

**ORDINANCE NO. 2019**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION**

**WHEREAS**, Article VIII, Section 10 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Fire Commissioners of the City of San Rafael; and

**WHEREAS**, regulations governing the Board of Fire Commissioners of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.010 through 2.16.013 of Chapter 2.16 (Boards and Commissions); and

**WHEREAS**, staff recommends amending SRMC Section 2.16.011 (Board membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

**WHEREAS**, staff recommends removing the Commission's duty to review, and make comments and recommendations regarding the annual operating budget of the fire department by deleting the applicable provision from the SRMC Section 2.16.013 (Trustee powers and duties); and

**WHEREAS**, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

**WHEREAS**, staff recommends repealing Section 2.16.012 of the SRMC (Board term of office and removal) in its entirety because it is duplicative of information set forth in Article VIII, Section 10 of the San Rafael Charter.

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

**Division 1. Amendment of Municipal Code.**

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards 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~~.

**2.16.010 - Board of fire commissioners.\***

A board of fire commissioners is created.

*(Ord. 889 § 2, 1967: Ord. 825 § 1, 1965: Ord. 422).*

\* *Fire commission—See San Rafael Charter, Art. VIII § 10.*

**2.16.011 - Board membership—Compensation.**

The board of fire commissioners shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. The chief of the fire department shall be an ex officio member of the commission, but shall not be entitled to vote as a member of the commission. ~~All members of the commission shall serve without~~

~~compensation. The city council may establish compensation for members of the board of fire commissioners by resolution.~~

~~(Ord. 889 § 3 (part), 1967).~~

~~**2.16.012 – Board term of office and removal.**~~

~~The members of the board of fire commissioners 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.~~

~~(Ord. 889 § 3 (part), 1967).~~

**2.16.013 - Board 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 board of fire commissioners shall be:

To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;

To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;

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

To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;

To receive monthly 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 city council.

~~(Ord. 1131 § 1, 1974: Ord. 889 § 3 (part), 1967).~~

**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.**

Agenda Item 4.d

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19<sup>th</sup> day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3<sup>rd</sup> day of October 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

\_\_\_\_\_  
KATE COLIN, Mayor

Attest:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2019**

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2019, which will amend the Fire Commission. Ordinance No. 2019 is scheduled for adoption by the San Rafael City Council at its regular meeting of Monday, October 3, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF ORDINANCE**

Ordinance No. 2019 amends Sections 2.16.010 through 2.16.013 of the San Rafael City Municipal Code, removing masculine language and replacing it with gender neutral language, removing the clause relating to compensation of Commissioners and providing authority to the City Council to approve compensation by resolution, removing duplicative language in the code, and removing the review of the department budget from the powers and duties of the Commission. The City Council's adoption of this ordinance creates uniformity across the City's boards and commissions program.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org). Copies of the Ordinance are also available for public review by contacting the City Clerk's office by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

/s/ Lindsay Lara  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 09/23/2022