

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
MAY 22, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, May 22, 2008, in the City Council Chambers at City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Vice Mayor Campbell (arrived at 7:15 p.m.)

PLEDGE OF ALLEGIANCE:

Council Member Hughes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

STUDY SESSION ITEM:

Consideration of the appointment process to City Boards, Commissions, and Committees:

The Mayor briefly discussed the goals of the meeting and then asked the Assistant to the City Manager to give an overview of what will be covered. The Assistant to the City Manager provided some background on the topic, and also explained what was planned for the meeting.

The City Attorney then introduced Tom Brown, attorney from Hanson Bridgett. Mr. Brown then provided an overview of the roles of the Mayor and Council in the appointment process in a general law city.

Mayor Patterson inquired as to whether there was any public comment at this time.

Public Comment:

1. Jon Van Landschoot asked Mr. Brown to confirm that it was ok for a subcommittee of the Council to make a recommendation to the Mayor, but not that it has to be a certain applicant to be appointed. Mr. Brown confirmed that was correct.
2. Lynn Osborn, Planning Commissioner from the Town of Danville described the appointment process in Danville. She explained that the Council interviews applicants in an open meeting, and that appointments are made by the Council as a result of that process. Typically, this process occurs over several days at one time during the year. Other issues, such as whether having the interview process in an open session is uncomfortable for applicants, were also discussed.

3. Bob Mutch - Mr. Mutch asked Ms. Osborne about the number of applicants that they typically receive for any given opening. Ms. Osborne noted that it typically varies, but that they usually receive numerous applications. She also talked about how their City Council tries to encourage applicants.

Mr. Mutch also talked about how, in the past, this process has been very contentious in Benicia, and how that can impact the number of applicants. He also commented that he would suspect that open interviews and having too many qualifications as requirements can be discouraging to potential applicants. Ms. Osborne talked about how their Council encourages those that are typically involved already to take the next step, and apply for boards and commissions. She also talked about using commission meetings, occasionally, for educating board and commission members.

4. Jack Batson, former City Council Member, City of Fairfield – Mr. Batson described Fairfield’s process. In Fairfield, the Mayor appoints two Council Members to a subcommittee. The subcommittee interviews all applicants and then submits their first choice and an alternate to the Mayor. The interviews are closed to the public and typically occur at a certain time of the year, with the exception of unexpected resignations.

Issues were discussed such as how the subcommittee makes their recommendations, and whether the Mayor typically chooses from those, along with what types of questions are usually asked of applicants. Term limits were also discussed, it was noted that while Fairfield has them, Danville does not.

Public Comment:

1. Jon Van Landschoot – Mr. Van Landschoot inquired about open vs. closed interviews in both Fairfield and Danville. It was confirmed that the process is open in Danville, the public can observe the interviews, while in Fairfield the interviews are not open. Ms. Osborn clarified that the public cannot comment during this process, they just observe. She said that typically the interviews aren’t really attended by the community though.
2. Bob Mutch – Mr. Mutch asked about the two-person subcommittee, are they Council Members. Mr. Batson confirmed that yes, they are Council Members, and they alternate amongst the Council annually, so each year, one person switches out. Mr. Mutch confirmed that the Mayor typically picks from the provided recommendations by the subcommittee. Mr. Batson said yes, typically that is how it works, although the Mayor can choose from any of the applicants, this is not advisable.
3. Rick Ernst – Mr. Ernst inquired about the applicant pool of both cities. Ms. Osborne reiterated that they do get quite a few applicants typically, 10-12 for any given commission. Mr. Batson said they don’t get quite as many as that, sometimes they only get one and they have to do additional outreach to get more applicants. He noted that he thinks that the cities are different, for example, Danville probably has more college educated residents who might be more aware of such opportunities, etc. Ms. Osborne also noted the demographics are quite

different, in that in Danville many people work from home, might be more available to make the commitment required to serve.

Council continued to discuss related issues, such as timing, that in Danville there are typically cycles, so that openings and related interviews aren't constantly occurring throughout the year. It was noted that this might be helpful in terms of effective outreach, as then potential applicants would better understand when such opportunities to serve would be better known.

Lois Requist, League of Women Voters, then provided an overview of some resources she had reviewed on this topic. In particular, she covered a survey that the League of Women Voters completed on how various cities conduct the interview and appointment process, along with other aspects such as orientation.

Public Comment:

1. Sharon Petrellese – Ms. Petrellese asked if whether sitting in on meetings prior to being appointed is required of applicants. Both Mr. Batson and Ms. Osborn indicated it is not a requirement, but likely a plus.
2. Jon Van Landschoot – Mr. Van Landschoot asked Ms. Requist if the League of Women Voters has a position on the open interview vs. the closed interview. Ms. Requist indicated that they are typically in favor of openness generally, but doesn't know that they have a position on that aspect specifically.

The panel then discussed broad public interest vs. specific qualifications in a certain area and how that relates to this process.

Mayor Patterson thanked the speakers and indicated that there would be a break, so the speakers could go, and then the Council would reconvene in about 3-4 minutes to discuss the topic further and take additional public comment.

When Council reconvened, Mayor Patterson suggested that they refer to Page IV-A-4 and review the various recommendations from staff.

Regarding recruitment, the Council agreed that posting openings at additional sites, and better identifying and communicating due dates for applications would be helpful. They further discussed the cycle or timing when it comes to recruiting for openings in order to better organize this process.

Regarding the application form, it was agreed that references are not necessary. They discussed the possibility of adding a cover sheet with general questions, followed by a second sheet with questions specific to each board and commission. It was also agreed that having the application available online would be useful.

Public Comment:

1. Susan Street – Ms. Street suggested that perhaps 2-3 citizens could help with certain pieces of this, particularly the application, outreach and orientation parts.

- She also noted that with a new process, she thinks we will have more applicants. She also likes the idea of having more than one interview applicants.
2. Bob Mutch – Mr. Mutch commented about outreach and getting notices of openings to local organizations such as the Chamber, BIPA, etc., so they can encourage members to apply, etc. He also commented on the application form, and suggested that an electronic version be available on the website. He also talked about a two-step application process, with a general form followed by more specific questions regarding the specific board or commission. He also likes broad criteria or guidelines for participation.
 3. Kimble Goodman – Mr. Goodman commented on the survey that Ms. Requist referenced from the League of Women Voters, and noted the importance of getting a diverse representation of the community on boards and commissions and the importance of effective recruitment methods.

Regarding the interview/appointment process, Council agreed to pursue the subcommittee approach. Council then discussed various related issues, such as the need to coordinate openings so they occur at a certain time or times of the year, questions asked at interviews, whether the Mayor should be part of the subcommittee, and how many applicants the subcommittee should recommend. It was suggested that staff put together a proposed approach utilizing a subcommittee, with a closed interview process and ranked recommendations, and bring that back to Council on June 17th.

Public Comment:

1. Bob Mutch – Mr. Mutch talked about the interview questions and that they should be consistent. He agrees the interviews should not be public, as that could be difficult for many applicants. He also commented about scheduling, and having a set time for that. He emphasized that it is at the discretion of the Mayor to make the final choice, and the Council approves.
2. Kimble Goodman – Mr. Goodman expressed his agreement with the consensus so far regarding the subcommittee process. He urged them to make sure to keep an open mind doing the interview process, give everyone a chance, and treat all applicants as equals.
3. Susan Street Ms. Street noted that the goal is to democratize this whole process and the importance of looking at the big picture.
4. Jon Van Landschoot – Mr. Van Landschoot asked about the report to the Mayor, does it go to all City Council members, well before the meeting. The Mayor confirmed that is likely a legal requirement.

Regarding the orientation process, Council discussed the pros and cons of incorporating a committee to revise current procedures. It was ultimately agreed that staff would focus first on finalizing the interview portion, and then come back later with revisions to the outreach methods, application form and orientation practices for Council review. Should Council decide, at that point, further work is required, then the outreach, application, orientation piece will be sent to the Open Government Commission for further refinement, and then it will return to Council.

It was noted that the remaining topics that relate to boards and commissions, specifically term limits, term lengths and removal of members of boards and commissions are already calendared as part of the policy calendar for July 1st.

Public Comment:

1. Susan Street – Ms. Street commented that this study session was very useful and she liked the approach utilized this evening to explore this topic.

Council then discussed the issue with designation of members on the Historic Preservation Review Commission as historical property owners. It was agreed this could be scheduled for an upcoming regular Council meeting, prior to establishment of the new interview process.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at approximately 9:45 p.m.

Lisa Wolfe, City Clerk