



**CITY OF CARSON
COUNCIL POLICY & PROCEDURE**

1015
0915

NUMBER: 13.1.1

SUBJECT

ORIGINAL ISSUE:

EFFECTIVE:

CLARIFYING RULES FOR
UNCONTESTED APPOINTMENT
AND REMOVAL OF MEMBERS
OF COMMISSIONS,
COMMITTEES AND BOARDS

CURRENT ISSUE:

EFFECTIVE:

ORIGINATING DEPARTMENT

CITY COUNCIL POLICY

SUPERCEDES:

NEW

I. PURPOSE AND SCOPE

To establish rules to clarify the City Charter provisions for greater consistency pertaining to authority of City Councilmembers to make Uncontested Appointments and Uncontested Removals of members of City Boards.

II. GENERAL

Clarifying Rules

A. Where a City Councilmember, including the Mayor (hereinafter, a "Councilmember"), uses an Uncontested Appointment (as defined below) to appoint a member to a City board, committee or commission (hereinafter, a "City Board"), the Councilmember may thereafter, at any time prior to expiration of the term to which said Board member was appointed by said Councilmember, remove said Board member from the City Board in an uncontested manner (i.e., without a majority or other vote of the Council required), with or without cause (an "Uncontested Removal").

B. When a Councilmember ceases serving on the Council and is replaced prior to the expiration of his or her term, the City Board members that the replaced Councilmember appointed to their then-current terms via Uncontested Appointments shall be automatically removed from their respective City Boards immediately upon the replacing Councilmember taking office, and the replacing Councilmember shall have the right to make Uncontested Appointments to fill said City Board vacancies.

Discussion

Charter Section 602(A) (Appointments; Terms) provides that each Councilmember may appoint one member to a position on each City Board (an "Uncontested Appointment"), and the remaining membership positions (including alternates) shall be appointed by the Mayor and approved by a majority of the City Council.

Section 605 (Removal; Vacancies) of the City's Charter provides that any member of a City Board shall serve at the pleasure of the City Council and may be removed at any time upon recommendation/nomination for removal by Mayor and a vote of a majority of the membership of the City Council.

Section 605 further provides that any vacancies in a City Board shall be filled by the Mayor and City Council in the same manner as specified in the Charter for the original appointment of the removed member.

Accordingly, the Charter is clear that when the seat of a City Board member who was appointed via an Uncontested Appointment is vacated for any reason, the vacancy may be filled via another Uncontested Appointment made by the same Councilmember who had appointed the City Board member whose seat was vacated. However, the Charter does not specify that City Board members who are appointed via Uncontested Appointments may also be removed via Uncontested Removals by the same Councilmember who appointed them, as would be expected in light of the aforementioned Charter provisions.

The City Council believes that a provision authorizing Councilmembers to remove, via an Uncontested Removal, the City Board members whom they appointed via an Uncontested Appointment: (i) was inadvertently omitted from the Charter, (ii) is consistent with the intent of the aforementioned provisions of the Charter, and (iii) is necessary to clarify and harmonize the aforementioned provisions.

Additionally, the Charter does not expressly address Uncontested Appointments where a Councilmember ceases serving on the Council and is replaced prior to the expiration of his or her term. In this situation, to protect the right of the replacing Councilmember to make an Uncontested Appointment to each City Board pursuant to Charter Section 602(A) without having to wait until a vacancy occurs on any City Boards that are then full, the City Council believes the most appropriate solution, consistent with the intent of the Charter, is to provide for automatic removal of the Uncontested Appointees of the replaced Councilmember from their respective City Boards, effective immediately upon the replacing Councilmember taking office, and to authorize the replacing Councilmember to make Uncontested Appointments to fill the vacancies created thereby.

Accordingly, the City Council, by this policy, sees fit to adopt the clarifying rules set forth in paragraphs A and B of this Section II.

III. PROCEDURE

All Uncontested Appointments and Uncontested Removals must be effectuated by the relevant Council member during a City Council meeting under consideration of an appropriately-described agenda item, notwithstanding that no vote of the Council is required to effectuate Uncontested Appointments or Uncontested Removals.

IV. EXCEPTION

No exceptions to this policy shall occur without authorization from the City Council.

V. **BY THE AUTHORITY OF THE CITY COUNCIL, AS APPROVED ON**

Date

Agenda Item No.