



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 27, 2015

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Options For Filling Unscheduled Vacancy On The Single Family Design Board

RECOMMENDATION:

That Council provide direction to staff on filling an unscheduled vacancy on the Single Family Design Board.

BACKGROUND:

On December 9, 2014, Council made appointments to City advisory groups concluding the annual recruitment process. On December 8, 2014, notice was given of an unscheduled vacancy that had occurred on the City's Single Family Design Board (SFDB) due to the passing of James Zimmerman. The vacancy could not have been included in the annual recruitment due to the timing. The SFDB is required to have a licensed architect attend each meeting and vote on each item. With Mr. Zimmerman's passing, there is currently only one SFDB member who is a licensed architect, and that member is sometimes unable to vote on items due to absence or potential conflicts of interest. Due to the special circumstances of this vacancy, staff recommended that a special recruitment take place in order to fill the position. At the January 13, 2015 Council meeting, Council initiated a special recruitment and asked staff to return with options in which to expedite filling this vacancy and/or appoint an interim member.

Pursuant to Government Code Section 54974 (Maddy Act), whenever an unscheduled vacancy occurs on a board, commission, or committee, a special vacancy notice shall be posted for at least 10 working days prior to the Council making an appointment to fill that vacancy. On January 13, 2015, notice was given to Council of an unscheduled vacancy on the Single Family Design Board and a special vacancy notice was posted as per guidelines of the Maddy Act.

DISCUSSION:

Following are options that are available to Council regarding the special recruitment:

Option 1: Keep the Current Special Recruitment Schedule as Proposed.

Under the existing special recruitment schedule, the application process is open for four and a half weeks. Applications are currently due on February 17, 2015 by 5:30 p.m.; the interviews are scheduled on March 3, 2015; and the appointment by Council is scheduled on March 17, 2015.

Option 2: Expedite the Special Recruitment Schedule.

The Maddy Act allows for final appointment to the Board to be made by Council at least ten (10) working days after the posting of the notice. Since the special notice was posted on January 13, 2015, Council could make an appointment as early as January 29, 2015. However, since notice of the recruitment schedule has been posted online and in the media, if Council wishes to deviate from the noticed schedule, staff would need to notify the public of the change to the recruitment schedule.

Under an expedited recruitment schedule, Council has the option of holding interviews and making an appointment at the same meeting or conducting interviews and making an appointment in successive weeks. In addition, Council could consider holding a special meeting of the City Council in order to speed the appointment process.

Option 3: Make an Interim Appointment until the final appointment is made on March 17.

The Council could make an interim appointment immediately pursuant to Government Code Section 54974 (b):

54974. (b) Notwithstanding subdivision (a), the legislative body may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

Currently, there are no HLC or ABR members who are able to serve on SFDB due to their workload. However, Community Development Staff contacted prior design board members who are licensed architects and had served on the Architectural Board of Review (ABR), Historic Landmarks Commission (HLC) or Single Family Design Board (SFDB) to determine their ability to serve as an interim appointee. Staff recommends that the Council do an emergency appointment of Paul Zink, who recently served on the SFDB and the ABR, but is not currently a member of either.

At this time there is one applicant, Joseph H. Moticha, who is qualified to act in this position and is willing to serve out the remainder of the open term. However, Mr. Moticha has not been interviewed for appointment on a City design review board. If Council elects to make an emergency appointment of Mr. Zink, Staff recommends that Council complete the interview process as scheduled in order to consider the appointment of Mr. Moticha and other potential applicants with the final appointment to be made on March 17, 2015.

A copy of the abovementioned application is available for review in the City Clerk's Office. A copy will also be provided to the Mayor and Councilmembers.

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