

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: PLANNING COMMISSION
APPOINTMENT

FROM: Toni J. Taber, CMC
City Clerk

DATE: November 30, 2018

RECOMMENDATION

1. Interview applicants for appointment to the Planning Commission;
2. Appoint up to (1) applicant to the Planning Commission for a term expiring June 30, 2022; and
3. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

OUTCOME

Appointment of one applicant to the immediate vacancy will ensure a full membership on the Planning Commission to continue conducting regular business.

BACKGROUND

The Planning Commission, consisting of seven (7) members appointed by the City Council, is established by Section 1000 of the City Charter and San Jose Municipal Code section 2.08.4000. The City Charter states that a Planning Commission member must have been a United States citizen and San Jose resident for at least one year immediately preceding commencement of their term, must be a registered voter at the time of appointment, and must meet these requirements during their term of office. The City Charter provides that the Planning Commission has the following powers and duties:

- (a) Make recommendations to the Council respecting the adoption, amendment, or repeal of master, general, comprehensive, precise or specific plans for future physical development of the City or any part thereof, and periodically review the same;
- (b) Make recommendations to the Council respecting the adoption, amendment or repeal of land use and development regulations, including but not limited to zoning and subdivision regulations;
- (c) Make recommendations to the Council respecting the adoption, amendment or repeal of plans or programs for the redevelopment, rehabilitation or renewal of any areas of the City;
- (d) Make recommendations to the Council respecting capital improvement programs; and

- (e) Exercise such other powers and perform such other functions and duties as may be expressly given to it by other provisions of this Charter, or exercise such other powers or perform such other functions as may be prescribed by the Council not inconsistent with the provisions of this Charter.

There is currently one vacancy on the Planning Commission due to the resignation of Ada Marquez on November 14, 2018. The Office of the City Clerk did not conduct an open recruitment for this seat as a recruitment was open earlier this year from January 31, 2018 through April 22, 2018 to fill the regular upcoming vacancies. On June 12, 2018 City Council appointed three members from the application pool to the Planning Commission.

For applicants not selected, nine (9) applications remained on file. These applications were transmitted to the Mayor and City Council for review for indication of interest. The top four (4) candidates receiving interest from four or more Councilmembers were invited to the interview process.

ANALYSIS

As required by Council Policy 0-4, applicants receiving indications of interest from four or more Councilmembers have been invited to be interviewed by the City Council on December 11, 2018. Only two (2) candidates received indications of interest from four or more Councilmembers. Successful applicants must receive six (6) or more votes to be appointed to the Planning Commission. If the seat remains unfilled, it is recommended that the recruitment be referred to the City Clerk to secure additional applicants for consideration by Council in 90 days. After the interviews, the Council may make an appointment for a term ending June 30, 2022. The applicant interview order was determined by using the California Secretary of State's Randomized Alphabet Drawing for the November 6, 2018 General Election Ballot. Applicants will be sequestered in another location so that they may not view or hear the interviews of other applicants until they are called to appear. The interview order is:

- Ryan Carrigan
- Nick Pham

Candidate applications and any supporting documentation are attached to this memorandum. Memoranda from the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement regarding their review for potential conflicts of interest and outstanding code enforcement for each applicant are also included.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment for the vacancies from January 31, 2018 through April 22, 2018 with the following recruitment efforts:

- Council Offices and Board and Commission secretary's newsletters and distribution tools
- Posted on City Manager's Weekly Report
- Posted on the City's main website and Clerk Office's webpage
- Posted on City Calendar
- Distributed to all community centers and library branches

The memorandum has been posted on the City Clerk's website as part of the December 11, 2018 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEQA

Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Elaine Trinh, Deputy City Clerk, at (408) 535-1260.