

RESOLUTION NO. 2024-___

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO REPEALING AND REPLACING RESOLUTIONS 2004-6, 2004-185 AND 2020-43, ESTABLISHING THE PROCEDURE FOR THE CREATION OF BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES OF THE CITY OF FRESNO, AND ESTABLISHING THE APPOINTMENT PROCESS

WHEREAS, the City of Fresno has a number of boards, commissions, committees, and similar bodies (collectively "bodies") that carry out the duties of City government; and

WHEREAS, members who serve on City bodies are public officers and may be subject to various state and local laws; and

WHEREAS, establishing a unified procedure for creating City bodies will ensure the bodies' missions and governance are clearly established and recorded; and

WHEREAS, the procedures for establishing City bodies were last reviewed and updated in 2004, and the appointment process in 2020; and

WHEREAS, maintaining accurate records of City bodies will assist in the administration of City bodies and ensure continued compliance with applicable laws.

NOW THEREFORE, BE IT RESOLVED by the Council of the City Of Fresno the following:

1. Resolutions 2004-6, 2004-185, and 2020-43 are repealed and replaced with this Resolution.

2. The Resolution Template attached as Exhibit A and Organizational Form attached as Exhibit B are adopted, and shall be used when a new City body is created. Informal working groups created by an individual Councilmember or the Mayor to advise their offices are not subject to these requirements.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: ABF

Resolution No.

3. The Resolution Template and the Organizational Form shall comprise the enabling documents for a newly created body, which shall be kept by the City Clerk. Numbered paragraphs 1 through 7 of the Resolution Template shall be transcribed into the Organizational Form.

4. A new body shall be responsible for completing the remainder of the Organizational Form filed with the City Clerk, by identifying the name and title of the contact person for the body, its mailing address, and location of its records. The City Clerk, with the advice of the City Attorney, shall designate on the organizational form whether the body is subject to the Brown Act and whether its members must file annual Statements of Economic Interest pursuant to the Political Reform Act of 1974. A new body shall exist for four years, unless otherwise specified in its enabling documents or other applicable authority.

5. Council subcommittees which are not subject to the Brown Act shall report the results of the subcommittee's meetings to the City Council during a public meeting upon fulfillment of the subcommittee's purpose and dissolution. This provision does not prevent the subcommittee from reporting to the Council in public meetings at earlier times.

6. If a legislative body other than the City Council desires to create a subcommittee, and that body's enabling documents and applicable authority permit it to create such a subcommittee, that legislative body shall adopt a resolution following the Resolution Template, replacing "Council of the City of Fresno" with the name of the legislative body. The legislative body shall complete the Organizational Form and provide it and the Resolution Template to the City Clerk.

7. Appointments to the bodies shall follow the process set forth in Exhibit C if no other process is set forth by a body's enabling documents, bylaws, or applicable laws.

8. The City Clerk will provide a letter to the appointing authority and staff of a body when the body has terminated, a copy of which shall be kept in the file for the body.

9. City staff, or, if none, members of a body shall immediately inform the City Clerk if a City body terminates.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the ____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Amanda B. Freeman
Senior Deputy City Attorney

EXHIBIT A - RESOLUTION TEMPLATE TO ESTABLISH BODIES

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING [NAME OF CITY BOARD, COMMISSION, COMMITTEE, OR SIMILAR BODY]

WHEREAS, [Recitals explaining need or purpose for the body....];

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. [NAME] is hereby established.
2. The legal authority for creation of [NAME] is _____.
3. The Purpose/Mission of [NAME] is to _____.
4. [NAME] shall be a _____ [ADVISORY or DECISION-MAKING] body. (Advisory means the body is formed or engaged for the sole purpose of researching a topic and preparing a report or recommendation for another public official or legislative body that has final decisionmaking authority; Decision-making means it may make a final governmental decision, compel or prevent a governmental decision due to an exclusive power to initiate the decision or by reason of a veto that may not be overridden, or makes substantive recommendations which will be regularly approved by another body or official without significant amendment or modification)
5. The [NAME] shall continue to exist until _____ (e.g., a specific date, for " x" period of time, until the budget is adopted, until the mission of the body is completed. Default is four years).
6. The membership shall consist of:
 - a. [Number] members.
 - b. The members shall be appointed by _____ (e.g. Council majority, an individual Councilmember, the Council President, the Mayor, a particular community organization).
 - c. Qualifications for members of [NAME] include _____ (e.g., city residency, district residency, particular expertise).
 - d. The term of office shall be _____ (e.g., "x years," or, "at the pleasure of the appointing authority"). (Members appointed to seats with definite terms may only be removed for cause. Members appointed to seats that serve at the pleasure of the appointing authority may be removed without cause.)
 - e. (For Council committees only) [NAME] membership shall ___ shall not ___ continue beyond a Councilmember's term upon reelection or if the member changes Council position (e.g. is no longer Council President). Leadership of the [NAME] shall be as follows: _____.

Any further notes related to membership: _____
_____.

7. (If applicable) Compensation shall be [AMOUNT].

* * * * *

[INSERT CLERK'S CERTIFICATION PAGE]

EXHIBIT B

ORGANIZATIONAL FORM FOR CITY OF FRESNO BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES

An Organizational Form shall be completed and filed with the City Clerk's Office when the City Council, Mayor, individual Councilmember, or other legislative body creates a City board, commission, committee, or similar body ("body"). The City Clerk shall complete the form when the body is created by Council action. If the body is created by the Mayor, an individual Councilmember, or legislative body other than the City Council, the Mayor, Councilmember, or staff assisting the legislative body is responsible for ensuring the Organizational Form is completed and filed with the City Clerk.

1. Name of the body:

2. Legal authority for creation (federal law; state law; City Charter, ordinance, resolution; or other (specify)):

3. Purpose/mission of the body:

4. Will the body be advisory ___ or decision-making___? (See Resolution Template for details.)

5. How long body will be in existence (specify a date or discrete task/purpose to complete):

- Default length is four years pursuant to Resolution 2024-__ unless otherwise specified in enabling legislation.
- All bodies not created by Charter, ordinance, or resolution of Council will automatically terminate two years from their creation unless otherwise specified by Council (Fresno Municipal Code Section 2-802).
- Any bodies not subject to the Brown Act (ad hoc committees) shall automatically terminate when the discrete task or purpose of the body is fulfilled, and may not exist perpetually.

6. Membership:

a. Number of members: _____

b. How members are appointed: _____

c. Membership qualifications: _____
Examples include City or District residency, special expertise, etc. Ad hoc committees not subject to Brown Act must consist only of less than a quorum of current City Councilmembers.

- d. Term of Office: _____
Appointees to seats with definite terms of office may only be removed for cause by the appointing entity. Appointees to seats that serve at the pleasure of the appointing authority may be removed without cause by the appointing entity.
- e. Council committees only. Details of membership upon term ending, change in Council position, or other membership notes:

7. Compensation, if applicable: _____

8. Contact person: _____
This individual shall also be responsible for ensuring the information in this form is accurate and updated.

9. Mailing address: _____

10. Location of the body's records: _____

11. Date bylaws adopted or updated: [Date or N/A].
The Council Rule of Procedure provide default rules unless the body adopts separate bylaws.

Sections 12 and 13 to be completed by City Clerk, with advice from City Attorney.

12. Brown Act/open meeting requirement?

Yes ___ No ___

Only ad hoc committees comprised solely of less than a quorum of a legislative body, with a discrete purpose or task, which will automatically dissolve upon completion of that task, and without a meeting schedule fixed by resolution or ordinance; and bodies created by a non-legislative body, such as the Mayor or individual Councilmember, are not subject to the Brown Act. The ad hoc committee exception to the Brown Act is rooted in a presumption that the committee will report to the parent body in a forum allowing public input.

13. Must file Statements of Economic Interest (Form 700):

Yes ___ No ___

Date of last revision. XX/XX/XXXX
Sections 8, 9, 10 and 11 of this form may be updated at any time and filed with the City Clerk.

EXHIBIT C

BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES APPOINTMENT PROCESS

Individuals interested in seeking an appointment to a City of Fresno (City) board, commission, committee, or similar body (collectively “body” or “bodies”) shall comply with this Appointment Process. City bodies may be created in a number of ways, such as by federal, state, or local laws, by action of Council, or by the Mayor or an individual Councilmember. For bodies created by the Mayor, individual Councilmembers, or an existing body, the person or body creating the new body shall file an Organizational Form with the City Clerk's Office setting forth the powers and duties of the body. The applicant should consult the enabling documents that created the body in which the applicant is interested to obtain the terms and conditions for appointment. The enabling documents consist of the Organizational Form and the resolution or ordinance creating the body. If the body has adopted by-laws they may set forth additional membership requirements. Such documents can be found on the City Clerk's website under the Boards, Commissions, Committees, and Similar Bodies page.

The following is the Appointment Process for City bodies, except for those bodies consisting of Councilmembers or other ex officio members:

- I. APPLICATION – Before being considered for appointment to a body, an application form must be electronically submitted through the City Clerk's website. A resume or letters of recommendation may be attached.
 - A. Background Review/ Verification - Information submitted on the application may be subject to verification by staff as determined by the City Manager or at the request of an appointing authority.
 - B. Residency Requirement – City or District residency may be required to serve on a particular body. The applicant should consult the enabling document to ensure that the applicant meets the qualifications for serving on the body in which they are interested.
 - C. Submission of Application - Completed applications are to be submitted electronically to the Office of the City Clerk, through the Clerk's website. Upon receipt, copies will be forwarded immediately to the appointing authority.
- II. NOTIFICATION OF VACANCY OR EXPIRATION OF TERM - City staff assigned to assist the body shall immediately advise the City Clerk of the resignation, removal, termination, or expiration of any term of office of any member of the body. Copies of all letters of resignation will be forwarded to the City Clerk for inclusion in the appropriate file.
 - A. Upon being notified of a vacancy, the City Clerk will advise the appropriate appointing authority.
 - B. The City Clerk's Office will post the vacancy and appointing authority on the City's web page for Boards, Commissions, Committees, and Similar Bodies.
- III. APPOINTMENT BY APPOINTING AUTHORITY - The appointing authority, including a Councilmember and the Mayor, shall submit a transmittal sheet along with the

appointee's application to the City Clerk's Office for listing on the City Council Agenda for formal action, if necessary.

- A. The transmittal sheet must include applicant's name, specify the body to which the appointee is being appointed, date of appointee's term expiration if applicable, and whether the action is for appointment or re-appointment. If the action is for an appointment, the transmittal sheet must list who the applicant will be replacing.
- B. Following approval, the City Clerk will process a Certificate of Appointment and contact the appointee for administration of the Oath of Office. If they are required to file a Form 700/Statements of Economic Interests, the City Clerk staff will add the appointee into the Netfile system and generate an assuming office letter. Updated Information will be posted by the Clerk staff to the City Clerk's web page.