

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Boards and Commission Appointments

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The Chair has asked for a discussion about the Charter Commission's role in boards and commissions for the City and what role the Charter Commission may have related to the appointment processes.

As an overarching theme, the City Charter is like the constitution of the City. It establishes a framework for governance which the Council then fills in with ordinances and policy. As a general rule, advice from staff and the attorney will be to ensure that the Charter clearly lays out such a framework, but that there should be room for the Council to fill in the blanks.

As it relates to boards and commissions, the charter establishes the existence of a Planning Commission/Board of Appeal (PC/BOA) and ordinance sets forth the parameters.

Section 2.02 of the Charter says:

*Boards and Commissions. The City Council shall by ordinance, establish a Planning Commission and a Board of Appeals and Adjustments that shall have the powers and duties imposed by the Municipal Planning Act. The City Council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish any other commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the City and to prepare any recommendations for consideration by the City Council.*

In summary – the charter requires the Council to establish a planning commission and board of appeals and authorizes other boards and commissions as the Council deems appropriate.

The Council currently has established Parks and Recreation Advisory Committee (PRAC) and Environmental Committee (EC) in addition to PC/BOA. The Council recently considered and supported changes to the process for appointments to PRAC and EC. Simply put, under the new process Council will interview all applicants and make appointments.

PC/BOA is different in that under the ordinance (not the charter) the Mayor is given the responsibility to appoint members with the consent of the Council.

Section 31.01 of the Ordinance states that:

*“The Planning Commission shall consist of nine members who are appointed by the Mayor and confirmed by the City Council.”*

There is very little detail in process outlined in the ordinance, but it is clear that:

*(1) All vacancies on the Planning Commission shall be advertised for 30 days after a seat becomes open, or before the expiration of a member(s) term.*

*(2) Vacancies shall be advertised as a vacancy in the ward(s) with the lowest number of representatives.*

*(3) If the open seat(s) cannot be filled by a representative from the desired ward after 30 days, the seat may be designated as “at-large.”*

The ordinance, as it reads today, really leaves the vetting and research of candidates to the Mayor. The Council is not compelled to confirm Mayoral appointees, but the Mayor is not compelled under ordinance to follow any particular process. The piece of the ordinance that says PC/BOA members are appointed by the Mayor dates back to at least the 1960’s.

Staff recommends against any Charter amendment that would attempt to control process through the Charter.

One idea related to boards and commissions that the Charter Commission may wish to consider is language which enables the Council to provide for payment to board and commission members. Generally, the Council probably already has the authority to allocate funds in this way but a charter amendment to that end would likely indicate support from the Charter Commission to consider the possibility. Council has discussed payments to board and commission members in the past but has not made any formal move to do so.