



STAFF REPORT

MEETING DATE: September 27, 2023

PRESENTERS: Marci Reyes, City Clerk
Jesus R. Orozco, Community Development Director
Theresa Johnson, Community Services Director
Hilda Cantu Montoy, City Attorney

SUBJECT: Ordinance Relating to City of Kerman Boards and Commissions (MR)

RECOMMENDATIONS

Staff recommends the City Council:

1. Waive full reading and introduce Ordinance 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 related to Planning Commission; Parks, Recreation, and Community Services Commission; and Sales Tax Oversight Committee.
2. Repeal Resolution Nos. 19-16 and 22-61 relating to the Sales Tax Oversight Committee

EXECUTIVE SUMMARY:

The proposed ordinance updates the process for establishment of boards and commissions in the City of Kerman that conforms with state law changes over time and to current circumstances. The proposed ordinance establishes Chapter 2.26 in the Municipal Code for City Boards and Commissions which includes the appointment process, terms, qualifications, eligibility, Brown Act requirements, and vacancies. This will ensure that staff and members of the public alike have the information needed. This chapter applies to current and future boards and commissions. The proposed ordinance also updates Chapter 2.28 and 2.32 relating to the Planning Commission and Parks, Recreation, and Community Services Commission, and adds a new Chapter 2.34 relating to the Sales Tax Oversight Committee.

DISCUSSION:

The proposed ordinance was prepared collectively by the City Clerk who is responsible for maintaining the roster for boards and commissions, the Directors who sit with the Planning Commission and Parks, Recreation, and Community Services, and the City Attorney. The purpose is to update procedures with current circumstances and to comply with two state laws. First, Government Code Section 40605 requires that in cities with elected mayors, the Mayor makes appointments to boards and commissions and the City Council approves the

appointments. Second Government Code Section 54972 provides for the Local Appointment List for all boards and commissions. The City Clerk is responsible for maintaining the list.

The process for appointment under proposed Chapter 2.26 will be similar in that the City Clerk will advertise for positions. Thereafter, the Mayor alone or with another Councilmember may interview the applicants. The Mayor then makes the appointments subject to Council approval. The Council considers the appointments and determines whether to approve or reject the Mayor's appointments. If the Council rejects the appointment(s), the Mayor may make another appointment(s) subject to the Council's approval. The California Attorney General has described this as follows: "the Legislature intended to create a system of checks and balances by placing the appointment authority in the hands of the elected mayor, while giving the city council the right to reject mayoral appointments." (81 Ops. Cal. Atty. Gen. 75)

Chapter 2.26 clarifies issues that have come up from time to time. The following is a summary:

- All appointees would be required to be at least 18 years old and a City resident at the time their application is submitted and during their incumbency.
- Each board and commission shall have five members.
- Employees of City shall not be eligible to serve as board members.
- A person may not serve on more than one board or commission at a time.
- Terms shall be for three years.
- Current board or commission members will continue to serve until their current term expires.
- Commencing in January 1, 2024, after serving two consecutive terms, a one year period must elapse before board members can be reappointed to the same board or commission.
- Members of the City Council who serve as a liaison to a city board or commission are not voting members, shall not try to influence boards or commission, and should provide periodic reports to the Council.
- If a member misses three consecutive meetings or is convicted of a felony, that member's position on a board or commission will be deemed vacant.
- A majority of the Council may remove a member of a board or commission.
- Clarifies that all meetings are subject to the Brown Act.

The chapters establishing the Planning Commission; Parks, Recreation, and Community Services Commission and Sales Tax Oversight Committee address their establishment, meetings and organization, powers and duties, and staffing and administration. Revisions to said chapters take into account issues with lack of quorum due to the seven- and nine-member requirement of the Commissions. Additionally, term limits and residency requirements under Chapter 2.26, provides new and future City residents with an opportunity to serve on a board or commission.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). There are findings to determine 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.

FISCAL IMPACT:

The streamlining of the procedures will create savings in advertising for positions and staff time.

ATTACHMENTS:

- A. Ordinance
- B. Resolution Repealing Sales Tax Oversight Committee