




SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk **City Manager Approval:** 

TOPIC: BOARD AND COMMISSION UPDATES

SUBJECT: RESOLUTION AND ORDINANCE CHANGES TO EXISTING CITY BOARDS AND COMMISSIONS

- I. RESOLUTION AMENDING THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS**
- II. PASS TO PRINT AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.020 THROUGH 2.16.023 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PARK AND RECREATION COMMISSION**
- III. RESOLUTION AMENDING THE PARK AND RECREATION COMMISSION BYLAWS**
- IV. PASS TO PRINT AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION**
- V. RESOLUTION AMENDING THE PLANNING COMMISSION BYLAWS**

RECOMMENDATION:

Approve the following actions:

- i. Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws
- ii. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission
- iii. Resolution Amending the Park and Recreation Commission Bylaws
- iv. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission
- v. Resolution Amending the Planning Commission Bylaws

BACKGROUND:

With the exception of the Planning Commission, which is a decision-making body, the City’s Boards, commissions, and committees (“BCC’s”) are advisory bodies, made up of volunteer community members who are appointed by the City Council to serve in an advisory role by reviewing and making recommendations to the City Council on matters within a certain purview. The City of San Rafael has 12

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

active BCC's, each with varying styles of guidelines which outline how they carry out business as an advisory body to the San Rafael City Council. BCCs are either established by the voters (through a ballot initiative), by resolution of the City Council, or ordinance (and codified in the San Rafael Municipal Code) and the Council has the discretion to both add and remove volunteers.

Based on a review of our current BCC's, staff recommends changes to the Bicycle and Pedestrian Advisory Committee, the Park and Recreation Commission and the Planning Commission with regard to membership and eligibility requirements.

Current Makeup:

Bicycle and Pedestrian Advisory Committee

- o 7 voting members
- o 2 youth members
- o 2 alternate members

Park and Recreation Commission

- o 7 voting members

Planning Commission

- o 7 voting members

ANALYSIS:

Staff is recommending changes to the membership and/or eligibility requirements for the Bicycle and Pedestrian Advisory Committee, Park and Recreation Commission and the Planning Commission. In an effort to bring our advisory bodies to a total of five voting members, staff recommends amending the membership of the Park and Recreation Commission and the Bicycle and Pedestrian Advisory Committee to five voting members. The purpose of this change is to have uniformity across our advisory committees, improve efficiencies in meetings, and have inclusivity of experiences in our members, while remaining manageable.

Bicycle and Pedestrian Advisory Committee:

In 2015 the City Council accepted the [staff report](#) revising the Bicycle and Pedestrian Advisory Committee's mission, and no changes have been made to the Committee since then. The Bicycle and Pedestrian Advisory Committee is comprised of seven adult voting members, two youth voting members and two alternate members. In an effort to move our advisory bodies to a total of five voting members, staff is recommending the Committee be comprised of five members and one alternate member. Current eligibility requirements include residing in city limits and/or owning property or a business in city limits, and being at least 18 years of age except for youth members. Staff recommends changing eligibility to those who "reside or work in city limits" and to remove the 18 or older clause. This format will allow for youth members to be appointed at any time instead of when a vacancy for the youth member is created. If the recommended changes are approved, the changes to membership will happen through attrition. As terms expire, staff will not fill the vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the board.

In addition, staff is recommending adoption of bylaws for the Committee to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Committee members. Attachment 1 to this report is a resolution adopting the proposed bylaws.

Present	Proposed
9 members: 7 regular members (voting) 2 youth members (voting) 2 alternates (non-voting)	5 members: 5 regular members (voting) 1 alternate (non-voting)
Must reside or own business or property in city limits	Must reside or work in city limits
Regular members must be 18 years or older if not the youth member	Silent on age requirements for regular members
Silent on compensation	Provides authority to approve compensation of Commissioners by resolution
Silent on voluntary resignation	2 unexcused absences in a calendar year constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

Park and Recreation Commission

The Park and Recreation Commission is currently comprised of seven voting members. In an effort to move our advisory bodies to a total of five voting members, staff is recommending the Commission be comprised of five voting members. If approved, the changes to membership will happen through attrition. As terms expire, staff will not fill the vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the board. With the prior merger of the Community Services Department and the Library Department to the Library and Recreation Department, it is possible there would be a future desire to combine the Park and Recreation Commission and the Board of Library Trustees. Changing the membership from seven to five would assist that process should the City Council ever wish to make that change.

The Park and Recreation Commission is required per the City’s Charter. Commission membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.021 through 2.16.023. Staff is recommending that the City Council adopt an ordinance (Attachment 2) amending the code to allow specific details of the commission such as meeting frequency, eligibility requirements, membership composition, and compensation, to be approved by resolution of the City Council instead of ordinance. Also, staff recommends that the Commission’s powers and duties be amended to remove the Commission’s power to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority. Additionally, staff recommends that the City Council approve a resolution (Attachment 3) adopting Park and Recreation Commission Bylaws which will outline specific information about the Commission and be consistent with recently approved bylaws for boards and commissions, as well as include the policy on term limits as outlined in the [resolution approved by the City Council in February 2014](#).

Present	Proposed
Ordinance	
7 members	5 members
Masculine language	Gender-neutral language

Term of office and removal	Delete this section – duplicative to Charter Article VIII, Section 11
Operating budget review	Deletion of review, comment, and recommendations regarding department operating budget
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
Bylaws	
Silent on voluntary resignation	Unexcused absences from 2 consecutive Commission meetings without notification to Staff Liaison shall constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

Planning Commission

The Planning Commission is comprised of seven at-large voting members. With our recent transition to district-based City elections, staff is recommending four of the seven voting members be representatives of each district, and the remaining three members be at-large. The purpose of this change is to provide for representation from each district, but similar to the City Council, the goal of the Commission is to serve the entire city of San Rafael in their decision making. Staff recommends making the district representation change to the Planning Commission, but not the other BCCs, due to the decision-making authority of the Planning Commission that the others do not have. The recommended composition of the Planning Commission is:

- District 1 Representative
- District 2 Representative
- District 3 Representative
- District 4 Representative
- At-large Member
- At-large Member
- At-large Member

The Planning Commission membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.040 through 2.16.110. Staff is recommending that the City Council adopt an ordinance (Attachment 4) amending the code to update the Planning Commission’s powers and duties. This section was last amended in 1968 and no longer accurately reflects the Planning Commission’s current role and references outdated documents. Staff is also recommending amending the code to allow specific details of the commission to be approved by resolution of the City Council, such as meeting frequency, eligibility requirements for becoming a planning commissioner, composition of the commission, and specific compensation of planning commissioners. Additionally, staff recommends that the Council approve a resolution (Attachment 5) adopting Planning Commission Bylaws which will outline specific information about the commission, as well as to include the policy on term limits as outlined in the [resolution approved by the City Council in February 2014](#).

Present	Proposed
Ordinance	
Membership: 7 members	Membership: 7 members 4 District Representatives

Present	Proposed
	3 At-large Members
Outdated information regarding implementation process	Deletion of implementation process
Chair and Secretary Selection established in Municipal Code	Eligibility requirements, meetings and Commission composition to be established by resolution
Meeting frequency and quorum information specified in Municipal Code	Deletion – to be established by resolution
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
Bylaws	
Silent on voluntary resignation	Unexcused absences from 2 consecutive Commission meetings without notification to Staff Liaison shall constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 3 consecutive four-year terms

City Council Role with BCCs

On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a “mentor” role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the city council liaison for each BCC.

Alternate Members

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Member. If a regular member is unable to attend a scheduled meeting, the Member notifies the staff liaison in advance and the Alternate Member is notified of their attendance as a full voting member. Alternate Members will be expected to review all meeting materials in preparation for BCC meetings and will vote in the absence of a full voting member. If more than one Alternate Member exists, there shall be a pre-determined first and second Alternate, and they will alternate between first and second Alternate Member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates shall vote in the absence of a second voting member. If no member is absent, the Alternate Member may still participate in the discussion, deliberation and questions/answers of staff during meetings but will not vote.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt resolutions and pass the ordinances to print.
2. Adopt resolutions/pass ordinances to print with modifications.

3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Approve:

- i. Resolution Amending the Bicycle and Pedestrian Advisory Committee Bylaws
- ii. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission
- iii. Resolution Approving the Park and Recreation Commission Bylaws
- iv. Pass to Print an Ordinance of the City of San Rafael Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission
- v. Resolution Approving the Planning Commission Bylaws

ATTACHMENTS:

1. Resolution (Bicycle and Pedestrian Advisory Committee) & Exhibit A – Bylaws
2. Ordinance (Park and Recreation Commission)
3. Resolution (Park and Recreation Commission) & Exhibit A – Bylaws
4. Ordinance (Planning Commission)
5. Resolution (Planning Commission) & Exhibit A – Bylaws

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

WHEREAS, the Bicycle and Pedestrian Advisory Committee is comprised of seven adult voting members, two youth voting members and two alternate members; and

WHEREAS, in an effort to move our advisory bodies to a total of five voting members, staff is recommending the Committee be comprised of five regular members, and one alternate member; and

WHEREAS, changes to membership will happen through attrition. As terms expire, staff will not fill vacancies until the new membership number is attained. No current members will be removed to meet the new composition of the Committee; and

WHEREAS, current eligibility requirements include residing in city limits and/or owning property or a business in city limits, and being at least 18 years of age except for youth members; and

WHEREAS, staff recommends changing eligibility to “reside or work in city limits” and to remove the 18 or older age requirement; and

WHEREAS, staff is recommending adoption of bylaws for the Bicycle and Pedestrian Advisory Committee, set forth in Exhibit A attached and incorporated herein, to be consistent with recently approved bylaws of other City boards, to include information on meetings, voluntary resignation and compensation; and

WHEREAS, the rules and procedures in the proposed bylaws are consistent with the Committee’s current practice; however, written bylaws will clarify the expectations for Committee members;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Bicycle and Pedestrian Advisory Committee Bylaws as set forth in Exhibit A.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council held on Monday, the 6th day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Bicycle and Pedestrian Advisory Committee, hereinafter referred to as the "BPAC," or the "Committee."

Section 1.2. Purpose. The purpose of the Bicycle and Pedestrian Advisory Committee is to promote bicycling and walking as viable means of transportation throughout San Rafael, to provide conceptual input on public bicycle and pedestrian infrastructure projects, and to support the implementation of the City's Bicycle and Pedestrian Master Plan.

Section 1.3. Committee Responsibility. The Committee's authority is advisory only. The Bicycle and Pedestrian Advisory Committee has no power to act on behalf of the City of San Rafael or any other entity. The Bicycle and Pedestrian Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The Bicycle and Pedestrian Advisory Committee's advisory and review function on matters related to bicycling and walking include, but are not limited to:

1. Implementation of the Bicycle and Pedestrian Master Plan and other adopted plans

Participating in the development, review, and implementation of comprehensive bicycle/pedestrian goals, objectives and policies in the Bicycle and Pedestrian Master Plan, and/or other City adopted community plans and area specific plans.

2. Existing Conditions

Reviewing and commenting on the functional classification and physical condition of existing pedestrian routes, bicycle paths, bicycle lanes, protected bikeways, and bicycle routes (Caltrans Class I, II, III & IV facilities, respectively) within the City.

3. Review of Major Development and Infrastructure Projects

Reviewing development and infrastructure projects that fall within the City's jurisdiction insofar as they relate to bicycling and walking at their planning and design stages for accommodation of cyclists' and pedestrians' needs.

Members of BPAC will serve as liaisons to City departments, commissions, and committees related to bicycle and pedestrian issues and will report back to BPAC.

4. Project Development and Funding

Making recommendations on capital improvements to increase use and safety of bicycle/pedestrian facilities; and providing recommendations to staff on the prioritization of bicycle/pedestrian projects for funding under Capital Improvements Programs or other district, county, state or federal bicycle and pedestrian grant programs.

5. Educational Efforts

Participating in the City's efforts to promote bicycling and walking as viable forms of urban transportation and recreation.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Committee shall consist of a total of five (5) regular members.

The Committee shall have one alternate member who may vote in the absence of any voting member.

Section 2.2. Eligibility. The Committee shall be composed of five (5) regular voting members.

Requirements for eligibility: Shall either reside or work in city limits.

Membership on the Committee shall not be limited based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation. An effort will be made to ensure that the membership is balanced and diverse based on the eligibilities above.

Section 2.3. Term Limits. Members of the Committee shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.4. Absence and Removal. An unexcused absence from two (2) consecutive Committee meetings without notification to the Chairperson will constitute an immediate vacancy and shall be considered a voluntary resignation from the Committee. Previously dismissed Committee members may be eligible for reappointment.

Section 2.5. Compensation. Committee members shall serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Committee shall meet at least every other month, on a consistent day of the month,

and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING
SECTIONS 2.16.020 THROUGH 2.16.023 OF THE SAN RAFAEL
MUNICIPAL CODE RELATED TO THE PARK AND RECREATION
COMMISSION**

WHEREAS, regulations governing the requirement to have a Park and Recreation Commission of the City of San Rafael are located in Article VIII, Section 11 of the San Rafael Charter; and

WHEREAS, regulations governing the Park and Recreation Commission of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.020 through 2.16.023 of Chapter 2.16 (Board and Commissions); and

WHEREAS, in an effort to move our advisory bodies to a total of five voting members, staff is recommending the Park and Recreation Commission be comprised of five voting members; and

WHEREAS, changes to membership will happen through attrition. As terms expire, staff will not fill vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the Commission; and

WHEREAS, staff recommends the removal of the Commission's power to review, and make comments and recommendations regarding the annual operating budget of the department; and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and changes are being recommended to amend language to be gender-neutral; and

WHEREAS, the provisions of section 2.16.022 of the SRMC, regarding term of office and removal of Commission members, are already set forth in Article VIII, Section 11 of the San Rafael Charter and staff recommends eliminating those provisions from this section of the SRMC.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
DOES ORDAIN AS FOLLOWS:**

Division 1. Amendment of Municipal Code.

Sections 2.16.020 through 2.16.023 of Chapter 2.16 (Board and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

2.16.020 - Park and recreation commission.*

A park and recreation commission is created.

* *Park commission—See San Rafael Charter, Art. III § 52 and Art. VIII § 11.*

2.16.021 - Commission membership—Compensation.

The park and recreation commission shall consist of ~~seven~~ five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members of the park and recreation commission shall serve without compensation. The city council may establish compensation for members of the park and recreation commission by resolution.~~

2.16.022 –Commission term of office and removal.Reserved.

~~Members of the park and recreation commission shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the city council.~~

2.16.023 - Commission powers and duties.

Subject to the direction and control of the city council, as provided in [Section 2.04.030](#) of this code, the powers and duties of the parks and recreation commissioners shall be:

To assist in the preparation and adoption of a review annually and revise as necessary a long-range plan for parks including neighborhood parks, community-wide parks, special use facilities and open space lands;

To focus public attention upon the need for adequate parks and healthful and creative year-round supervised recreation for all age groups;

To assist in promoting the public recreation programs;

To solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;

To assist the parks and recreation director in establishing general policies and procedures in respect to park usage;

~~To review, comment and make recommendations regarding the annual operating budget of the department;~~

To receive periodic reports from the department head concerning the general operations and functions of the department; and

To perform such other duties as may be prescribed by the council.

Division 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City commission and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Division 4. Publication; Effective Date.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. _____ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 6th day of June 2022 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 21st day of June 2022.

LINDSAY LARA, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE PARK AND RECREATION COMMISSION**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Park and Recreation Commission; and

WHEREAS, the Park and Recreation Commission bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the Commission to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Park and Recreation Commission Bylaws as set forth in Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 6th day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: PARK AND RECREATION COMMISSION BYLAWS

PARK AND RECREATION COMMISSION BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Park and Recreation Commission, hereinafter referred to as the “Commission.”

Section 1.2. Purpose. The purpose of the Commission is to assist the City Council in developing and implementing the long-range plans for City parks and recreation facilities; monitor current service levels and community needs; review the performance of City partnerships with community groups in the utilization of facilities and production of programs; and review and advise on general policies and procedures in the delivery of park, recreation, child care and cultural services.

Section 1.3. Committee Responsibility. The Commission’s authority is advisory only. The Commission has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the City Council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Commission shall be:

1. To assist in the preparation and adoption of a review annually and revise as necessary a long-range plan for parks including neighborhood parks, community-wide parks, special use facilities and open space lands;
2. To focus public attention upon the need for adequate parks and healthful and creative year-round supervised recreation for all age groups;
3. To assist in promoting the public recreation programs;
4. To solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;
5. To assist the Parks and Recreation Director in establishing general policies and procedures in respect to park usage;
6. To receive periodic reports from the department head concerning the general operations and functions of the department;

To perform such other duties as may be prescribed by the council.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Commission shall consist of five (5) members, one of whom may be a Councilmember.

Section 2.2. Eligibility. Committee members shall reside in City limits.

Section 2.3. Term Limits. Members of the Committee shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.4. Absence and Removal. An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commission members may be eligible for reappointment to the Commission.

Section 2.5. Compensation. Commissioners shall serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Commission shall meet once per month, on a consistent day of the month, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING
SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL
MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION**

WHEREAS, regulations governing the planning commission of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions); and

WHEREAS, currently, any changes to the planning commission requires an amendment to the Municipal Code and staff is recommending amending the code to allow specific details of the commission to be approved by resolution of the City Council, such as meeting frequency, eligibility requirements for becoming a planning commissioner, and composition of the commission, and specific compensation of planning commissioners; and

WHEREAS, Section 2.16.050 of the municipal code currently outlines the process for the initial implementation of the planning commission and is no longer needed, and staff is recommending deleting the implementation process; and

WHEREAS, the municipal code currently outlines the process for chair and secretary selection and staff is recommending that changes to eligibility requirements, meetings and Commission composition be established by resolution; and

WHEREAS, the municipal code currently outlines meeting frequency and quorum and staff is recommending the deletion of this section because it will be outlined in the bylaws to be consistent with other boards and commissions; and

WHEREAS, the municipal code currently states that members of the planning commission will serve without compensation and staff is recommending an amendment to the code providing City Council authority to approve compensation of commissioners by resolution; and

WHEREAS, the municipal code outlines the powers and duties of the planning commission and references duties and documents that are no longer relevant to the current role of the planning commission;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
DOES ORDAIN AS FOLLOWS:**

Division 1. Amendment of Municipal Code.

Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

2.16.040 – Planning commission—Creation—Membership.

There is created a planning commission for the city, consisting of seven members, not officials of the city, appointed by the mayor with the approval of the city council. Eligibility requirements for members of the planning commission are as follows:

The Commission shall be composed of seven (7) regular voting members, one commissioner from each of the city's four city council electoral districts, and three at-large commissioners.

Requirements for eligibility:

1. District Representatives: Each district representative must reside in the district they represent.
2. At-Large Members: Must reside in city limits.

2.16.050 – Terms of planning commission members.

~~Of the members of the commission first appointed, two shall be appointed for the terms of one year; two for the terms of two years; two for the terms of three years; and one for the term of four years. Their successors~~ Planning commissioners shall be appointed for terms of four years; if a vacancy occurs otherwise than by expiration of term it shall be filled by appointment for the unexpired portion of the term.

2.16.060 – Advisory members of planning commission.

Advisory members of the commission shall be the city manager, the city attorney, and the city engineer. The advisory members shall not have the power to vote and their terms shall correspond to their respective official tenure.

~~2.16.070 – Chairman and secretary of planning commission.~~ Composition of planning commission.

~~The commission shall elect a chairman from its appointed members, and may also elect a secretary who may be an employee of the city.~~ Meeting frequency, commission composition and other operations of the planning commission shall be set by resolution of the council.

~~2.16.080 – Meetings and quorum of planning commission.~~ Reserved.

~~At least one regular meeting shall be held each month on a date selected by the commission.~~

~~Four of the appointed members of the commission shall be required to constitute a quorum for the transaction of the business of the commission.~~

2.16.090 – Removal from planning commission.

Any appointed member of the commission may be removed by the mayor with the approval of the city council or by a majority vote of the council.

2.16.100– Compensation of planning commission.

~~All members of the commission shall serve as such without compensation.~~ The city council may establish compensation for members of the planning commission by resolution.

2.16.110– Powers and duties of planning commission.

It shall be the function and duty of the planning commission to act as a decision-making body on quasi-legislative matters including but not limited to:

- major subdivisions as delegated to the planning commission under Title 15 of this Code
- conditional use permits delegated to the planning commission
- environmental and design review permits delegated to the planning commission
- appeals made by a lower body and appealed to the planning commission.

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- general plan updates and amendments
- zoning text and zoning map amendments
- Other land use matters requiring city council action.

It shall be the duty of the members of the planning commission to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, they may attend training and planning conferences and the reasonable traveling expenses incidental to the attendance shall be charged upon the funds allocated to the commission.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

~~It shall be the function and duty of the planning commission to prepare and adopt, in accordance with and as provided by the Conservation and Planning Act of the state of California, comprehensive long-term general plans for the physical development of the city of San Rafael, and of any land outside the boundary thereof which bears relation to the city. The plans may be comprised of the following or other and additional plans and maps which may in commission's judgment relate to the physical development of the city:~~

~~Streets and highway plan
 Parking plan
 Recreation plan
 Public buildings plan
 Transit plan~~

~~The planning commission shall be charged with the duty of making investigations, reports on the design and improvements of proposed subdivisions, and shall have such powers in connection therewith as are outlined in the Subdivision Map Act of the state of California, and the subdivision regulations adopted by the city of San Rafael.~~

~~It shall be the duty of the members of the planning commission, including advisory members and members of its staff, to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, when authorized by a majority of the commission, may attend planning conferences, or meetings of planning executives, hearings on planning legislation or matters affecting the master plan or any part thereof, and the reasonable traveling expenses incidental to the attendances shall be charges upon the funds allocated to the commission.~~

~~The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. It shall be part of its duty to consult with and advise the public officials, agencies, public utilities companies, school boards, civic and other organizations, and with the citizens generally in relation to carrying out the plans.~~

~~The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.~~

Division 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

Division 4. Publication; Effective Date.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. _____ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 6th day of June 2022 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 21st day of June 2022.

LINDSAY LARA, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE PLANNING COMMISSION**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Planning Commission; and

WHEREAS, the Planning Commission bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the commission to be consistent with recently approved bylaws for other boards and commissions; and

WHEREAS, the attached bylaws outline membership eligibility, composition of the Planning Commission and term limits; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences; and changes to powers and duties;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Planning Commission Bylaws as set forth in Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 6th day of June 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: PLANNING COMMISSION BYLAWS

PLANNING COMMISSION BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Planning Commission, hereinafter referred to as the “Commission.”

Section 1.2. Purpose. The purpose of the Commission to make decisions or advise the Council on land use and property development issues. The Commission assures that new development is consistent with our long-range General Plan, State laws and other public policies that advance the interests of our community.

Section 1.3. Committee Responsibility. The Commission’s authority is decision-making.

It shall be the function and duty of the planning commission to act as a decision-making body on quasi-legislative matters including but not limited to:

- major subdivisions as delegated to the planning commission under Title 15
- conditional use permits delegated to the planning commission
- environmental and design review permits delegated to the planning commission
- appeals made by a lower body and appealed to the planning commission

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- General Plan updates and amendments
- Zoning Text and Zoning Map Amendments
- Other land use item requiring City Council action

It shall be the duty of the members of the planning commission, to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, may attend training and planning conferences and the reasonable traveling expenses incidental to the attendances shall be charged upon the funds allocated to the commission.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Commission shall consist of a total of seven (7) members as follows:

- District 1 Representative
- District 2 Representative
- District 3 Representative
- District 4 Representative
- At-large Member
- At-large Member
- At-large Member

Section 2.2. Eligibility. The Commission shall be composed of seven (7) regular voting Members, one commissioner from each district, and three at-large commissioners.

Requirements for eligibility:

1. District Representatives: Each district representative must reside in the district they represent.
2. At-Large Members: Must reside in city limits.

Section 2.3. Term Limits. Members of the Committee shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.4. Absence and Removal. An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commission members may be eligible for reappointment to the Commission.

Section 2.5. Compensation. Commissioners shall serve without compensation.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Regularly scheduled Commission meetings shall be the second and fourth Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Commission. The Commission shall meet once per month and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.