

**REPORT TO MAYOR AND COUNCIL**

**TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: April 7, 2015

**SUBJECT: REVISING POLICY AND PROCEDURE NO. 89, COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS; AND INTRODUCTION OF ORDINANCE NO. 15-3 AMENDING CONCORD MUNICIPAL CODE TITLE 2, ADMINISTRATION, CHAPTER 2.20, BOARDS, COMMISSIONS AND COMMITTEES**

**Report in Brief**

In 2014 the City Council referred a review of the City's Boards and Commissions to the Policy Development and Internal Operations Committee (PD&IO) for composition, size, function, and compensation. The PD&IO directed staff to meet with each Board and Commission to ensure that all members had the opportunity to provide input and recommendations on current practices.

In October 2014, after meeting with each Board and Commission and receiving input and recommendations, staff returned to the PD&IO with a recommendation to revise Policy and Procedure No. 89, Council Appointments to Boards and Commissions (Attachment 1), and a recommendation for the Community Services Commission and the Concord/Pleasant Hill Health Care District Grant Committee to serve as two separate bodies.

The PD&IO Committee (Mayor Grayson and Councilmember Hoffmeister) is recommending that the City Council approve the recommended revisions to Policy and Procedure No. 89, Council Appointments to Boards and Commissions, and introduce Ordinance No. 15-3 amending Concord Municipal Code Title 2, Administration, Chapter 2.20, Boards, Commissions and Committees by reading of the title and waiving further reading. (Attachment 2)

**Background**

In early 2014, the PD&IO directed staff to meet with each of the Boards and Commissions to ensure all members had the opportunity to provide input and recommendations on current practices. After meeting with each Board and Commission, staff returned to the PD&IO with recommendations to revise Policy and Procedure No. 89, Council Appointments to Boards and Commissions and to bifurcate the Community Services Commission and The Concord Pleasant Hill Health Care District Grant Committee into two separate bodies.

**REVISING POLICY AND PROCEDURE NO. 89, COUNCIL APPOINTMENTS TO BOARDS  
AND COMMISSIONS; AND INTRODUCTION OF ORDINANCE NO. 15-3  
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CHAPTER 2.20, BOARDS, COMMISSIONS AND COMMITTEES**

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**Discussion**

Through the process of meeting with each Board and Commission, staff learned that some applicants enter the interview process without an understanding of the responsibilities of the Commission for which they had applied. Staff made the commitment to prepare a statement of responsibilities to be provided at the time of application submission and read by the interviewing Council Subcommittee prior to interviews. Staff is recommending revising Policy and Procedure No. 89 (Attachment 1) to incorporate the following as Section 2.3:

- 2.3 To ensure applicants understand the responsibilities of the Board/Commission, a statement of responsibility prepared by the liaison will be provided to an applicant at the time of submission of the application and to the Council Committee to read to each candidate before the interview.

After review of Policy and Procedure No. 89, the PD&IO Committee made the recommendation that language under Section 5.2, ATTENDANCE, be revised for clarification purposes to read, "Should any Board or Commission member have three unexcused absences within a fiscal year, staff is to provide pertinent information to the City Clerk who will notify the member of his resignation." This revision is reflected in redline/strikeout on the attached Policy and Procedure No. 89, which is attached for Council approval.

Concern was expressed over the process used for the incorporation of alternates on various Boards and Commissions. It was determined that often an alternate is appointed establishing an expectation that they will be invited to serve as a full-time member, and when no vacancy occurs, they lose interest in serving. Staff was directed to amend Policy and Procedure No. 89, Section 4.2 to remove alternate appointments and keep the recruitment list active for 12 months. Staff is recommending revision of Section 4.2 of Policy and Procedure No. 89 to read:

- 4.2 In the event openings occur prior to expiration of a member's term, the City Council may call for a recruitment to obtain new applications to fill the unexpired term or review non-appointed applications received during the most recent recruitment to fill the vacancy, if they are no older than 12 months.

**Separation of the Community Services Commission and the Concord Pleasant Hill Health Care District Grant Committee into Two Separate Bodies**

During discussions with members of the Community Services Commission (CSC), it was determined that internally appointing five (5) members to serve on the Concord Pleasant Hill Health Care District Grant Committee (CPHHCD) with two (2) members appointed by Pleasant Hill had not worked as successfully as planned. Staff is recommending that the CSC and the CPHHCD be separated and serve as two separate bodies, with the CSC consisting of seven (7) members and the CPHHCD consisting of five (5) members appointed by Concord and two (2) appointed by Pleasant Hill. The members concurred that the separation of the two bodies should occur during the next scheduled recruitment period, which will commence in May to coincide with upcoming term ending dates and not disrupt the current CDBG grant cycle.

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Some of the changes mentioned above require Municipal Code amendments to Chapter 2.20, Boards, Commissions and Committees. The changes include number of absences allowed per fiscal year and the composition of the Community Services Commission. The changes are reflected as follows:

Article II, Board of Appeals, Section 2.20.040 (Terms of members; Absence from Meetings) is revised to read “Any member who absents himself from three ~~consecutive~~-meetings of the Board of Appeals **within a fiscal year** without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.”

Article III, Commission on Aging, Section 2.20.110 (Terms of members; Absence from Meetings) is revised to read “Any member who absents himself from three ~~consecutive~~-meetings of the Commission on Aging **within a fiscal year** without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.”

Article IV, Community Services Commission, Section 2.20.150 (Established; Membership; Compensation of Members) is revised to read “There is hereby created a Community Services Commission, which shall consist of not more than ~~9~~**seven (7)** members to be appointed by the City Council.”

Article IV, Community Services Commission, Section 2.20.170 (Terms of members; Absence from Meetings) is revised to read “Any member who absents himself from three ~~consecutive~~-meetings of the Community Services Commission **within a fiscal year** without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.”

Article V, Design Review Board, Section 2.20.220 (Terms of members; Absence from Meetings) is revised to read “Any member who absents himself from three ~~consecutive~~-meetings of the Design Review Board **within a fiscal year** without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.”

Article VI, Parks, Recreation and Open Space Commission, Section 2.20.270 (Terms of members; Absence from Meetings) is revised to read “Youth members shall serve at the pleasure of the City Council for one year, effective ~~July 1<sup>st</sup>~~**September 1<sup>st</sup>** and ending June 30<sup>th</sup> of the following year. Any member who absents himself from three ~~consecutive~~-meetings of the Parks, Recreation and Open Space Commission **within a fiscal year** without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

Article VII, Personnel Board, Section 2.20.320 (Membership; Vacancies; Absence from Meetings) is revised to read “(c) Any member who is absent from three ~~consecutive~~-meetings of the Personnel Board **within a fiscal year** without being excused will be deemed to have resigned the office, and the City Council may appoint a new member to serve in the place of such absent member.

Article, VIII, Planning Commission, Section 2.20.360 (Terms of Members) is revised to read “Any member who absents himself from three ~~consecutive~~-meetings of the Planning Commission **within a fiscal**

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year without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

Staff is recommending the introduction of Ordinance No. 15-3 to make the above changes to the Municipal Code to reflect the recommended changes by the PD&IO and correspond to Policy and Procedure No. 89.

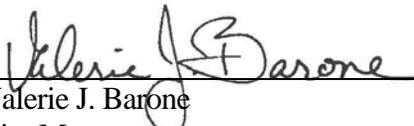
**Public Contact**

The agenda has been properly posted.

**Recommendation for Action**

Staff and PD&IO recommend that the City Council separate the CSC and the CPHHCD into two separate bodies, with the CSC consisting of seven (7) members and the CPHHCD consisting of five (5) members appointed by Concord and two (2) appointed by Pleasant Hill, approve the revisions to Policy and Procedure No. 89 as recommended, and introduce Ordinance No. 15-3 amending Concord Municipal Code Chapter 2.20, Boards, Commissions and Committees by reading of the title only and waiving further reading.

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Attachment 1: Redline/Strikeout Policy and Procedure No. 89

Attachment 2: Ordinance No. 15-3

Attachment 3: Redline/Strikeout Municipal Code Chapter 2.20, Boards, Commissions and Committees

## CITY OF CONCORD



## POLICY &amp; PROCEDURE

Number:	89
Authority:	Council Motion
Effective:	12-11-78
Revised:	6/4/13
Reviewed:	
Initiating Dept.:	CM

## COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

### 1. PURPOSE

To establish procedures to be used in accepting applications for and making appointments to fill openings on the various Council-appointed Boards and Commissions (Municipal Code, Chapter 2, Article V ).

### 2. SUBMISSION OF APPLICATIONS

- 2.1 Applications for Boards or Commissions shall be available in the Administrative Services Division of the Office of the City Manager and on the City's website.
- 2.2 Applications shall be considered active until the applicant has had the opportunity to complete a recruitment and appointment cycle for each position for which they have applied.
- 2.3 **To ensure applicants understand the responsibilities of the Board/Commission, a statement of responsibility prepared by the liaison will be provided to an applicant at the time of submission of the application and to the Council Committee to read to each candidate before the interview.**

### 3. NOTIFICATION OF OPENINGS

- 3.1 The Administrative Services Division of the Office of the City Manager shall schedule City Council agenda items for the announcement of expiring terms of members at least three months prior to expiration dates. Terms for all Boards and Commissions expire as shown on the schedule (Section 6). Expiring terms shall be considered as automatically extended beyond the expiration to the date the City Council makes new appointments.
- 3.2 The City Council shall call for new applications, setting a date certain during the months indicated in Section 6 as the closing deadline for the receipt of applications. Public notice of openings, including a statement that incumbents may reapply, shall be made in advance of the closing deadline and interested parties and organizations shall be notified.
- 3.3 Prior to the closing deadline, the City Clerk in partnership with the staff liaison to the recruiting Board/Commission will review the submitted applications to determine the recruitment resulted in a sufficient pool of applicants. Should staff determine that the City has not received an adequate pool of applicants, the City Clerk will make a recommendation through the Mayor to announce an extension of the recruitment at the next available regular meeting. .
- 3.4 The City Council or Council Subcommittee shall review applications and will conduct interviews with applicants, reserving the right to waive the opportunity to conduct interviews with previously interviewed or incumbent applicants.
- 3.5 The Administrative Services Division of the Office of the City Manager shall schedule a City Council agenda item as indicated in Section 6 to publicly appoint persons to a designated term.
- 3.6 The Administrative Services Division of the Office of the City Manager shall prepare appropriate letters confirming appointments and prepare, for the Mayor's signature, letters to those not appointed.

- 3.7 In making appointments, the City Council shall make appointments that result in the influx of new ideas and perspectives while, at the same time, ensuring continuity and expertise.
- 3.8 No individual shall be appointed to serve as a member on more than one City Board or Commission, unless such dual membership is provided for in Chapter 2, Article V of the Municipal Code; however, they may serve as an appointee to an advisory body of an outside agency.
- 3.9 The City Council may appoint one or more alternates to any Board, Commission or Committee as provided for in Chapter 2, Article V of the Municipal Code.

**4. APPOINTMENTS**

- 4.1 Members of a City Board or Commission serve at the pleasure of the City Council. An appointment to a Board or Commission is revocable at any time, without cause, by a majority vote of the City Council. A Council Committee review or recommendation is not required for the Council to consider or take such action
- 4.2 In the event openings occur prior to expiration of a member's term, the City Council may call for ~~new applications and/or existing applications may be considered when making appointments to fill an unexpired term. Openings may also be filled from the list of Council appointed alternates as provided for in Chapter 2, Article V of the Concord Municipal Code, or the Council may make an appointment from the unsuccessful applicants from the most recent recruitment if it is~~ **a recruitment to obtain new applications to fill the unexpired term, or review non-appointed applications received during the most recent recruitment to fill the vacancy, if they are** no older than 12 months.

**5. ATTENDANCE**

- 5.1 Any member of a City Board or Commission who absents him/herself from three consecutive meetings without being excused will be deemed to have resigned his/her office, and the City Council may appoint a new member to serve in the place of such absent member. The City Council shall make the ultimate determination of whether the absence was excused.
- 5.2 ~~Should the unexcused absence of any Board or Commission member reach the 3 consecutive meeting threshold, support staff is to provide pertinent information to the Director of City Management who will notify the member of their resignation and begin the process to fill the vacancy.~~ **have three unexcused absences within a fiscal year, staff is to provide pertinent information to the City Clerk who will notify the member of his resignation.**

**6. SCHEDULE**

- 6.1 A formal recruitment will occur on odd-numbered years, or when an interim vacancy occurs.

Board or Commission	Announce Openings 1st available Council Meeting in	Deadline for Applications: 60 days following announcement or 1st Friday of	City Council Appointments 1st available Meeting in	Terms Begin	Terms Expire
Board of Appeals	November	January	February	March 1	February 28
Planning Commission	November	January	February	March 1	February 28
Personnel Board	November	January	February	March 1	February 28
Design Review Board	November	January	February	March 1	February 28
Parks, Recreation & Open Space Commission	March	May	June	July 1	June 30
Community Services	March	May	June	July 1	June 30

Board or Commission	Announce Openings 1st available Council Meeting in	Deadline for Applications: 60 days following announcement or 1st Friday of	City Council Appointments 1st available Meeting in	Terms Begin	Terms Expire
Commission					
Commission on Aging	March	May	June	July 1	June 30
Youth Members on the Parks, Recreation & Open Space Commission	Appointed annually by the Parks, Recreation & Open Space Commission				

6.2 Scheduling may be operationally adjusted.

Intentionally left blank

**ORDINANCE NO. 15-3**

**AN ORDINANCE OF THE CITY OF CONCORD AMENDING CONCORD MUNICIPAL CODE TITLE 2, ADMINISTRATION; CHAPTER 2.20 BOARDS, COMMISSIONS AND COMMITTEES**

**WHEREAS**, a review of the City of Concord’s Boards and Commissions for composition, size, function, and compensation was completed where all members had the opportunity to provide input and recommendations on current practices; and

**WHEREAS**, the Policy, Development and Internal Operations City Council Committee (PD&IO) directed staff revise Policy and Procedure No. 89; Council Appointments to Boards and Commissions; and

**WHEREAS**, revisions to Municipal Code Title 2, Administration; Chapter 2.20 Boards, Commissions and Committees are also required and include revisions to the size of the Community Services Commission and composition of the Board of Appeals, Commission on Aging, Community Services Commission, Design Review Board, Parks, Recreation and Open Space Commission, Personnel Board, and Planning Commission.

**THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

**Section 1.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards, Commissions and Committees), Article II (Board of Appeals), Section 2.20.040 (Terms of Members; Absence from Meetings), is hereby amended by deleting the word “consecutive” and adding the words “within a fiscal year” changing the text to read, “Any member who absents himself from three meetings of the Board of Appeals within a fiscal year without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.”

**Section 2.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 Boards, Commissions and Committees, Article III (Commission on Aging), Section 2.20.110 (Terms of Members, Absence from Meetings), is hereby amended by deleting the word “consecutive” and adding the words “within a fiscal year” changing the text to read, “Any member who absents himself

1 from three meetings of the Commission on Aging within a fiscal year without being excused will be  
2 deemed to have resigned from his appointment, and the City Council may appoint a new member to  
3 serve in place of the resigned member.”

4 **Section 3.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
5 Commissions and Committees), Article IV (Community Services Commission), Section 2.20.150  
6 (Established; Membership; Compensation of Members), is hereby amended to read, “There is hereby  
7 created a Community Services Commission, which shall consist of not more than seven (7) members  
8 to be appointed by the City Council.”

9 **Section 4.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
10 Commissions and Committees), Article IV (Community Services Commission), Section 2.20.170  
11 (Terms of Members; Absence from Meetings), is hereby amended by deleting the word “consecutive”  
12 and adding the words “within a fiscal year” changing the text to read, “Any member who absents  
13 himself from three meetings of the Community Services Commission within a fiscal year without  
14 being excused will be deemed to have resigned from his appointment, and the City Council may  
15 appoint a new member to serve in place of the resigned member.”

16 **Section 5.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
17 Commissions and Committees), Article V (Design Review Board), Section 2.20.220 (Terms of  
18 Members, Absence from Meetings), is hereby amended by deleting the word “consecutive” and  
19 adding the words “within a fiscal year” changing the text to read, “Any member who absents himself  
20 from three meetings of the Design Review Board within a fiscal year without being excused will be  
21 deemed to have resigned from his appointment, and the City Council may appoint a new member to  
22 serve in place of the resigned member.”

23 **Section 6.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
24 Commissions and Committees), Article VI (Parks, Recreation and Open Space Commission), Section  
25 2.20.270 (Terms of Members; Absence from Meetings), is hereby amended by deleting the words  
26 “July 1<sup>st</sup>” and “consecutive” and adding the words “September 1<sup>st</sup>” and “within a fiscal year” changing  
27 the text to read, “Youth members shall serve at the pleasure of the City Council for one year, effective  
28

1 September 1<sup>st</sup> and ending June 30<sup>th</sup> of the following year. Any member who absents himself from  
2 three meetings of the Parks, Recreation and Open Space Commission within a fiscal year without  
3 being excused will be deemed to have resigned his office, and the City Council may appoint a new  
4 member to serve in the place of such absent member.

5 **Section 7.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
6 Commissions and Committees), Article VII (Personnel Board), Section 2.20.320 (Membership;  
7 Vacancies; Absence from Meetings), is hereby amended by deleting the word “consecutive” and  
8 adding the words “within a fiscal year” changing the text to read, “(c) Any member who absents  
9 himself from three meetings of the Personnel Board within a fiscal year without being excused will be  
10 deemed to have resigned from his appointment, and the City Council may appoint a new member to  
11 serve in place of the resigned member.”

12 **Section 8.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards,  
13 Commissions and Committees), Article VIII (Planning Commission), Section 2.20.360 (Terms of  
14 Members), is hereby amended by deleting the word “consecutive” and adding the words “within a  
15 fiscal year” changing the text to read, “Any member who absents himself from three meetings of the  
16 Planning Commission within a fiscal year without being excused will be deemed to have resigned his  
17 office, and the City Council may appoint a new member to serve in the place of such absent member.

18 **Section 3.** This Ordinance No. 15-3 shall become effective thirty (30) days following its  
19 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire  
20 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City  
21 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,  
22 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s  
23 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and  
24 once within fifteen (15) days after its passage and adoption, including the vote of the  
25 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of  
26 Concord.

27 \_\_\_\_\_  
28 Tim Grayson  
Mayor

1 ATTEST:

2 \_\_\_\_\_  
3 Joelle Fockler  
4 City Clerk

5 (Seal)

6  
7 Ordinance No. 15-2 was duly and regularly introduced at a regular meeting of the City Council  
8 of the City of Concord held on March 10, 2015, and was thereafter duly and regularly passed and  
9 adopted at a regular meeting of the City Council of the City of Concord on March 24, 2015, by the  
10 following vote:

11 **AYES:** Councilmembers -

12 **NOES:** Councilmembers -

13 **ABSTAIN:** Councilmembers -

14 **ABSENT:** Councilmembers -

15 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and  
16 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

17  
18 \_\_\_\_\_  
19 Joelle Fockler  
20 City Clerk

**Chapter 2.20**  
**BOARDS, COMMISSIONS, AND COMMITTEES**

Sections:

Article I. General

[2.20.010](#) Appointment of alternates.

Article II. Board of Appeals

[2.20.020](#) Established; membership; compensation of members.

[2.20.030](#) Purpose and intent.

[2.20.040](#) Terms of members; absence from meetings.

[2.20.050](#) Rules of procedure; designation of committees and task forces.

[2.20.060](#) Vacancies.

[2.20.070](#) Powers and responsibilities.

[2.20.080](#) Limitation on responsibilities.

Article III. Commission on Aging

[2.20.090](#) Established; membership; compensation of members.

[2.20.100](#) Purpose and intent.

[2.20.110](#) Terms of members; absence from meetings.

[2.20.120](#) Rules of procedure; designation of committees and task forces.

[2.20.130](#) Vacancies.

[2.20.140](#) Powers and responsibilities.

Article IV. Community Services Commission

[2.20.150](#) Established; membership; compensation of members.

[2.20.160](#) Purpose and intent.

[2.20.170](#) Terms of members; absence from meetings.

[2.20.180](#) Rules of procedure; designation of committees and task forces.

[2.20.190](#) Vacancies.

[2.20.200](#) Powers and responsibilities.

Article V. Design Review Board

- [2.20.210](#) Established; membership.
- [2.20.220](#) Terms of members; absence from meetings.
- [2.20.230](#) Purpose and intent.
- [2.20.240](#) Compensation of members.
- [2.20.250](#) Rules of procedure; designation of committees and task forces.

Article VI. Parks, Recreation and Open Space Commission

- [2.20.260](#) Established; membership; compensation of members.
- [2.20.270](#) Terms of members; absence from meetings.
- [2.20.280](#) Rules of procedure; designation of committees and task forces.
- [2.20.290](#) Vacancies.
- [2.20.300](#) Powers and responsibilities.

Article VII. Personnel Board

- [2.20.310](#) Established.
- [2.20.320](#) Membership; vacancies; absence from meetings.
- [2.20.330](#) Qualifications of members; compensation of members.
- [2.20.340](#) Duties and powers.

Article VIII. Planning Commission

- [2.20.350](#) Membership; compensation of members.
- [2.20.360](#) Terms of members.
- [2.20.370](#) Rules of procedure; designation of committees and task forces.
- [2.20.380](#) Vacancies.
- [2.20.390](#) Powers and responsibilities.

Cross references: Personnel Board, § [2.40.040](#); Mobile Home Park Rent Review Board, § [15.105.180](#);

Design Review Board and design review procedures, CDC [18.415.060](#) et seq.

**Article I. General**

**2.20.010 Appointment of alternates.**

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(a) The City Council may appoint one or more alternates to any city board, commission, or committee. Any appointed alternates shall be listed consecutively as first alternate, second alternate, and so forth. An alternate's term shall expire when the next annual recruitment for members of his respective board, commission, or committee is completed.

(b) In the event of an unscheduled vacancy on any city board, commission, or committee, an alternate shall fill the position of the vacating member, serving until the expiration of the vacating member's term of office. Any alternate shall fill any unscheduled vacancy of the respective board, commission, or committee in the consecutive order appointed and shall perform all of the duties and have all of the powers and responsibilities as the member in whose place the alternate serves. In addition, an alternate may take the place of a member who is absent from one or more meetings of the board, commission, or committee on which that person serves, and shall perform all the duties and have all the powers and responsibilities of the absent member.

(Code 1965, § 2467; Code 2002, § 2-271. Ord. No. 99-15; Ord. No. 09-4)

**Article II. Board of Appeals**

**2.20.020 Established; membership; compensation of members.**

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There is hereby created a Board of Appeals, in compliance with California Building Code as adopted by the City of Concord, which shall consist of five members to be appointed by the City Council. The basis and amount of any compensation which may be paid to members of the Board of Appeals shall be set by resolution of the City Council.

(Code 1965, § 2446; Code 2002, § 2-291. Ord. No. 91-2; Ord. No. 93-7; Ord. No. 12-3)

**2.20.030 Purpose and intent.**

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The general purpose of the Board of Appeals is to hear and decide appeals of orders, decisions, or determinations made by the city Building Official on the application and interpretation of state laws and uniform codes.

(Code 1965, § 2447; Code 2002, § 2-292. Ord. No. 91-2)

**2.20.040 Terms of members; absence from meetings.**

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Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three ~~consecutive~~ meetings of the Board of Appeals **within a fiscal year** without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2448; Code 2002, § 2-293. Ord. No. 91-2; Ord. No. 99-1; Ord. No. 10-2)

**2.20.050 Rules of procedure; designation of committees and task forces.**

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The Board of Appeals shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council.

(Code 1965, § 2449; Code 2002, § 2-294. Ord. No. 91-2)

**2.20.060 Vacancies.**

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All vacancies occurring on the Board of Appeals shall be filled according to the method of their original selection.

(Code 1965, § 2450; Code 2002, § 2-295. Ord. No. 91-2)

**2.20.070 Powers and responsibilities.**

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- (a) The Board of Appeals shall have the responsibility of carrying out the following functions:
- (1) Provide reasonable interpretation of the provisions of state law and uniform codes adopted by the city pertaining to construction standards;
  - (2) Determine the suitability of alternate materials and methods of construction; and
  - (3) Hear appeals of orders, decisions, interpretations, or determinations made by the city Building Official under state laws and uniform codes adopted by the city pertaining to construction standards.

(4) Hear appeals of orders decisions, interpretations, or determinations made by the city's Multiple-Family Rental Dwelling Unit inspector under state laws and uniform codes adopted by the city pertaining to construction and maintenance standards.

(b) Decisions of the Board shall be final and are not appealable to the City Council.

(Code 1965, § 2451; Code 2002, § 2-296. Ord. No. 91-2; Ord. No. 06-5; Ord. No. 93-7)

**2.20.080 Limitation on responsibilities.**

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In accordance with state law and uniform codes, the authority of the Board of Appeals shall be limited as follows:

(1) The Board shall have no authority to interpret appeals of the administrative provisions of state law or the uniform codes; and

(2) The Board shall have no authority to grant appeals which waive requirements of state law or the uniform codes or grant variances to the state law or uniform codes.

(Code 1965, § 2452; Code 2002, § 2-297. Ord. No. 91-2; Ord. No. 93-7)

**Article III. Commission on Aging**

**2.20.090 Established; membership; compensation of members.**

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There is hereby created a Commission on Aging which shall consist of not more than 11 voting members to be appointed by the City Council. Members of the Commission on Aging shall be residents of the city. At least 51 percent of the membership shall be over the age of 60 years. The basis and the amount of any compensation which may be paid to the members of the Commission on Aging shall be determined by resolution of the City Council.

(Code 1965, § 2453; Code 2002, § 2-321. Ord. No. 91-1; Ord. No. 92-19)

**2.20.100 Purpose and intent.**

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(a) The city desires to act as a line of communication between its senior citizen population, public and private organizations, and other advisory bodies to assure that government action is responsive to the needs of older persons.

(b) There is a need to establish a visible and officially responsible body within the city to:

(1) Encourage county and state agencies to identify unmet needs of older persons and available resources by providing a means for citywide planning in coordination of individuals and groups interested in improving and developing services and opportunities for senior citizens.

(2) Plan, promote, and recommend changes to the existing programs and laws that have a direct bearing on the dignity, freedom, and security of older persons to independently manage their own lives.

(3) Enlist the participation of community groups and individuals in implementing actions which improve resources.

(Code 1965, § 2454; Code 2002, § 2-322. Ord. No. 91-1)

#### **2.20.110 Terms of members; absence from meetings.**

Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three ~~consecutive~~ meetings of the Commission on Aging **within a fiscal year** without being excused will be deemed to have resigned from the Commission on Aging and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2455; Code 2002, § 2-323. Ord. No. 91-1; Ord. No. 10-2)

#### **2.20.120 Rules of procedure; designation of committees and task forces.**

The Commission on Aging shall adopt rules of procedure on the conduct of its business and may designate ad hoc committees and ad hoc task forces composed of its membership.

(Code 1965, § 2456; Code 2002, § 2-324. Ord. No. 91-1)

#### **2.20.130 Vacancies.**

All vacancies occurring on the Commission on Aging shall be filled according to the method of their original selection and the new member shall serve at the pleasure of the City Council for the unexpired term of their respective predecessors.

(Code 1965, § 2457; Code 2002, § 2-325. Ord. No. 91-1)

**2.20.140 Powers and responsibilities.**

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The Commission on Aging shall have the responsibility of carrying out the following functions:

- (1) Attend and participate in the county Advisory Council on Aging subcommittees to identify the unmet needs of older persons and evaluate the effectiveness of existing programs and laws.
- (2) Act as a resource to all city boards and commissions. The Commission on Aging members will attend the meetings of those boards and commissions as needed.
- (3) Develop an annual work program establishing short- And long-term goals in order of priority which will be effective upon approval of the City Council.
- (4) Such other functions that the City Council may, from time to time, designate.

(Code 1965, § 2458; Code 2002, § 2-326. Ord. No. 91-1)

**Article IV. Community Services Commission**

**2.20.150 Established; membership; compensation of members.**

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There is hereby created a Community Services Commission, which shall consist of not more than ~~9~~ **seven (7)** members to be appointed by the City Council. Members of the Commission shall be residents of the city or the city's sphere of influence who hold no other municipal office in the city. The members shall be representative of the general public and the religious, racial, age, sex, disabled, and ethnic groups in the city. The basis and amount of compensation which may be paid to the members of the Commission shall be set by resolution of the City Council.

(Code 1965, § 2434; Code 2002, § 2-351. Ord. No. 87-35; Ord. No. 91-2; Ord. No. 92-19; Ord. No. 05-7)

**2.20.160 Purpose and intent.**

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The city seeks to develop a viable urban community in the city, including providing decent housing and a suitable living environment with expanded economic opportunities for its residents. To carry out this objective, the city maintains programs to fund housing efforts, neighborhood public improvements, and community services. There is a need to establish a visible and officially responsible commission within the city to:

- (1) Assess need in the community for assistance to these programs;

- (2) Advise the City Council on the allocation of resources to programs addressing identified needs; and
- (3) Evaluate and monitor the performance of such programs.

(Code 1965, § 2435; Code 2002, § 2-352. Ord. No. 87-35)

**2.20.170 Terms of members; absence from meetings.**

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Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three ~~consecutive~~ meetings of the Community Services Commission **within a fiscal year** without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in place of the absent member.

(Code 1965, § 2436; Code 2002, § 2-353. Ord. No. 87-35; Ord. No. 91-2; Ord. No. 10-2)

**2.20.180 Rules of procedure; designation of committees and task forces.**

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The Community Services Commission shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council.

(Code 1965, § 2437; Code 2002, § 2-354. Ord. No. 87-35; Ord. No. 91-2)

**2.20.190 Vacancies.**

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All vacancies occurring on the Commission shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired term of their respective predecessors.

(Code 1965, § 2438; Code 2002, § 2-355. Ord. No. 87-35; Ord. No. 91-2)

**2.20.200 Powers and responsibilities.**

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The Commission shall have the responsibility of carrying out the following functions:

- (1) Evaluate the needs of the community for housing, neighborhood improvement, and community services;

- (2) Analyze alternative ways to meet identified needs in light of the available resources and other possibilities for coordination and cooperation with private funding sources and other public agencies;
- (3) Recommend an annual budget to the City Council for the expenditure of general fund monies for human services and the expenditure of federal community development block grant monies for a variety of projects;
- (4) Evaluate and monitor the performance of human service funded agencies and community development block grant projects; and
- (5) Such other functions that the City Council may from time to time designate.

(Code 1965, § 2439; Code 2002, § 2-356. Ord. No. 87-35; Ord. No. 91-2)

#### **Article V. Design Review Board**

##### **2.20.210 Established; membership.**

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The Design Review Board of the city, created by Ordinance No. 926, is hereby continued in existence and shall consist of no more than five members. At all times, the Board shall consist of one member of the city Planning Commission, appointed by the Planning Commission; three design professionals, e.g., architects, landscape architects, urban designers, building designers, at least one of whom shall be a professional licensed architect, appointed by the City Council; and one public member, who shall be a resident of the city, with experience or training in design concepts, appointed by the City Council.

(Code 1965, § 2422; Code 2002, § 2-381. Ord. No. 86-22; Ord. No. 92-19; Ord. No. 05-7; Ord. No. 10-2)

##### **2.20.220 Terms of members; absence from meetings.**

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Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three ~~consecutive~~ meetings of the Design Review Board **within a fiscal year** without being excused will be deemed to have resigned from the Design Review Board and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2423; Code 2002, § 2-382. Ord. No. 86-22; Ord. No. 10-2)

### **2.20.230 Purpose and intent.**

The Board shall meet not less than once a month at the F. A. Stewart Civic Center, 1950 Parkside Drive, Concord, at a time and date to be designated by the Board. The Board shall appoint a chair and vice-chairman for a term of one year or until the successor of each is appointed and takes office. The chair shall preside at all meetings of the Board and shall perform the duties necessary or incidental to the office. The vice-chair is chair in the absence of the chair or in case of the inability of the chair to participate in the proceedings.

(Code 1965, § 2424; Code 2002, § 2-383. Ord. No. 86-22; Ord. No. 05-7; Ord. No. 10-2)

### **2.20.240 Compensation of members.**

The basis and amount of compensation to be paid to members of the Design Review Board shall be established by resolution of the City Council.

(Code 1965, § 2425; Code 2002, § 2-384. Ord. No. 86-22; Ord. No. 17; Ord. No. 10-2)

### **2.20.250 Rules of procedure; designation of committees and task forces.**

The Board shall adopt rules for the transaction of its business. The Board shall be served by a Secretary of the Board who shall record official actions by the Board, maintain records and perform such other duties as assigned. The Board shall keep a public record of its resolutions, transactions, findings, and determinations and may establish subcommittees as needed to fulfill its duties.

(Code 1965, § 2426; Code 2002, § 2-385. Ord. No. 86-22; Ord. No. 05-7; Ord. No. 10-2)

## **Article VI. Parks, Recreation and Open Space Commission**

Cross references: Parks and recreation, Title [4](#).

### **2.20.260 Established; membership; compensation of members.**

There is hereby created a Parks, Recreation and Open Space Commission (PROC), which shall consist of five (5) adult voting members and two (2) youth voting members. The adult voting members are appointed by the City Council. The Youth voting members are appointed by a selection task force composed of the adult members of PROC and confirmed by the City Council. The adult members of the PROC shall be residents of the city who hold no other municipal office in the city. The youth members must be between the ages of 13 and 21 at the time of their appointment, shall be residents of the city or attend school in the city and may be part-

time seasonal employees of the city. The basis and amount of compensation which may be paid to the Parks, Recreation and Open Space Commission shall be by resolution of the City Council.

(Code 1965, § 2429; Code 2002, § 2-411. Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

**2.20.270 Terms of members; absence from meetings.**

Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Youth members shall serve at the pleasure of the City Council for one year, effective ~~July 1st~~ **September 1<sup>st</sup>** and ending June 30th of the following year. Any member who absents himself from three ~~consecutive~~ meetings of the Parks, Recreation and Open Space Commission **within a fiscal year** without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2430; Code 2002, § 2-412. Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7; Ord. No. 10-2)

**2.20.280 Rules of procedure; designation of committees and task forces.**

The Parks, Recreation and Open Space Commission shall adopt rules of procedure on conduct of its business and may designate committees and task forces. These committees and task forces maybe composed of youth designated to study issues and provide findings to the PROC or provide voluntary service to the city.

(Code 1965, § 2431; Code 2002, § 2-413. Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

**2.20.290 Vacancies.**

All vacancies occurring on the Parks, Recreation and Open Space Commission shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired terms of their respective predecessors.

(Code 1965, § 2432; Code 2002, § 2-414. Ord. No. 87-35; Ord. No. 01-7)

**2.20.300 Powers and responsibilities.**

The Parks, Recreation and Open Space Commission shall have the responsibility of carrying on the following functions:

- (1) Act in advisory capacity to the City Council in matters pertaining to public parks, open space, recreation, and issues pertaining to youth;

- (2) Consult, cooperate, and maintain contact with other public agencies, community organizations, and private persons engaged in recreation programming, park and open space planning, and youth services;
- (3) Review and assist in the promotion of recreational, park, open space, and youth programs;
- (4) Review and recommend to the City Council, plans submitted for development of, modification of, and/or improvements to the city parks system;
- (5) Assess parks, recreation, open space and youth services needs and develop goals and objectives for meeting these needs;
- (6) Review and recommend to the City Council on capital improvements projects and fees related to parks, recreation, and open space; and
- (7) Such other duties as the City Council may direct.

(Code 1965, § 2433; Code 2002, § 2-415. Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

#### **Article VII. Personnel Board**

Cross references: Personnel Board, § [2.40.040](#).

#### **2.20.310 Established.**

The Personnel Board of the city, created by Ordinance No. 542, is hereby continued in existence.

(Code 1965, § 2412; Code 2002, § 2-441. Ord. No. 763; Ord. No. 1006)

#### **2.20.320 Membership; vacancies; absence from meetings.**

(a) A Personnel Board consisting of five members shall be appointed by the City Council to serve at the pleasure of the Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. In making appointments to the Personnel Board, the City Council will endeavor to appoint members so that the Personnel Board will generally reflect the diversity of the community.

(b) Vacancies on the Personnel Board, from whatever cause, shall be filled by appointment by the Council for the unexpired term. Each member of the Personnel Board shall serve until a successor is appointed.

(c) Any member who is absent from three ~~consecutive~~ meetings of the Personnel Board **within a fiscal year** without being excused will be deemed to have resigned the office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2413; Code 2002, § 2-442. Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1; Ord. No. 10-2; Ord. No. 91-2)

### **2.20.330 Qualifications of members; compensation of members.**

(a) The members of the Personnel Board shall be residents of the city who hold no other municipal office in the city and shall serve without compensation.

(b) No person shall be appointed to the Personnel Board who holds an appointive or elective public office with the city.

(c) Excluding an elective office, a member of the Personnel Board shall not be eligible to hold a compensation position with the city within a period of one year after ceasing to be a member of said Personnel Board.

(d) No person shall serve as a member of the Personnel Board who is not in accord with City Council policy as it applies to equal employment opportunity and a merit system of personnel administration as set forth in chapter [2.40](#), of this Code. All Personnel Board members shall endeavor to keep informed of current personnel administration principles and practices by periodic review of literature of the field and by other appropriate means.

(Code 1965, § 2414; Code 2002, § 2-443. Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1)

### **2.20.340 Duties and powers.**

The functions of the Personnel Board shall be:

(1) At its first regular meeting of the calendar year, the Personnel Board shall select one of its members as chairman and one of its members as vice-chairman;

(2) To determine the order of business for the conduct of its meetings and to hold such meetings as are necessary, when called by the chairman or a majority of members of the Personnel Board. A majority of the members of the Personnel Board shall constitute a quorum for the transaction of business;

- (3) To receive and/or hear appeals and grievances as provided by Chapter [2.40](#), Article III, of this Code and by the personnel rules;
- (4) To act in an advisory capacity to the Council on personnel matters as directed by the Council, to conduct hearings on personnel matters, gather information and data, and provide a written report of its findings;
- (5) In an investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and review evidence before it and to issue subpoenas as provided by law. Each member of the Personnel Board shall have the power to administer oaths to witnesses;
- (6) The Council and each of its members are prohibited from interfering or attempting to interfere, directly or indirectly, with the performance of the Personnel Board's duties and from obtaining or attempting to obtain, directly or indirectly, from any person any agreement as to how that individual will perform any of the duties of a Personnel Board member.

(Code 1965, § 2415; Code 2002, § 2-444. Ord. No. 763; Ord. No. 1006; Ord. No. 99-1; Ord. No. 898)

### **Article VIII. Planning Commission**

Cross references: Planning and development, Title [19](#).

#### **2.20.350 Membership; compensation of members.**

The Planning Commission shall consist of five voting members to be appointed by the City Council. Members of the Planning Commission shall be citizens of the city who hold no other municipal office in the city. The basis and amount of compensation to paid members of the Planning Commission shall be determined and set by resolution of the City Council.

(Code 1965, § 2401; Code 2002, § 2-471. Ord. No. 226; Ord. No. 687; Ord. No. 990; Ord. No. 1006)

#### **2.20.360 Terms of members.**

Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three ~~consecutive~~ meetings of the Planning Commission **within a fiscal year** without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2402; Code 2002, § 2-472. Ord. No. 526; Ord. No. 687; Ord. No. 990; Ord. No. 1006; Ord. No. 10-2)

**2.20.370 Rules of procedure; designation of committees and task forces.**

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The Planning Commission shall adopt rules of procedure and designate committees and task forces by resolution. Said resolution shall not be effective until approved by the City Council.

(Code 1965, § 2403; Code 2002, § 2-473. Ord. No. 226; Ord. No. 1006)

**2.20.380 Vacancies.**

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All vacancies occurring on the Planning Commission shall be filled according to the methods of their original selection, and the new member shall serve at the pleasure of the Council for the unexpired term of their respective predecessor.

(Code 1965, § 2404; Code 2002, § 2-474. Ord. No. 70; Ord. No. 226; Ord. No. 687; Ord. No. 1006)

**2.20.390 Powers and responsibilities.**

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The Planning Commission is the planning agency of the city. It shall have powers and functions as follows:

- (1) All those functions and powers as provided by state law (Government Code §§ [65100](#)--[65700](#) as amended);
- (2) All duties, powers, and functions as in this Code provided;
- (3) Such other functions as the City Council may from time to time provide.

(Code 1965, § 2405; Code 2002, § 2-475. Ord. No. 70; Ord. No. 1006)

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