



10

TO: HONORABLE CITY COUNCIL

FROM: MOLLY STUMP, CITY ATTORNEY

DATE: AUGUST 9, 2021

SUBJECT: AGENDA ITEM NUMBER 10- TITLE: SECOND READING: Adoption of an Ordinance Establishing Board and Commission Term Limits, Consolidating Appointments to April of Each Year, and Codifying the Human Relations Commission's Existing Role of Recommending Grant Funding (FIRST READING: June 21, 2021 PASSED: 6-1 Cormack no)

The original ordinance published with the City Council Agenda for August 9, 2021 restated outdated code language in sections 2.18.040 and 2.22.020. Ordinance 5503 amended those sections but had not yet been codified when this ordinance was drafted. The attached ordinance contains the correct, up-to-date text of those sections, which outlines the staggering schedule of the members of the Public Art Commission and the Human Relations Commission. The attached ordinance does not result in any changes to the existing staggering schedule, nor does it have any substantive changes from the version Council approved on first read in June 2021.

The attached ordinance replaces the version originally published with the City Council's August 9, 2021 agenda.

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)~~

~~(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, one (1) member is appointed in 2019 and every three years thereafter, and one (1) member is appointed in 2020 and every three years thereafter. Terms of office shall commence on the first day of June and end on the last day of May. 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. ~~Commission appointments shall be staggered so that two (2) members are appointed in 2018 and every three years thereafter, two (2) members are appointed in 2019 and every three years thereafter, and one (1) member is appointed in 2020 and every three years thereafter. Terms of office shall commence on the first day of June and end on the last day of May.~~ 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 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

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