

## ORDINANCE NO. 20-12

### AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GOLETA, CALIFORNIA, ADDING CHAPTER 2.15 TO THE GOLETA MUNICIPAL CODE TO PROVIDE FOR MAYORAL APPOINTMENTS TO CITY AND REGIONAL BOARDS, COMMISSIONS, AND COMMITTEES, AND AMENDING CHAPTERS 2.08, 2.09, 2.11, 2.12, 2.13, AND 2.14 FOR CONSISTENCY

The City Council of the City of Goleta, California does ordain as follows:

#### **SECTION 1.** Findings.

- a. In the 2014 municipal election the People of Goleta decided to directly elect a Mayor, and in the 2018 municipal election the People of Goleta directly elected the Mayor.
- b. Government Code section 40605 provides that an elected mayor shall make all appointments to a city's boards, commissions, and committees, subject to the City Council's approval.
- c. Compliance with Government Code section 40605 requires the amendments to Title 2 of the Goleta Municipal Code set forth in this ordinance.

**SECTION 2.** Chapter 2.15 is hereby added to Title 2 ("Administration and Personnel") of the Goleta Municipal Code and shall read as follows:

#### **Chapter 2.15**

#### **Mayoral Appointments**

##### **Sections:**

- 2.15.010 Purpose**
- 2.15.020 Notice of Available Positions**
- 2.15.030 Applications**
- 2.15.040 Council Interviews and Candidate Selection**
- 2.15.050 Mayoral Appointment**
- 2.15.060 Council Approval**
- 2.15.070 Unscheduled Vacancies**
- 2.15.080 Removal**

### **2.15.010 Purpose.**

The purpose of this Chapter is to establish the procedure by which all members of City and regional boards, commissions, and committees shall be appointed by the Mayor with the approval of the City Council.

### **2.15.020 Notice of Available Positions.**

A. In accordance with the requirements of the Maddy Act (Government Code, § 54970 et seq.), the City Clerk shall post a Local Appointments List on the Goleta Website on or before December 31 of each year. The list shall identify those City boards and commissions whose members are appointed by the Mayor, those appointments that are set to expire during the next calendar year, and all other information required by Government Code section 54972.

B. The City Clerk shall provide notice of appointed positions that become available through an unscheduled vacancy according to the requirements of Government Code section 54974. Notice of vacancies shall be posted in the City Clerk's office, on the Goleta Website, and in other places as directed by the City Council, not earlier than 20 days before and not later than 20 days after the vacancy occurs.

### **2.15.030 Applications.**

Any resident seeking appointment to a City or regional board, commission, or committee, including incumbents seeking reappointment, must submit a completed application to the City Clerk. The City Clerk shall receive all completed applications, schedule a day for applicant interviews, and post notice of the public meeting at which interviews for all board and commission vacancies will be conducted, consistent with the requirements of the Brown Act. The City Clerk shall also furnish Councilmembers with copies of each completed application. The provisions of this section and section 2.15.040 do not apply to appointments of City Councilmembers to regional bodies or to Council subcommittees.

### **2.15.040 Council Interviews and Candidate Selection.**

A. The City Council shall interview each applicant for an appointed City or regional board, commission, or committee position during a public meeting. Members of the public will be permitted to attend the meeting, but the meeting will not be recorded, and applicants will be asked to voluntarily not attend the interviews of other applicants for the same position.

B. At the conclusion of all interviews for positions to each board or commission, except the Planning Commission, each Councilmember shall announce the Councilmember's preferred candidate(s) for the interviewed position(s). The City Clerk shall compile a list of candidates for each vacancy based on the Councilmembers' selections.

C. At the conclusion of all interviews for positions to the Planning Commission, each Councilmember elected or re-elected to office in the immediately preceding election shall announce one preferred candidate. The City Clerk shall compile a list of candidates for each vacancy based on the designated Councilmembers' selections. In the event of an unscheduled vacancy on the Planning Commission, only the Councilmember who suggested the vacating Commissioner's candidacy shall announce a candidate for appointment by the Mayor. If that Councilmember is no longer a member of the Council, the Mayor shall fill the vacancy for the remaining term without the benefit of a Councilmember recommendation.

D. In the event that no application is submitted for a vacancy duly noticed according to the requirements of Section 2.15.020, the City Council may direct the City Clerk to re-advertise for the position.

#### **2.15.050 Mayoral Appointment.**

A. The Mayor shall, in his or her discretion and subject to City Council approval, appoint an individual to each vacant position of a City board or commission or a regional board, commission, or committee from the list of candidates furnished by the City Clerk. In the event that no application is submitted for a vacancy duly noticed according to the requirements of Section 2.15.020, the Mayor may appoint the incumbent with the approval of the City Council.

B. The Mayor shall, in his or her discretion and subject to City Council approval, appoint liaisons from among the members of the City Council to regional boards, commissions, and committees.

C. Pursuant to Government Code section 34903, the Mayor is a member of the City Council and has all of the powers and duties of a City Councilmember.

#### **2.15.060 Council Approval.**

The Mayor's appointments shall be published as a consent calendar item for the City Council's approval on the agenda of the next regular meeting of the City Council following the public meeting for interviews.

#### **2.15.070 Unscheduled Vacancies.**

Unless otherwise specified in this title, a vacancy on any City or regional board, commission, or committee, other than by expiration of a term, shall be filled by an appointment by the Mayor with the approval of the City Council for the unexpired portion of the term pursuant to the process set forth in Sections 2.15.020 through

2.15.060. Notice of the unscheduled vacancy shall be posted in the manner set forth in Section 2.15.020(B).

### **2.15.080 Removal.**

Unless otherwise specified in this title or in any other provision of law, appointees may be removed from office under the following circumstances:

A. *Automatic removal.* A member of any City board or commission is automatically removed from office if the member is absent without excuse from three regular meetings of the respective board or commission in any fiscal year. Actions to excuse a member's absence from a meeting must be recorded in the meeting minutes.

B. *At-will removal.* All appointees serve at the will and pleasure of the Mayor. Any Councilmember may recommend to the Mayor that any one or more appointee be removed at any time, with good cause or without cause. The Mayor may, in his or her discretion, remove such member subject to City Council approval upon a motion approved by at least three members of the City Council.

**SECTION 3.** The following sections of Chapter 2.08 ("Design Review Board"), Title 2 of the Goleta Municipal Code are hereby amended to read as follows:

"Section 2.08.030. Members, Appointments, Quorums.

A. The DRB shall be composed of seven members, appointed by the Mayor with the approval of the City Council as set forth in Chapter 2.15. Of the seven members, a minimum of four shall be residents of the City. At least two members shall be licensed architects, and at least two members shall be licensed landscape professionals (landscape architect or landscape contractor). The three at-large members must reside within the City. The Mayor may also appoint one or more alternates to the DRB. Such alternates may participate in all general DRB matters but may only vote on a project approval or other Board decision when a regular DRB member is absent or recused from a meeting. The members shall be skilled in reading and interpreting architectural and landscape drawings and able to judge the effects of a proposed building, structure, landscaping or sign upon the desirability and development of surrounding areas.

B. Four members shall constitute a quorum, but a quorum must contain a minimum of one licensed architect and one landscape professional or two licensed architects. A quorum must also contain a minimum of two City residents."

"Section 2.08.040 Term of Office and Reappointment of Members.

Effective in February of each year, the Mayor shall make appointments to the DRB. Members of the DRB shall be appointed for a term of three years. The terms of the members shall be staggered so that approximately one third of the members are appointed each year. Members shall serve until their successors are appointed by the Mayor with the approval of the City Council as set forth in Chapter 2.15.”

**SECTION 4.** Sections 2.08.050 (“Vacancies”) and 2.08.060 (“Termination or Change in Term”) of Chapter 2.08, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

**SECTION 5.** Sections 2.09.030 and 2.09.050 of Chapter 2.09 (“Planning Commission”) of Title 2 the Goleta Municipal Code are hereby amended to read as follows:

“2.09.030 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

“2.09.050 Term of Office.

A. Members of the Commission shall be appointed for a four-year term which shall expire at the first regular meeting of the first February following the expiration of the current term of office of the City Councilmember who suggested the commission member’s candidacy pursuant to Section 2.15.040(C).

B. There is no limit as to the number of times that a Commissioner may be appointed.”

**SECTION 6.** Sections 2.09.060 (“Removal from Office”), and 2.09.070 (“Vacancy in Office”) of Chapter 2.09, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

**SECTION 7.** Sections 2.11.040 and 2.11.060 of Chapter 2.11 (“Public Tree Advisory Commission”), Title 2 of the Goleta Municipal Code are hereby amended to read as follows:

“2.11.040 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

“2.11.060 Term of Office.

A. Members of the Public Tree Advisory Commission shall be appointed to a four-year term.

B. There is no limit on the number of terms to which commissioners may be appointed.

C. Notwithstanding the expiration of a term, a commissioner may continue to serve until his or her successor has been appointed.”

**SECTION 8.** Sections 2.11.070 (“Removal of Office”) and 2.11.080 (“Vacancy in Office”) of Chapter 2.11, Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

**SECTION 9.** Section 2.12.040 of Chapter 2.12 (“Parks and Recreation Commission”) of Title 2 of the Goleta Municipal Code is hereby amended to read as follows:

“2.12.040 Appointment.

Commissioners shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15.”

**SECTION 10.** Sections 2.12.070 (“Removal of Office”) and 2.12.080 (“Vacancy in Office”) of Chapter 2.12 (“Parks and Recreation Commission”) of Title 2 of the Goleta Municipal Code are hereby repealed and succeeding sections of the Chapter are renumbered accordingly.

**SECTION 11.** Sections 2.13.040 through 2.13.090 of Chapter 2.13 (“Establishment of Municipal Library and Library Board of Trustees”) of Title 2 of the Goleta Municipal Code are hereby repealed.

**SECTION 12.** Section 2.14.040 of Chapter 2.14 (“Library Advisory Commission”), Title 2 of the Goleta Municipal Code is hereby amended to read as follows:

“2.14.040 Appointment.

Two members of the Commission shall be appointed by the Mayor with the approval of the City Council according to the process established in Chapter 2.15. Three members of the Commission suggested by the County Board of Supervisors shall be appointed by the Mayor to represent the unincorporated service area of the Goleta Valley.”

**SECTION 13. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any

reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of the Ordinance which can be given effect without the invalid provision or application.

**SECTION 14. Effective Date.** This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

**SECTION 15. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

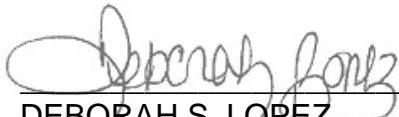
**INTRODUCED ON** the 1<sup>st</sup> day of December 2020.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of December 2020.



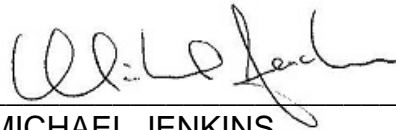
\_\_\_\_\_  
PAULA PEROTTE  
MAYOR

**ATTEST:**



\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

**APPROVED AS TO FORM:**



\_\_\_\_\_  
MICHAEL JENKINS  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA )  
ss. CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 20-12 was introduced on December 1, 2020 and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the December 15, 2020, by the following roll-call vote, to wit:

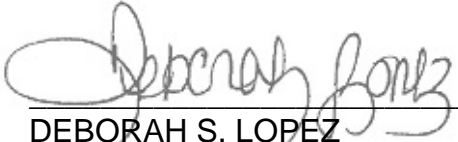
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE KYRIACO,  
COUNCILMEMBERS ACEVES, KASDIN AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH S. LOPEZ  
CITY CLERK