



TOWN OF FAIRFAX

STAFF REPORT

January 20, 2021

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

(CONTINUED FROM DECEMBER 16, 2020 MEETING)

RECOMMENDATION

Introduce, waive first reading and read by title only: “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 for the Tree Committee nor for the members selected by their respective Committees. However, the terms of the members selected by their respective Committees 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-year terms 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 a three-year term would expire for each of the current members.

<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 is not uncommon 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 the second reading and adoption could be added to the February 3, 2021 Regular Town Council Meeting agenda.

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

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 8.36.030(A) (“TREE ADVISORY COMMITTEE”) OF THE
TOWN CODE TO ESTABLISH TERMS OF AT-LARGE MEMBERS BY RESOLUTION**

WHEREAS, the Town regulates the removal and preservation of trees within the Town through Chapter 8.36 (“Trees”) of the Town Code; and

WHEREAS, 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, and two at-large members to be appointed by the Town Council; provided, however, the Town Council may appoint additional at-large members to serve at the pleasure of the Council in the event one or more of the above-referenced bodies do(es) not select one of its members to serve on the Tree Advisory Committee within 30 days of a vacancy or other failure to appoint a member; and

WHEREAS, the Town Council desires to establish the terms of at-large members of the Tree Advisory Committee by resolution;

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Section 8.36.030 of the Town Code, Tree Advisory Committee, Subsection (A) only, is amended to read as follows:

“(A) The Tree Advisory Committee shall 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, and two at-large members to be appointed by the Town Council; provided, however, the Town Council may appoint additional at-large members to serve at the pleasure of the Council in the event one or more of the above-referenced bodies do(es) not select one of its members to serve on the Tree Advisory Committee within 30 days of a vacancy or other failure to appoint a member. Should one of the above-referenced bodies wish to appoint a member after the Council has appointed the additional at-large member, the appointment shall be made pursuant to the Council’s adopted Committee Interview and Appointment policy. Terms of all at-large members of the Tree Committee shall be established by the Town Council by resolution.”

SECTION 2: The Town Council finds that 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.

SECTION 3: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women’s Club building.

ATTACHMENT

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 20th day of January 2021, and duly adopted at the next regular meeting of the Town Council on the ___ day of ____ 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

BRUCE ACKERMAN, Mayor

Attest: _____
Michele Gardner, Town Clerk _____
Date