



***City of Colusa City Council***  
**STAFF REPORT**

DATE: January 17, 2012  
 TO: Mayor Landreth and Members of the City Council  
 FROM: Jan McClintock, City Manager

**AGENDA ITEM:**

Introduce Ordinance 473 changing the City Code as directed by City Council pertaining to Commissions and Committees and Adopt Resolution 12-\_\_ establishing the regular meeting times for all Commissions.

**CITY COUNCIL PRIORITIES ADDRESS:**

- Operate and manage the City in a fiscally responsible manner with open, accurate and comprehensible reporting.
- Provide a safe environment for businesses and residents.
- Promote economic vitality within the City and region.
- Provide for the City's infrastructure including streets, water, sewers, parks, storm drainage, curbs, gutters, sidewalks, etc.).
- Provide for the quality of life of the residents and businesses

**REQUESTED ACTION:**

- 1.) Introduce Ordinance 473 and read by title only, waive full reading, etc
- 2.) Adopt Resolution 12-\_\_ setting the regular meeting times for City Commissions.

**BACKGROUND:**

The City Council held 2 workshops to address standardizing the requirements to serve on City Commissions. From those meetings staff has prepared the attached Ordinance changes and a resolution to set the regular meeting times for each Commission. The Ordinance changes make the following changes to the current city code:

- 1.) All permanent Commissions and Committees will now be referred to as Commissions/ This will apply to the Utility Committee if, after the two year trial, the City Council decides to make the body a permanent organization.
- 2.) All Commissions require that people serving are residents of the sphere of influence except 1.) Planning commissioners must be a resident of the City and 2.) Parks and Recreation Commissioners must be a resident of the Colusa Unified School District.
- 3.) All are 4 year terms.

- 4.) All Commissioners may be removed from the Commission without cause by a majority vote of the City Council.
- 5.) No Commissioners are paid.
- 6.) All Commissions have quarterly reporting requirements to the City Council including activities and attendance.
- 7.) The only change to the scope of the Commissions was adding "such other responsibilities as delegated by City Council".

Staff recommends introduction of the Ordinance and adoption of the resolution. Staff recommends that City Council target the Fall of 2012 to review the duties of each Commission in light of the 2012/2013 and beyond budget.

Staff requests that the City Council:

- 1.) Take public comment on both the Ordinance and the Resolution at the same time.
- 2.) Discuss amongst the City Council whether the City Council is agrees with staff's interpretation of the previous workshops and the wording in both the Ordinance and the Resolution..
- 3.) If City Council is in agreement, 2 motions would be needed:
  - a. Introduce the Ordinance
  - b. Approve the Resolution.

**BUDGET IMPACT:**

None

**ATTACHMENTS:**

Ordinance 473

Resolution 12-\_\_

**ORDINANCE NO. 473**

**AN ORDINANCE OF THE CITY OF COLUSA AMENDING THE COLUSA CITY CODE PERTAINING TO PLANNING COMMISSION, TREE COMMISSION, HISTORIC PRESERVATION COMMITTEE, PARKS AND RECREATION COMMISSION**

**WHEREAS**, the City of Colusa has various commissions that carry out responsibilities as delegated by the City Council and State law; and

**WHEREAS**, the City Council wishes to provide for consistency in the manner that the Commissions conduct business; and

**WHEREAS**, this ordinance does not eliminate any of the existing Commissions, nor does it create new Commissions, but instead it provides for better organization in the Colusa City Code.

**NOW THEREFORE**, the City Council of the City of Colusa does hereby ordain as follows:

**SECTION 1. Repealing and Replacing Article III "Planning Commission", or Chapter 2 of the City Code**

Article III "Planning Commission" of Chapter 2 "Administration," is hereby repealed and replaced in its entirety, and shall read as follows:

**Sec. 2-11. Establishment.**

Pursuant to the provisions of California Government Code Section 65100 *et seq.*, there is hereby established a Planning Commission which shall have the powers and duties and serve the purposes enumerated by state law and this chapter.

**Sec. 2-12. Membership.**

The Planning Commission shall consist of five members, who shall serve at the pleasure of the City Council. Planning Commissioners shall be residents of the City at the time of appointment and during his/her term, and shall not be officers nor employees of the City.

**Sec. 2-13. Appointment, Terms of Office and Vacancies.**

- A. The members of the Planning Commission shall be appointed by the City Council and shall serve individual terms of four years. The City Council shall ensure that the members terms are staggered so that no more than three Planning Commission terms expire in any single calendar year. Each member, unless sooner terminated, shall serve until his or her successor is appointed and qualified.
- B. No limit is established on the number of terms an individual may serve as a Planning Commission .

- C. A Planning Commissioner may be removed from office by majority vote of the City Council without cause, notice or hearing.
- D. In the event of a vacancy, the City Council shall appoint a new Planning Commissioner to fill the unexpired portion of the existing term.

**Sec. 2-14. Meetings.**

- A. The Planning Commission shall hold regular meetings during each calendar year at such time and place in the city as the City Council may fix by resolution.
- B. The Planning Commission may adopt, consistent with applicable laws and subject to City Council approval, rules of procedure which shall govern the conduct of hearings and other business of the Planning Commission.
- C. Three members of the five-member planning commission shall constitute a quorum, and a quorum is required for the Planning Commission to take action on any item on its agenda.

**Sec. 2-15. Activity Report.**

The Planning Commission shall approve a quarterly report that is forwarded to the City Council. The report shall inform the City Council of the number of meetings held that quarter, the attendance record for each Planning Commissioner and a brief report on the activity of the Commission. The Commission may delegate the drafting and approval of the report to City Staff. The quarterly report should list the accomplishments of the Commission that quarter, including a brief list of those permits or projects approved or denied, as well as any other information that would be of importance to the City Council.

**Sec. 2-16. Chair, Vice-Chair and Secretary.**

At its regular meeting in April of each year, or as soon thereafter as possible, the members of the planning commission shall appoint one of its members as a chairperson and one of its members as a vice-chairperson for the commission. The City Clerk or his/her designee shall serve as secretary to the planning commission. Vacancies in the position of chairperson and/or vice-chairperson shall be filled at the planning commission's next regularly scheduled meeting, or as soon thereafter as possible.

**Sec. 2-17. Duties and Functions of the Planning Commission.**

The Planning Commission shall have the duties and functions specified in the Colusa City Code and applicable law. Specifically, the Planning Commission shall:

- A. Serve as the planning agency for the City of Colusa as provided by the requirements of the California Government Code.
- B. Promote public interest in, and understanding of, the general plan, specific plans and regulations relating to such plans.

- C. Consider and provide recommendations to the city council on amendments to the general plan, zoning code and specific plans.
- D. Consider subdivision matters arising under the Subdivision Map Act and this Code.
- E. Consider appeals as required by this Code.
- F. Perform such other duties as the city council shall prescribe.

**Sec. 2-18. Compensation.**

Planning Commissioners shall serve without compensation.

**SECTION 2. Repeal of Sections 19-1, 19-2, 19-3, 19-4, of Chapter 19 “Trees & Shrubs”**

Section 19-1 “Tree commission – Created; appointment and compensation of members,” Section 19-2 “Terms of office of members; Filing of vacancies;” Section 19-3 “Powers and duties generally,” and Section 19-4 “Preparation and adoption of master list of approved trees,” of Chapter 19 of the Colusa City Code are hereby repealed in their entirety.

**SECTION 3. Addition of Article VIII “Tree Commission” to Chapter 2 of the City Code**

Article VIII “Tree Commission” is hereby added to Chapter 2 “Administration,” of the City Code, and shall read as follows:

**Sec. 2-50. Establishment, Powers and Duties Generally.**

There is hereby established a Tree Commission, which shall administer the provisions of Chapter 19 of the Colusa City Code, and the other responsibilities as set forth in this Article.

**Sec. 2-51. Membership.**

The Tree Commission shall consist of five members, who shall serve at the pleasure of the City Council. Tree Commissioners shall be residents of the City’s sphere of influence at the time of appointment and during his/her term, and shall not be officers nor employees of the City.

**Sec. 2-52. Appointment, Terms of Office and Vacancies.**

- A. The members of the Tree Commission shall be appointed by the City Council and shall serve individual terms of four years. The City Council shall ensure that the members terms are staggered so that no more than three Tree Commissioner terms expire in any single calendar year. Each member, unless sooner terminated, shall serve until his or her successor is appointed and qualified.

- B. No limit is established on the number of terms an individual may serve as a Commissioner.
- C. A Commissioner may be removed from office by majority vote of the City Council without cause, notice or hearing.
- D. In the event of a vacancy, the City Council shall appoint a new Commissioner to fill the unexpired portion of the existing term.

**Sec. 2-53. Meetings.**

- A. The Tree Commission shall hold regular meetings during each calendar year at such time and place in the city as the City Council may fix by resolution.
- B. The Tree Commission may adopt, consistent with applicable laws and subject to city council approval, rules of procedure which shall govern the conduct of hearings and other business of the Tree Commission.
- C. Three members of the five-member Tree Commission shall constitute a quorum, and a quorum is required for the Tree Commission to take action on any item on its agenda.

**Sec. 2-54. Activity Report.**

The Tree Commission shall compile and approve a quarterly report that is forwarded to the City Council. The report shall inform the City Council of the number of meetings held that quarter, the attendance record for each Tree Commissioner and a brief report on the activity of the Tree Commission. The Commission may delegate the drafting and approval of the report to City Staff. The quarterly report should list the accomplishments of the Commission that quarter, including a brief list of those permits or projects approved or denied, as well as any other information that would be of importance to the City Council.

**Sec. 2-55. - Chair, Vice-Chair and Secretary.**

At its regular meeting in April of each year, or as soon thereafter as possible, the members of the Tree Commission shall appoint one of its members as a chairperson and one of its members as a vice-chairperson for the Commission. The City Clerk or his/her designee shall serve as secretary to the Tree Commission. Vacancies in the position of chairperson and/or vice-chairperson shall be filled at the Tree Commission 's next regularly scheduled meeting, or as soon thereafter as possible.

**Sec. 2-56. - Duties and Functions of the Tree Commission.**

The Tree Commission shall have the duties and functions specified herein:

- A. The Tree Commission shall make recommendations to the City Council on matters relating to the care, maintenance and preservation of trees in the City.

- B. The Tree Commission shall recommend to the City Council on expenditures for Tree Maintenance, and shall make recommendations to the City Council regarding the trees in any city street, right of way, park, alley or public place in the City which require attention.
- C. Prepare, adopt and periodically revise a master list of approved trees for planting in public rights of way and parks.
- D. The Tree Commission shall work with the local garden club or other interested groups in order to ensure that trees are visually appealing and that planter boxes or vegetation at the base of trees are maintained in good condition.
- E. Perform such duties that are set forth in Chapter 19 of this Code and any other duties the City Council or City Code may prescribe.

**Sec. 2-57. Compensation.**

Tree Commissioners shall serve without compensation.

**SECTION 4. Repeal of Sections 30.02, 30.03, of Chapter 30 of “Appendix A” of the City Code**

Section 30.02 “Establishment” and Section 30.3 “Powers and duties” of Article 30 “Landmark Historic Preservation,” of “Appendix A” of the Colusa City Code are hereby repealed in their entirety.

**SECTION 5. Addition of Article IX “Historic Preservation Commission” to Chapter 2 of the City Code**

Article IX “Historic Preservation Commission” is hereby added to Chapter 2 “Administration,” the City Code, and shall read as follows:

**Sec. 2-65. Establishment, Powers and Duties Generally.**

There is hereby established a Historic Preservation Commission, which shall administer the provisions of Article 30 of the City Code, and the other responsibilities as set forth in this Code.

**Sec. 2-66. Membership.**

The Historic Preservation Commission shall consist of five members, who shall serve at the pleasure of the City Council. Historic Preservation Commissioners shall be residents of the City’s sphere of influence at the time of appointment and during his/her term, and shall not be officers nor employees of the City.

**Sec. 2-67. Appointment, Terms of Office and Vacancies.**

- A. The members of the Historic Preservation Commission shall be appointed by the City Council and shall serve individual terms of four years. The City Council shall ensure that the members terms are staggered so that no more than three

Commissioner's terms expire in any single calendar year. Each member, unless sooner terminated, shall serve until his or her successor is appointed and qualified.

- B. No limit is established on the number of terms an individual may serve as a Commissioner.
- C. A Commissioner may be removed from office by majority vote of the City Council without cause, notice or hearing.
- D. In the event of a vacancy, the City Council shall appoint a new Commissioner to fill the unexpired portion of the existing term.

**Sec. 2-68. Meetings.**

- A. The Historic Preservation Commission shall hold regular meetings during each calendar year at such time and place in the city as the City Council may fix by resolution.
- B. The Historic Preservation Commission may adopt, consistent with applicable laws and subject to city council approval, rules of procedure which shall govern the conduct of hearings and other business of the Historic Preservation Commission.
- C. Three members of the five-member Historic Preservation Commission shall constitute a quorum, and a quorum is required for the Historic Preservation Commission to take action on any item on its agenda.

**Sec. 2-69. Activity Report.**

The Historic Preservation Commission shall compile and approve a quarterly report that is forwarded to the City Council. The report shall inform the City Council of the number of meetings held that quarter, the attendance record for each Historic Preservation Commissioner and a brief report on the activity of the Historic Preservation Commission. The Commission may delegate the drafting and approval of the report to City Staff. The quarterly report should list the accomplishments of the Commission that quarter, including a brief list of those permits or projects approved or denied, as well as any other information that would be of importance to the City Council.

**Sec. 2-70. Chair, Vice-chair and Secretary.**

At its regular meeting in April of each year, or as soon thereafter as possible, the members of the Historic Preservation Commission shall appoint one of its members as a chairperson and one of its members as a vice-chairperson for the Commission. The City Clerk or his/her designee shall serve as secretary to the Historic Preservation Commission. Vacancies in the position of chairperson and/or vice-chairperson shall be filled at the Historic Preservation Commission's next regularly scheduled meeting, or as soon thereafter as possible.

**Sec. 2-71. Duties and Functions of the Historic Preservation Commission.**

The Historic Preservation Commission shall have the duties and functions specified herein, and may make recommendations to the Planning Commission or City Council as specified, on the following topics:

- A. Recommend to the City Council the designation of landmarks and historic districts.
- B. Establish and maintain a list of structures or other landmarks deserving recognition by the City, even if such structures or landmarks are not formally designated as historic, and take steps to recognize those such structures or landmarks deserving of recognition.
- C. Shall hear and determine permit applications for construction, alteration, demolition and remedial work on landmark sites and historic districts.
- D. May take steps to encourage or bring about preservation of structures or other features on historic structures or landmarks. This includes taking steps to encourage or preserve those structures covered by the Heritage Preservation Commission's decision to suspend action on a permit, as set forth in Section 30.05(e) of this Code.
- E. Advise, upon the request of a Property Owner, on improvements not requiring the issuance of a City permit. For example, advise on paint, roofing, landscaping, installation of lighting or repainting of exterior surfaces or fixtures. In advising, the Heritage Preservation Commission shall be guided by the purposes and standards set forth in Article 30.
- F. The Heritage Preservation Commission may formulate, fundraise and develop financial procedures in order to establish and maintain a fund for the purpose of Heritage Preservation.
- G. Perform such duties that are set forth in Article 30 of this Code and any other duties the City Council or City Code may prescribe.

**Sec. 2-72. Compensation.**

Historic Preservation Commissioners shall serve without compensation.

**SECTION 6. Repealing and Replacing Article VI "Parks and Recreation Commission" of Chapter 2 of the City Code**

Article VI "Parks and Recreation Commission" of Chapter 2 "Administration," is hereby repealed and replaced in its entirety, and shall read as follows:

**Sec. 2-28. Establishment, Powers and Duties Generally.**

There is hereby established a Parks and Recreation Commission, which shall administer the provisions of this Chapter, and the other responsibilities as set forth in this Code.

**Sec. 2-29. Membership.**

The Parks and Recreation Commission shall consist of five members, who shall serve at the pleasure of the City Council. Parks and Recreation Commissioners shall be residents of the Colusa Unified School District at the time of appointment and during his/her term, and shall not be officers nor employees of the City.

**Sec. 2-30. Appointment, Terms of Office and Vacancies.**

- A. The members of the Parks and Recreation Commission shall be appointed by the City Council and shall serve individual terms of four years. The City Council shall ensure that the members terms are staggered so that no more than three Commissioner's terms expire in any single calendar year. Each member, unless sooner terminated, shall serve until his or her successor is appointed and qualified.
- B. No limit is established on the number of terms an individual may serve as a Commissioner.
- C. A Commissioner may be removed from office by majority vote of the City Council without cause, notice or hearing.
- D. In the event of a vacancy, the City Council shall appoint a new Commissioner to fill the unexpired portion of the existing term.

**Sec. 2-31. Meetings.**

- A. The Parks and Recreation Commission shall hold regular meetings during each calendar year at such time and place in the city as the City Council may fix by resolution.
- B. The Parks and Recreation Commission may adopt, consistent with applicable laws and subject to city council approval, rules of procedure which shall govern the conduct of hearings and other business of the Parks and Recreation Commission.
- C. Three members of the five-member Parks and Recreation Commission shall constitute a quorum, and a quorum is required for the Parks and Recreation Commission to take action on any item on its agenda.

**Sec. 2-32. Activity Report.**

The Parks and Recreation Commission shall compile and approve a quarterly report that is forwarded to the City Council. The report shall inform the City Council of the number of meetings held that quarter, the attendance record for each Parks and Recreation Commissioner and a brief report on the activity of the Parks and Recreation Commission.

The Commission may delegate the drafting and approval of the report to City Staff. The quarterly report should list the accomplishments of the Commission that quarter, including a brief list of those permits or projects approved or denied, as well as any other information that would be of importance to the City Council.

**Sec. 2-33. Chair, Vice-Chair and Secretary.**

At its regular meeting in April of each year, or as soon thereafter as possible, the members of the Parks and Recreation Commission shall appoint one of its members as a chairperson and one of its members as a vice-chairperson for the Commission. The City Clerk or his/her designee shall serve as secretary to the Parks and Recreation Commission. Vacancies in the position of chairperson and/or vice-chairperson shall be filled at the Parks and Recreation Commission's next regularly scheduled meeting, or as soon thereafter as possible.

**Sec. 2-34. Duties and Functions of the Parks and Recreation Commission.**

The Parks and Recreation Commission shall have the duties and functions specified herein:

- A. Make recommendations to the City Council regarding the allocation of funding, budgeting and expenditure of funds received under the assessment levied for the City of Colusa Parks, Trees and Pools Improvement District.
- B. Make recommendations to the City Council regarding projects to be undertaken by the City of Colusa Parks, Trees, and Pools Improvement District, and other recommendations to the Council consistent with the purpose of the Parks, Trees, Pools Improvement District.
- C. Act as a liaison between the Colusa community and City, by providing input regarding programs, fees, facilities and recreation areas. Work with Staff to provide input on community recreation programs.
- D. Make recommendations to the City Staff and to the City Council on such action as the parks and recreation commission appear necessary, proper or advisable for the proper administration of the City parks and recreation programs, or on park projects and specific issues designated by the City Council.
- E. Perform such duties that are set forth in this Code and any other duties the City Council may prescribe.

**Sec. 2-35. Compensation.**

Park and Recreation Commissioners shall serve without compensation.

**SECTION 7. Severability**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**SECTION 8. Effective Date**

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and/or posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on \_\_\_\_\_, 2012, and was passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Patrick L. Landreth, Mayor

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Shelly Kittle, City Clerk

1747268.4

**RESOLUTION NO. 12-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA  
ESTABLISHING REGULAR MEETING DATES AND TIMES FOR THE CITY  
COUNCIL, PLANNING COMMISSION, TREE COMMISSION, HISTORIC  
PRESERVATION COMMISSION AND PARKS AND RECREATION COMMISSION**

**WHEREAS**, Government Code Section 54954(a) requires the City Council to “provide, by ordinance, resolution, bylaws, or whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings;” and

**WHEREAS**, Colusa City Code Section 2-1 provides that the City Council may establish the dates and times for its regular meetings by resolution, and it is the City’s intent to establish the date and times for regular City Council meetings by this Resolution; and

**WHEREAS**, the Colusa City Code was recently amended to allow the City Council to establish the dates and times for the regular meetings of the Planning Commission, Tree Commission, Parks and Recreation Commission and Historic Preservation Commission by resolution; and

**WHEREAS**, consistent with the Brown Act and the Colusa City Code, it is the City’s intent to establish the dates and times for regular commission meetings by this Resolution.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES  
HEREBY RESOLVE:**

**Section 1. Findings and Determinations**

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City set forth below.

**Section 2. Date and Time of Regular City Council Meetings Established**

The regular meetings of the City Council shall be held on the first and third Tuesdays of every month at the hour of 7:00 p.m. at City Hall. In the event that a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day at 7:00 p.m.

**Section 3. Date and Time of Regular Planning Commission Meetings Established**

The regular meetings of the Planning Commission shall be held on the fourth Wednesday of every month at the hour of 7:00 p.m. at City Hall. In the event that a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day at 7:00 p.m.

Section 4. Date and Time of Regular Tree Commission Meetings Established

The regular meetings of the City Council shall be held on the third Wednesday of every month at the hour of 8:00 a.m. at City Hall. In the event that a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day at 8:00 a.m.

Section 5. Date and Time of Regular Historic Preservation Commission Meetings Established

The regular meetings of the City Council shall be held on the second Tuesday of every month at the hour of 9:00 a.m. at City Hall. In the event that a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day at 9:00 a.m.

Section 6. Date and Time of Regular Parks and Recreation Commission Meetings Established

The regular meetings of the City Council shall be held on the second Wednesday of every month at the hour of 7:00 p.m. at City Hall. In the event that a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day at 7:00 p.m.

Section 7. Repeal of Previous Resolutions

Any previous resolution setting forth the date and time for regular meetings of the City Council, Planning Commission, Tree Commission, Historic Preservation Commission, and Parks and Recreation Commission are hereby repealed in their entirety.

Section 8. Effective Date

This Resolution shall take effect immediately upon its adoption..

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Patrick W. Landreth, Mayor

Attest:

\_\_\_\_\_  
Shelly Kittle, City Clerk