

ORDINANCE NO. 2019-460

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN
UPDATING THE MUNICIPAL CODE TO ALLOW FOR THE
APPOINTMENT OF ALTERNATES FOR THE PLANNING
COMMISSION BY AMENDING SECTIONS 2.24.010 AND 2.24.020 OF
CHAPTER 24 OF TITLE 2 OF THE ARVIN MUNICIPAL CODE**

WHEREAS, the Planning Commission of the City of Arvin plays a key role in the physical and economic development of the City of Arvin; and

WHEREAS, there have been difficulties obtaining a quorum of the Planning Commission due to absences from various causes, which means that the Planning Commission is legally unable to conduct business at such meetings; and

WHEREAS, the lack of a quorum has resulted in the delay of several matters; and

WHEREAS, given the important role of the Planning Commission, the City Council desires to amend the Municipal Code to provide for a process to appoint Commissioners to the Planning Commission to serve as alternates when regular Commissions are not available to attend scheduled meetings of the Planning Commission.

NOW, THEREFORE, the City Council of the City of Arvin does ordain as follows:

SECTION 1. Section 2.24.010 of Chapter 24 of Title 2 of the Arvin Municipal Code is amended to read in its entirety as follows:

2.24.010 - Composition.

The planning commission shall consist of five ~~(5)~~ members and two alternates who shall be qualified electors of the city.

SECTION 1. Section 2.24.020 of Chapter 24 of Title 2 of the Arvin Municipal Code is amended to read in its entirety as follows:

2.24.020 - ~~Appointments—Terms—Vacancies.~~

A. Appointments. Each member of the city council shall nominate one ~~(1)~~ person for appointment to the planning commission. Except as otherwise provided in this chapter, a planning commissioner shall be appointed and shall serve a term which parallels the term of the city council member who made the appointment. When the term of the city council member who made the commissioner appointment expires, so, too, does the term of the planning commissioner. However, the planning commissioner shall continue to serve until appointment and qualification of his or her successor. If vacancies shall occur, otherwise than by expiration of term, they shall be filled by appointment for the unexpired portion of the term by the nomination of the respective member of the city council. ~~Planning commissioners and alternates shall serve at~~

the pleasure of the city council and may be removed at any time by the affirmative vote of a simple majority of Council members present four (4) members of the city council.

B. Appointment of Alternates. Additionally, up to two additional members shall be appointed as alternates to serve on the planning commission in the absence of a regular member at a meeting of the planning commission. If an alternate position has not been filled, the mayor may nominate a person for appointment to serve as an alternate to the planning commission. If no nomination has been made by the mayor within 100 days, or within 30 days from denial of a nomination by the city council, any member of the city council can make a nomination. The terms of alternate members shall not coincide with the term of the mayor, but instead may be appointed by the city council and shall serve a term as set by in the discretion of city council between one to four years.

~~In addition to removal at the pleasure of the city council, a planning commissioner shall be removed from the commission if that person is absent from regular commission meetings three (3) or more times within a rolling six-month period and fails to provide proper prior notice of each of said absences. Within ten (10) days of the secretary confirming a planning commissioner has reached this threshold of absences and that the planning commissioner failed to provide proper prior notice of said absences, the secretary of the planning commission shall send written notice to the planning commissioner of his or her automatic removal from the planning commission effective as of the date of mailing of said notice. The failure of the secretary to meet this ten-day deadline for sending this notice shall not preclude the secretary from sending this notice at a later time, nor shall it impact the validity of the automatic removal. Such vacancy shall be filled for the unexpired term by an appointment pursuant to subsection (A) of section 2.24.020 of this Code.~~

C. Removal. Planning commissioners and alternates shall serve at the pleasure of the city council, and any commissioner or alternate may be removed at any time in the sole discretion of the city council by an affirmative vote of a simple majority of council members present. ~~four (4) members of the city council~~

Regular meetings. For purposes of determining whether a planning commissioner has been absent from a regular meeting, "regular meeting" means that regularly occurring noticed public meeting, the date and time of which is established by resolution of the city council, and includes any regular meeting that is cancelled if (1) it is cancelled because of lack of a quorum; and, (2) the planning commissioner's absence contributed to the lack of a quorum.

D. Proper prior notice of absence. To provide proper prior notice of an absence from a regular planning commission meeting, the planning commissioner must provide notice to the secretary of the planning commission that he or she will not be attending the particular regular meeting. This notice must be in the form of a writing or email and must be received by the secretary of the planning commission at least fifteen (15) days prior to the regular meeting the planning commissioner intends not to attend.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause,

or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days from the adoption of this Ordinance.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 13th day of August 2019, and adopted the Ordinance after the second reading at a regular meeting held on the 27th day of August 2019, by the following roll call vote:

AYES: CM Trujillo, CM Franetovich, MPT Robles, Mayor Gurrola

NOES: _____

ABSTAIN: _____

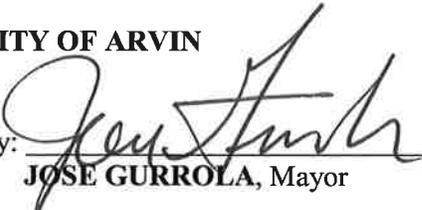
ABSENT: CM Martinez

ATTEST



CECILIA VELA, City Clerk

CITY OF ARVIN

By: 
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: 
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.