



## City Council Agenda Item

**City Council Meeting Date:** December 7, 2021

**TO:** Honorable Mayor and City Council Members

**FROM:** Jeff Malawy, City Attorney  
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**SUBJECT:** Discussion of Potential Revisions to the Appointment Method for City Commissions

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### **Recommendation:**

Staff recommends the City Council review and discuss the issues presented in this staff report and provide direction to staff regarding how the City Council would like to proceed.

### **Background:**

At its meeting on November 16, 2021, the City Council requested a future agenda item to discuss potential revisions to the procedural rules for appointing City commissioners. Specifically, the request's purpose was to address appointment to commission seats that have been vacant for an extended period.

In December 2020, the City Council amended the appointment process for City commissions to require each City Council Member's appointee to reside in that Council Member's electoral district. Appointments under that new process began in March 2021. (See attachment for list of current commission vacancies.)

### **Discussion:**

#### **Six-Meeting Vacancy Rule**

One way to address extended vacancies is to use the "six-meeting vacancy" rule that has always been in the Lompoc Municipal Code (LMC), even before December 2020. That rule states:

"Failure to nominate a person for a seat on the ... Commission for six consecutive regular or adjourned City Council meetings shall entitle the Mayor to appoint the Mayor's or any other Councilmembers' nominee to the seat upon the approval of the majority of all of the members of the City Council without the nomination of that member of the City Council otherwise entitled to nominate."

That means if a Council Member has not made a nomination to a vacant commission seat for six consecutive City Council meetings, then the Mayor or any other Council Member can make a nomination for that seat. The nominee must still then be approved by a majority of the City Council to be appointed. This “six-meeting vacancy” rule applies to all of the City commissions in question (Planning, Parks & Recreation, Utility, Beautification & Appearance, Public Safety, and Human Services).<sup>1</sup>

Importantly, the amendment adopted in December 2020 states that persons nominated by the Mayor or another Council Member under the “six-meeting vacancy” rule *must reside in the district of the Council Member that was originally entitled to appoint for that seat*. (See, for example, LMC section 2.48.050(A).)

In summary, if the Council Member from a particular District has not made a nomination to a vacant commission seat for six consecutive City Council meetings, then the Mayor or any other Council Member can nominate someone from that District for that seat. If the nominee is then approved by a majority vote of City Council, the nominee is appointed.

That is one tool the City Council may wish to use to address extended commission vacancies.

### Other Options

Other options to address extended commission vacancies would involve amendments to the LMC, resolutions, and Handbook that govern appointment procedures.

Potential ideas are any of the following:

1. If no nomination has been made for six consecutive City Council meetings, then allow that Council Member to nominate from any district for that commission seat.
2. If no eligible candidate files an application within 90 days after a vacancy, then allow that Council Member to nominate from any district for that commission seat.
3. If no nomination has been made for six consecutive City Council meetings, then allow the Mayor or any Council Member to nominate from any district for that commission seat.
4. If no eligible candidate files an application within 90 days after a vacancy, then allow that Council Member to nominate from any district for a temporary commissioner term of 3 months, and that commissioner cannot be reappointed to that seat after the temporary term expires.
5. Allow each Council Member to make one appointment from outside that Council Member’s district (i.e. one appointment out of that Council Member’s six total appointments).

The City Council is free to suggest any other options.

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<sup>1</sup> See LMC sections 2.48.010(C), 2.52.010(C), 2.56.010(C), 2.60.010(C), and Lompoc Handbook for Commission Committee and Board Members Handbook pages 19 and 27, respectively.

**Fiscal Impact:**

None.

**Conclusion:**

This report suggests some possible options for addressing extended commission vacancies. There are several different ways this could be accomplished. If the City Council would like to move forward with any of the above options or any other option, then staff will prepare any necessary amendments and bring them back to the City Council for adoption.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeff Malawy", is written above a horizontal line.

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Jeff Malawy, City Attorney

Attachment: List of Current Commission Vacancies and Length of Each Vacancy