

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD REPEALING BRENTWOOD MUNICIPAL CODE CHAPTER 2.20 PLANNING COMMISSION; ADDING A NEW CHAPTER 2.44 PLANNING COMMISSION; AND REPEALING RESOLUTIONS AND POLICIES PERTAINING TO THE PLANNING COMMISSION

WHEREAS, the City currently has four commissions that make recommendations to the City Council on specific subject area issues; and

WHEREAS, while regulations pertaining to the commissions have been in the Municipal Code for many years, there was little uniformity in their procedural requirements; and

WHEREAS, with this and other ordinances, the City Council desires to make the procedural requirements between the commissions more uniform and clarify the powers and duties of the commissions; and

WHEREAS, to effectuate the desired changes, it is necessary to move, repeal, and/or replace, provisions of the Municipal Code, certain resolutions, and City Council/Administrative Policies; and

WHEREAS, since the City's incorporation, the City Council has adopted numerous ordinances, resolutions, and policies pertaining to the creation, revision, and dissolution of City Boards and Commissions; and

WHEREAS, on November 10, 2020, the City Council considered an ordinance to, among other things, make the procedural requirements between the commissions more uniform; clarify the powers and duties of the commissions; and asked for additional revisions to the ordinance pertaining to the Park and Recreation Commission; and

WHEREAS, on November 17, 2020, the City Council again considered the ordinance, with additional revisions to the Park and Recreation Commission and Poet Laureate provisions, and declined to move forward with the ordinance at that time; and

WHEREAS, at this time, it is proposed that the City Council consider adopting this ordinance related to the Planning Commission.

NOW, THEREFORE, the City Council of the City of Brentwood does ordain as follows:

Section 1: The following chapter of the Brentwood Municipal Code is repealed:

Chapter 2.20 Planning Commission

Section 2: The following resolutions and Policy are repealed:

2.1 Resolution No. 2006-005, Appointment of Planning Commission Members.

2.2 City Council/Administrative Policy 30-1, Appointment of Planning Commission Members (2006).

Section 3: A new Chapter 2.44, Planning Commission, is added to the Brentwood Municipal Code to read as set forth in the attached Exhibit A.

Section 4: This ordinance will be published in accordance with Government Code Section 36933 by either posting or publishing the ordinance in accordance with that law.

Section 5: The City Clerk is requested to cause: 1) the repeal of the Chapter referenced in Section 1; and 2) the quoted text in the Exhibit referenced in Sections 3, to be entered in the City of Brentwood Municipal Code.

Section 6: The City Clerk is requested to cause the removal of City Council/Administrative Policy 30-1, Appointment of Planning Commission Members from the City Council/Administrative Policy Manual.

Section 7: If any exhibit, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding will not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

Section 8: This ordinance will take effect and be in force 30 days following its adoption.

THIS ORDINANCE was introduced with the first reading waived at a regular meeting of the Brentwood City Council on the 11th day of January, 2022, by the following vote:

Exhibit A

“Chapter 2.44 Planning Commission

2.44.010	Established; Number of members.
2.44.020	Qualifications; Appointment; Term of office.
2.44.030	Compensation; Business expenses.
2.44.040	Removal from office; Vacancies; Attendance.
2.44.050	Officers.
2.44.060	Meetings; Rules and Procedures.
2.44.070	Powers and duties.
2.44.080	Appeals.

2.44.010 Established; Number of members.

A planning commission is established. The planning commission consists of five members. The planning commission operates with the membership, powers, and duties as provided in this chapter and state law. (See Government Code section 65101.)

2.44.020 Qualifications: Appointment; Term of office.

A. Qualifications. To be eligible for appointment to the planning commission a person must, at the time of the appointment, be a city resident. If a member ceases to be a resident, his or her position becomes immediately vacant.

B. Appointment. The mayor appoints the members of the planning commission, with the approval of the city council, and through an interview process that includes the city council.

C. Term. The term of office for each member is two years. Each member, unless removed by the city council, serves until a successor is appointed. Appointments will be made to staggered terms to provide that no more than three appointments expire in the same year.

2.44.030 Compensation; Business expenses.

Each commission member is entitled to receive compensation as established by city council resolution. In addition, the city may reimburse a commissioner for actual and necessary expenses incurred in connection with the performance of his or her duties, while traveling or engaged on business authorized by the Director of Community Development.

2.44.040 Removal from office; Vacancies; Attendance.

A. Removal from office. A member of the planning commission may be removed from office by a majority vote of the city council.

B. Vacancies. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

C. Attendance. A member may not have more than two absences without cause during a calendar year. After a third absence without cause, the commission may request that the city council remove the person from the commission. An absence without cause is an absence that

is not due to illness, or is otherwise avoidable and the member fails to give notice and reason to city staff before the meeting.

2.44.050 Officers.

Each year, upon the swearing in of commissioners for new two-year terms, the planning commission will elect a chair and a vice chair from among its members and other officers as deemed necessary by the planning commission. The chair and vice chair serve for a term of one year, or until the successor of each is elected. An officer may serve successive terms.

The secretary of the planning commission is the planning manager.

2.44.060 Meetings; Rules and Procedures.

A. Meetings. The planning commission will meet regularly on the first and third Tuesdays of each month, except the third Tuesdays of November and December, and will hold such other meetings as will from time to time be called in the manner and form required by law.

B. Rules and Procedures. The planning commission is subject to the *Meeting Rules and Procedures* established by the city council.

2.44.070 Powers and duties.

In addition to those powers and duties specified in Government Code section 65103, the planning commission has the following powers and duties:

A. To recommend to the city council plans for the future growth, development, and beautification of the city; and to undertake the study for, preparation and recommendation of the general plan (and amendments) for the long-term physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the development of the city;

B. To implement the general plan through actions including the administration of specific plans and zoning and subdivision ordinances;

C. To annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, under Government Code section 65400 and following;

D. To carry out the provisions of the zoning ordinance of the city (Title 17 of this code). However, when an application is combined with another application requiring legislative action (such as a zoning amendment, general plan amendment, exception under general plan density transition action LU 2a, or development agreement), the planning commission's action will be advisory to the city council, which becomes the decision maker; and

E. To do such other things as may be required by other ordinances of the city, by direction from the city council, or by state law.

2.44.080 Appeals; Call for review.

A. Appeal. A decision, in the purview of the planning commission, of the community development director, zoning administrator, planning manager, city engineer, or other administrative official may be appealed to the planning commission. A decision of the planning commission may be appealed to the city council. Any interested person may appeal a decision. (See section 17.880.010.)

B. Call for review. A decision, in the purview of the planning commission, of the community development director, zoning administrator, planning manager, city engineer, or other administrative official may be called up for review by a planning commissioner. A decision of the planning commission may be called up for review by a member of the city council. (See section 17.880.010.)”