



STAFF REPORT

Introduction of Amendments to Chapter 2, Article VIII, Planning Commission, Section 2-161

Mayor and City Council of the City of Belmont
Belmont CA

Honorable Mayor and Council members:

Summary

Belmont Municipal Code Section 2-161, Terms of Planning Commissions; Vacancies, provides for three year terms for Planning Commissioners. The City Council has requested that revisions to Section 2-161 be drafted to insure that no more than three terms expire in a calendar year. The proposed ordinance revisions has been drafted and are now before the City Council for review and, if appropriate, introduction.

In addition, staff recommends two additional changes to reflect current practice (i.e., deletion of the reference to serving without compensation) and to conform the language regarding Planning Commissioners' absences to that currently applicable to other commissions (i.e., absence from 3 meetings without permission constitutes retirement).

Background and Discussion

In March of 2005, the terms of four of the seven Planning Commissioners will expire (Commissioners Frautschi, Horton, Wozniak and Parsons). The terms of the remaining three Planning Commissioners (Dickenson, Long and Gibson) expire in 2006. On November 23, 2004, the City Council directed that revisions be made to Belmont Municipal Code Chapter 2, Article VIII, Planning Commission, Section 2-161, Terms of Planning Commissions; Vacancies, so that no more than three Commissioners would have terms which expire in one year.¹

¹ Research by the City Clerk confirms that this was the intent of the City Council in adoption of Ordinance 658, but at some point in the appointment process, a term was apparently miscalculated leading to the current situation in which 4 Planning Commissioners' terms expire this year.

In order to effect this change, staff proposes that two of the Planning Commissioners to be appointed in 2005 serve terms of two years (i.e., until 2007) and the other two Planning Commissioners appointed serve a term of three years (i.e., until 2008). Thereafter, all appointments would be for three year terms. This one time deviation from full three year terms for two Commissioners will return the City to its intended practice of appointing no more than three Planning Commissioners in a specific year.

Staff also noted, in preparing this amendment, that the Municipal Code Section provides that Planning Commissioners serve without compensation. Because the Planning Commissioners now receive a \$25.00 stipend, staff recommends deletion of the words “without compensation.”

Finally, staff recommends that language regarding unexcused absences be added. This language applies to the City’s other commissions, Section 2-156, Finance Commission, and Section 2-174, Park and Recreation Commission.

Staff proposes that Section 2-161, if amended, read as follows:

Sec. 2-161. Terms of planning ~~commissions~~ **commissioners**; vacancies.

A majority of the regular voting members of the commission shall constitute a quorum. Members of the planning commission shall serve a term of three (3) years ~~without compensation~~. The city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February **except that in making appointments for 2005, the city council shall appoint two (2) commissioners to serve terms of three (3) years and two (2) commissioners to serve terms of two (2) years.** Vacancies in the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission. **Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission.**

Fiscal Impact

None.

Recommendation

It is recommended that the proposed changes to Belmont Municipal Code Chapter 2, Article VIII, Planning Commission, be introduced at this meeting by the City Council and that the Ordinance be placed on the next agenda for a second reading and adoption.

Alternatives

1. Instruct that no changes be made to Chapter 2, Article VIII.
2. Instruct that additional changes be made to Chapter 2, Article VIII.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Attachments

- A. Draft Ordinance

Respectfully submitted,

JEAN B. SAVAREE
City Attorney

ATTACHMENT A