

City of Brisbane

Agenda Report

TO: Mayor and City Council

FROM: Hal Toppel, City Attorney

SUBJECT: Increase membership of Planning Commission

DATE: For Council Meeting on April 2, 2012

City Council Goals:

To encourage community involvement and participation.

Purpose:

The purpose of this ordinance is to allow the number of Planning Commissioners to be increased from 5 to 7 members.

Recommendation:

Introduce Ordinance No. 573.

Background and Discussion:

The City Council directed staff to prepare an ordinance allowing the membership of the Planning Commission to be increased from 5 to 7. In order to maintain consistency between various sections in the Municipal Code, it is necessary to amend 3 separate sections. The amendment would not change any of the existing terms of commissioners who have already been appointed, nor will it change the existing sequence of rotation in membership between Council elections. Under the existing ordinance, 3 Planning Commissioners are appointed in years when 2 Council members are elected and 2 are appointed in years when 3 Council members are elected. If the membership of the Planning Commission is increased to 7, then the numbers will change to 4 Commissioners when 2 Council members are elected and 3 Commissioners when 3 Council members are elected.

Chapter 2.24 now contains only one section, consisting of only one sentence to establish the Planning Commission. This section will be amended to allow a Commission of either 5 or 7 members, as determined from time to time by the City Council (i.e. the same amendment as recently done for the Parks and Recreation Commission. We are using this opportunity to add a new paragraph B to Section 2.24.010 to officially designate

the Planning Commission as the planning agency for the City, as described in the Government Code. This language should have been included in the original Code since the Planning Commission does, in fact, act in that capacity.

At its regular meeting on March 8, 2012, the Planning Commission considered the proposed increase in the number of members. The Commissioners expressed some concerns over this proposal. A copy of the minutes of that meeting containing the discussion of the proposed ordinance is attached.

Fiscal Impact:

If a 7 member Commission is appointed, there will be some increase in the cost of reproduction of packets and other materials distributed to the Commission. To the extent that the City pays any expenses of Commissioners, such as fees or travel expenses for attendance at seminars or conferences, those costs will also increase. The increased costs are estimated to be approximately \$4,000 per year.


Measure of Success:

If a 7 member Commission is appointed, the City Council would need to determine at a later time whether the advantages of a larger Commission are greater than the additional time and costs that would be needed for the larger Commission to perform its responsibilities.

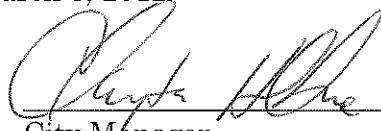
Attachments:

Proposed Ordinance No. 573.

Minutes of Planning Commission meeting on March 8, 2012.



City Attorney



City Manager

ORDINANCE NO. 573

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
SECTIONS 2.16.010, 2.16.030 AND 2.24.010 TO INCREASE
THE AUTHORIZED NUMBER OF COMMISSION MEMBERS**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 2.16.010 in Chapter 2.16 of the Municipal Code is amended to read as follows:

§2.16.010 Commission membership – Residence required.

City commissions shall have five (5) members, unless the ordinance or resolution establishing the commission authorizes the City Council to appoint seven (7) members. Each member of a commission shall be a resident of the City.

SECTION 2: Section 2.16.030 in Chapter 2.16 of the Municipal Code is amended to read as follows:

§2.16.030 Terms of Office.

A. Terms of office for city commissioners 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. Terms of office for the Planning Commission and the Parks and Recreation Commission shall be staggered as follows:

- (1) For planning commissioners, three (3) terms shall commence in the years that two (2) council seats are scheduled to be filled by regular election if there is a five (5) member commission or four (4) terms if there is a seven (7) member commission, and two (2) terms shall commence in the years that three (3) council seats are scheduled to be filled by regular election if there is a five (5) member commission or three (3) terms if there is a seven (7) member commission.
- (2) For parks and recreation commissioners, two (2) terms shall commence in the years that two (2) council seats are scheduled to be filled by regular election if there is a five (5) member commission or three (3) terms if there is a seven (7) member commission, and three (3) terms shall commence in the years that three (3) council seats are scheduled to be filled by regular election if there is a five (5) member commission or four (4) terms if there is a seven (7) member commission.

B. Members of city commissions shall serve at the pleasure of the city council for a period of up to four (4) years or the completion date of the specific term for which appointed, whichever occurs first. Commissioners may be reappointed.

SECTION 3: Section 2.24.010 in Chapter 2.24 of the Municipal Code is amended to read as follows:

§2.24.010 Planning Commission established; powers and duties

A. A City Planning Commission is established to consist of either five (5) members or seven (7) 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 hereby designated as the planning agency of the City, as described in Section 65100 of the Government Code, and shall exercise the functions of a planning agency as prescribed in Section 65101 of the Government Code. The Planning Commission shall also exercise the powers and perform the duties conferred upon it by this Code and assigned to it from time to time by the City Council.

SECTION 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 5: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2012, by the following vote:

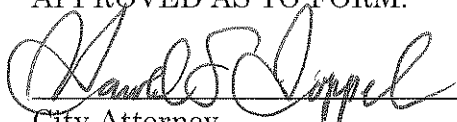
AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

DRAFT EXCERPT
BRISBANE PLANNING COMMISSION
Action Minutes of March 8, 2012
Regular Meeting

ROLL CALL

Present: Commissioners Cunningham, Parker and Reinhardt and Chair Munir
Absent: Commissioner Do

ITEMS INITIATED BY THE COMMISSION

Chair Munir expressed his concern over the City Council considering making the Planning Commission a body of 7 members instead of 5. He felt that it would be difficult to maintain a body of 7 over time due to a limited pool of applicants and that it will be excessively time consuming for 7 people to consider the volume of work that the Commission is facing, especially with the upcoming Baylands EIR being published. He opined that the Planning Commission has not had trouble having a quorum and if the change to 7 members was made, he felt that all of the City's commissions, committees and the City Council should have 7 members too.

Commissioner Parker indicated that with longer agendas after all the Commissioner's questions, it will be very late before the public will have opportunities to speak and that the public will get short shrift. She questioned whether this would be permanent or not.

Commissioner Cunningham was concerned that the Commission will have trouble reaching decisions with 7 people. She would rather see more minds in the public to provide input rather than having more minds on the Commission.

Commissioner Reinhardt felt that there is a breaking point in the quality of a group discussion and that 7 would be too many.

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.