

ATTACHMENT 1

ORDINANCE O2024-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING CHAPTER 2.24 "PLANNING COMMISSION" OF THE MANTECA MUNICIPAL CODE TO ALLOW FOR COMPLETE COMPLIANCE WITH COUNCIL DISTRICT APPOINTMENTS FOR COMMISSION MEMBERS

WHEREAS, in 2022, the City Council amended Chapter 2.24 "Planning Commission" to the Manteca Municipal Code in anticipation of moving to district elections in 2022 and 2024, respectively; and

WHEREAS, part of the prior ordinance amendment stated "should the city council not approve by majority vote a councilmember's nomination from their district or should a district not yield any applications during the application period, the councilmember may then select from the at-large pool of candidates to nominate a planning commissioner"; and

WHEREAS, the 2022 amendment resulted in the appointment of four (4) of six (6) commission appointments from the same district (District 2); and

WHEREAS, in order to ensure that the community has the opportunity to have complete representation of all four (4) districts on the Planning Commission, the following amendments to Chapter 2.24 are brought forward for consideration.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 2.24, "Planning Commission" is hereby amended as follows:

§ 2.24.010 Created—Number of members.

There is created a planning commission of the City. The planning commission shall consist of five members and one alternate member. The alternate member shall attend all meetings of the commission and is only authorized to serve and vote in place of any regular member of the commission who is absent. If the full commission is present, the alternate shall not deliberate or participate on items presented to the commission. The planning commission shall also consist of two ex officio members: the city attorney or designee and the director of development services or designee. In addition, at the request of a planning commission member or the director of development services or designee (made at least one (1) day before a meeting), the city engineer or designee shall also attend the regular or special meeting of the planning commission.

§ 2.24.020 Members—Appointment.

All planning commission members and the alternate must be residents of the City of Manteca. Residence shall be determined by the same rules as a determination of residence

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for city councilmembers. Interested residents shall submit their application to be a planning commission member to the city clerk's office. The city council shall set by resolution a non-exhaustive list of preferred qualifications for planning commission members.

Based on the conclusion of a term, a removal, and/or vacancy, each councilmember shall nominate a planning commission member from their assigned council district; provided, however, the mayor shall appoint a planning commission member and the alternate from an at-large pool of residents. Councilmembers shall nominate their top choice of a candidate from their respective districts, while the mayor shall have top choice of the at-large group of candidates for the at-large and alternate positions, but only after the Councilmembers have nominated their top choices.

All planning commission member and alternate appointments shall run concurrent with the terms of the mayor and councilmembers, respectively. Following the nominations by the mayor and the councilmembers, respectively, such nominations shall be approved by a majority of the city council. The city council (through the city clerk's office) may begin the process to accept applications for planning commission members/alternate within sixty days before the expiration of a term. Following a removal or a vacancy, the city council may instruct the city clerk's office to begin the recruitment the day after the position becomes open.

There shall be no residence requirement for the ex officio members of the planning commission.

§ 2.24.030 Members—Terms—Vacancies.

The members and alternate of the planning commission shall be appointed for terms of four years. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. A vacancy shall be deemed to have occurred when a member is no longer a resident of the City or a commissioner resigns from the planning commission, or as otherwise set out in this Chapter.

- A. The members of the planning commission shall be appointed for terms of four years except as provided below. If a vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired portion of the term. A vacancy shall be deemed to have occurred when a member is no longer a resident of the city or set out herein in this Chapter. Residence shall be determined by the same rules as a determination of residence for city councilmembers.
- B. If any planning commission member or alternate is absent without permission from the mayor from all regularly scheduled planning commission meetings for sixty days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

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§ 2.24.040 Members—Compensation.

Each member of the planning commission and alternate may receive compensation at the same time and in the same manner as the salaries are paid to other officers and employees of the city, provided, however, compensation shall not be provided if the member or alternate do not attend planning commission meetings. The ex officio members shall receive no compensation. Such compensation may hereafter be reviewed and adjusted by resolution of the city council, if so desired.

§ 2.24.050 Members—Removal.

Any member or alternate of the planning commission may be removed by a majority vote of the city council. Any councilmember may make a request at regularly scheduled city council meeting to set a vote at the next regularly scheduled council meeting for discussion to consider removal of any planning commission member or alternate. Prior to such a vote taking place, a commissioner and/or alternate shall be afforded five minutes to address the city council, after public comment, but before final city council discussion on the item.

§ 2.24.060 Powers and duties.

The rights, powers and duties of the planning commission shall be as provided in Chapter 3, Title 7, relating to local planning, of the Government Code of the state. Planning commission members and alternates shall be subject to select city policies, including, but not limited to, the city's personnel policies, civility policy, decorum policy, conflict of interest policies, ethics policy, and the censure policy.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub- section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

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City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ____ day of _____, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk