources Board) is hereby amended as follows:

2.27.020 Term of office.

Terms of office on the Historic Resources Board shall be three years. Terms shall be staggered so that three positions are refilled one year, and four positions are refilled two years later. ~~Effective January 1, 2016, terms of office due to expire on October 31 of each year shall be extended to expire on December 15 of the same year, and thereafter terms of office shall commence on the sixteenth day of December.~~ Effective January 1, 2022, terms of office due to expire on December 15 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in section 2.16.080.

**SECTION 11.** Section 2.22.060 (Authority) of Chapter 2.22 (Human Relations Commission) is hereby amended to add new subsection (g) as follows:

**2.22.060 Authority.**

Upon making a finding pursuant to Section 2.22.050(a), the commission may act as follows:

- (a) To foster public awareness and understanding of human relations problems by any means of disseminating information including, but not limited to, educational programs and printed and electronic media;
- (b) To facilitate resolution of problems or improvement of conditions within the jurisdiction of the commission by encouragement, persuasion and mediation and by pointing out private or public agencies which might provide assistance;
- (c) To make such studies which, in the judgment of the commission, might aid in affecting matters within the jurisdiction of the commission;
- (d) To recommend local legislation or other action to the council and to encourage the council to support or oppose state or federal legislation or regulation relating to matters within the jurisdiction of the commission;
- (e) To coordinate programs of the commission with similar programs by private and public agencies and organizations; ~~and~~
- (f) To recommend or oppose legislation other than that of the city, provided that the city council has not taken an official position with respect to such legislation, and provided further that any communication, whether oral or written, from the commission concerning such legislation clearly indicates that such recommendation or opposition is that of the commission and is not necessarily that of the city council; and
- (g) To recommend grantees under the Human Services Resource Allocation Process, Community Development Block Grant, and Emerging Needs Fund.

**SECTION 12.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 13.** The Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act as it is not a “project” within the meaning of CEQA.

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\*NOT YET APPROVED\*

**SECTION 14.** This Ordinance shall be effective on January 1, 2022.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Chief Transportation Official

\_\_\_\_\_  
Director of Community Services

\_\_\_\_\_  
Director of Planning and Development  
Services

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Director of Utilities

\*NOT YET APPROVED\*

Resolution No. \_\_\_\_

Resolution of the Council of the City of Palo Alto Amending and Restating  
Resolution 9677 to Add Term Limits for Members of the Storm Water  
Management Oversight Committee

R E C I T A L S

A. On November 14, 2005, the City Council adopted Resolution No. 8573, establishing the Storm Drain Oversight Committee to review the proposed operating and capital budget of the Storm Drainage Fund and the year-end financial report documenting the expenditures of the Storm Drainage Fund in the previous fiscal year.

B. On August 29, 2016, the City Council adopted Resolution No. 9624, calling a Mail Ballot Election in connection with the City's proposed Storm Water Management Fee.

C. On October 24, 2016, the City Council adopted Resolution No. 9635, proposing a Storm Water Management Fee to replace the Storm Drainage Fee, calling a Public Hearing for October 24, 2016 with respect to such Fee and adopting Procedures relating to the conduct of a Protest Hearing and Mail Ballot Election.

D. On May 1, 2017, the City Council adopted Resolution 9677, which replaced the Storm Drain Oversight Committee with the Storm Water Management Oversight Committee.

E. The City Council now intends to impose term limits on members of the Storm Water Management Oversight Committee by amending and restating Resolution 9677 as follows below. The City Council also intends to move the recruitment period to end with appointments in April from the past practice of May appointments. This effort is intended to mirror the same changes being made to the codified boards and commissions in an ordinance introduced in June 2021.

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The Storm Drain Oversight Committee is decommissioned effective May 31, 2017.

SECTION 2. Committee Established. The City of Palo Alto Storm Water Management Oversight Committee is hereby created to review proposed storm water management capital improvements and operating programs to be funded from the Storm Water Management Fees and to monitor expenditures of the fund.

SECTION 3. Committee Membership and Appointment. The Committee shall consist of seven members who are selected and appointed by the City Council for a term of four years.



\*NOT YET APPROVED\*

Committee members shall serve without compensation. Each Committee member shall be a resident of Palo Alto, an employee of a business located in Palo Alto or an owner of real property within the City. No member shall be a council member, officer or employee of the City. Effective January 1, 2022, terms of office due to expire on May 31 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1.

SECTION 4. Term limits. Effective January 1, 2022, no person may serve more than two consecutive terms of office as a member of the Committee.

- (a) For the purposes of this section, a member will be considered to have served a term of office if he or she serves more than two years within one term.
- (b) A member's service that began on or before January 1, 2022 shall count under the provisions of this section only for those members who served for at least one day on the Committee between January 1, 2021 and January 1, 2022. Notwithstanding the previous sentence, members on Committee as of January 1, 2022 shall be permitted to complete their term.
- (c) A member who has served two consecutive terms of office may remain as a member of the Committee for up to six months past the end of the term if no replacement is appointed or until a replacement is appointed, whichever comes first.
- (d) A member who has served two consecutive terms of office shall not be appointed to the Committee within one year of the last date of service.

SECTION 5. Committee Duties. The Committee shall discharge its oversight duties by:

- (a) Meeting at least once a year to review the proposed operating and capital budgets of the Storm Water Management Fund for the next fiscal year. The Committee shall prepare a report documenting its findings with respect to the proposed budget and submit the report to the Finance Committee of the City Council prior to June 30th each year.
- (b) Meeting at least once a year to review the year-end financial report documenting the expenditures of the Storm Water Management Fund in the previous fiscal year. The Committee shall prepare a report documenting its findings with respect to the expenditures and submit the report to the City Council prior to May 31st each year.

SECTION 6. Meeting Procedures. The Committee shall conduct open public meetings, duly noticed in accordance with the Ralph M. Brown Act. The Committee may establish rules and procedures governing the conduct of its meetings.

SECTION 7. The City Clerk is directed to place advertisements announcing Committee vacancies in a newspaper of general circulation in the City, two times within a two week period.

SECTION 8. This resolution supersedes Resolution 9677.

SECTION 9. This resolution shall be effective January 1, 2022.

**\*NOT YET APPROVED\***

SECTION 10. The Council finds that this is not a project under the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Director of Administrative Services

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 molly.stump@cityofpaloalto.org  
 City Attorney  
 City of Palo Alto  
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Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
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Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/15/2021 2:56:42 PM
Certified Delivered	Security Checked	6/16/2021 2:46:01 PM
Signing Complete	Security Checked	6/16/2021 2:46:49 PM
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Payment Events	Status	Timestamps