

# City of Brisbane

## Agenda Report

DATE: City Council Meeting of July 16, 2015

TO: Mayor and City Council

FROM: Michael Roush, City Attorney

SUBJECT: Increasing the number of Planning Commissioners and amending provisions concerning terms of office

### **CITY COUNCIL GOALS**

To encourage community involvement and participation.

### **PURPOSE**

To establish the number of Planning Commissioner members to be at least five but not more than seven, as determined from time to time by the City Council, and to amend provisions of the Municipal Code concerning terms of office.

### **RECOMMENDATION**

Adopt Ordinance No. 597 amending Section 2.24.010 of the Brisbane Municipal Code concerning the composition of the Planning Commission and amending Section 2.16.030 concerning the Commission member's terms of Office.

### **BACKGROUND**

The Government Code allows a City Council to designate a Planning Commission as the planning agency for the City. Section 2.24.010 of the Brisbane Municipal Code establishes a planning commission but does not directly establish the number of such commissioners. Section 2.16.030 of the Municipal Code, however, which addresses terms of office for Planning Commissioners and Parks and Recreation Commissioners, provides for the appointment of only five Planning Commissioners. Currently, the Planning Commission has only five members.

Council directed staff to prepare an ordinance that would allow the membership of the Planning Commission to be increased from five to seven, as determined from time to time by the City Council. In order to accomplish that, amendments to Sections 2.24.010 and 2.16.010 of the Brisbane Municipal Code were required. Staff presented such an Ordinance to the City Council at its June 18, 2015 meeting and a copy of the staff report that accompanied that Ordinance is attached.

At that meeting, Council introduced Ordinance No. 597 but altered the language of the proposed Ordinance such that the number of commissioner members would be at least five but not more than seven, rather than either five or seven, i.e., the commission could have five, six or seven members, as the Council so determined.

Ordinance No. 597 is attached and it reflects in redlined form the differences between what staff originally proposed and what Council introduced.

### **DISCUSSION (concerning the terms of office)**

Currently under Section 2.16.030, three planning commission terms begin in January after the election of two council seats and two planning commission terms begin in January after the election of three council seats.

Assuming, however, the City Council decides it wants to make one or two additional appointments effective immediately following the effective date of the Ordinance (which will be in mid-August 2015), the language in Section 2.16.030 has been revised to take that into account. If two appointments are made, then those two appointees would start their term in August 2015 (or whenever the appointments were made) and Council will need to decide (by lot, for example) which appointee's term office will coincide with the election of two council members and which appointee will coincide with the election of three council members. If only one appointment is made, that person's term would begin in August 2015 and will end coincidental with the election of two council members.

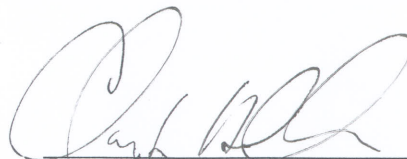
For example, currently two commissioners' terms of office end in January 2016 and three terms end in January 2018, including that of Greg Anderson who was appointed on June 8, 2015 to fill a vacancy on the commission. Accordingly, assume the Council increases the number of commissioners to seven and then in August appoints Ms. X and Mr. Y to the Commission. The Council would need to indicate who of the two would have a term ending in January 2016 and who would have a term ending in January 2018. Thereafter, of course, the appointment cycle will fall into a regular pattern. On the other hand, if the Council increases the number of commissioners only to six, that person's terms of office would end in January 2016.

### **FISCAL IMPACT**

If the Council appoints one or more members to the Planning Commission, because Planning Commissioners receive a modest stipend of \$50 per meeting, there will be some fiscal impact to the General Fund. There will be some increase in the cost of reproduction of certain materials distributed to the Commission, as well as potential increases in travel or other expenses of the Commission for which the City provides reimbursement.



Michael Roush, City Attorney



Clayton Holstine, City Manager

## ORDINANCE NO. 597

### AN ORDINANCE OF THE CITY OF BRISBANE TO AMEND SECTION 2.24.010 OF THE BRISBANE MUNICIPAL CODE CONCERNING THE COMPOSITION OF THE PLANNING COMMISSION AND TO AMEND SECTION 2.16.030 CONCERNING THE COMMISSION'S TERMS OF OFFICE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

Section 1. Section 2.24.010 of the Brisbane Municipal Code is hereby amended to read as follows:

##### **“Section 2.24.010. Established –Composition**

- A. There is established a planning commission for the city to consist of ~~at least~~ either five members but not more than seven members, as determined from time to time by the city council. Members of the planning commission shall be appointed by majority vote of the city council.
- B. The planning commission is designated as the planning agency for the City as described in the State Government Code.”

Section 2. Section 2.16.030 of the Brisbane Municipal Code is hereby amended to read as follows:

##### **“Section 2.16.030. Terms of Office**

- A. Terms of office for city commissions shall begin after the first regularly scheduled city council meeting in January following the year of a regular municipal election, or as soon as possible thereafter, except when appointments are made ~~increasing~~ bringing the number of commissioners from five to either six or seven and those appointments do not occur such that the term of office would begin in January following the year of a regular municipal election.
- B. For planning commissioners, if there is a five member commission, three terms shall commence in the years that two council seats are scheduled to be filled by regular election and two terms shall commence in the years three council seats are scheduled to be filled by regular election. If there is a six member commission, after the appointment that brings the membership to six, three terms shall commence in the years that two council seats are scheduled to be filled by regular election and three terms shall commence in the years three council seats are scheduled to be filled by regular election. If there is a seven member commission, after the appointments that bring the membership to seven, four terms shall commence in the years that two council seats are scheduled to be filled by regular election and three terms shall commence in the years three council seats are scheduled to be filled by regular election.

- C. For parks and recreation commissioners, if there is a five member commission, two terms shall commence in the years that that two council seats are scheduled to be filled by regular election and three terms shall commence in the years that three council seats are scheduled to be filled by regular election. If there is a seven member commission, three terms shall commence in the years that two council seats are scheduled to be filled by regular election and four terms shall commence in the years that three council seats are scheduled to be filled by regular election.
- D. Members of city commissions shall serve at the pleasure of the city council for a period of up to four years or until the appointment of his/her successor, or the completion date of the specific term for which the member was appointed, whichever occurs first.
- E. The city council may reappoint a commissioner.”

Section 3. This Ordinance shall be in full force and effect thirty days after its passage and adoption.

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Terry O’Connell, Mayor

The above and foregoing Ordinance was regularly introduced and after waiting the time required by law was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on July 16, 2015 by the following vote:

AYES:

NOES:

ABSENT:

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Sheri Marie Spediacci, City Clerk