

City Commission Policy 110

Appointment of Citizens and Commissioners to Boards and Committees

DEPARTMENT: Office of the City Treasurer-Clerk

DATE ADOPTED: June 24, 1992

DATE OF LAST REVISION: June 16, 2021

110.01 AUTHORITY:
City Commission

110.02 PURPOSE:
To institute formal guidelines for the appointment of citizens or City Commissioners as City representatives to committees.

110.03 DEFINITIONS:
Committee: Committee is defined as a joint-intergovernmental, legislated or City created committee, commission, council, board, agency, bureau, authority, corporation, etc.

110.04 GENERAL STATEMENT:
Citizen committees are established as advisory bodies by the City Commission for the purpose of the City Commission's receipt of the perspective, feedback, input and/or recommendations of citizens. Citizen participation in the daily program and policy development of the City of Tallahassee is recognized as an important element in providing quality public services to the Tallahassee community. Citizen participation is encouraged through the appointment of City representatives to committees. Guidelines for the appointment process to committees, the operation of City committees, and assignment of responsibilities are provided herein to ensure continuous quality participation by all citizens

110.05 SCOPE AND APPLICABILITY:
These guidelines apply to all City Commission-authorized committees and the staff assigned to those committees and to the citizens appointed by the Commission to serve on committees requesting City representation. Parts I and II of this policy do not apply to the appointment of City Commissioners to boards, committees, or commissions. Unless a committee is specifically identified in Attachment A or B, the appointment of committee members shall hereby be delegated to the Mayor.

110.06 PART 1 – General Appointment Process:

1. Qualified applicants for vacancies on committees can be solicited or obtained through advertising by the City, from members currently serving on a committee, through citizens informing the City Commission or the Office of the City Treasurer-Clerk of their interest, by the appropriate staff agency submitting recommendations to the City Commission and by City Commissioners recommending specific individuals. All appointees must complete and submit an application.
2. Unless otherwise specified by the City Commission, usually evidenced by Commission-approved bylaws, all citizens appointed to committees must be City residents, City property owners or City utility customers who do not have direct financial interest in the committee to which the citizen is to be appointed. Citizens who have contractual or employment relationships with the City may not serve on committees, unless the potential conflict is waived in accordance with s. 112.313(12), F.S. The Florida Constitution's prohibition on dual office-holding shall be enforced, when applicable.
3. The Mayor will make appointments to all committees created by the City Commission except those identified in Attachment A or B. The Mayor will consider the demographic make-up of each committee in making appointments.
4. The Mayor will recommend appointments to all charter, statutory and joint-intergovernmental committees (Attachment A), unless the enabling charter, statute, or ordinance that creates the committee or the committee's bylaws specifically provide

otherwise (Attachment B). The Mayor and Commission will consider the demographic makeup of each committee in making recommendations. Additional procedures for appointments to charter, statutory and joint-intergovernmental committees are provided in Section 110.07 of this policy.

5. The Mayor will notify citizens in writing of their appointments. A copy of the Mayor's letter will be distributed to each commissioner, the responsible staff department and the Office of the City Treasurer-Clerk.

110.07 PART II – Procedures for Appointment to Charter, Statutory and Joint-Intergovernmental Committees (Attachment A):

1. Staff to committees listed in Attachment A will notify the Office of the City Treasurer-Clerk of vacancies immediately and of term expirations 60 days prior to expiration.
2. The Office of the City Treasurer-Clerk will provide necessary information to the Mayor for use in making a recommendation for appointment. Said information will consist of the current committee membership, list of applicants, and copies of applications.
3. The Mayor will notify City Commissioners in writing of recommended appointee(s) at least 10 days prior to formally presenting the recommendation at a City Commission meeting.
4. The Mayor will prepare a consent agenda item requesting City Commission confirmation of the appointment(s).
5. Upon confirmation of appointments by the City Commission, the Mayor will notify citizens in writing of their appointments. A copy of the Mayor's letter will be distributed to each commissioner, the responsible staff department and the Office of the City Treasurer-Clerk.

110.08 PART III – Procedures for Appointment to Other Committees (Attachment B):

1. Staff to committees listed in Attachment B will notify the Office of the City Treasurer-Clerk of vacancies immediately and of term expirations 60 days prior to expiration.
2. The Office of the City Treasurer-Clerk will provide necessary information to each Commissioner for use in making a recommendation for appointment. Said information will consist of the current committee membership, list of applicants, and copies of applications.
3. Each Commissioner will advise the City Treasurer-Clerk's Office of the Commissioner's recommended appointment.
4. The Office of the City Treasurer-Clerk will prepare a consent agenda item requesting City Commission recognition of individual Commissioner's appointment(s).
5. Upon recognition of appointments by the City Commission, the Office of the City Treasurer-Clerk will notify citizens in writing of their appointments. A copy of the letter will be distributed to each Commissioner and the responsible staff department.
6. The term of office for members directly appointed by a single City Commissioner shall be for four years and shall commence on the February 1st following the swearing in of the appointing City Commissioner. Directly appointed members shall serve at the pleasure of their respective appointing commissioners. Should a City Commission seat be vacated, the incumbent committee member shall finish the term unless the new Commissioner opts to replace the incumbent with a new appointment to the seat.

110.09 PART IV – Operations and Responsibilities:

A. Committee Operations:

1. Committees shall have established, standardized bylaws that are to be reviewed and approved by the City Commission. Bylaws will include, but not be limited to name, authority, purpose, and membership. If a committee includes ex officio members, the bylaws shall clearly state whether the ex officio members are voting or non-voting members.
2. Committees shall have no authority other than to serve in an advisory capacity to the City Commission, unless the enabling charter, statute, or ordinance that creates the committee or the committee's bylaws provide otherwise.
3. 3. The committees shall serve as advisors to the City Commission to encourage citizen participation; present or discuss policies and programs affecting their area of function; study issues; provide input on the values, goals and objectives of a

program; develop program plans; contribute to continuous feedback; and make recommendations for quality program/service deliveries. Additional functions of the committees may be defined by the City Commission. Some committees have authority to make final decisions, as set out in the City's Code of General Ordinances and Land Development Code.

4. Committees will meet routinely based upon an adopted meeting schedule.
5. Committee members are subject to Chapter 119, F.S., also known as the Public Records Law. All public records made or received by committee members in connection with their service on the committee must be preserved by the committee member and transferred, upon receipt or creation, to the City for retention. If a committee member receives a request for public records related to the committee, the member shall acknowledge the request and immediately notify the Office of the City Treasurer-Clerk. The Office of the City Treasurer-Clerk will coordinate the response to the request in accordance with law and policy. Committee members should refer to City Commission Policy 140, Public Records, Records Retention & Disposition Policy, for additional guidance.
6. Except when specifically exempted by enabling legislation, all committees are subject to Chapter 286, F.S, also known as the Sunshine Law. All committee meetings will be noticed, will be open to the public, and will allow for public comment. Committee staff will ensure that agendas and minutes are made available to the public as required by law. Meetings of committees shall be publicly noticed on the City's meeting calendar on www.talgov.com. Each notice shall state the time and location of the meeting. Such notice shall be provided at least 7 days in advance unless extenuating circumstances preclude compliance. In no case shall less than 24-hours notice be provided. Committees shall comply with City Commission Policy 108, Citizen Appearances at Meetings providing for public participation in meetings.
7. Except where an emergency or other executive action suspends the applicability of the Sunshine Law, all committees are required to meet in a publicly accessible location and to have a quorum of their members physically present in that location. If a virtual or teleconferencing option is available (*it is not required*), it is permissible for a committee member to appear at a meeting remotely, as long as a quorum is physically present in a publicly accessible place and the quorum votes to allow the remote appearance. Remote appearances by committee members should be reserved for emergency circumstances.
8. Unless otherwise provided in the committee's bylaws, a majority of the committee's available seats constitute a quorum to hold a meeting, and any action of the committee shall be by simple majority of the membership in attendance.
9. A member's position shall become vacant when:
 - a. a member is absent from 33% of the regularly scheduled meetings in a given calendar year, regardless if such absence is excused or unexcused, or
 - b. when the committee is notified by staff that a member no longer meets the membership requirements, or
 - c. when a member's term expires, or
 - d. when a member resigns.
 - e. All absences will be duly recorded in the meeting minutes. Absences from emergency or specially called meetings will not be recorded against a member in calculating the percent of absences. Special exceptions on the removal of members for absences may be made by the Chairperson of the Committee when the absences are due to health or time-limited extenuating circumstances and the absences do not affect the ability of the committee to maintain a quorum.
10. It will be the responsibility of the Mayor or, for Attachment B committees, the Office of the City Treasurer-Clerk, to ensure an appointment of a vacancy will occur within 30 days of notification. If an appointment is not made within 30 days, the committee shall have the authority to request an appointment be agendaed for next available commission meeting.

11. The Chairperson and the staff department will be responsible for compliance with the bylaws. The Chairperson will notify members of removal from the committee for noncompliance. Specific questions of conflict of interest will be addressed by the City Attorney.
12. The Mayor, Commissioners and their aides may attend any citizen committee meeting; however, engagement in the substantive work of the committee, including providing public comment on agenda items, unless the Mayor or Commissioner is an appointed member of the committee, is discouraged in order that the citizen committee perspective may be derived from the committee's work. For the same reason, contact with advisory committee members by City Commission members and their aides outside of the citizen committee meetings is also discouraged on specific matters to appear on citizen committee meeting agendas.

B. Eligibility and Terms of Committee Membership:

1. Committees will be made up of an odd number of voting members. The City Commission will establish the number of voting and non-voting members of the committee upon creation.
2. When possible, City committees should be made up of an equitable representation based on race, sex, sexual orientation, and gender identity, determined by the demographic ratio of the City. In cases of committees representing the interest of a specific neighborhood, representation based on race, sex, sexual orientation, and gender identity will be determined by the demographic ratio of the neighborhood. Such demographic information shall be the most current available data in the Tallahassee-Leon County Planning Department by census tract. In consideration of the Americans with Disability Act, City committees shall include citizens with disabilities.
3. Initial terms of newly created committees shall be staggered, with permanent three-year terms thereafter. For example, a five-member committee could have three members serving a two-year term, and two members serving a three-year term. The staggered term concept will not include one-year-term appointments. The staggered term arrangement for appointees shall be established by the City Commission.
4. An appointee to a committee shall not serve more than two full consecutive terms, but may serve again on the committee after one year of non-service on that committee. All City appointed citizens serving on committees may be removed from their committee by the City Commission if it is believed it would be in the best interest of the City of Tallahassee.
5. In order to maintain the proper staggering of terms and to adhere to term limits, if a citizen is appointed to fill vacancy, the appointment shall be for the remainder of the unexpired portion of the term, after which time the appointee may serve two additional full terms. If an appointee fills a vacancy for a seat whose term has already expired, the appointment will retroactive to the date of commencement of the seat's new term and the appointee may thereafter serve only one full term.
6. Unless the bylaws specifically state otherwise, terms shall begin on the first day of a calendar month and shall expire on the last day of the calendar month 3 years later (e.g. June 1, 2021 to May 31, 2024). This methodology shall be applied retroactively to all current terms. As necessary, the City Treasurer-Clerk may adjust their term expirations of existing members in order to implement this protocol, or to align the expiration of City appointees serving on joint-intergovernmental boards with the board members appointed by other agencies.
7. Appointees may not hold over their positions beyond the expiration of their term. Appointment made after the start date of a new term will be retroactive to the start date, and the appointee may thereafter serve only one additional full term.
8. All City appointed citizens serving on committees may be removed from their committee by the City Commission if it is believed it would be in the best interest of the City of Tallahassee.

C. Office of the City Treasurer-Clerk Responsibilities:

1. The Office of the City Treasurer-Clerk will maintain records on all committees. Records will include, but not be limited to, a copy of the bylaws or statutes, a current list of members and officers, including names, addresses, dates of appointment, expiration dates of appointment, staff department, and contact person within the departments.
2. The Office of the City Treasurer-Clerk will be responsible for ensuring that www.talgov.com contains current information regarding committees. Available information will include an application form for citizens interested in serving. It will also include general information such as membership rosters, vacancies, and roles and responsibilities committees. The Office of the City Treasurer-Clerk will also be responsible for periodically advertising open seats on committees on WCOT.
3. The Office of the City Treasurer-Clerk will be responsible for receiving applications and resumes and will maintain a record of all applications or resumes received from citizens expressing an interest in consideration for future vacancies. The applications or resumes will be provided to the departments for use in filling vacancies. Department recommendations, along with other applications received, will be provided by the Office of the City Treasurer-Clerk to the Mayor for consideration.
4. The Office of the City Treasurer-Clerk will place all committee membership records into the Records Management System within 10 business days of receipt. Staff should refer to City Commission Policy 140, Public Records, Record Retention, & Disposition Policy for additional guidance.

D. City Staff Responsibilities:

1. Staff to a committee will have the responsibility of informing the committee of events, activities, policies, programs, etc. occurring within the scope of its functions and to make members aware of all City Commission requests for information. The staff department will place all committee records into the Records Management System within 10 business days of receipt or, in case of meeting records, within 3 business days of the adjournment of a meeting. Staff should refer to City Commission Policy 140, Public Records, Record Retention, & Disposition Policy for additional guidance.
2. Staff will inform the Office of the City Treasurer-Clerk of all vacancies, changes in officers, and any other changes to the committee. At least 60 days prior to the expiration of any term, the staff department will request a copy of all applications from the Office of the City Treasurer-Clerk for the committee. The staff department or committee will use these applications to make a recommendation to the Mayor. The staff department will consider the demographic makeup of the committee in making its recommendation.
3. The staff department will be responsible for the continuous flow of information to the appropriate appointed official and the Office of the City Treasurer-Clerk. Such information shall include, but not be limited to, bylaws, membership, recommendations of the committee, actions and noncompliance by the committee or Chairperson with the bylaws or statutes.
4. The staff department will inform the City Attorney of noncompliance by the Chairperson with the statutes or bylaws. The City Attorney will be responsible for resolution of these noncompliance issues.
5. The staff department will provide to all new committee members a copy of the committee's bylaws, and when applicable, the City Code, Charter and statutory authorization. The staff department will provide periodic training on the committee's bylaws, legal obligations and responsibilities, including the Florida Sunshine Law and public records law, and will provide responses to any concerns board members may have with the responsibilities of the committee. In compliance with

Sec. 2-14 of the Code of General Ordinances, committee members must complete Ethics training.

6. Staff to a committee will take steps to ensure that a time for citizen appearances is placed on the agenda of each meeting as required by City Commission Policy 108, Public Participation at Meetings.

110.10 PART V – Appointment of City Commissioners to Boards, Committees, and Authorities:

The Mayor shall be responsible for notifying City Commissioners of vacancies on boards, committees and authorities seeking City Commission representation either as a voting member or as an ex officio/liaison and seeking Commission input. In the event that only one Commissioner wishes to serve, the Mayor may make the appointment, noticing the Commission and staff of such appointment by memorandum. If more than one Commissioner expresses an interest in serving, then the item will be agendaed for Commission action without a recommendation.

110.11 SUNSET PROVISION:

This policy is also subject to sunset review by the City Commission no later than five (5) years from the date of adoptions. Subsequent reviews by the City Commission are to occur no later than five (5) years from the date of the prior review. Revisions will become effective immediately upon City Commission approval.

City Commission Policy 110 – Attachment A
Boards and Committees Created by Charter or Regulatory Authority

<u>Board Name</u>	<u>Board Type</u>	<u>Appointment Made By</u>
Adjustment and Appeals, Board of	Joint TLC	Commission
Affordable Housing Advisory Committee	Charter	Commission
Architectural Review Board	Joint TLC	Commission
Audit Committee	Charter	Commission
Downtown Improvement Authority	Statutory	Commission
Environmental Code Board	Statutory	Commission
Joint City-County Bicycling Workgroup	Joint TLC	Commission
Municipal Code Enforcement	Statutory	Commission
Planning Commission/Local Planning Agency	Join TLC/Statutory	Commission
Sinking Fund Commission	Charter	Commission
Tallahassee Housing Authority	Statutory	Commission

City Commission Policy 110 – Attachment B
Committees Requiring Individual Commissioner – Appointed Members

Airport Advisory Board (2020)
Citizens Police Review Board (2021)
Commission on the Status of Women and Girls (2013)
Special Events Advisory Committee (2016)

REVISIONS DATES:

November 13, 1996

February 24, 2005

April 18, 2012 – Construction Industry Review Committee abolished per City Ordinance 11-O-08

August 22, 2012

September 25, 2013

June 16, 2021