

ITEM #:	<u>47</u>
DATE:	<u>04-23-24</u>
DEPT:	<u>Legal</u>

COUNCIL ACTION FORM

SUBJECT: **APPOINTMENT CRITERIA FOR BOARDS AND COMMISSIONS**

BACKGROUND:

The City has a variety of boards and commissions to assist with advising regarding policies and administration, as well as to perform quasi-judicial functions. Five of the existing boards/commissions have ordinances that specifically prohibit City staff from serving on the board/commission: Building Board of Appeals, Parks and Recreation Commission, Planning and Zoning Commission, Property Maintenance Appeals Board, and the Public Nuisance Appeals Board. The rest do not have guidance regarding the appointment of employees.

This can create confusion to applicants and to City staff in attempting to determine whether a potential applicant is eligible. Additionally, the opportunity arises for a potential conflict of interest or for conflicting supervisory-subordinate relationships if City employees are permitted to be on a City board or commission.

There is at least one instance where a City employee is required to serve on a City board: the City Manager is named specifically as an appointee to the Transit Board of Trustees. Therefore, any overarching prohibition on City employees serving on boards or commissions needs to include exceptions for individuals required by statute or ordinance to serve on the board/commission.

At the March 26, 2024 meeting, the City Council directed the City Attorney to prepare an ordinance prohibiting City employees from holding or being appointed to a position on a City board or commission, except where required by statute or ordinance. An ordinance has been prepared and is attached.

ALTERNATIVES:

1. Approve first reading of the attached ordinance prohibiting City employees from serving on City boards and commissions.
2. Direct staff to make modifications to the proposed ordinance.
3. Do not approve the ordinance on first reading.

CITY MANAGER'S RECOMMENDED ACTION:

The City's various boards and commissions handle a variety of matters related to City business. Employment by the City can create a conflict of interest for board/commission members. It is clear that several commissions have existing ordinances to address this potential situation, but there is not a uniform standard for all City boards and commissions. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

ATTACHMENT(S):

[Ordinance No City Employee Appt.pdf](#)