ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO

BILL NO. B-179

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 12-611 OF THE FRESNO MUNICIPAL CODE, RELATING TO COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES.

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

SECTION 1. Section 12-611 of the Fresno Municipal Code is added to read:

SECTION 12-611 COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES.

A. **Findings and Purpose.**

1. Council finds the following:

a. Allowing a process for the review of various entitlement requests and obtaining the input and recommendations from citizens in implementing plans is a valuable tool.

b. The current plan implementation committee structure has inconsistencies that may result in Council and Planning Commission not obtaining this valuable citizen input from all areas of the city.

2. The purpose of this section is to:

a. Provide the opportunity for citizen review on every entitlement request to insure the voices of the community are being heard.

Adopted 1/30/07
Approved 2/12/07
Effective 3/15/07

2007-11

b. To reorganize the current process to ensure that all parts of the city are heard from in regards to the implementation of the city's plans.

c. Allow for adjustments in each council district to meet the unique needs that may exist in the different districts.

d. Ensure that each committee is staffed and functional.

B. **Establishment of Council District Plan Implementation Committees**. There shall be established plan implementation committees to act as advisors to the Planning Commission and Council on the adopted plans in each council district. The number of committees shall be equal to the number of the city's council districts and the boundaries of each committee shall be coterminous with the council district boundaries. The committees shall be referred to collectively as the "Council District Plan Implementation Committees" and individually by reference to the council district number. For example, the committee for Council District 1 would be referred to as "Council District 1 Plan Implementation Committee."

C. **Committee Structure and Members**. Each councilmember shall determine the number of committee members and their qualifications for his or her district's committee. At minimum, one member on each committee shall be appointed by the Mayor. Committee members shall serve at the pleasure of the appointing authority. The councilmember shall complete the Organizational Form for City of Fresno Boards, Commission, Committees, and Similar Bodies attached to Resolution No. 2004-185, as it may be amended from time to time, to establish the

structure of the committee, the qualifications of the members, the number and frequency of meetings, and any other provisions as the councilmember deems appropriate. The Organizational Form shall be filed with the City Clerk and the Director of the Planning and Development Department before any appointments may be made. Any changes to the Organizational Form shall be made in writing and filed with the City Clerk and the Director of the Planning and Development Department prior to implementation of the changes. A new councilmember assuming office may adopt a different structure for his or her district's committee and different qualifications for committee members by filing a new Organizational Form with the City Clerk and the Director of the Planning and Development Department. Committee members, upon appointment, shall make themselves familiar with every adopted city plan that falls within the boundaries of their committee's area.

D. **Committee Duties**. Committees shall have the following duties.

1. Committees shall review and provide recommendations to the Planning Commission and Council on every application for a plan amendment, rezone, tentative or parcel map, conditional use permit, site plan or variance to develop property within the committees' boundaries. Development applications may be reviewed by multiple committees if a development project crosses committee boundaries. In providing its review and recommendations, the committee shall consider every plan to which the development is subject.

2. Committees shall act as liaisons between property owners, residents, business people and the community at large, and the Council and staff, providing a forum for public participation.

3. Committees may make recommendations to the Planning Commission and Council on any matters related to planning and zoning and the plans in the councilmember's district, including adoption of guidelines to implement the goals and policies of adopted city plans.

4. Committees shall have any additional duties to the above that the councilmember provides in the Organization Form for his or her district's committee.

E. **By-laws**. Council shall adopt written by-laws by resolution to be applicable to all of the committees. The by-laws may only be altered by Council. These by-laws may be made applicable to committees that advise on city plans other than the Council Plan Implementation Committees.

F. **Staff; Meeting Places and Times**. Each committee shall be staffed by the Planning and Development Department with at least one person. The Planning and Development Department is the record keeper for the committees, responsible for keeping the records of the agendas and any recommendations of the committees. Planning and Development Department shall provide a copy (in written or electronic form) of all plans to the committees, the committee by-laws, and the Organizational Form for the committee. Planning and Development Department staff shall also provide reports to the committees as the committees may request on matters within the scope of planning and land use. To the extent that a

councilmember assigns tasks to a committee pursuant to sub-section 12-611-D-4 that are outside the scope of land use planning, the councilmember's office shall provide staff to the committee to assist the committee with those non-land use planning tasks and otherwise perform those responsibilities that would be the duties of the staff person from the Planning and Development Department.

G. **Brown Act and State Conflict Laws**. The committees and the committee members are subject to the Brown Act (Cal. Gov't Code §§ 54950 et seq.) and the state laws on conflicts regarding public officials (including Cal. Gov't Code §§ 87100 et seq.).

H. **Existing Plan Committees Dissolve**. As of the effective date of the ordinance adopting this section, any plan implementation committees within the city established under the city's authority, including by plan adoption, are hereby dissolved with the exception of the following: Tower District Design Review Committee, and the Fulton/Lowell Specific Plan Implementation Committee. Any matters pending before committees to be dissolved by this subsection, shall be referred to the appropriate Council Plan Implementation Committee for review and recommendation. Nothing provided in this subsection is intended to affect any citizens' committee created to help draft a new plan as described in sub-section 12-609-B-2. This section shall supersede any contrary provisions in any adopted plan. To the extent that this section may be construed as amending an adopted plan, the ordinance adopting this section shall be exempt from the procedures for amending plans under this Article and shall be effective pursuant to Charter Section 610.

I. **Additional Committees May be Created.** Nothing in this section is intended to limit the ability of Council or the Mayor after the effective date of this Ordinance from establishing committees in addition to the Council District Plan Implementation Committees to advise on plans or guidelines adopted under the city's plans; including committees created to help draft a new plan as described in Section 12-609-B-2.

J. **Compensation.** Council may provide a stipend to committee members by amending the Master Fee Schedule.

K. **Severance.** If any subsection, subdivision, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this section. The Council hereby declares that it would have adopted this section and each subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses or phrases be declared invalid or unconstitutional.

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SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 30th day of January, 2007.

AYES : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
NOES : None
ABSENT : None
ABSTAIN None

Mayor Approval: N/A,

Mayor Approval/No Return: February 12, 2007

Mayor Veto: N/A,

Council Override Vote: N/A,

REBECCA E. KLISCH
City Clerk

BY: Rebecca E Klisch
~~Deputy~~

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Deputy City Attorney

KCP:sz[39455sz/kcp/ord] 12/07/06

** NO RETURN **

January 31, 2007

Council Adoption: 1/30/07
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ALAN AUTRY

FROM: REBECCA E. KLISCH, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/30/07, Council adopted the attached Ordinance No. 2007-11, entitled **Amend FMC relating to Council District Plan Implementation Committees**, Item No. **2D**, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 12, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

_____ Date: _____
Alan Autry, Mayor

COUNCIL OVERRIDE ACTION: Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	