



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Mayor's Committee, Board and
Commission Assignments

DATE: January 5, 2006

BACKGROUND

At the December 13, 2005 City Council Meeting, the City Council approved the reconsideration of City Council and Redevelopment Agency Committee appointments to the January 10, 2006 Council Meeting to consider the Mayor's participation on Boards or Committees on which he serves as the City's representative. The City Attorney was directed to provide information as to whether the assignment of the Mayor to current Committee appointments was legally required because of his position as Mayor.

ANALYSIS

According to information provided by the City Clerk, the Mayor currently serves on the following three outside committees or boards:

- Valley Transportation Agency (VTA) Board
- San Jose/Santa Clara Treatment Plant Advisory Committee
- Habitat Conservation Plan (HCP) Advisory Group

Valley Transportation Agency

The membership requirements on the VTA are set out in state law which provides the board of directors consists of 12 members including 5 representatives of the City of San Jose and one alternate who are City Councilmembers appointed by the City Council. Public Utilities Code Section 100060. There is no legal requirement that the Mayor of the City be one of the City's representatives on the board.

San Jose/Santa Clara Treatment Plant Advisory Committee

The Treatment Plant Advisory Committee currently includes 3 members of the City Council including the Mayor who are appointed by the Council. There is no legal requirement that the Mayor of San Jose be a member of the Advisory Committee.

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Habitat Conservation Plan Advisory Group

A memorandum of agreement between local governing body partners including the City of San Jose, Santa Clara County, VTA and Santa Clara Valley Water District provides the framework for how the Habitat Conservation Plan/Natural Community Conservation Plan, pursuant to the Federal Endangered Species Act of 1973, will be developed. The agreement defines the roles, rights and responsibilities between the "Local Partners." The Mayor is currently the City's representative on the Plan Advisory Group. There is no legal requirement that the Mayor of San Jose be the City's representative on the Advisory Group.

PUBLIC OUTREACH

Not applicable.

RICHARD DOYLE
City Attorney

cc: Del Borgsdorf