

**CHAPTER 3.07  
COMMISSIONS, COMMITTEES AND BOARDS**

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**3.07.010 INTRODUCTION.**

The Council shall establish such commissions, committees and boards as it deems appropriate to provide policy advice. Committees may be either standing committees, or ad hoc committees established by the Council from time to time. Each commission, committee, and board shall be advisory only, unless otherwise specified in the resolution or motion establishing the commission, committee or board, and shall be established by a specific resolution or motion with its purpose, duties, and number of members defined by the resolution or motion. In addition, the Council periodically appoints persons other than council members to certain outside organizations or regional authorities listed in Section 3.08.100. The provisions of this chapter shall also apply to such outside organizations and regional authorities. (Resolution No. 1992-195, 12/17/1992)

**3.07.020 COUNCIL RELATIONSHIP WITH COMMISSIONS, COMMITTEES AND BOARDS.**

Council members must recognize that it is important for commissioners and committee members to be able to make objective recommendations on items related to the City. Council members must be certain that any opinions expressed to members of commissions and committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

The Council has determined that council members should not lobby commissioners, committee or board members for particular votes. However, council members may attend meetings in their unofficial capacity as residents and request that commissioners, committee or board members consider certain issues during their deliberations, or may do so in unusual instances in their capacity as council members to reflect the views of the Council as a body. Council members should not engage in advocacy before a commission, committee or board on any matter which will likely thereafter come before the council at a public hearing.

Council members choosing to attend commission, committee or board meetings should be sensitive to the fact that they are not participating members of the body. Council members have the rights, and only the rights, of ordinary citizens with respect to commissions, committees or boards – including the right to write to and speak to the commission, committee or board during public comment periods.

### **3.07.030 ROLE OF EX-OFFICIO MEMBER.**

Members of the Council are assigned to serve in an ex-officio capacity to various City committees. The purpose of the ex-officio assignment is to facilitate communication between the Council and the advisory body and to help to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their ex-officio assignment, members will attend committee meetings to observe the activities and maintain communication with the committee.

Ex-officio members should be sensitive to the fact they are non-voting members of the committee. Being an ex-officio member bestows no special right with respect to the commission, committee or board business.

### **3.07.040 STAFF INVOLVEMENT WITH ADVISORY BODIES.**

Staff support and assistance is typically provided to commissions, committees and boards. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and Council. The members of the commission, committee or board are responsible for the functions of the advisory body.

Staff support often includes preparation of an agenda and its' posting in compliance with the Brown Act. Staff also prepares reports providing background on an issue, alternatives, a recommendation, and appropriate support materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

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It is important that advisory bodies wishing to communicate recommendations to the Council do so through approved Council agenda procedures. In addition, if a commission/committee wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the Council.

**3.07.050 WORK PLAN.**

All programs, projects, funding and staffing requests must be approved by the Council. By March 1 of each year, every commission, committee and board shall develop a work plan which contains their goals and objectives for the coming fiscal year. This work plan shall be transmitted to the Council along with any requests for funding or additional staffing for programs or projects in the coming fiscal year.

**3.07.060 REQUESTS FOR WORK OUTSIDE THE ADOPTED WORK PLAN.**

Individual members of any commission, committee or board who would like staff to perform research or for the advisory body to review a particular issue over two hours total staff time must gain the approval for such a request from the Council at duly notice public meeting, before any work is planned or done. The annual work plan for the City's commissions, committees and boards are determined by the Council at its goal and objective setting process that precedes the adoption of the budget.

Any request for information and/or research that is outside the adopted work plan and meets any of the following is considered a major study and requires Council approval prior to any staff time being expanded.

- Requires more than 10 staff hours to complete.
- Not a planned budgeted activity.
- Possible change in current policy which was the culmination of extensive public input and/or as a result of committee deliberations.
- New policy research on which there has been no Council discussion or direction or because of its sensitivity would involve more than 10 hours of staff time.

A request for work outside the work plan must be submitted in writing from the Chair of the commission, committee or board to the City Clerk to be placed on a Council agenda. The responsible department will recommend courses of action which consider budgeted workloads and annual work plans to the Council. It is the policy of the Council that such requests must adhere to the following provisions:

1) Approval of the majority of the Council;

2) All requests by commissions, committees or boards for reports or information items that will take longer than five (5) hours, must be written and should be directed to the responsible department with a copy to the City Manager in order that staff work may be properly coordinated. This does not prevent the commission, committee or board from getting written information that may require minor staff time or is already consistent with the commission, committee or board's normal work plan, such staff support should be accommodated.

3) At the City Manager's discretion, the Council may be informed that numerous requests for work outside the adopted work plan represent a workload sufficiently large enough to disrupt the on-going, planned work for which the department is responsible. In these cases, the City Manager will propose to the Council review the Work Plan and for the Council to direct staff where, in the priority list, the new requests for work belong.

#### **3.07.070 MINUTE PREPARATION.**

Action minutes will be produced by City staff for all advisory body meeting in a similar format used for Council meetings. Additions or corrections to the minutes are made at the next public meeting of the advisory body upon approval of the majority of the commission, committee or board. Draft minutes of all commission, committees or boards will be provided to the Council in a timely manner.

#### **3.07.080 APPOINTMENT OF RESIDENT MEMBERS.**

Resident members of each commission, committee or board, shall be appointed by the Council during a regular or special meeting of the Council. The terms of all appointees shall expire on June 30 (except for certain listed outside organizations or regional authorities whose terms may expire on different dates). Appointees shall take office on July 1 (except for certain listed outside organizations or regional authorities whose terms may commence on different dates).

#### **3.07.090 ATTENDANCE.**

Members of each commission, committee and board are expected to make every effort to attend all meetings and be present for the entire meeting. Members are expected to contact the responsible staff member in the event of any absence in a timely manner. Members are allowed two (2) unexcused absences in each twelve month period from the anniversary date of their appointment. The chair of the commission, committee or board shall notify the City Clerk in writing of any member that is in violation of this policy. The City Clerk will then send a letter to the member indicating his/her non-conformance to this

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policy stating that with an additional unexcused absence in that same twelve month period, the member's position on the commission, committee or board will be automatically vacated. If an additional unexcused absence occurs within the same twelve month period, the position shall be automatically vacated. The City Clerk shall notify the member, the Council, and the commission, committee or board of the vacancy.

**(a) Excused Absences.**

The following is a sample of the types of absences that will be excused:

Travel plans  
Illness  
Family emergency  
Work or business conflicts

**3.07.100 DECORUM AND ORDER.**

Each member of all City commissions, committees and boards has a duty to:

- Represent and work for the common good of the City and not for any private interest.
- Provide fair and equal treatment for all persons and matters coming before the body.
- Read and understand the background and purpose of the items of business before voting.
- Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.
- Faithfully perform all duties of the body.

Each commission, committee and board meeting will also adhere to Chapter 3.04, Rules of Decorum for Members of the Public at Meetings.

The actions of commissions, committees and boards have significant impact on the residents of Indian Wells. Public participation in the democratic process is strongly supported and actively encouraged by the Council. Adherence to this policy will encourage broad public participation while ensuring meetings are conducted in the most professional and courteous manner possible.

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**3.07.110 MEMBERSHIP OF CURRENT COMMISSIONS, COMMITTEES AND BOARDS.**

Current City standing commissions, committees and boards subject to appointment procedures of this Chapter 3.07 are:<sup>1</sup>

Planning Commission	5 Members
Architecture and Landscape Committee	5 Members <sup>2</sup>
Marketing Committee	12 Members <sup>3</sup> including 2 Councilmembers
Community Activities Committee	6 Members including 1 Councilmember
Golf Resort Advisory Committee	7 Members <sup>5</sup> including 2 Councilmember
Grants-in-Aid Committee	6 Members <sup>4</sup> including 1 Councilmember

Current outside organizations or regional authorities subject to appointment procedures of this Chapter 3.07 are:

Joslyn Senior Center Board	Either 1 Council Member or other registered voter
Coachella Valley Mosquito & Vector Control	Either 1 Council Member or other registered voter

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<sup>1</sup> The I WIN Commission was deactivated by the City Council on October 19, 1995. The Arts Commission was deactivated by Council on January 19, 1995. Golf Course Committee was formed on December 5, 2002, and disbanded on September 20, 2007. The Golf Resort Clubhouse Committee was formed on April 16, 2009 and was disbanded on December 16, 2010.

<sup>2</sup> The Architecture and Landscape Committee [ALC] was increased from a membership of 2 Staff and 1 Planning Commissioner on December 16, 1993 to 3 residents and 1 ex-officio Arts Commissioner by the City Council. On January 19, 1995, the number of residents was increased to 5.

<sup>3</sup> On January 15, 1998, Council changed the number of Citizens-at-Large on the Advertising and Marketing Committee from 3 to 4. On November 7, 2002 the Council reorganized the Advertising and Marketing Committee to the Marketing Committee and eliminated Citizens-at-Large participation from the Committee.

<sup>4</sup> The Grants-in-Aid Committee and Arts-in-Public Places Committee were formed on February 19, 2004.

<sup>5</sup> The Golf Resort Advisory Committee was formed on September 20, 2007.

<sup>6</sup> The Community Center Ad Hoc Committee was formed on February 4, 2010 and disbanded on December 15, 2011.

**3.07.120 POLICY FOR SELECTION AND APPOINTMENT OF RESIDENT MEMBERS.**

In order to secure broad and knowledgeable representation on the City's commissions, committees, and boards, it is desirable that a standard policy be formulated for selection to these bodies.

**(a) Eligibility Criteria.**

All members of a commission, committee or board shall be registered voters of the City, unless an exception is provided for by the Council. Also the membership of such bodies be representative of the entire community insofar as possible, and members on such commissions, committees, and boards shall be willing to serve as a civic responsibility and without compensation.

**(b) Term Limitations.**

Except for council members whose term on a commission, committee or board shall be one (1) year unless reappointed by the Council, the following provisions apply to appointees. Appointees are limited to two (2) consecutive two-year terms of membership on a specific commission, committee or board, including a partial term. An appointee may not be reappointed to the same commission, committee or board after completion of two consecutive terms, including a partial term. After serving a maximum of two two-year terms (including a partial term), an appointee shall not be reappointed to the same commission, committee or board unless at least one year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at any time following completion of service on a commission, committee or board from being appointed to another commission, committee or board without the lapse of time between appointments. Term limits will be applied prospectively, commencing with appointments made on or after January 1, 2009. Notwithstanding any provision to the contrary, if a committee is placed on hiatus by City Council action, the appointee's term is considered active and continuous; therefore any period of time the committee is on hiatus is include as part of appointee's term.

**(c) Outreach Efforts.**

Staff will employ one or more of the following methods of outreach to attract applications from qualified candidates: (1) send letters to persons who previously have applied for a City appointment for any commission, committee or board, and who wish to be notified of open positions, and to other individuals who have expressed interest in notification of such openings (list to be maintained by City Clerk's office); (2) place notice of vacancies in the City's newsletter, and/or in a separate flyer; (3) publish notice of vacancies in a local newspaper; or (4) place notice on the City's website.

**(d) Application Process.**

Each applicant shall be given an application packet that will include: an informational document including the eligibility criteria for appointment and a description of the role and responsibilities of the commission, committee or board members; frequency, time, and location of meetings; Code of Ethics, Fair Political Practices Commission (FPPC) financial disclosure requirements; and reference to California open meetings law.

The information to be provided by the applicant shall include name, address, telephone number, number of years as a resident in the City, work/professional experience, qualifications for appointment, and reasons for wishing to serve.

**(e) Selection Process.**

As a part of the selection/appointment process applicable to proposed members other than council members, the Council may interview in open session of a Council meeting, any or all of the individuals submitting applications, as determined by the Council, in its discretion. After candidates, if any, have been interviewed, council members will confer as a group to discuss appointments.

The Council has the option, at its sole discretion, of re-appointing current commission/committee members if said member has one more two-year term remaining on the same commission, committee or board.

**(f) Voting Procedure.**

In a regularly scheduled or special Council meeting, the Council shall vote for members, other than council members, by completing ballots listing all the candidates for a particular commission, committee, or board. The City Clerk shall publicly display the ballots for each vote at the Council meeting and include in the minutes the names of all the candidates that appear on the ballot, as well as detail the votes cast by each council member for each commission, committee or board appointment.

**(g) Appointment Requirements.**

The following requirements apply to the schedule for filling vacancies created by the expiration of a term or vacancies created by a resignation requiring an appointment for the remainder of that term.

**(g)(1) Council Appointments List.**

Pursuant to Government Code 54972, a "Council Appointments List" shall be prepared annually listing all members of the City's commissions, committees and boards, the dates of their appointment, the expiration date of their terms, and the necessary qualifications for the positions.

**(g)(2) Expired Term.**

By the first Council meeting in May every year, the City Clerk shall submit to the Council a "Council Appointments List" of vacancies for terms expiring on June 30 of that year on all commissions, committees and boards. The procedure outlined in Section 3.07.120 shall be implemented and applications shall be accepted for a minimum of three (3) weeks following the announcement of the vacancies. Both incumbents seeking reappointment and new applicants must submit an application. Appointments should be made by the second Council meeting in June every year.

**(g)(3) Unscheduled Vacancies.**

In the event of an unscheduled vacancy on the City's commissions, committees or boards, the City Clerk shall post a special vacancy notice no earlier than twenty (20) days before, nor later than twenty (20) days after the vacancy occurs. Final appointment to the commission, committee or board cannot take place for at least ten (10) working days after the posting of the notice (Gov. Code 54974).

**3.07.130 SIMULTANEOUS SERVICE PROHIBITION.**

Members shall not serve simultaneously on more than one commission, committee or board. However, a member may be appointed to an additional advisory body as a representative of the commission, committee or board on which the member serves as a non-voting member.

**3.07.140 ANNUAL REVIEW OF COMMISSIONS, COMMITTEES AND BOARDS RELEVANCE.**

The Council will annually review each of the City's commissions, committees and boards to determine the relevance of their work plan, membership and organization to the accomplishment of the Council's Goals and Objectives. The Council may make such changes as it deems necessary to the work plans, membership and organization of the commissions, committees and boards, on an as-needed basis.