

Appointed Boards & Commissions Proposed Policy Issues for Consideration

The City Council has expressed a goal of increasing the diversity represented in the composition of the City's Appointed Boards & Commissions (ABCs). The Neighborhood & Community Relations Department—which has been assigned lead responsibility on this initiative—has demonstrated good progress in diversifying the pool of qualified applicants from which appointments could be made. The City Clerk's Office, which administers the City's open appointments process, has identified additional policy options that may further the Council's goal of increasing diverse representation in ABCs, and submits the following proposals merely for the purpose of generating discussion and, if desired, focusing direction on specific policy options to pursue.

In order to increase diversity, there must be opportunity. Three policy proposals aimed at increasing opportunities within the existing open appointments policy include:

1. Attendance requirements
2. Limitations on number of terms
3. Alternate members

None of these, in and of themselves, is a guaranteed solution. They are merely options that may be considered as a means of increasing the number of opportunities—specifically, the number of open seats available for appointment. Each of these policy options is outlined below.

Attendance Requirements

The introduction of a uniform attendance policy may encourage more committed members who actively participate in the work of their ABC and discourage members who may be overextended and unable or unwilling to commit to the work of the ABC. At times, when members are unable to attend meetings or participate in discussions, creating a lack of quorum, for example, the planned work of a board or commission is stalled—for a month, several months, or—in extreme cases—an even longer period. Additionally, a uniform attendance policy relieves staff of the uncomfortable position of having to decide if and when a member's absences are becoming a problem. A uniform policy on attendance clarifies upfront for all interested and potential applicants that there is a minimum expectation associated with service on a City board or commission.

Term Limits

Often a controversial topic, term limits are one way of increasing opportunities for diversity and inclusivity on appointed boards and commissions. A policy requiring a limited number of terms helps to ensure that members serve their allotted time and will be replaced by "new blood" in regular intervals. This is the positive side of term limits. However, term limits can force active, highly-qualified individuals to relinquish their seats sooner than may be desired—which can create a negative impact to the City. Oftentimes, policies on term limits force active, engaged members making important contributions to leave their seat; sometimes, the level of knowledge lost is difficult—if not impossible—to replace in a short period of time. Additionally, when applicant pools are large term limits may seem like an easy answer; but for those boards and commissions where recruitment has already proven difficult or where applicant pools are much smaller due to the subject matter or nature of the group, term limits can add more obstacles (and not solve problems).

One potential way to mitigate these negative consequences would be to require a short hiatus from a board/commission rather than completely limiting the number of terms that could be served. For example, if the policy were to state that members could not serve more than eight consecutive years,

but could be reconsidered for appointment after a minimum period of time, then it gives other applicants an opportunity to be considered but doesn't completely eliminate a good board/commission member from returning for future service, if desired.

A second option, similar to term limits, is to limit the number of concurrent appointments that any one individual could serve. By limiting the number of seats that one individual could hold, the number of opportunities would increase, thereby increasing the likelihood of greater diversity and inclusivity within the City's appointed boards and commissions. This policy option would require appointing authorities to look outside the "usual suspects" for appointments. Unfortunately, doing so may also remove from consideration some members with the broadest understanding of the City processes.

A third option—less stringent than the previous—would be to forego a strict policy requirement related to terms in lieu of requesting a report on the number of terms served and/or number of concurrent appointments held by individuals on a regular basis which could be factored into the decision-making process when open appointments are being considered. This data could be provided by the Clerk's Office to the City Council or its designated review (interview) panel. This option avoids most of the negative consequences associated with strict term limits and/or concurrent term limitations but still provides input to the decision-making process that may be valuable in achieving the larger goal of increasing diversity in the composition of boards and commissions.

Alternate Policy

One way to increase the number of opportunities associated with ABCs is to allow for alternate member positions. Allowing for alternates not only increases the total number of positions available, but also may allow for participation by individuals who are otherwise unable to commit to full, regular service as a member of a board or commission.

However, there are some issues associated with implementing an alternate policy. The first challenge is determining the specific powers and duties allocated to an alternate member. Deciding when an alternate may participate in discussion, introduce motions, or cast a vote requires careful thought and consideration. This is especially true because knowing whether an alternate is ready and able to serve in the event of a regular member's absence or disqualifying conflict can be an open question. Regular members are required to attend meetings and may undergo training, and, after a time, become familiar with the state and local laws and procedures which govern the particular board/commission or subject matter within its jurisdiction. Alternates may attend irregularly, be unfamiliar with specific topics under discussion, and lack proper understanding of laws and procedures. Additionally, determining the impact of alternate members on issues of quorum, introducing business, and especially voting is filled with a myriad of issues. Consider, for example, the complexity associated with having alternate members on the City's Planning Commission. Generally, staff believes any policy on the use of alternate members should be limited to those instances where the board/commission in question is purely advisory in nature and has no authority or delegated powers. Based on research into other municipalities, most differentiate between policy boards and advisory boards; alternates, if allowed, are never allowed in the former case but may be allowed in the latter. In part, this is a reflection of the many challenges already described.

Staff would recommend that, should such a policy be pursued, it may be useful to include within the policy a specific list of appointed boards and commissions which would be allowed to have alternate members.