

**ORDINANCE NO. 98-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON,  
STATE OF CALIFORNIA, AMENDING CHAPTER 2.28 AND CHAPTER 2.32  
OF THE AMERICAN CANYON MUNICIPAL CODE PERTAINING TO THE  
DATE OF APPOINTMENT AND ELIMINATING TERM LIMITS FOR  
BOARD AND COMMISSION MEMBERS**

**WHEREAS**, the City Council has expressed a desire to have Planning Commission appointments coincide with biannual City Council elections; and

**WHEREAS**, in order to ensure continuity and the benefits of extensive and extended participation in the City, the City Council desires to eliminate the two-term limitation for Board and Commission members currently in the Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Title 2, Chapter 2.28 of the Municipal Code is amended as set forth below, using the strike-out and underline format:

**Chapter 2.28**

**BOARDS AND COMMISSIONS  
GENERALLY**

**Sections:**

- |                 |   |
|-----------------|---|
| <b>2.28.010</b> | <b>General rules regarding appointments, terms and vacancies.</b> |
| <b>2.28.020</b> | <b>Chairpersons, Vice-Chairpersons-Section-Terms.</b>             |

- A. Unless otherwise provided by law, or by Ordinance or Resolution, or unless by the very nature of a situation, the provisions hereof may not be made applicable. All members of Boards and Commissions of the City shall be appointed by the City Council for three-year terms commencing on July 1st of the year of appointment; provided, that interim vacancies shall be filled by appointment for the unexpired term of the member replaced. This rule shall not, however, apply in regard to a newly established Board of Commission to which initial appointments are made on a staggered-term basis, provided that the longest terms shall not exceed three-years commencing with the July 1, next following the appointment.
- B. Any member of a Board or Commission of this City may be removed from office at any time, with or without cause, by a majority vote of the City Council, except in cases where the Mayor or City Council is not the appointing authority (in which cases

such regular appointing authority may exercise this power of removal). If a member absents himself without advance permission of the Board or Commission or his appointing authority, from three consecutive regular meetings or from twenty-five percent of the duly scheduled meetings of the Board or Commission within any fiscal year, his office shall thereupon become vacant and shall be filled as any other vacancy. ~~Except in cases where the Mayor of City Council are not the appointing authority, no person shall be appointed to and serve substantially more than two full consecutive terms upon any Single Board or Commission, and any person who has served substantially two full consecutive terms shall not be reappointed to the same Board or Commission until at least the time equal to one full term has elapsed.~~ (Amended by Ordinance 98-08)

- C. Unless otherwise provided by law, or by Ordinance or Resolution of the City Council, all members of any Board or Commission of the City appointed by the City Council shall be initially, and during their incumbencies, bona fide residents of the City. No such member shall at or during his incumbency be an employee of the City. (Prior Code section 2.06.010)

**2.28.020 Chairpersons, Vice-Chairpersons-Selection-Terms.** Unless otherwise provided by law, or by Ordinance or Resolution, each Board and Commission of the City shall annually at its first meeting held after June 30, choose one of its number as Chairperson and one as Vice-Chairperson. Each Chairperson and Vice-Chairperson shall have authority and perform such duties as are commonly associated with their respective titles, or as may be specially prescribed by law or by the by-laws or other rules of the Board or Commission. Vacancies in either such position occurring prior to July 1, may be filled as in the first instance, and a new Chairperson or Vice-Chairperson may be chosen at any time by the majority vote of all members of the Board or Commission. (Prior Code section 2.06.020)

**SECTION 2.** Title 2, Chapter 2.32 of the Municipal Code is amended as set forth below, using the strike-out and underline format:

**Chapter 2.32**

**PLANNING COMMISSION**

**Sections:**

- 2.32.010**      **Created.**
- 2.32.020**      **City Planning Commission-General Jurisdiction and Functions.**
- 2.32.030**      **Compensation of Planning Commissioners.**
- 2.32.040**      **City Council Sitting as Planning Commission.**
- 2.32.050**      **Chair-Committees-Staff.**
- 2.32.060**      **Meetings-Rules of Procedure.**
- 2.32.070**      **Functions, Powers and Duties.**
- 2.32.080**      **Rules-Records and Meetings.**

**2.32.010**      **Created.** There is created a Planning Commission for the City. It shall consist of five members, appointed in the manner and for the terms prescribed in Section 2.04.060 and 2.28.010 respectively, of this Code, except that the terms of members of the initial Commission shall be set by lot, with three members serving until June 30, 1994, and two members serving until June 30, 1996. Thereafter, all terms shall be for four years and shall expire on December 31, four years after the effective date of the appointment to coincide with the biannual City Council elections, except those appointments made after the commencement of the term to fill a vacancy or removal, in which case the term of office shall be ~~for the balance of the unexpired term~~ as set by the City Council at the time of appointment. (Amended by Ordinance 98-08)

**2.32.020**      **City Planning Commission-General Jurisdiction and Functions.**

- A. The Planning Commission for the City, as created and described in Section 2.32.010 of this Code shall perform all functions and take all actions designated in the Development Code of the County of Napa, which has been adopted by the city, for the Planning Commission and the Planning Commission subcommittee. In addition, with the exception of decisions on lot line adjustments and certificates of compliance, all discretionary decisions designated in the Development Code to be made by the Planning Officer or other Officers or Offices shall be made by the Planning Commission of the City. Further, the Planning Commission shall review and the City Council shall act upon all requests for planned residential developments, subject to all other applicable provision of the City's Ordinances.

- B. All actions of the Planning Commission are subject to appeal to the City Council in the manner set forth in the Development Code, and if not otherwise set forth, then by delivery by the applicant or other person affected by the decision of a written notice of appeal to the City Clerk within seven (7) days after the decision of the Planning Commission or giving of notice of same where notice is required.
- C. All actions taken by the Planning Commission shall be reported by the Planning Officer to the City Clerk, and shall be placed on the next regular agenda of the City Council after receipt of the report by the City Clerk, and shall not be considered final until the City Council has elected not to hear or not to further consider the matter, unless the matter is placed before the City Council pursuant to an appeal as herein provided; when placed on the agenda of the City Council, the City Council may elect to consider the matter and, where deemed appropriate by the City Council, schedule the matter for a hearing or public hearing before the City Council, in which case the decision by the City Council after considering or hearing the matter shall then be final. (Ord 94-02, 1994: Prior Code section 2.18.015)

**2.32.030 Compensation of Planning Commissioners.** The members of the Planning Commission shall each receive compensation payable out of the general fund of the City, provided adequate funds have been budgeted therefor, the sum of fifty (\$50) dollars per meeting, but not to exceed a total sum of one hundred (\$100) dollars per month. The compensation prescribed herein shall be exclusive of any amounts payable to each member of the Commission as a reimbursement for actual and necessary expenses authorized by the City Council and incurred in the performance of official duties for the City. (Prior Code section 2.18.016)

**2.32.040 City Council Sitting as Planning Commission.** If the City Council sits as the City Planning Commission, the City Council shall not receive additional compensation under Section 2.32.030 of this Code (Prior Code section 2.18.018)

**2.32.050 Chair-Committees-Staff.** Designation of Chairpersons for the Commission shall be governed by Section 2.28.020 of this Code. The Commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. The City Manager may appoint an Executive Secretary and other Staff and provide such compensation for their services as may be authorized by the city Council and the annual City budget of expenditures. (Prior Code section 2.18.020)

**2.32.060 Meetings-Rules of Procedure.** The Commission shall hold at least one regular meeting each month at such time, date and place designated by the Commission. Special meetings may be called by the Chair or a majority of the Commission, provided notice has been given to all members at least twenty-four hours prior to the meeting. A majority of Commissioners shall constitute a quorum. (Prior Code section 2.18.030)

**2.32.070 Functions, Powers and Duties.** The functions, powers and duties of the Planning Commission shall be all those functions, powers and duties of a Planning Commission and board of zoning adjustment as provided in Chapters 3 & 4 of the Title 7 commencing with Section 65100 of the Government Code of the State (the Planning and Zoning Law), as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated by the City Council. (Prior Code section 2.18.040)

**2.32.080 Rules-Records and Meetings.** The Planning Commission shall adopt rules for the transaction of business, shall keep a public record of its resolution, transactions, findings and determinations, and shall hold at least one regular meeting each month. Minutes of the Planning Commission shall be filed with the City Clerk. (Prior Code section 2.18.050)

**SECTION 3.** The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause it or a summary of it to be published in a newspaper published and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

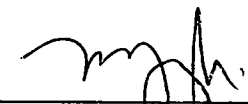
The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 21st day of May, 1998, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 4th day of June, 1998, by the following vote:

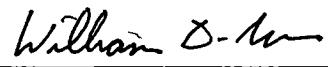
<b>AYES:</b>	Cypher, Maples, Anderson, Colcleaser
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Kudrna

  
\_\_\_\_\_  
Roger Cypher, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Mark Joseph, City Clerk

  
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William D. Ross, City Attorney