

Attachment 'A'

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 Attendance Policy.
- 2.26.060 Boards and Commissions Subject to the Brown Act.
- 2.26.070 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 provisions in this Chapter 2.26 shall apply to Boards and Commissions created under Title 2 of the Code unless another Code chapter under Title 2 provides otherwise. 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 or another Code chapter under Title 2, 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. Any person wishing to be appointed to a board or commission must file an application provided by the City Clerk. This includes persons whose terms expire and wish to be re-appointed.

B. Unless otherwise provided by superseding law or ordinance, all members of any City board or commission shall be at least 18 years old.

C. 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.

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

E. A person shall not be eligible to serve on two different City boards or commissions at the same time. However, if advertising for a position results in no applications, a person may be eligible to serve on two different boards or commissions at the same time.

F. Unless otherwise provided by superseding law or ordinance, all members of any City board or commission shall reside within the City limits or the City's sphere of influence at the time an application for the position is filed and during their incumbencies.

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 the effective date of this chapter shall continue until they expire. Thereafter, vacancies shall be filled in accordance with this chapter or other Code chapter.
- C. A member's office on a board or commission shall become vacant as follows:
 - 1. The conditions for a vacancy under Section 2.26.50 regarding attendance are met; or
 - 2. The member is convicted of a felony; or
 - 3. The member dies while in office; or
 - 4. The member resigns; or
 - 5. The member does not meet the eligibility requirements; or
 - 6. The member ceases to be a resident as required under subsection 2.26.030.
- 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.

2.26.50 Attendance Policy.

- A. Appointees to boards and commissions are expected to attend each regular or special meeting of that city board or commission.
- B. For purposes of this policy, an "excused absence" is any absence with notification given to the staff secretary to the board or commission at least twenty-four hours before the meeting's convening.
- C. An "unexcused absence" is any other absence.
- D. A member may have a maximum of three excused absences per twelve month period. On the third excused absence, the staff secretary to the board or commission shall advise the City Clerk who shall send a warning letter to the member, including a copy of this policy. If a member has more than three excused absences in a twelve month period, the procedure in subsection (F) below shall commence.

E. A member may have a maximum of two unexcused absences in a twelve-month period. On the second unexcused absence, the staff secretary to the board or commission shall advise the City Clerk who shall send a warning letter to the member. If a member has more than two unexcused absences in a twelve-month period, the procedure in subsection (F) below shall commence.

F. If a subsequent absence pursuant to subsection D or E above occurs in the twelve-month period, the staff secretary to the board or commission shall advise the City Clerk who shall send a letter to the member notifying them that they have exceeded the number of absences allowed under this attendance policy and that their position shall be deemed to be vacant within ten (10 days) of said notice . The member whose position has been deemed vacant may file with the City Clerk a request to be reinstated to the board or commission within ten (10) days for City Council consideration.

2.26.060 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.

2.26.070 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 those that 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 Terms
- 2.32.030 Meetings and Organization.
- 2.32.040 Powers and Duties
- 2.32.050 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 Terms

For terms commencing in January 2024, one member’s term will be for one year and the other three members’ terms will be for three years. After those terms expire, all terms for successors will be for three years. The determination as to which member’s term will be for one year will be made by the City Council when appointments are approved.

2.32.030 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 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 those that 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.

2.32.040 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.

2.32.050 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 Appointment Process
- 2.34.030 Meetings and Organization.
- 2.34.040 Powers and Duties
- 2.34.050 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 Appointment Process.

Notwithstanding Chapter 2.26, appointments to the Sales Tax Oversight Committee shall be as follows:

- A. The City Clerk will advertise for vacancies in accordance with Chapter 2.26 of this Code.
- B. The Mayor will review applications and shall appoint one person at-large whose term in office shall coincide with that of the Mayor's. The Mayor shall submit that appointment to the City Council for consideration and approval.
- C. Each Councilmember shall review applications and nominate one person who resides in the Councilmember's district and whose term in office shall coincide with that of the nominating Councilmember.
- D. The Mayor will review nominations from Councilmembers and make appointments.
- E. The appointments will be submitted to the City Council for approval at a duly noticed public meeting.

2.34.030 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 those that 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.

2.34.040 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.

2.34.050 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 documents for the Committee 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 11th day of October, 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.

Maria Pacheco
Mayor

ATTEST:

Marci Reyes
City Clerk