

**ORDINANCE NO. 23-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING CHAPTER 2.26 TO TITLE 2 OF THE KERMAN MUNICIPAL CODE RELATING TO CITY BOARDS AND COMMISSIONS, REPEALING CHAPTERS 2.28 AND 2.32, AND ADDING NEW CHAPTERS 2.28, 2.32, AND 2.34 RELATING TO THE PLANNING COMMISSION; PARKS, RECREATION, AND COMMUNITY SERVICES COMMISSION; AND SALES TAX OVERSIGHT COMMITTEE**

The City Council of the City of Kerman does ordain as follows:

**SECTION 1.** Title 2 "Administration and Personnel" of the Kerman Municipal Code is amended by adding Chapter 2.26 relating to Boards and Commissions to read as follows:

**Chapter 2.26  
CITY BOARDS AND COMMISSIONS**

Sections

- 2.26.010 General.
- 2.26.020 Appointments and Terms.
- 2.26.030 Qualifications and Eligibility
- 2.26.040 Terms, Removal, and Vacancies.
- 2.26.050 Boards and Commissions Subject to the Brown Act.
- 2.26.060 Compensation.

**2.26.010 In General.**

There shall be City boards and commissions as are established by the City Council. The Council may create by ordinance additional boards and commissions as in its judgment are required. The term "City boards and commissions" shall also apply to certain committees created by Council other than temporary committees to review an issue but it shall not apply to ad hoc committees of the City Council as authorized under the Brown Act.

**2.26.020 Appointments.**

A. Unless otherwise specifically provided by state law, appointments to boards and commissions established by the City Council shall be made by in accordance with this chapter. This chapter shall not apply to appointments made pursuant to joint powers agreements.

B. The Mayor is authorized pursuant to Government Code Section 40605 to make appointments to City boards and commissions subject to approval by the City Council.

1. The City Clerk shall be responsible for advertising positions on boards and commissions annually in accordance with Government Code Section 54974 (the Maddy Act) and when vacancies occur per Section 2.26.030. In the event no applications are received, the City Clerk will re-advertise for the position(s).

2. The Mayor shall review the applications and make appointments to respective positions. In the event no applications are received, after issuance and re-issuance, the Mayor may make the appointment(s) and submit to City Council for approval.

3. The appointments will be submitted to the City Council for approval at a duly noticed public meeting.

4. The Council may appoint a member of the City Council to serve as a liaison to City boards and commissions. The liaison (i) shall not sit with the board or be a voting member; (ii) may answer questions of the board but shall not try to influence the board; and (iii) should provide periodic reports to the City Council as deemed necessary.

#### **2.26.030 Qualifications and Eligibility.**

A. Unless otherwise provided by superseding law or ordinance, all members of any City board or commission shall be at least 18 years old and residents of the City at the time an application for the position is filed and during their incumbencies.

B. Employees of City shall not be eligible to serve on a City board and commission. Employees of City may serve as staff to City Boards and commissions.

C. Applicants to City boards and commissions should have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.

D. Any person who has served two full consecutive terms shall not be reappointed to the same board or commission until a one-year period has elapsed. This provision regarding two consecutive terms shall not apply to a person whose term commenced prior to January 1, 2024.

E. A person shall not be eligible to serve on two different City boards or commissions at same time.

#### **2.26.040 Terms, Removal, and Vacancies.**

A. Terms on City boards and commissions shall be for a period of three years and until their successors are appointed.

B. The respective terms of office of all members of City boards and commissions in existence on December 1, 2023, shall continue until they expire. Thereafter, vacancies shall be filled in accordance with this chapter.

C. A member's office on a board or commission shall become vacant if that member (i) is absent from three consecutive regular meetings for boards and commissions that have regular monthly meetings and two consecutive meetings for boards and commissions that do not meet monthly; (ii) is convicted of a felony; or (iii) dies while in office; (iv) resigns; or (v) ceases to be a City resident. Boards or commissions may provide language in their rules and regulations for exceptions to absences such as for military duty or medical conditions. The staff person serving as secretary to a board or commission shall contact the Mayor and City Clerk so that the position may be filled in accordance with this chapter.

D. Members of City boards and commissions may be removed by a majority vote of the full City Council.

E. In accordance with the Maddy Act, a notice of all unscheduled vacancies shall be posted in the office of the City Clerk and the City's website, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to a board or commission shall not be made for at least 10 working days after the posting of the notice in the City Clerk's office.

#### **2.26.050 Boards and Commissions Subject to the Brown Act.**

City boards and commissions established under Title 2 of this Code are subject to the Ralph M. Brown Act ("Brown Act"; Government Code Sections 54950 *et seq.*). Agendas shall contain sufficient information as required by the Brown Act and be posted as required. All meetings of City boards and commissions shall be conducted in accordance with the Brown Act.

#### **2.26.060 Compensation.**

Members of City boards and commissions shall serve without compensation for their service unless otherwise provided by resolution of the City Council. Members may receive reimbursement for necessary traveling and other expenses incurred on official duty or training when such expenditures have received authorization in the City budget.

**SECTION 2.** Title 2 "Administration and Personnel" of the Kerman Municipal Code is amended by repealing Chapter 2.28 and adding new Chapter 2.28 related to the Planning Commission to read as follows:

### **Chapter 2.28 PLANNING COMMISSION**

Sections:

2.28.010 Establishment.

2.28.020 Meetings and Organization.

- 2.28.030 Powers and Duties
- 2.28.040 Staffing and Administration.

**2.28.010 Establishment.**

There shall be a Planning Commission in the City of Kerman as authorized under the State Planning and Zoning Law (Government Code Sections 65100 et seq.). The Planning Commission shall consist of five members appointed as required under Chapter 2.26 of this Title.

**2.28.020 Meetings and Organization.**

The Planning Commission, by resolution, shall establish rules and regulations consistent with the policies and ordinances of the city. Said rules and regulations may be updated by the Planning Commission as it may be deemed necessary.

- A. The Commission may adopt rules and regulations to govern proceedings and shall set a time for regular meetings.
- B. The Commission shall elect a chairperson and vice-chairperson. Their respective duties shall be as are usually carried out by such officers. Officers shall hold office for one year and until their successors are elected.
- C. A majority of the members of the Commission shall constitute a quorum for the transaction of business.
- D. Commission meetings are subject to all open-meeting laws, and must be noticed and open to the public. Commission minutes and reports are a matter of public record and must be made available to the public in the manner provided by law.

**2.28.030 Powers and Duties.**

- A. The Planning Commission shall have the general powers and duties specified for the planning commission by city ordinance.
- B. The Planning Commission shall perform the functions assigned to a city planning commission by State Planning and Zoning Law and other statutes of the state relating to planning and zoning.
- C. The planning commission cannot, under any circumstances, incur any indebtedness against the City, or any of the funds of the City.

**2.28.040 Staffing and Administration**

The Community Development Director or designee shall serve as the secretary to the Planning Commission and is authorized to sign necessary resolutions for the commission upon authority of said Commission in each instance. The Community Development Director shall perform those duties set forth in Titles 16 and 17 of this Code. The City Manager may appoint, as needed, other City employees or contracted consultants to serve as technical advisors thereto.

**SECTION 3.** Title 2 “Administration and Personnel” of the Kerman Municipal Code is amended by repealing Chapter 2.32 and adding new Chapter 2.32 relating to the Parks, Recreation, and Community Services Commission to read as follows:

**Chapter 2.32**  
**Parks, Recreation, and Community Services Commission**

Sections:

- 2.32.010 Establishment.
- 2.32.020 Meetings and Organization.
- 2.32.030 Powers and Duties
- 2.32.040 Staffing and Administration.

**2.32.010 Establishment**

There shall be a Parks, Recreation, and Community Services Commission in the City of Kerman which may also be referenced as the “Parks and Recreation Commission.” The Parks, Recreation, and Community Services Commission shall consist of five members appointed as required under Chapter 2.26 of this Title.

**2.32.020 Meetings and Organization**

The Parks, Recreation, and Community Services Commission, by resolution, shall adopt rules and regulations consistent with the policies and ordinances of the city. Said rules and regulations may be updated by the Commission as it may be deem necessary.

- A. The Commission may adopt rules and regulations to govern proceedings and shall set a time for regular meetings.
- B. The Commission shall elect a chairperson and vice-chairperson. Their respective duties shall be as are usually carried out by such officers. Officers shall hold office for one year and until their successors are elected.
- C. A majority of the members of the Commission shall constitute a quorum for the transaction of business.
- D. Commission meetings are subject to all open-meeting laws, and must be noticed and open to the public. Commission minutes and reports are a matter of public record and must be made available to the public in the manner provided by law.

**2.32.030 Powers and Duties**

The Commission shall have the following powers and duties:

- A. Provide advice and recommendations to the Community Services Director and the City Council on the operation and maintenance of City parks, the Kerman Community Center, and other City public or recreation facilities.

- B. Provide advice and recommendations on the acquisition, development and operation of public park facilities and other City recreation facilities.
- C. Perform other functions assigned by the City Council or as required by City policy or the Kerman Municipal Code.

**2.32.040 Staffing and Administration**

The Community Services Director or designee shall serve as the secretary to the Commission and is authorized to sign necessary resolutions for the Commission upon authority of said Commission in each instance.

**SECTION 4.** Title 2 “Administration and Personnel” of the Kerman Municipal Code is amended by adding new Chapter 2.34 related to the Citizens Oversight Committee to read as follows:

**Chapter 2.34  
Sales Tax Oversight Committee**

Sections:

- 2.34.010 Establishment.
- 2.34.020 Meetings and Organization.
- 2.34.030 Powers and Duties
- 2.34.040 Staffing and Administration.

**2.34.010 Establishment.**

A Sales Tax Oversight Committee is hereby established in accordance with Section 3.16A.050 C of the Kerman Municipal Code. The Sales Tax Oversight Committee shall consist of five members.

**2.34.020 Meetings and Organization.**

The Oversight Committee, by resolution, shall adopt rules and regulations consistent with the policies and ordinances of the city. Said rules and regulations may be updated by the Committee as it may be deemed necessary.

- A. The Committee may adopt rules and regulations to govern proceedings and shall set a time for regular meetings.
- B. The Committee shall elect a chairperson and vice-chairperson. Their respective duties shall be as are usually carried out by such officers. Officers shall hold office for three years and until their successors are elected.
- C. A majority of the members of the Committee shall constitute a quorum for the transaction of business.

D. Committee meetings are subject to all open-meeting laws, and must be noticed and open to the public. Committee minutes and reports are a matter of public record and must be made available to the public in the manner provided by law.

**2.34.030 Powers and Duties.**

- A. The Sales Tax Oversight Committee shall review the City’s Annual Review Report regarding the Sales Tax Ordinance established under Chapter 3.16A of the Kerman Municipal Code.
- B. The Sales Tax Oversight Committee may provide advisory input to the City Council regarding sales tax revenues and expenditures under Chapter 3.16A of the Code.

**2.34.040 Staffing and Administration**

The City Clerk or designee shall serve as the secretary to the Sales Tax Oversight Committee. and is authorized to sign necessary resolutions for the Committe upon authority of said Committee.

**SECTION 5. CEQA.** A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

**SECTION 6. Severability.** If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 7. Publication.** This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**SECTION 8. Effective Date.** This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 27<sup>th</sup> day of September, 2023 and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the \_\_ day of \_\_\_\_\_, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

The foregoing ordinance is hereby approved.

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Maria Pacheco  
Mayor

ATTEST:

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Marci Reyes  
City Clerk