

INTER-OFFICEMEMO

To: Clyde Robinson, City Attorney, Laura Lam, Assistant City Manager, Steve Brown, FFE Coordinator

From: Scott A. Borling, City Clerk

Date: September 26, 2017

Re: Processes for Appointing City Commissioners to Boards, Commissions, Committees

This memo is a response to your September 6th request for information on processes the City Commission uses to appoint its own members to various boards, committees, and commissions. It is my understanding you will use this information to advise Commissioners as they decide how to self-select two of their own for the Foundation for Excellence Board.

In summary there are three situations that prompt the City Commission to appoint its own members to various positions: 1) a vacancy on the City Commission that requires Commissioners to appoint a Kalamazoo citizen to fill the empty seat; 2) the beginning of a new City Commission term that prompts the organization of standing and ad-hoc committees and the appointment of Commissioners as either liaisons or members of various City boards, committee, and commissions (Planning Commission, Brownfield Redevelopment Authority, etc.); and 3) the City's participation on an external board, committee, or commission – most often an intergovernmental body like the Kalamazoo County Consolidated Dispatch Authority or the Kalamazoo Regional Water and Wastewater Authority – where there are seats reserved for City representatives. Below are descriptions of the processes that have been used to select Commissioners for these assignments.

Filling Vacancies on the City Commission

Section 9(c) of the City Charter says, "...in case of a vacancy in the office of City Commissioner, the vacancy shall be filled by the affirmative vote of a majority of the remaining members of the City Commission within thirty days after such vacancy occurs;..." Beyond this language there is no additional direction given, no City Commission policy or rule that establishes a process for filling a vacancy on the Commission. However, since 2007 there has been three times the City Commission has needed to fill a vacancy and a similar process has been used each time. The elements common to each of these processes include:

- a call for applicants, which has been accomplished through a media release and information posted on the City's website and social media.
- use of the City's *Board and Commission Application* as the application form. Applicants have also been asked to submit a letter of interest, with the contents of the letter left unprescribed on purpose.

- an open application period of approximately two weeks. The exact length has varied based on the City Commission's meeting schedule at the time.
- a review and winnowing of applications by the Commission at a public meeting. The remaining applicants are considered "candidates" to fill the vacancy.
- interviews of the candidates at a public meeting. Each candidate is given an opportunity to make opening remarks, which are followed by questions from Commissioners. After all candidates are interviewed there is a time for citizen comments, followed by Commission discussion and a vote.

Although this process involves appointing a person *to* the City Commission rather than appointing a Commissioner to a position, it is the most formalized and public of the processes described in this memo and is being offered for consideration and comparison.

Appointments to City Boards, Commissions, and Committees

City Commission Rule #14 is entitled "Appointment of City Commissioners to Committees and Subcommittees." I have attached a copy of this rule for reference purposes. Although it gives some basic direction for how these appointments are made, it does not address the method for selecting Commissioners for these assignments. In fact, there are no written processes or procedures for this. What I have to offer is my experience working with Mayor Hopewell. (Previous mayors worked through the City Manager's Office to facilitate Commissioners' board/commission/committee assignments.)

At the beginning of a new City Commission term, the City Clerk works with the Mayor to distribute a matrix that contains the names of the City Commission standing committees, ad hoc committees the Mayor wants to create, and the City advisory boards and commissions that have City Commission liaisons or members. Commissioners are asked to rank the various boards, commissions, and committees in order of preference. Once all the matrices have been completed and returned, the Clerk compiles the results and presents them to the Mayor. The Mayor makes the board/commission/committee assignments and talks with individual Commissioners to work out conflicting preferences. When the assignments have been finalized the City Clerk prepares an agenda item, and the City Commission takes action to approve them. I have attached a copy of the blank matrix from 2015 for reference.

Appointments to External Boards

There is no established process for the selection of Commissioners to serve external boards like the Kalamazoo Regional Water and Wastewater Authority Board or the Kalamazoo County Consolidated Dispatch Authority Board. This is especially true when a special appointment is needed, as when an external board is first formed. In these cases it seems there is frequently a Commissioner who has a particular skill set or interest in the board's work that would suggest him or her as the obvious person to represent the City on that board. Once a board is formed the process is sometimes normalized, and the appointment is made with other board/commission/committee assignments at the beginning of a Commission's term (see above).

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- j. All boards and commissions shall operate under the Open Meetings Act, and citizens shall be afforded an opportunity to speak on any matter before the board or commission. All board and commission meeting agendas shall include a time for citizen comment on nonagenda items.
- k. Unless otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, or unless waived by a majority vote of the City Commission, no person shall serve on more than one board or commission at a time. All members of boards and commissions shall be residents of the City of Kalamazoo unless otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, in which case a majority of the members of such boards or commissions shall be City residents. The Economic Development Corporation of the City of Kalamazoo and the Brownfield Redevelopment Authority may have non-resident members who are employed by, or are affiliated with, business organizations, corporations or entities which have a significant economic impact on the City of Kalamazoo or are located within the City of Kalamazoo, provided that a majority of the members of the Economic Development Corporation Board of Directors must be City of Kalamazoo residents.
- l. Unless otherwise required by ordinance or statute, Commissioners who serve as liaisons to City Commission advisory boards and commissions shall not have voting privileges.

13. APPOINTMENT OF MAYOR PRO TEMPORE

In the absence of the Mayor and Vice Mayor at the same City Commission meeting, the Commissioner receiving the next greatest number of votes in the most recent Municipal Election shall chair the meeting and be considered and addressed as Mayor Pro tempore. This rule shall also govern any ceremonial or formal function on behalf of the City where the Mayor and Vice Mayor are both absent.

14. APPOINTMENT OF CITY COMMISSIONERS TO COMMITTEES AND SUBCOMMITTEES

- a. The following standing committees of the City Commission are hereby established: the Administrative Committee; the Legislative Committee; and the Audit Committee. Within six weeks of the beginning of its term of office the City Commission shall approve the appointment of its members to standing committees.

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- b. The Administrative Committee shall consist of the Mayor, Vice Mayor, and the City Commissioner who received the third highest number of votes in the most recent municipal election.
- c. After the initial standing committee assignments are made, any changes in their membership must be approved by the City Commission.
- d. The Mayor, with the concurrence of a majority of the City Commission, may establish, make appointments to, and dissolve ad-hoc committees and sub-committees as necessary. Ad-hoc committees and subcommittees also may be established, and dissolved by a majority vote of the City Commission.
- e. All ad-hoc committees shall dissolve automatically upon the expiration of the City Commission's term of office.

15. DISCLOSURE OF BOARD MEMBERSHIPS

The Mayor and Commissioners shall disclose their membership of all organizations, entities and clubs, regardless of whether they are voting members of board of such organization, entity or club. This requirement shall apply to membership of non-profit entities, as well as to voting membership on boards created by a governmental body or agency other than the City of Kalamazoo. Such disclosure shall be in writing, and shall be filed annually by January 31 of each year with the City Clerk.

16. WAIVER OF CITY COMMISSION RULES

Any City Commission rule may be waived by a simple majority vote of the City Commission.

17. AMENDING CITY COMMISSION RULES

Any City Commission rule may be amended by a majority vote of the City Commission.

18. APPLICABILITY OF RULES

These rules shall supersede any and all rules previously adopted by this Commission.

City Commission Board/Commission/Committee Assignments
2015-2017

	<i>Anderson</i>	<i>Cooney</i>	<i>Hopewell</i>	<i>Knott</i>	<i>Milcarek</i>	<i>Sykes</i>	<i>Urban</i>
Community Development Act Advisory Committee							
Downtown Development Authority							
Economic Development Corporation/Brownfield Redevelopment Authority							
Environmental Concerns Committee							
Friends of Recreation Board							
Parks and Recreation Advisory Board							
Pension Board							
Planning Commission							
Retirement Investment Committee/Perpetual Care Investment Committee							
Transit Authority Board							
Metro Transition Team Workgroup							

