

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTIONS 2.08.2140, 2.08.2220, 2.08.2640, 2.08.2830,
2.08.3040, 2.08.3240, AND 2.08.3440 OF CHAPTER 2.08
OF TITLE 2 OF THE SAN JOSE MUNICIPAL CODE TO
EXPEDITE THE APPOINTMENT PROCESS FOR
VARIOUS COMMISSIONS WHEN THE COUNCIL
APPOINTMENT ADVISORY COMMISSION IS UNABLE TO
MEET**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 2.08.2140 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Clean Energy Community Advisory Commission, is hereby amended to read as follows:

2.08.2140 Appointment Process

- A. The Council Appointment Advisory Commission shall review all applicants and make a nomination to the City Council for the six (6) special eligibility seats noted in 2.08.2120.B above. [If the Council Appointment Advisory Commission is unable to meet, the six \(6\) special eligibility seats noted in 2.08.2120.B above may be appointed to the Commission upon the Mayor's nomination to the City Council and the City Council's approval of such nomination.](#)
- B. The remaining three (3) members shall be appointed to the Commission upon the Mayor's nomination to the City Council and the City Council's approval of such nomination.

SECTION 2. Section 2.08.2220 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Council Appointment Advisory Commission, is hereby amended to read as follows:

2.08.2220 Functions, Powers and Duties

The commission shall have the following functions, powers and duties:

- A. Review applications, interview applicants and nominate for appointment by the [City Council](#), persons to those commission seats that have special eligibility requirements, or as otherwise set forth in this chapter.
- B. Such other related duties as may be directed by the [City Council](#).

C. If the Council Appointment Advisory Commission is unable to meet, persons to those commission seats that have special eligibility requirements may be appointed upon the Mayor's nomination to the City Council and the City Council's approval of such nomination.

SECTION 3. Section 2.08.2640 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Historic Landmarks Commission, is hereby amended to read as follows:

2.08.2640 Appointment Process

The Council Appointment Advisory Commission shall review the applicants and make a recommendation to the Mayor. Members shall be appointed to the commission upon the Mayor's ~~recommendation~~ nomination to the City Council and the City Council's approval of such ~~recommendation~~ nomination. If the Council Appointment Advisory Commission is unable to meet, members shall be appointed to the commission upon the Mayor's nomination, without recommendation from the Council Appointment Advisory Commission, and the City Council's approval of such nomination.

SECTION 4. Section 2.08.2830 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Housing and Community Development Commission, is hereby amended to read as follows:

2.08.2830 Appointment Process

A. In the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Council Appointment Advisory

Commission shall review the recommended applicants and make a recommendation to the City Council. If the Council Appointment Advisory Commission is unable to meet, in the event that there is more than one recommended applicant for either of the seats to be filled by members meeting the special eligibility requirements set forth in Subsections 2.08.2820 A. and B., the Mayor shall review the recommended applicants and make a recommendation to the City Council.

- B. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.
- C. The City Clerk shall implement procedures to ensure that a sufficient number of applicants to fulfill the special eligibility criteria set forth in Section 2.08.2820 C. are recruited for nomination consistent with Section 2.08.180.

SECTION 5. Section 2.08.3040 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Human Services Commission, is hereby amended to read as follows:

2.08.3040 Appointment Process

- A. The seats to be filled by members meeting the special eligibility requirements shall be nominated by the Council Appointment Advisory Commission. If the Council Appointment Advisory Commission is unable to meet, members meeting the special eligibility requirements may be appointed upon the Mayor's nomination to the City Council, and the City Council's approval of such nomination.

- B. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.

SECTION 6. Section 2.08.3240 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the San José Library and Education Commission, is hereby amended to read as follows:

2.08.3240 Appointment Process

- A. The seats to be filled by members meeting the special eligibility requirements shall be nominated by the Council Appointment Advisory Commission. If the Council Appointment Advisory Commission is unable to meet, members meeting the special eligibility requirements may be appointed upon the Mayor's nomination to the City Council, and the City Council's approval of such nomination.
- B. The remaining members shall be appointed in accordance with the provisions of Section 2.08.180.

SECTION 7. Section 2.08.3440 of Chapter 2.08 of Title 2 of the San José Municipal Code, relating to the Neighborhoods Commission, is hereby amended to read as follows:

2.08.3440 Appointment Process

- A. Members shall be appointed by the City Council, after taking into consideration nominations provided by neighborhood groups in each council district following a caucus process.

- B. For the purposes of this chapter, "neighborhood groups" means those groups that meet the definition of neighborhood groups as set forth in Planning Outreach Policy 6-30 and that are officially registered with the [City](#) prior to the deadline for the neighborhood groups to submit recommended names to the [City Council](#).
- C. The caucus process shall be conducted in accordance with the rules developed by the commission and approved by the [City Council](#), prior to the commencement of each selection period, as defined in Section 2.08.3450.
- D. If a vacancy occurs outside of the scheduled caucus process for that district, the [City Council](#) will make an appointment based on the recommendation of the [Council Appointment Advisory Commission](#). If the Council Appointment Advisory Commission is unable to meet, if a vacancy occurs outside of the scheduled caucus process for that district, the City Council will make an appointment based on the recommendation of the councilmember for that district. A commissioner appointed in this manner will serve until the next scheduled caucus process for that district.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk