



CITY OF PALO ALTO OFFICE OF THE CITY ATTORNEY

June 21, 2021

The Honorable City Council
Palo Alto, California

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

Recommendation

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

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

Background

On June 1, 2021, the City Council considered staff's proposed ordinance to consolidate Board and Commission recruitments, establish term limits, and codify existing duties of the Human Relations Commission. [Link to [staff report](#)]. The Council approved the following changes to staff's proposal in the following motion (excerpt from draft minutes):

MOTION AS AMENDED: *Adopt an Ordinance, with adjustments on policy issues as desired, to amend various sections of the Palo Alto Municipal Code in order to:*

- A. *Create term limits for board and commission members as follows:*
 - i. *Three 3-year terms for ARB, HRB, HRC, PRC, PAC, and UAC*
 - a) *Cannot serve more than 9 years consecutively*
 - ii. *Two 4-year terms for PTC and SWMOC;*
 - a) *Cannot serve more than 8 years consecutively*
- B. *Approve the other staff suggested policy issues regarding term limits*
- C. *Consolidate the recruitment for all Boards and Commissions commencing in January with terms beginning in March.*
- D. *Effective date of the Ordinance would be January 1, 2022*
- E. *Codify existing duties of the Human Relations Commission.*

MOTION AS AMENDED PASSED: 6-1 Cormack no

Prior to the June 1, 2021 meeting, Council had last taken action on this topic on November 30, 2020 when Council gave its initial direction to staff on the contours of the ordinance. [[Link to staff report](#) and [minutes](#)].

Discussion

Staff returns with the attached ordinance to implement term limits for board and commission members in alignment with Council’s direction from June 1, 2021. The discussion below summarizes the changes since the June 1, 2021 proposal.

Term Limits for Boards and Commissions

Consistent with Council’s motion above, this ordinance implements consecutive term limits for the following boards and commissions:

Two Consecutive Terms	Three Consecutive Terms
<ul style="list-style-type: none"> • Planning and Transportation Commission 	<ul style="list-style-type: none"> • Architectural Review Board • Historic Resources Board • Human Relations Commission • Parks and Recreation Commission • Public Art Board • Utilities Advisory Commission
<p>Note: All of the boards and commissions above have 3 year terms, except for the Planning and Transportation Commission, which is 4 years per term.</p>	

Based on the councilmembers’ discussion at the June 1, 2021 council meeting, staff have interpreted the portions of the motion limiting consecutive years of service to mean that past years of service shall count toward the limit. The ordinance now counts all past service for any board or commission member serving at any time in the year prior to the ordinance’s effective date of January 1, 2022. (The previous proposed ordinance limited past service to a maximum of one term). However, a current board or commission member would be able to complete their scheduled term, even if past service is more than what is allowed.

Consolidation of Board & Commission Recruitments to January-March

Currently, PAMC section 2.16.070 assigns each board and commission to either May or December recruitment. For those commissioners appointed during the May recruitment period, their terms begin on June 1 (or as soon as appointed thereafter). For those commissioners appointed during the December recruitment period, their terms begin on December 16 (or as soon as appointed thereafter). Terms are fixed and end on either May 31 or December 15.

Current Recruitment Schedule (PAMC 2.16.070)	
<p>May Recruitment (Term begins June 1, ends May 31)</p>	<p>December Recruitment (Term begins December 16, ends Dec. 15)</p>

<ul style="list-style-type: none"> • Human Relations Commission • Public Art Commission • Utilities Advisory Commission 	<ul style="list-style-type: none"> • Architectural Review Board • Historic Resources Board • Parks and Recreation Commission • Planning and Transportation Commission
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The ordinance will shift all the recruitments for the boards and commissions so that recruitment begins in January and all terms will begin on March 15 (or shortly thereafter if appointments are made after that date) and end on March 14 three years later (or four years in the case of the PTC).

Current members of boards and commissions on the December recruitment schedule will have their terms extended by approximately three months to end on March 14 to coincide with the new recruitment period. This includes members of boards and commissions who are scheduled to be appointed in December 2021. For example, a member of the PRC is appointed on December 16, 2021. The member’s term is scheduled to end on December 15, 2024; under this ordinance, their term will be extended to March 14, 2025.

Current members of boards and commissions on the May recruitment schedule will have their terms extended by approximately ten months to end on March 14 to coincide with the new recruitment period. For example, a member of the HRC was appointed on June 1, 2020. The member’s term is scheduled to end on May 31, 2023; under this ordinance, their term will be extended to March 14, 2024.

Should a board or commission have a vacancy outside of the normal recruitment cycle, the Council may direct the City Clerk to hold a special recruitment.

Resolution Establishing Term Limits and March Recruitment for the Storm Water Management Oversight Committee

The City’s Storm Water Management Oversight Committee was established by Resolution 9677, unlike the other boards and commissions in this report which were established by ordinance. Consistent with Council direction, staff recommend approving the attached resolution, which will put in place a two-term limit for committee members under the same rules as for the boards and commissions above. The resolution will also move recruitments from May to March, and similarly extend existing terms by about ten months to coincide with the new recruitment period.

Resource Impact

The consolidation of all board and commission recruitments to January-March is expected to take a larger share of both staff and Council time in the weeks preceding in order to recruit, interview, and appoint candidates to all of the boards and commissions. This work effort will no longer be needed in May or December. By consolidating to one recruitment per year, with only a possibility of a fall recruitment, would save the City for the cost of advertising in the paper and online.

Environmental Review

The City Council finds that adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15061(b)(3) because it can be seen with certainty that this ordinance will not have a significant effect on the environment.

ATTACHMENTS:

- Attachment A - Ordinance to Consolidate the Appointment of Members to Boards and Commissions to March of Each Year; Establish Term Limits; and Codify Existing Duties of the Human Relations Commission (PDF)
- Attachment B - Resolution Amending and Restating Resolution 9677 to Add Term Limits for Members of the Storm Water Management Oversight Committee and Begin Terms in March (PDF)

Department Head: Molly Stump, City Attorney

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 March 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 in March;
- 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~~March 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)~~

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

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

(~~d~~c) 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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 14 of the following year, and thereafter terms of office shall commence on March 15. 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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SECTION 14. This Ordinance shall be effective on January 1, 2022.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

Mayor

APPROVED:

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 March 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. 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 14 of the following year, and thereafter terms of office shall commence on March 15.

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