



Staff Report

TO: Honorable Mayor and Members of the Town Council
FROM: Wes Heathcock, Town Manager
Jeff Mitchell, Town Attorney
DATE: **October 8, 2024**
RE: Loomis Municipal Code 2.36.020, 2.36.040, 2.36.060 Proposed Planning Commissioner Appointment Process and Planning Commission Compensation Ordinance Adoption First Reading

Recommendation

Receive an update from staff, introducing the proposed ordinance amending Loomis Municipal Code Sections 2.36.020, 2.36.040, and 2.36.060 by title only, waive the first reading and schedule the proposed ordinance for adoption at the November 12, 2024, regular meeting.

Issue Statement and Discussion

During the 2024 Council Goals development, reviewing the Planning Commission stipend was identified as an essential goal under Initiative #5 Community Engagement and Involvement. The last stipend increase for the Planning Commissioners was in 2004 by Ordinance No. 215, which increased the commissioner's compensation from \$25/month to \$50/month.

At the September 10, 2024, Town Council meeting, Council directed staff to bring back an ordinance amending the Loomis Municipal Code Section 2.36.060, so that Town Council action regarding Planning Commissioner compensation would be implemented by resolution rather than by ordinance. The attached ordinance language meets the direction of Council to revise the Municipal Code to allow Planning Commissioner compensation to be set by Council resolution.

At the September 10, 2024, Town Council meeting, Council also directed staff to bring back an ordinance amending the Loomis Municipal Code to require that an individual proposed for appointment as a Planning Commissioner submit an application that can be reviewed by the full Town Council before they act to approve the appointment. The attached ordinance language meets the direction of the Council, , and establishing that

same process when a vacancy occurs. Applications for Planning Commissioner would remain on file with the Town Clerk for 2 years.

Staff is recommending Council receive an update from staff, introducing the proposed ordinance amending Loomis Municipal Code Sections 2.36.020, 2.36.040, and 2.36.060 by title only, waive the first reading, and schedule the proposed ordinance for adoption at the November 12, 2024, regular meeting.

If directed to do so, staff will prepare a resolution setting Planning Commissioner compensation for consideration at a future Town Council meeting.

CEQA Requirements

The proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Financial and/or Policy Implications

The proposed ordinance does not have an immediate impact on the FY 2024/25 Budget.

Attachments

- A. Loomis Municipal Code Chapter 2.36 – Planning Commission
- B. Town of Loomis Ordinance

Chapter 2.36 - redlined to show proposed revisions

Chapter 2.36 PLANNING COMMISSION

§ 2.36.010 Members—Appointment—Terms of office.

§ 2.36.020 Members—Appointment—Terms of office.

§ 2.36.030 Members—Removal from office.

§ 2.36.040 Vacancies.

§ 2.36.060 Compensation—Authority.

§ 2.36.070 Powers, duties and functions.

§ 2.36.080 Chairperson—Rules—Records and meetings.

§ 2.36.090 Superseding county ordinances.

§ 2.36.010 Members—Appointment—Terms of office.

There is created a planning commission for the town which shall consist of five members who shall not be officials or employees of the town, but who shall be residents of the town.

§ 2.36.020 Members—Appointment—Terms of office.

A. Each town councilmember shall appoint a member to the planning commission. Appointment will be made at the regular council meeting in January following election to the council to become effective on March 1st of that year. All appointments shall have an affirmative confirmation vote by a majority of all members of the town council prior to becoming effective.

An individual proposed to be appointed to the planning commission shall submit to the Town Clerk an application for the position on a form prepared by the town clerk. The form shall require, at a minimum, the individual's name, contact information, experience, and qualifications relevant to serving on the planning commission. The applications shall be submitted in a timely manner to allow town councilmembers to review the application before a confirmation vote. The town clerk shall keep all applications on file for two years from the date the application is received. In the event of vacancy on the commission due to election of a member to the council, that vacancy shall be filled in accordance with Section 2.36.040 of this code.

B. In the event a councilmember vacates a seat prior to the end of a term of office, his or her appointment to the planning commission is deemed terminated thirty days after the filling of the vacated council seat. The newly seated councilmember filling out the term of office of the vacated seat will make an appointment to the commission within thirty days of being seated. The town clerk shall provide each new councilmember with all applications on file for the position of

planning commissioner on file with the town clerk. The councilmember is not obligated to appoint a person from the applicants on file; however the person proposed to be appointed to the planning commission by the new councilmember shall submit an application to the town clerk in the manner described in Section 2.36.020.A.

C. All other vacancies shall be in accordance with Section 2.36.040.

D. The term of a planning commissioner is four years beginning March 1st of the appointment year unless the seat is vacated during that four-year term. In that event, the term of the new appointment is the unfilled portion of the original four-year term. At the end of a term of office, a commissioner may be reappointed to another term, again subject to a confirmation vote. A commissioner vacates a commission seat on the last day of February four years from appointment.

§ 2.36.030 Members—Removal from office.

Any commissioner may be removed at any time by a majority vote of all the town councilmembers.

§ 2.36.040 Vacancies.

If a commissioner vacates a commission seat for any reason prior to the end of a term, the appointing councilmember must appoint a new commissioner within forty-five days of the vacancy. The new appointment is subject to confirmation by a majority vote of all the councilmembers.

If confirmation of the new appointment is not achieved within forty-five days of the vacancy, any councilmember or the council as a whole may entertain other nominations for the position. Should a person nominated by a councilmember or the council as a whole accept the nomination, the person nominated shall submit an application in the manner described in Section 2.36.020.A before the town council votes to confirm the appointment.

§ 2.36.060 Compensation—Authority.

Each member of the planning commission of the town shall receive ~~the sum of fifty dollars per month as compensation~~ monthly compensation, in an amount set by the town council by resolution, for attending and participating in planning commission meetings.

§ 2.36.070 Powers, duties and functions.

A. Subject to subsection B below, the powers, duties and functions of the planning commission shall be all those powers, duties and functions of a planning commission and board of zoning adjustment as provided in Chapters 3 and 4 of Title 7 commencing with Sections 65100 of the Government Code of the state (the Planning and Zoning Law), as the same may be hereafter amended. The planning commission shall perform such other duties and functions as may be designated by the town council.

B. Pursuant to Government Code Section 65853 when the town council requests a recommendation from the planning commission on matters concerning changes to the general plan, zoning code and municipal code, the commission shall render such decision by the time noted in the council request. The council may act on a matter solely on its own without obtaining

a planning commission recommendation if the council determines that the matter requires immediate action.

§ 2.36.080 Chairperson—Rules—Records and meetings.

The planning commission annually shall elect a chairperson and a vice chairperson from among its members, shall adopt rules for the transaction of business, shall keep a public record of its resolutions, transactions, findings and determinations, and shall hold at least one regular meeting each month.

§ 2.36.090 Superseding county ordinances.

This chapter is specifically intended to supersede the provisions of Loomis Ordinance No. 1 insofar as it is in conflict therewith and to supersede the provisions of the Placer County ordinance providing for a county planning commission insofar as the same was incorporated by reference in Loomis Ordinance No. 1.

**TOWN OF LOOMIS
ORDINANCE NO. ____**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
AMENDING CHAPTER 2.36 OF THE LOOMIS MUNICIPAL CODE CONCERNING
APPOINTMENT AND COMPENSATION OF THE PLANNING COMMISSION**

WHEREAS, the Town Council of Loomis wishes to encourage public participation in local government; and

WHEREAS, the Town Council of Loomis wishes to be informed of and keep record of those interested in serving on the Planning Commission; and

WHEREAS, the compensation of the Planning Commission is currently set by ordinance, which is a more cumbersome process than establishing compensation by resolution of the Town Council.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS HEREBY
AMENDS LOOMIS MUNICIPAL CODE AS FOLLOWS:**

Section 1. The Town Council hereby amends Section 2.36.020.A. of the Loomis Municipal Code to read as follows:

"Each town councilmember shall appoint a member to the planning commission. Appointment will be made at the regular council meeting in January following election to the council to become effective on March 1st of that year. All appointments shall have an affirmative confirmation vote by a majority of all members of the town council prior to becoming effective. An individual proposed to be appointed to the planning commission shall submit to the Town Clerk an application for the position on a form prepared by the town clerk. The form shall require, at a minimum, the individual's name, contact information, experience, and qualifications relevant to serving on a planning commission. The applications shall be submitted in a timely manner to allow town councilmembers to review the application before a confirmation vote. The town clerk shall keep all applications on file for two years from the date the application is received. In the event of vacancy on the commission due to election of a council member, that vacancy shall be filled in accordance with Section 2.36.040 of this code."

Section 2. The Town Council hereby amends Section 2.36.020.B of the Loomis Municipal Code to read as follows:

"In the event a councilmember vacates a seat prior to the end of a term of office, his or her appointment to the planning commission is deemed terminated thirty days after the filing of the vacated seat. The newly seated councilmember filling out the term of office of the vacated seat will make an appointment to the commission within thirty days of being seated. The town clerk shall provide each new councilmember with all

applications on file for the position of planning commissioner on file with the town clerk. The councilmember is not obligated to appoint a person from the applicants on file; however, the person proposed to be appointed to the planning commission by the new councilmember shall submit an application to the town clerk in the manner described in Section 2.36.020.A."

Section 3. The Town Council amends Section 2.36.040 to read as follows:

"If a commissioner vacates a commission seat for any reason prior to the end of a term, the appointing councilmember must appoint a new commissioner within forty-five days of the vacancy. The new appointment is subject to confirmation by a majority vote of all the councilmembers.

If confirmation of the new appointment is not achieved within forty-five days of the vacancy, any councilmember or the council as a whole may entertain other nominations for the position. Should a person nominated by a councilmember or the council as a whole accept the nomination, the person nominated shall submit an application in the manner described in Section 2.36.020.A. before the town council votes to confirm the appointment."

Section 4. The Town Council amends Section 2.36.060 to read as follows:

"Each member of the planning commission of the town shall receive monthly compensation, in an amount set by the town council by resolution for attending and participating in planning commission meetings."

The foregoing Ordinance was introduced for the first reading at a regular meeting of the Town of Loomis, Town Council, duly held on October 8, 2024, and the second reading on November 12, 2024. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage by the following roll call vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy Town Clerk

Town Attorney