

ORDINANCE 2001- 04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
AMENDING CHAPTERS 2.28, 2.29 AND 2.32 OF THE CITY OF AMERICAN
CANYON MUNICIPAL CODE REGARDING BOARDS AND COMMISSIONS**

WHEREAS, The City of American Canyon City Council has established a Planning Commission and a Parks and Community Services Commission; and

WHEREAS, the City of American Canyon now desires to make certain administrative changes to streamline the rules and procedures relating to Boards and Commissions, including the compensation of the above referenced Commissioners,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:


SECTION 1: Existing Chapters 2.28, 2.29 and 2.32 of the American Canyon Municipal Code are hereby deleted in their entirety and replaced as shown on the attached Exhibit A.

SECTION 2. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable.

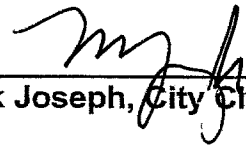
SECTION 4. The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 1st day of March, 2001, and approved and adopted at a regular meeting on the 15th day of March 2001, by the following vote:


AYES:	Maples, Colcleaser, Anderson, Canziani, Shaver
NOES:	None
ABSTAIN:	None
ABSENT:	None


Lori Maples, Mayor

ATTEST

APPROVED AS TO FORM


Mark Joseph, City Clerk


William D. Ross, City Attorney

Chapter 2.28
BOARDS AND COMMISSIONS GENERALLY

2.28.010 General rules regarding appointments, terms and vacancies.

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 four-year terms, commencing on January 1st following the year of appointment. 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 or commission to which initial appointments are made on a staggered-term basis, provided that the longest such term shall not exceed four years commencing with the January 1st 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 are 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 of 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 calendar year, his office shall thereupon become vacant and shall be filled as any other vacancy.

C. Unless otherwise provided by law, or by ordinance or resolution of the city council, all members of any board or commission 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.

D. Except in cases where the mayor or city council is not the appointing authority, the method of selecting any member of a board or commission shall be determined by the city council in open session. However, if an open recruitment is selected, the following procedures shall apply:

1. A public notice announcing the opening shall be posted in the same areas as other public notices;
2. A minimum of seven calendar days will be allowed for receiving applications;
3. The public notice must include a date and time certain after which applications will no longer be accepted. This deadline will be strictly enforced;
4. The city council may establish any other procedures for selecting among the eligible candidates. (Ord. 99-01 § 1, 1999: Ord. 98-08 § 1 (part), 1998: prior code § 2.06.010)

2.28.020 Chairpersons, vice-chairpersons—Selection—Terms.

A. Unless otherwise provided by law, or by ordinance or resolution, each board and commission of the city shall annually at a public meeting held prior to December 31st, 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.

B. Vacancies in either such position occurring prior to January 1st, may be filled as in the first instance. A new chairperson or vice-chairperson may also be chosen at any time by the majority vote of all members of the board or commission. (Ord. 98-08 § 1 (part), 1998: prior code § 2.06.020)

2.28.030 Meetings – Rules and Records

A. Any board or commission established under this section shall adopt rules for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings and determinations. Minutes of any board or commission shall be filed with the city clerk.

B. A majority of commissioners or board members shall constitute a quorum.

2.28.040 – Actions Taken—Appeals

A. All actions taken by any commission shall be reported to the city clerk, and shall be placed on the next available agenda of the city council after receipt of the report by the city clerk. Actions taken by the commission shall not be considered final until the city council has heard and further considered the matter, or has determined that further consideration of the matter is not required. Exceptions shall be made for the Planning Commission, as may be set forth in state law, in which case the Planning Commission's actions are final, subject to appeal, pursuant to Section 2.32.025. When placed on the agenda of the city council, the city council may elect to consider the matter and may schedule the matter for a hearing or public hearing before the city council.

B. Unless otherwise provided by law, or by ordinance or resolution, the city council shall consider any appeal of an action taken by any board or commission by an interested person or organization through the procedures set forth in Chapter 2.04 of this code. The decision of the city council, after considering or hearing the matter, shall be final. (Ord. 99-03 § 1 (part), 1999)

Chapter 2.29
PARKS AND COMMUNITY SERVICES COMMISSION

2.29.010 Creation of parks and community services commission—Terms of commissioners.

There is created a parks and community services commission for the city. It shall consist of five members, appointed in the manner and for the terms prescribed in Sections 2.04.070 and 2.28.010, respectively, of this code, except that the terms of members of the initial commission shall expire two years after the effective date of the appointment, whereupon the city council shall stagger the subsequent appointments. (Ord. 99-15 § 1, 1999; Ord. 99-03 § 1 (part), 1999)

2.29.020 Jurisdiction and functions of commission.

A. The parks and community services commission for the city shall perform all functions as described below, and shall serve in an advisory capacity to the community services department and the city council.

B. The functions, powers and duties of the parks and community services commission shall include review of issues referred to the commission by the city council, the city manager, the community services department, or residents or organizations of the city; to provide advice, comment and make recommendations regarding such issues as requested; to organize or facilitate community benefit activities or functions; and other duties as assigned by the city council.

C. Areas of purview of the commission shall include, but not be limited to, park maintenance, park improvements, open space management, natural resource management, forestry maintenance and management, park and recreation facility maintenance and management, riparian habitat conditions, environmental health, recreation programming, aquatics programming, transportation needs and services, human services programming and needs, and community services in general.

2.29.030 Compensation of commissioners.

A. The members of the parks and community services commission shall each receive a stipend payable out of the general fund of the city, provided adequate funds have been budgeted therefor, in the amount of twenty-five dollars (\$25.00) per month. Standing or temporary committee or subcommittee members shall not be compensated. The stipend for commissioners prescribed herein shall be exclusive of any amounts payable as reimbursement for actual or necessary expenses authorized by the city council and incurred in the performance of official duties for the city. (Ord. 99-03 § 1 (part), 1999)

B. To receive the stipend, each commissioner must attend at least one meeting per month, regular or special, of the commission, or at least one subcommittee meeting per month of the commission.

2.29.040 Designation of chairperson and vice chairperson, committees and staff.

A. Designation of the chairperson and vice chairperson for the commission shall be governed by Section 2.28.020.

B. The commission may from time to time create committees or subcommittees to study issues, to perform work on behalf of the commission, to provide a service to the residents or a segment of the residents of the city, or to improve the quality of the environment of the city and living conditions of the residents of the city.

C. Standing committees of the commission shall be the activities committee and the natural resources committee. Standing or temporary committees or subcommittees shall have at least one commissioner assigned to the committees. The commission shall make appointments of committee or subcommittee members with the approval of the city manager or his designee.

D. The city manager may appoint a department head and other staff and provide compensation for their services as may be authorized by the city council and by the annual city budget. (Ord. 99-03 § 1 (part), 1999)

2.29.050 Time and place of meetings

The commission shall hold at least one regular meeting each month at such time, date and place designated by the commission. The chairperson or a majority of the commission, after giving notice to the commissioners, and to any media and members of the public who have previously requested such notices in writing, so that the notice is received at least twenty-four hours before the meeting, may hold special meetings.

Chapter 2.32
PLANNING COMMISSION

2.32.010 Creation of planning commission.

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 Sections 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. (Ord. 98-08 § 1 (part), 1998: Ord. 93-03, 1993: prior code § 2.18.010)

2.32.020 City planning commission— General jurisdiction and functions.

- A. 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 and 4 of 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. (Ord. 98-08 § 1 (part), 1998: prior code § 2.18.040)
- B. 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.

2.32.025 Appeal of actions taken by the commission

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 days after the decision of the planning commission or giving of notice of same where notice is required.

2.32.030 Compensation of planning commissioners.

- A. The members of the planning commission shall each receive a stipend payable out of the general fund of the city, provided adequate funds have been budgeted therefor, the sum of one hundred dollars (\$100.00) per month. The stipend 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. (Ord. 98-08 § 1 (part), 1998: prior code § 2.18.016)

- B. To receive the stipend, each commissioner must attend at least one meeting per month, regular or special, of the commission, or at least one subcommittee meeting per month of the commission.

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 chapter. (Ord. 98-08 § 1 (part), 1998: prior code § 2.18.018)

2.32.050 Chair—Committee 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. (Ord. 98-08 § 1 (part), 1998: prior code § 2.18.020)

2.32.060 Meetings

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.