



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: January 30, 2024

Subject: O-3-24: City Council Nominations to Boards, Commissions, and Committees

Purpose of legislation

The purpose of this legislation is to allow the members of the City Council to nominate members to boards, commissions, and committees if the position has been vacant, or expired and filled temporarily for more than six months; and generally related to City Council duties.

Impact of legislation on operations

The process of filling vacancies on the City's various Boards, Commission, and Committees (BCCs) varies, and the City's success at filling vacancies also varies depending on several factors. Much of the process of filling vacancies works very well, but there are some pain points. As written, this legislation does not address the pain points directly, and City staff would support changes to this legislation to address them.

Nomination process

Currently, the City accepts suggestions for official nominations from all sources for all BCCs where the Mayor is charged with nominating candidates: the Mayor, Council members, City staff, and residents. Those suggestions go through a brief vetting process to verify things like basic criminal background checks and adherence to code requirements and then are checked against any goals the City may have for members of that BCC such as increasing diversity or specific backgrounds or experiences desired to bring wider viewpoints to bear. After that, candidates are formally nominated by the Mayor to fill the BCC vacancy.

The nomination process is complicated by the fact that the authority to nominate candidates varies across the BCCs. The table below summarizes which BCCs fall into three broad categories of who is authorized to nominate candidates and references the section of City Code involved. It would be helpful to revise these sections to implement a single, uniform nomination process across all BCCs that do not have a nomination process specifically called out in State law.

BCC is in State law and City Code	Mayor nominates, Council confirms	Council nominates directly, mixed nominating process or other nominating body
<ul style="list-style-type: none"> • Planning Commission • Board of Appeals • Housing Authority of the City of Annapolis • Alcoholic Beverage Control Board • Historic Preservation Commission • Port Wardens 	<ul style="list-style-type: none"> • Building Board of Appeals • Heritage Commission • Maritime Advisory Board • Recreation Advisory Board • Annapolis Conservancy Board • Environmental Commission • Financial Advisory Commission • Commission on Aging • Education Commission • Human Relations Commission • Art in Public Places Commission • Civil Service Board • Ethics Commission • Transportation Board 	<ul style="list-style-type: none"> • Audit Committee • Affordable Housing and Community Equity Commission • Police and Fire Retirement Commission • Public Safety Disability Retirement Board • Board of Supervisors of Elections

As written, the legislation would allow Council members to nominate candidates directly. It is not clear if the Council's intent with this legislation is to bypass the vetting process, as is currently the case for the BCCs where Council nominates directly, but the City recommends maintaining a consistent vetting process across all BCCs.

Confirmation process

The confirmation process for candidates for BCCs is long and typically takes two to three months with some taking even longer. This is because the confirmation process follows a full legislative process: nomination by the mayor followed by committee review, then final action at full Council again. As written, O-3-24 would allow Council to nominate BCC members based on how long the BCC position has been vacant and does not account for whether or not a candidate is already in the confirmation process. This sets up the possibility of dueling candidates from the Mayor's office and one or more Council members. To address this issue,

the City recommends adjusting the language of the legislation to allow Council to nominate candidates if the BCC position has been vacant for six months or longer without a candidate being nominated. Council may also want to consider a more streamlined confirmation process itself.

Success at filling vacancies

Generally speaking, vacancies in the City's various BCCs have been declining over the last six years. Most of the vacancies at this point in time are due to a lack of candidates, not to rejections of candidates through the vetting process. Council members can and are encouraged to send suggestions to Hilary Raftovich, the City Ombudsman, who is charged with overseeing the vetting and nominating process at this point in time.

Impact of legislation on staffing

As written, this legislation may make the nomination and vetting process for BCCs more complex, but the City is not expecting that to impact the staffing requirements for this function.

Prepared by Victoria Buckland, Assistant City Manager