

**Chapter 2.18**

**General Provisions and Requirements Affecting  
City Commissions, Boards and Committees**

**Sections:**

- 2.18.010**      **Applicability**
- 2.18.020**      **Discrimination Prohibited**
- 2.18.030**      **Sole Authority to Establish a City Commission, Board or Committee and to Convey Powers to Act**
- 2.18.040**      **Express Delegation of Authority to Act is Required**
- 2.18.045**      **Conduct of Members**
- 2.18.050**      **Conflict of Interest Code Requirements**
- 2.18.060**      **Qualifications for Appointment**
- 2.18.070**      **Procedures for Application and Appointment of Members**
- 2.18.080**      **Standard Terms for Appointment of Members; Termination Dates; Unexpired Terms; and Continuation until Successor is Appointed**
- 2.18.090**      **Organization of City Commissions, Boards and Committees; Rules of Procedure**
- 2.18.095**      **Order and Decorum**
- 2.18.100**      **City Manager Shall Determine Staff Assistance Required**
- 2.18.110**      **Compensation, Reimbursement of Expenses**
- 2.18.120**      **Removal of Members; Abandonment of Office**

**Section 2.18.010      Applicability**

The provisions of this chapter shall apply to all commissions, boards or committees of the City, and to the appointment of members to any City commission, board or committee, unless otherwise required by state or federal law or regulation. The provisions of this chapter shall supersede and prevail over any conflicting provision of this code, or of any ordinance, resolution or other action, previously adopted or approved by the City Council.  
(Ord. No. 99-13, Added, 07/13/99; Ord. No. 2013-8, Amended 6/11/13)

**Section 2.18.020      Discrimination Prohibited**

In making any nomination, appointment, or approval of an appointment to any City commission, board or committee, no person shall discriminate against any applicant because of the applicant's sex, race, creed, color, or national or ethnic origin.  
(Ord. No. 99-13, Added, 07/13/99)

**Section 2.18.030      Sole Authority to Establish a City Commission, Board or Committee and to Convey Powers to Act**

A City commission, board or committee may be established only upon adoption of a resolution or ordinance by the City Council which sets forth and determines the purposes, powers, authorities, duties, responsibilities, and limitations of the commission, board or committee. A City commission, board and committee may be constituted as either a standing or an ad hoc commission, board or committee. As permitted by law, the City Council may, by express delegation and assignment, convey specified powers and authorities to a commission, board or committee to act on behalf of the City Council, or may limit the powers and authorities

of a commission, board or committee to act in an advisory capacity to the City Council, including the authority to investigate, study and make recommendations to the City Council on any matter within its purview.

(Ord. No. 99-13, Added, 07/13/99; Ord. No. 2013-8, Amended 6/11/13)

**Section 2.18.040 Express Delegation of Authority to Act is Required**

Every commission, board or committee of the City is an agent of the City Council and it possesses and may exercise only those powers and authorities that are expressly delegated to it by ordinance or resolution of the City Council. Any action taken by any City commission, board or committee in excess of such expressly delegated power and authority is not binding upon the City. Unless powers and authorities to act on behalf of the City Council have been expressly delegated to a City commission, board or committee, the commission, board or committee shall be deemed strictly to be an advisory agent to the City Council, without the power and authority to act in any way that is binding upon the City.

(Ord. No. 99-13, Added, 07/13/99)

**Section 2.18.045 Conduct of Members**

Outside of commission, board or committee meetings, members shall act only within the express authority delegated by the City Council and with prior authorization of the staff liaison. All marketing/promotional materials and media contact must be approved by, and in coordination with, the staff liaison. Members may not claim to represent the commission, board or committee outside of meetings or activities of the commission, board or committees. Under no circumstance shall members participate in political activities while representing the commission, board or committee; this includes, but is not limited, using the title "Commissioner", "Board Member", or "Committee Member" when supporting or opposing political issues. Use of titles is limited to those activities and communications dealing solely with commission, board or committee business.

(Ord. No. 2019-6, Added, 02/26/19)

**Section 2.18.050 Conflict of Interest Code Requirements**

The provisions of Chapter 2.32 of the Vista Municipal Code, pertaining to the Conflict of Interest Code, shall apply to all members appointed to all City commissions, boards, and committees, subject to any exceptions permitted under the official regulations of the Fair Political Practices Commission for an "ad hoc" commission, board or committee, the powers and authorities of which are strictly advisory.

(Ord. No. 99-13, Added, 07/13/99)

**Section 2.18.060 Qualifications for Appointment**

A. General Qualifications. Except as provided herein below, no person shall be appointed to any commission, board or committee of the City, unless that person is deemed qualified pursuant to the requirements of this section. A person is qualified for appointment to any commission, board or committee of the City if, at the time of appointment, the person satisfies all of the following conditions:

1. The person is a bona fide resident of the City of Vista,
2. The person is at least 18 years of age, and
3. The person is not employed by the City of Vista.

B. Exceptions. The following exceptions to the general qualifications for appointments under Subdivision A, above, shall be permitted:

1. Waiver of the Residency Requirement.

a. Whenever the City Council finds it in the best interests of the City, the City Council may, by a vote of a three-fifths majority of the City Council taken in open public meeting and made a part of the record of proceedings, waive the residency qualification for the appointment of any individual to any commission, board or committee.

b. Whenever the City Council has designated a seat for an outside agency representative or business representative, the City Council may, by a three-fifths majority vote of the City Council at an open public meeting and made a part of the record of the proceedings, waive the residency qualification for the appointment of any commission, board or committee, provided that:

i. The person is a bona fide representative of the respective outside organization; or

ii. The person has a business located in the City of Vista.

2. Waiver of the Minimum Age Requirement. Whenever the City Council provides for the establishment of a youth advisory commission, or for the appointment of a youth representative to another City commission, board or committee, the City Council may, by a three-fifths majority vote of the City Council at an open public meeting and made a part of the record of the proceedings, waive the minimum age requirement for the appointment of any member of such youth commission, or any youth representative to any other City commission, board or committee, provided that, at the time of appointment the person for whom the minimum age requirement is waived meets the following additional requirements:

a. The person is a registered student, including a student enrolled in a home-school program, who is attending any public or licensed private school, whether located within or without the boundaries of the City of Vista.

b. The person has successfully completed the eighth grade, or its equivalent.

C. Additional Qualifications. In order to accomplish the intended purposes of a City commission, board or committee, the City Council may establish additional qualifications for appointment of any members to a commission, board or committee. Such additional qualifications for appointment shall be set forth in the ordinance or resolution establishing the commission, board or committee. The City Clerk shall maintain a register of additional qualifications, if any, for appointment of members to each City commission, board or committee. (Ord. No. 99-13, Added, 07/13/99; Ord. No. 2001-1, Amended, 02/23/01; Ord. No. 2006-2, Amended, 01/24/06; Ord. No. 2013-8, Amended 6/11/13; Ord. No. 2019-6, Amended, 02/26/19)

## **Section 2.18.070 Procedures for Application and Appointment of Members**

The City Council by resolution shall establish appropriate policies and procedures for receiving and processing the application of any person who desires to be considered for appointment to any City commission, board or committee. The policies and procedures established by the City Council shall be designed to: (1) encourage and promote broad-based citizen participation in the affairs of the City; (2) establish the eligibility and qualifications of candidates for appointment to the various City commissions, boards and committees; and (3) assist the Mayor and City Council in considering, making and approving appointments of those eligible candidates who are best qualified to serve on the City's commissions, boards and committees. The policies and procedures shall identify and comply with all applicable laws pertaining to publication of notices, recruitment, and selection of candidates.

(Ord. No. 99-13, Added, 07/13/99)

**Section 2.18.080 Standard Terms for Appointment of Members; Termination Dates; Unexpired Terms; and Continuation until Successor is Appointed**

A. Standard Term of Appointment. Unless the ordinance or resolution establishing the City commission, board or committee provides otherwise, or as provided by this section, every member appointed to a City commission, board or committee shall be appointed for a four-year term of office. Unless the ordinance or resolution establishing the City commission, board or committee provides otherwise, or as provided by this section, every youth member appointed to a City commission, board or committee shall be appointed for a one-year term of office.

B. Standard Termination Date. Notwithstanding any other provision of this code to the contrary, there shall be a uniform date of termination for all appointments to any City commission, board and committee. The date of termination for all appointments shall be March 31 of the year in which the term expires.

C. Staggering of Terms. To the extent possible, the terms of all members of any standing City commission, board or committee shall be evenly staggered in each year so that the number of members of the standing body whose terms expire in any single year is less than a quorum of the members of that commission, board or committee. In the event it becomes necessary to shorten any terms in order to establish or maintain a pattern of staggered terms, those members of the commission, board or committee shall determine the order of expiration of term for each member by random selection. The City Clerk shall cause the random selection to occur and shall promptly notify each member.

D. Unexpired Terms. In order to maintain a system of uniform termination dates and staggering of terms, it is necessary that persons appointed to vacated seats on any standing City commission, board or committee shall be appointed to fill only the unexpired term of the person previously appointed, and may be considered for re-appointment when the unexpired term has expired. The City Clerk shall establish and maintain a record of the term and expiration date for each member of each City commission, board or committee.

E. Succession. Upon the expiration of any appointment, in the event a successor to that appointment has not been named, the person then holding the appointment shall have the right to continue in that appointment as a member of the commission, board or committee until a successor has been appointed.

(Ord. No. 1999-13, Added, 07/13/99; Ord. No. 2013-8, Amended 6/11/13; Ord. No. 2017-18, Amended 11/14/17)

**Section 2.18.090 Organization of City Commissions, Boards and Committees; Rules of Procedure**

A. Quorum. Fifty-one percent of members shall constitute a quorum for the transaction of business.

B. Rules of Procedure. Every standing City commission, board or committee shall adopt and maintain Rules of Procedure concerning the conduct of business, which shall conform to all applicable laws, regulations and ordinances. The Rules of Procedure shall serve the same function as by-laws. One copy of the Rules of Procedure shall be forwarded to the City Clerk and one copy shall be brought to every meeting of the commission, board or committee by the Secretary.

(Ord. No. 99-13, Added, 07/13/99; Ord. No. 2013-8, Amended 6/11/13)

**Section 2.18.095 Order and Decorum**

A. Presiding Officer. While the commission, board, or committee is in session, the

presiding officer at all times shall maintain order and decorum at the meeting.

B. Commission, Board, and Committee Members. Members of the commission, board, or committee shall avoid disruption or unreasonable delay of the proceedings, and shall not interrupt or disturb any other Member of the commission, board, or committee who has the floor, but shall wait to be recognized by the presiding officer. Members of the commission, board, or committee shall conform to the orders of the presiding officer unless, by majority vote upon a motion and second, such orders are overruled by the commission, board, or committee.

C. Members of the Public. Every member of the public attending a meeting of a commission, committee, or board shall observe and conform to the following rules of conduct:

1. No person shall seek or attempt to disrupt a meeting by making any statement against the reputation, character or motive of any person.

2. No person shall seek or attempt to disrupt a meeting by making any statement that is intended to inflame passion or anger, or is purely of a personal nature, or is defamatory, slanderous, impertinent, or profane.

3. No person shall make any noise, whistle, shout, sing, applaud, or disparage any speaker, or commit other acts, with the intent of disrupting, disturbing, or delaying the proceedings.

4. No person shall bring into the place where the commission, board, or committee is meeting any knife, gun, chain, rope, rock, stick, pole, board, or other material that is capable of causing harm or injury to persons, including any such materials used to support or to display any sign, placard or symbol.

5. No person shall address the commission, board, or committee until having been recognized by the presiding officer.

6. Every person addressing the commission, board, or committee on a matter appearing on the agenda shall avoid making repetitious or irrelevant statements to the issue being discussed.

7. Every person addressing the commission, board, or committee under Opportunities for Public Comment (Oral Communications) on matters not appearing on the agenda shall avoid making statements concerning issues that are not within the subject matter jurisdiction of the commission, board, or committee.

8. A person having been ruled out of order by the presiding officer shall immediately conform to the orders of the presiding officer. Any person who refuses when ordered to conform to the rules of conduct is subject to being removed from the place of the meeting of the commission, board, or committee by order of the presiding officer.

D. Prohibited Conduct. No person shall intentionally disrupt, disturb or interfere with the proceedings of a meeting. A person shall be deemed to have intentionally disrupted, disturbed or interfered with the proceedings of a meeting of the commission, board, or committee if the person refuses or does not come to order, after having been ruled out of order by the presiding officer. A violation of this Subsection D is a misdemeanor which shall be punishable by a fine not to exceed \$1,000, imprisonment in the county jail for up to six months, or both.

(Ord. No. 2019-6, Added, 02/26/19)

### **Section 2.18.100 City Manager Shall Determine Staff Assistance Required**

Notwithstanding any other provision in any ordinance or resolution to the contrary, and following consultation with the Chairperson of the City commission, board or committee, the City Manager shall determine the amount and level of City staff assistance and services required to be provided to each commission, board or committee in order to accomplish its purposes. The City Manager shall appoint individual staff members to assist each commission, board or committee, to the extent the City Council has provided appropriations for the purpose. When

designated by the City Manager, the staff member so designated shall serve as the Secretary to the commission, board or committee. The City Manager shall include recommendations for the level of staff assistance required, and for other expenses to be incurred by a commission, board or committee, in the recommended budget presented to the City Council.

(Ord. No. 99-13, Added, 07/13/99)

### **Section 2.18.110 Compensation, Reimbursement of Expenses**

Members of City commissions, boards or committees shall serve without compensation, unless express provision is made for such compensation by the City Council. Notwithstanding the preceding prohibition, and subject to prior authorization from the commission, board or committee or the City Manager, all members of a City commission, board or committee shall be entitled to reimbursement for actual costs and out-of-pocket expenses incurred by the member in carrying out the duties and responsibilities of office and to the extent that funds for such reimbursements are appropriated for the purpose by the City Council.

(Ord. No. 99-13, Added, 07/13/99)

### **Section 2.18.120 Removal of Members; Abandonment of Office**

A. Removal by the City Council. All members of City commissions, boards and committees are appointed officers of the City and shall hold office at the pleasure of the City Council. Any member who has been appointed to a City commission, board or committee may be removed from that office either with or without cause upon three-fifths vote of the City Council. In making a decision to remove a member of a City commission, board, or committee, the City Council shall take care not to infringe upon or violate any constitutionally protected right of the member.

B. Abandonment of Office. Whenever any member of a City commission, board or committee, without having given prior written notice or reason to the City Clerk or to the designated Secretary of the commission, board or committee, fails to attend three successive meetings of the commission, board or committee, or fails to attend more than 50% of the regularly scheduled meetings of the board, commission or committee held in any consecutive 12 month period, the member shall be deemed to have abandoned his or her office, and the City Clerk shall declare the office vacant. The City Clerk shall send a written notice of such abandonment and vacation of office to the member deemed to have abandoned the office, with copies to the Chairperson of the commission, board or committee and to the City Council. Within ten calendar days of the written notice being sent to the member, the member may appeal the abandonment in writing to the City Council, stating the reasons and causes why the office shall not be deemed abandoned, and the City Council shall determine whether or not to reinstate the member. In making such decision, the City Council shall request a report on the member's participation from the staff liaison or secretary of the commission, board or committee.

(Ord. No. 99-13, Added, 07/13/99; Ord. No. 2019-6, Amended, 02/26/19)