

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE December 10, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Sections 2.44.020 and 2.44.040 of the Stanislaus County Code Relating to Planning Commission Appointment and Conduct Of Business

STAFF RECOMMENDATIONS:

1. Find the proposed ordinance amendment is exempt under the provisions of the California Environmental Quality Act pursuant to State Guidelines Section 15061(b)(3).
2. Introduce and waive the first reading of an ordinance amending Sections 2.44.020 and 2.44.040 of the Stanislaus County Code relating to Planning Commission Appointment and Conduct of Business.

FISCAL IMPACT:

Each member of the Planning Commission is entitled to receive compensation for attendance at meetings of the Planning Commission as fixed (currently \$50.00 per meeting). Each member also receives traveling expenses to and from a usual place of business to the place of meeting of the commission or a committee thereof at the rate fixed for reimbursement of traveling expenses of county employees. The current requirement to hold at least one regular meeting each month, regardless of the need to meet,

(Continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2013-611

On motion of Supervisor Monteith, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Withdraw

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1140



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-R-9

FISCAL IMPACT: (Continued)

requires that the Planning Department compensate each attending member for their attendance and travel. There is also staff time cost associated with preparing the Planning Commission agenda and attending the meeting.

Requiring the Planning Commission to meet only as needed will reduce costs currently funded by the General Fund and application fees.

DISCUSSION:

The Planning Department is proposing the following amendments to Title 2, Chapter 2.44 – Planning Commission, of the Stanislaus County Code:

Planning Commission Appointment Term Periods:

Stanislaus County Code Section 2.44.020(A) – Appointment provides that Planning Commission members are appointed by the Board of Supervisors for terms of four years which are subject to two-term limits. The process of finding a member of the public willing and able to serve on the Planning Commission has resulted in vacancies on the Planning Commission for extended periods. Currently, the Planning Commission has one such vacancy and, of the remaining eight seated members, one will be ending their first term and two will be ending their second terms on December 31, 2013. The proposed amendment will allow a member whose last term has expired to continue serving until a successor is appointed.

Planning Commission Regular Meeting Requirements:

Stanislaus County Code Section 2.44.040 – Conduct of Business requires that at least one Planning Commission meeting be held each month. In compliance with this section, Planning Commissioners and County staff are required to attend at least one meeting a month even when there is a lack of Planning Commission business. The proposed amendments would require the Planning Commission to meet only as needed.

Accompanying the second reading of this proposed ordinance amendment on December 17, 2013, is a proposal to amend the Stanislaus County Planning Commission Rules and Regulations (hereafter referred to as "Rules"). The amendment to the Rules will be consistent with the above proposed amendment to the County Code relating to appointment terms and meeting requirements (Attachments 1 and 2).

The proposed amendments to the County Code and Rules were presented to the Planning Commission on November 21, 2013, and on a vote of 5-0 the Planning Commission recommended that the Board of Supervisors approve, as proposed.

Approval to Introduce and Waive the First Reading of an Ordinance Amending Sections 2.44.020 and 2.44.040 of the Stanislaus County Code Relating to Planning Commission Appointment and Conduct of Business
Page 3

POLICY ISSUES:

Approval of this ordinance supports the Boards' priorities of Efficient Delivery of Public Services and A Well Planned Infrastructure by allowing for a more efficient and cost effective use of the Stanislaus County Planning Commission through the avoidance of unnecessary meetings and by providing an opportunity for seamless representation for each supervisorial district during the period when a new Planning Commission member appointment is needed.

STAFFING IMPACT:

Planning and Community Development department staff prepares the Planning Commission agenda and attend the meetings along with staff from County Counsel, Department of Environmental Resources, and Public Works.

CONTACT PERSONS:

Angela Freitas, Planning and Community Development Director, (209) 525-6330

ATTACHMENTS:

1. Ordinance Amending Sections 2.44.020 and 2.44.040 of the Stanislaus County Code relating to Planning Commission Appointment and Conduct of Business
2. Ordinance Amending Sections 2.44.020 and 2.44.040 of the Stanislaus County Code relating to Planning Commission Appointment and Conduct of Business (Strike-out Version)

**AN ORDINANCE AMENDING STANISLAUS COUNTY CODE RELATING TO
PLANNING COMMISSION APPOINTMENT TERMS AND PLANNING
COMMISSION CONDUCT OF BUSINESS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE
OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Section 2.44.020 (A) of the Stanislaus County Code is
amended to read as follows:

“A. Members of the planning commission shall be appointed by the
board of supervisors. Approval of each member shall be by a majority vote of the
board of supervisors. Vacancies shall be filled by appointment for unexpired
portion of the term. Members are limited to a two-term limit of four years each
and may continue to serve at the pleasure of the board of supervisors until their
respective successors are appointed and qualified.”

Section 2. Section 2.44.040 of the Stanislaus County Code is amended
to read as follows:

“2.44.040 Conduct of Business

The planning commission shall hold regular meetings as needed each
month and shall adopt rules for the transaction of business and shall keep a
record of its resolutions, transactions, which shall be a public record.”

Section 3. This ordinance shall take effect 30 days from and after the
date of its passage and before the expiration of 15 days after its passage it shall
be published once, with the members voting for and against the same, in the
Modesto Bee, a newspaper published in the County of Stanislaus, State of
California.

Upon motion of Supervisor _____ seconded
by Supervisor _____, the foregoing Ordinance was
passed and adopted at a regular meeting of the Board of Supervisors of the
County of Stanislaus, State of California, this _____ day of _____,
2013, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Vito Chiesa, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

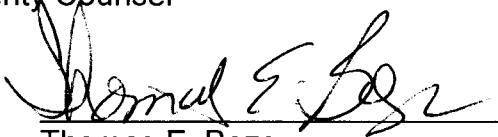
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 

Thomas E. Boze
Deputy County Counsel

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board of supervisors. ~~for terms of four years.~~ Approval of each member shall be
by a majority vote of the board of supervisors. Vacancies shall be filled by
appointment for unexpired portion of the term. Members are ~~subject~~ **limited** to a
two-term limit **of four years each and may continue to serve at the pleasure
of the board of supervisors until their respective successors are appointed
and qualified.**”

Section 2. Section 2.44.040 of the Stanislaus County Code is amended
to read as follows:

“2.44.040 Conduct of Business

The planning commission shall hold ~~at least one~~ regular meetings **as
needed** each month and shall adopt rules for the transaction of business and
shall keep a record of its resolutions, transactions, which shall be a public
record.”

Section 3. This ordinance shall take effect 30 days from and after the
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NOES: Supervisors:

ABSENT: Supervisors:

Vito Chiesa, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By _____
Thomas E. Boze
Deputy County Counsel