

**REPORT TO MAYOR AND COUNCIL**

**TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: November 18, 2014

**SUBJECT: ANNOUNCEMENT OF OPENINGS ON CONCORD'S BOARD OF APPEALS,  
DESIGN REVIEW BOARD, PERSONNEL BOARD, AND PLANNING  
COMMISSION**

**Report in Brief**

In accordance with Policy and Procedure No. 89, this announcement initiates a recruitment to fill positions on the Board of Appeals, Design Review Board, Personnel Board, and Planning Commission. Members with expiring terms shall continue to serve until their successor is appointed pursuant to Concord Municipal Code. All incumbents may apply for reappointment.

**Background**

The **Board of Appeals** is comprised of five members. The terms of Robert Mills and Matt Trost expire on February 28, 2015, and the terms of remaining members William M. Abend, AIA, Cesar A. Sifuentes, and John Edward Villandre expire on February 28, 2017. The Appeals Board is seeking two members willing to serve a four-year term ending February 28, 2019.

The **Design Review Board** is comprised of five members: three design professionals, one public member and one member from the Planning Commission. The terms of Peter Harmon and Jack Moore expire on February 28, 2015, and the terms of the remaining members Kirk Shelby and Ross Wells expire on February 28, 2017. The Design Review Board is seeking two members willing to serve a four-year term ending February 28, 2019.

The **Personnel Board** is comprised of five members. The terms of Susan Buckland, Randall Elbert Horton, and Christie A. Turner expire on February 28, 2015, and the terms of the remaining members Sharon Giampapa and John Parodi expire on February 28, 2017. The Personnel Board is seeking three members willing to serve a four-year term ending February 28, 2019.

The **Planning Commission** is comprised of five members. The terms of John Mercurio and Carlyn Obringer expire on February 28, 2015, and the terms of the remaining members Ernesto A. Avila, Robert Hoag, and Tim McGallian expire on February 28, 2017. The Planning Commission is seeking two members willing to serve a four-year term ending February 28, 2019.

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**Discussion**

The five-member **Board of Appeals** meets as needed to interpret State law and Uniform Codes pertaining to construction standards for the City. They make a determination of suitable alternate materials and methods of construction and hear appeals of orders, decisions, and determinations made by the City building official. Decisions of the board are final and may not be appealed to the City Council. Members must be residents of Concord, or of Concord's sphere of influence, who are qualified in matters of building construction.

The five-member **Design Review Board** consists of three design professionals, at least one of whom must be a licensed architect, a public member with experience in design concepts, and one member of the Planning Commission. Ernesto Avila is currently serving from the Planning Commission. Members serve a staggered four-year term and must be residents of Concord. The Board is requested to review the design of any development for which design review is required by City ordinance and any matter referred to the Board by the Planning Commission, Zoning Administrator, or Planning Manager. Members meet at 5:30 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month in the Permit Center Conference Room located at 1950 Parkside Drive and receive a small stipend per meeting.

The **Personnel Board** consists of five members, all residents of Concord, who act in an advisory capacity to the City Council on personnel matters. The Board receives and hears appeals and grievances, and as directed by Council, conducts hearings on personnel matters, gathers information and data, and provides written reports of findings. The Personnel Board meets on an as-needed basis.

The **Planning Commission** consists of five members serving staggered four-year terms. All members must be residents of Concord. The Commission meets the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 7:00 p.m. in the City Council Chamber at 1950 Parkside Drive and members receive a small stipend per meeting. Members are expected to develop and maintain a long range comprehensive General Plan of the Concord planning area, review developments, tentative subdivision maps, use permits, and rezoning applications. Planning Commission meetings are televised live on Channel 28 (Comcast) and Channel 29 (Astound).

Not included in this report is a discussion of the Measure Q Oversight Committee. When originally established, after Measure Q was adopted by voters in 2010, the Oversight Committee was assumed to have a very limited life, so term lengths were not structured in a manner consistent with other City commissions. Given the recent 9-year extension to Measure Q adopted by Concord voters earlier this month, and the concurrent 9-year extension to the Measure Q Oversight Committee, staff wants to analyze what changes, if any, are necessary to support the Measure Q Oversight Committee over the long-term. Consequently, it will be brought back as an independent item for Council consideration on December 9<sup>th</sup>.

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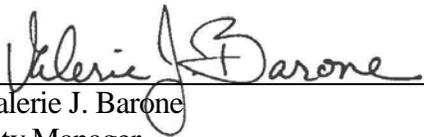
**Public Contact**

A news release will be issued and distributed to our current distribution list following the announcement of the openings. Letters will be sent to all current members of each commission and to all persons on record who have requested notification of recruitments. The announcement will be televised on the Concord TV Cable Channel 28 (Comcast) and Channel 29 (Astound) Community Bulletin Boards. The news release will be posted at the Senior Citizen's Center, Concord Police Department, and Concord Library buildings, in the City's agenda display case, and published on the City's Internet site.

**Recommendation for Action**

Staff recommends that the City Council announce a recruitment to fill two positions on the Board of Appeals, two design professional positions on the Design Review Board, three positions on the Personnel Board, and two positions on the Planning Commission; and set Friday, January 9, 2015 at 5 p.m. as the deadline for receipt of applications by the City Clerk.

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Attachments: 1 - Boards, Commissions and Committees Application Form  
2 - CMC Excerpt for Board of Appeals  
3 - CMC Excerpt for Design Review Board  
4 - CMC Excerpt for Personnel Board  
5 - CMC Excerpt for Planning Commission



**CITY OF CONCORD  
BOARDS AND COMMISSIONS APPLICATION**

NAME		HOME PHONE		CELL PHONE	
RESIDENCE ADDRESS		CITY		STATE ZIP	
LENGTH OF RESIDENCE AT ABOVE ADDRESS	IN CONCORD	IN COUNTY	BUSINESS PHONE	E-MAIL ADDRESS	
<b>EMPLOYMENT</b>					
PRESENT EMPLOYER <i>(or last)</i>			POSITION/OCCUPATION		NO. OF YEARS
ADDRESS		CITY		STATE ZIP	
PLEASE INDICATE THE BOARDS AND COMMISSIONS TO WHICH YOU ARE INTERESTED IN APPLYING BY DESIGNATING THEM IN THE ORDER OF IMPORTANCE TO YOU (1, 2, 3, ETC.)					
<input type="checkbox"/> Appeals Board		<input type="checkbox"/> Design Review Board		<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Commission on Aging		<input type="checkbox"/> Parks, Recreation and Open Space		<input type="checkbox"/> Other _____	
<input type="checkbox"/> Community Services Commission		<input type="checkbox"/> Personnel Board			
REASON FOR APPLYING:					
WOULD YOU BE AVAILABLE FOR EVENING MEETINGS? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IF YOU ARE CURRENTLY SERVING ON A BOARD OR COMMISSION, OR HAVE PREVIOUSLY SERVED ON A PUBLIC BODY, INDICATE AGENCY AND EXPLAIN WHAT SIGNIFICANT CONTRIBUTIONS YOU MADE:					
CONSIDERING YOUR EXPERIENCE AND ACTIVITIES IN BUSINESS, LABOR, PROFESSIONAL, SOCIAL, OR OTHER ORGANIZATIONS, INDICATE THE EXPERIENCE, TECHNICAL TRAINING, AND/OR SKILLS WHICH QUALIFY YOU FOR AN APPOINTMENT ON EACH DESIRED BOARD OR COMMISSION: <i>(Attach additional sheets as necessary)</i>					
<b>EDUCATION AND TRAINING SUMMARY</b>					
HIGH SCHOOL	CITY	STATE	GRADE COMPLETED	Do you have a High School Diploma or High School Equivalency Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No	
COLLEGE			MAJOR	TYPE OF DEGREE	
TECHNICAL/VOCATIONAL TRAINING					
SIGNATURE OF APPLICANT		PRINT NAME		DATE	

PLEASE MAIL TO:    CITY OF CONCORD, CITY CLERK, 1950 PARKSIDE DRIVE, MS/03, CONCORD, CA 94519-2578  
 OR E-MAIL TO:        bandc@cityofconcord.org.    Please type "Boards & Commissions Application" in the subject line of the e-mail.  
 OR FAX TO:            (925) 671-3375    Attention: City Clerk

**Article II. Board of Appeals.**

**2.20.020 Established; membership; compensation of members.**

There is hereby created a Board of Appeals, in compliance with California Building Code as adopted by the City of Concord, which shall consist of five members to be appointed by the City Council. The basis and amount of any compensation which may be paid to members of the Board of Appeals shall be set by resolution of the City Council.

(Code 1965, § 2446; Code 2002, § 2-291. Ord. No. 91-2; Ord. No. 93-7; Ord. No. 12-3)

**2.20.030 Purpose and intent.**

The general purpose of the Board of Appeals is to hear and decide appeals of orders, decisions, or determinations made by the city Building Official on the application and interpretation of state laws and uniform codes.

(Code 1965, § 2447; Code 2002, § 2-292. Ord. No. 91-2)

**2.20.040 Terms of members; absence from meetings.**

Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three consecutive meetings of the Board of Appeals without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2448; Code 2002, § 2-293. Ord. No. 91-2; Ord. No. 99-1; Ord. No. 10-2)

**2.20.050 Rules of procedure; designation of committees and task forces.**

The Board of Appeals shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council.

(Code 1965, § 2449; Code 2002, § 2-294. Ord. No. 91-2)

### **2.20.060 Vacancies.**

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All vacancies occurring on the Board of Appeals shall be filled according to the method of their original selection.

(Code 1965, § 2450; Code 2002, § 2-295. Ord. No. 91-2)

### **2.20.070 Powers and responsibilities.**

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(a) The Board of Appeals shall have the responsibility of carrying out the following functions:

(1) Provide reasonable interpretation of the provisions of state law and uniform codes adopted by the city pertaining to construction standards;

(2) Determine the suitability of alternate materials and methods of construction; and

(3) Hear appeals of orders, decisions, interpretations, or determinations made by the city Building Official under state laws and uniform codes adopted by the city pertaining to construction standards.

(4) Hear appeals of orders decisions, interpretations, or determinations made by the city's Multiple-Family Rental Dwelling Unit inspector under state laws and uniform codes adopted by the city pertaining to construction and maintenance standards.

(b) Decisions of the Board shall be final and are not appealable to the City Council.

(Code 1965, § 2451; Code 2002, § 2-296. Ord. No. 91-2; Ord. No. 06-5; Ord. No. 93-7)

### **2.20.080 Limitation on responsibilities.**

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In accordance with state law and uniform codes, the authority of the Board of Appeals shall be limited as follows:

(1) The Board shall have no authority to interpret appeals of the administrative provisions of state law or the uniform codes; and

(2) The Board shall have no authority to grant appeals which waive requirements of state law or the uniform codes or grant variances to the state law or uniform codes.

(Code 1965, § 2452; Code 2002, § 2-297. Ord. No. 91-2; Ord. No. 93-7)

## Article V. Design Review Board

### **2.20.210 Established; membership.**

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The Design Review Board of the city, created by Ordinance No. 926, is hereby continued in existence and shall consist of no more than five members. At all times, the Board shall consist of one member of the city Planning Commission, appointed by the Planning Commission; three design professionals, e.g., architects, landscape architects, urban designers, building designers, at least one of whom shall be a professional licensed architect, appointed by the City Council; and one public member, who shall be a resident of the city, with experience or training in design concepts, appointed by the City Council.

(Code 1965, § 2422; Code 2002, § 2-381. Ord. No. 86-22; Ord. No. 92-19; Ord. No. 05-7; Ord. No. 10-2)

### **2.20.220 Terms of members; absence from meetings.**

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Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three consecutive meetings of the Design Review Board without being excused will be deemed to have resigned from the Design Review Board and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2423; Code 2002, § 2-382. Ord. No. 86-22; Ord. No. 10-2)

### **2.20.230 Purpose and intent.**

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The Board shall meet not less than once a month at the F. A. Stewart Civic Center, 1950 Parkside Drive, Concord, at a time and date to be designated by the Board. The Board shall appoint a chair and vice-chairman for a term of one year or until the successor of each is appointed and takes office. The chair shall preside at all meetings of the Board and shall perform the duties necessary or incidental to the office. The vice-chair is chair in the absence of the chair or in case of the inability of the chair to participate in the proceedings.

(Code 1965, § 2424; Code 2002, § 2-383. Ord. No. 86-22; Ord. No. 05-7; Ord. No. 10-2)

### **2.20.240 Compensation of members.**

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The basis and amount of compensation to be paid to members of the Design Review Board shall be established by resolution of the City Council.

(Code 1965, § 2425; Code 2002, § 2-384. Ord. No. 86-22; Ord. No. 17; Ord. No. 10-2)

**2.20.250 Rules of procedure; designation of committees and task forces.**

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The Board shall adopt rules for the transaction of its business. The Board shall be served by a Secretary of the Board who shall record official actions by the Board, maintain records and perform such other duties as assigned. The Board shall keep a public record of its resolutions, transactions, findings, and determinations and may establish subcommittees as needed to fulfill its duties.

(Code 1965, § 2426; Code 2002, § 2-385. Ord. No. 86-22; Ord. No. 05-7; Ord. No. 10-2)

## Article VII. Personnel Board

Cross references: Personnel Board, § [2.40.040](#).

### **2.20.310 Established.**

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The Personnel Board of the city, created by Ordinance No. 542, is hereby continued in existence.

(Code 1965, § 2412; Code 2002, § 2-441. Ord. No. 763; Ord. No. 1006)

### **2.20.320 Membership; vacancies; absence from meetings.**

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(a) A Personnel Board consisting of five members shall be appointed by the City Council to serve at the pleasure of the Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. In making appointments to the Personnel Board, the City Council will endeavor to appoint members so that the Personnel Board will generally reflect the diversity of the community.

(b) Vacancies on the Personnel Board, from whatever cause, shall be filled by appointment by the Council for the unexpired term. Each member of the Personnel Board shall serve until a successor is appointed.

(c) Any member who is absent from three consecutive meetings of the Personnel Board without being excused will be deemed to have resigned the office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2413; Code 2002, § 2-442. Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1; Ord. No. 10-2; Ord. No. 91-2)

### **2.20.330 Qualifications of members; compensation of members.**

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(a) The members of the Personnel Board shall be residents of the city who hold no other municipal office in the city and shall serve without compensation.

(b) No person shall be appointed to the Personnel Board who holds an appointive or elective public office with the city.

(c) Excluding an elective office, a member of the Personnel Board shall not be eligible to hold a compensation position with the city within a period of one year after ceasing to be a member of said Personnel Board.

(d) No person shall serve as a member of the Personnel Board who is not in accord with City Council policy as it applies to equal employment opportunity and a merit system of personnel administration as set forth in chapter [2.40](#), of this Code. All Personnel Board members shall endeavor to keep informed of current personnel administration principles and practices by periodic review of literature of the field and by other appropriate means.

(Code 1965, § 2414; Code 2002, § 2-443. Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1)

### **2.20.340 Duties and powers.**

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The functions of the Personnel Board shall be:

- (1) At its first regular meeting of the calendar year, the Personnel Board shall select one of its members as chairman and one of its members as vice-chairman;
- (2) To determine the order of business for the conduct of its meetings and to hold such meetings as are necessary, when called by the chairman or a majority of members of the Personnel Board. A majority of the members of the Personnel Board shall constitute a quorum for the transaction of business;
- (3) To receive and/or hear appeals and grievances as provided by Chapter [2.40](#), Article III, of this Code and by the personnel rules;
- (4) To act in an advisory capacity to the Council on personnel matters as directed by the Council, to conduct hearings on personnel matters, gather information and data, and provide a written report of its findings;
- (5) In an investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and review evidence before it and to issue subpoenas as provided by law. Each member of the Personnel Board shall have the power to administer oaths to witnesses;
- (6) The Council and each of its members are prohibited from interfering or attempting to interfere, directly or indirectly, with the performance of the Personnel Board's duties and from obtaining or attempting to obtain, directly or indirectly, from any person any agreement as to how that individual will perform any of the duties of a Personnel Board member.

(Code 1965, § 2415; Code 2002, § 2-444. Ord. No. 763; Ord. No. 1006; Ord. No. 99-1; Ord. No. 898)

## Article VIII. Planning Commission

Cross references: Planning and development, Title [19](#).

### **2.20.350 Membership; compensation of members.**

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The Planning Commission shall consist of five voting members to be appointed by the City Council. Members of the Planning Commission shall be citizens of the city who hold no other municipal office in the city. The basis and amount of compensation to paid members of the Planning Commission shall be determined and set by resolution of the City Council.

(Code 1965, § 2401; Code 2002, § 2-471. Ord. No. 226; Ord. No. 687; Ord. No. 990; Ord. No. 1006)

### **2.20.360 Terms of members.**

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Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three consecutive meetings of the Planning Commission without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2402; Code 2002, § 2-472. Ord. No. 526; Ord. No. 687; Ord. No. 990; Ord. No. 1006; Ord. No. 10-2)

### **2.20.370 Rules of procedure; designation of committees and task forces.**

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The Planning Commission shall adopt rules of procedure and designate committees and task forces by resolution. Said resolution shall not be effective until approved by the City Council.

(Code 1965, § 2403; Code 2002, § 2-473. Ord. No. 226; Ord. No. 1006)

### **2.20.380 Vacancies.**

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All vacancies occurring on the Planning Commission shall be filled according to the methods of their original selection, and the new member shall serve at the pleasure of the Council for the unexpired term of their respective predecessor.

(Code 1965, § 2404; Code 2002, § 2-474. Ord. No. 70; Ord. No. 226; Ord. No. 687; Ord. No. 1006)

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**2.20.390 Powers and responsibilities.**

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The Planning Commission is the planning agency of the city. It shall have powers and functions as follows:

- (1) All those functions and powers as provided by state law (Government Code §§ [65100](#)--[65700](#) as amended);
- (2) All duties, powers, and functions as in this Code provided;
- (3) Such other functions as the City Council may from time to time provide.

(Code 1965, § 2405; Code 2002, § 2-475. Ord. No. 70; Ord. No. 1006)