

ORDINANCE NO. 2009-045

Adopted by the Sacramento City Council

October 13, 2009

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 2.60 OF TITLE 2
OF THE SACRAMENTO CITY CODE RELATING TO THE
PLANNING COMMISSION (M09-033)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. Chapter 2.60 of Title 2 of the Sacramento City Code is repealed.

Section 2. Chapter 2.60 of Title 2 of the Sacramento City Code is reenacted to read as follows:

Chapter 2.60

Planning Commission

2.60.010 Commission -- Established.

The planning commission is established.

2.60.020 Appointment of members and qualifications.

- A. Members of the planning commission shall be appointed by the mayor, with the concurrence of the city council. The requirements of Article XV of the City Charter, and Chapter 2.40 of this code governing appointment procedures (Article I), attendance at board and commission meetings (Article II), voting (Article III), and limitation on consecutive terms (Article IV), shall apply to the planning commission as provided in this chapter. A term of one (1), two (2), or three years for initial appointees under section 2.60.030 shall constitute a full term for purposes of calculating the two-consecutive term limit under section 2.40.120. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.
- B. The planning commission shall consist of eleven (11) members. One (1) member shall be recommended for appointment by each of the members of the city council, including the mayor, and two (2) members shall be recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40.
- C. Each member of the planning commission shall be a resident of the city and may be appointed and shall serve only so long as he or she is a resident of the city. If a member of the planning commission ceases to be a resident of the city, that member's seat shall automatically become vacant.

2.60.030 Term of office--Vacancy.

Except as provided in this section for the length of the terms of the initial appointees, the term of office for each member of the planning commission shall be four years and until his or her successor is appointed. Terms shall be staggered. The initial appointees recommended by the personnel and public employees committee shall serve a term of one year each. The initial appointees recommended by the council members from the First, Second, and Third council districts shall serve a term of two years each. The initial appointees recommended by the council members from the Fourth, Fifth, and Sixth council districts shall serve a term of three years each. The initial appointees recommended by the council members from the Seventh and Eight council districts and by the mayor shall serve a term of four years each. Thereafter, all members shall be appointed to serve four year terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the council, a successor to serve during the unexpired term. The successor shall be recommended in the same manner as the seat being filled.

2.60.040 Conflict of interest and financial disclosure statements.

All appointees to the planning commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

2.60.050 Compensation.

Each member of the planning commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.

2.60.060 Organization and procedures.

- A. Annually, the planning commission shall elect from among its membership a planning commission chairperson and a vice chairperson, who shall each hold those positions at the pleasure of the planning commission. When there is a vacancy in the office of chairperson or vice chairperson, the planning commission shall fill that position from among its members.
- B. The planning commission shall establish a time and place for regular meetings to be held not less frequently than monthly. Each meeting shall be noticed and held in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.). The planning commission chairperson shall have the authority to notice and hold special meetings in the manner specified in the Ralph M. Brown Act.
- C. A quorum comprised of planning commission members present and qualified to act shall be required for the planning commission to conduct a meeting and take action. A quorum shall consist of a majority of members of the planning commission then in office.

- D. The planning commission shall act only by motion. An affirmative vote of six (6) planning commission members present and qualified to vote shall be necessary to pass any motion.
- E. The planning commission shall adopt such rules and regulations as it shall deem necessary, and consistent with the provisions of this chapter, for the conduct of its business.

2.60.070 Powers and duties.

The planning commission shall have the necessary powers and duties to carry out the State Planning and Zoning Law (Government Code section 65000 et seq.), subject to the provisions of this code, including but not limited to the following:

- A. Chapter 2.112 relating to City planning;
- B. Title 16 relating to subdivisions;
- C. Title 17 relating to zoning.

2.60.080 Administrative support.

The planning director, or his or her designee, shall provide administrative support to the planning commission.

Section 3. Section 2.40.030 of Title 2 of the Sacramento City Code is amended to read as follows:

2.40.030 Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

- Administration, investment and fiscal management board of the city retirement system
- Board of plumbing examiners
- Building and fire code advisory and appeals board
- Civil service board
- Design commission
- Electrical code advisory and appeals board
- Housing code advisory and appeals board
- Mechanical and plumbing code advisory and appeals board
- Old Sacramento variance appeals board
- Parks and recreation commission (two (2) seats)
- Planning commission (two (2) seats)
- Preservation commission
- Retirement hearing commission
- Sacramento city public facilities financing corporation

Utilities rate advisory commission

- Section 4. Any term served on the Planning Commission created and existing pursuant to Sacramento City Code Chapter 2.60 as formerly written immediately prior to the effective date of this Ordinance shall not be counted for purposes of applying the limitation on the number of consecutive terms a person may serve under Sacramento City Code Section 2.40.120.
- Section 5. Adoption of this ordinance repealing and reenacting Sacramento City Code Chapter 2.60 is not intended to and does not affect any approvals made, and entitlements issued, with attendant conditions, by the Planning Commission prior to the effective date of this ordinance and prior to dissolution of the Planning Commission by virtue of adoption of this ordinance. All such approvals and entitlements shall continue in effect subject to the terms and conditions established by the Planning Commission and the provisions of Chapter 2.60, Chapter 2.112, Title 16, Title 17, and any other provisions of the Sacramento City Code as they existed prior to the effective date of this ordinance.
- Section 6. Adoption of this ordinance repealing and reenacting Sacramento City Code Chapter 2.60 is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to Title 16, Title 17, or any other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce those provisions as they existed prior to the effective date of this ordinance. The provisions of Title 16, Title 17, and any other provisions of the Sacramento City Code as they exist on the effective date of this ordinance, shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.
- Section 7. This ordinance shall take effect January 1, 2010. Upon the effective date of this ordinance the Planning Commission created and existing pursuant to Sacramento City Code Chapter 2.60 as formerly written shall dissolve and no longer exist or exercise authority. All matters then pending under the jurisdiction of the Planning Commission shall be transferred to the Planning Commission established under this Ordinance.

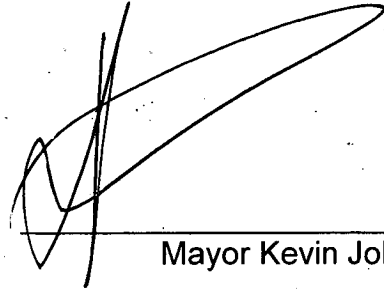
Adopted by the City of Sacramento City Council on October 13, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember Waters



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Published: October 2, 2009

Effective: January 1, 2010