



TOWN OF FAIRFAX

STAFF REPORT

December 16, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Introduce and read by title only an Ordinance Amending Chapter 8.36 (“Trees”) of the Town Code to Establish Terms of At-Large Members by Resolution; categorically exempt from CEQA

RECOMMENDATION

Introduce, waive first reading and read by title only an “Ordinance of the Town Council of the Town of Fairfax amending Chapter 8.36 (“Trees”) of the Town Code to Establish Terms of At-Large Members by Resolution”.

BACKGROUND

The Town regulates the removal and preservation of trees within the Town through Chapter 8.36 (“Trees”) of the Town Code.

Section 8.36.030 of the Tree Ordinance provides for a Tree Advisory Committee to consist of one member of the Parks and Recreation Commission, one member of the Planning Commission, and one member of the Open Space Committee to be selected by their respective bodies (Committees), and two at-large members to be appointed by the Town Council. If one or more of the Committees do not select one of their members to the Tree Advisory Committee, the Council may appoint an additional at-large member to that vacancy, who would serve “at the pleasure” of the Council.

There are no set terms specified for the at-large members nor for the Tree Committee members selected by their respective Committees. However, the terms of the Committees would apply to its representatives. It should be noted that there is a process to allow Committees to later appoint one of its members to replace the appointed at-large member.

DISCUSSION

At its December 2, 2020 meeting, the Council indicated it would like to establish a term of office for at-large members of the Tree Advisory Committee. The attached Ordinance would give the Council the ability to do so by resolution, for added flexibility. The ordinance amends the current Code section by adding one sentence:

“Terms of all at-large members of the Tree Committee shall be established by the Town Council by resolution.”

The length of terms on other Town Boards and Commissions varies between 3 and 4 years. We suggest the Council select 3 years for the Tree Committee. The table below shows when the current at-large members of the Tree Committee were appointed and which Town committee vacancy they were appointed to fill. The Table shows when their terms would expire in three years.

| <u>Members</u> | <u>Position</u> | <u>Appointed</u> | <u>3years</u> | <u>Suggested</u> |
|-----------------------------|-----------------|------------------|---------------|------------------|
| 1 At-large | Public | 04/06/16 | n/a | 11/01/21 |
| 2 At-large | Public | 11/06/19 | 11/06/22 | |
| 3 At-large (Planning Comm.) | | 04/03/19 | 04/03/22 | |
| 4 At-large (PARC) | | 04/03/19 | 04/03/22 | |
| 5 At-large (Open Space) | | 11/18/20 | 11/18/23 | |

The appointment dates are naturally staggered, except for two members, but it's not common to have two vacancies at the same time. As noted in the table above, one at-large member was appointed in 2016. If she is willing to continue to serve, it would seem fair to extend her term for another year since the Council is just establishing term limits for at-large members.

Depending on the Council's direction, staff would bring back a proposed resolution setting terms for each of the current at-large members with the second reading of the ordinance. If the ordinance is introduced this evening, then it would be added to the January 20, 2021 Regular Town Council Meeting agenda for adoption.

CEQA

This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment because it relates to the terms of appointments and does not represent a change in operation of the meeting facilities.

FISCAL IMPACT

None

ATTACHMENT

Proposed Ordinance