



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

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**TOPIC: BOARDS AND COMMISSIONS UPDATES**

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

- I. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES**
- II. RESOLUTION AMENDING THE BOARD OF LIBRARY TRUSTEES BYLAWS**
- III. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD**
- IV. RESOLUTION AMENDING THE DESIGN REVIEW BOARD BYLAWS**
- V. INTRODUCE 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**
- VI. RESOLUTION AMENDING THE FIRE COMMISSION BYLAWS**

**RECOMMENDATION:**

- 1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
- 2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
- 3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
- 4. Adopt the Resolution Amending the Design Review Board Bylaws
- 5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
- 6. Adopt the Resolution Amending the Fire 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

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**FOR CITY CLERK ONLY**

**Council Meeting: 09/19/2022**

**Disposition: Resolutions 15129 x 15130 x 15131 and Waived further reading of ordinances and introduced Ordinances 2017, 2018, 2019**

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.

On [June 6, 2022](#), the City Council approved changes to the Bicycle and Pedestrian Advisory Committee, the Park and Recreation City’s Commission and the Planning Commission in an effort to bring consistency and uniformity across the City’s Boards and Commissions program. The updates made at the June 6, 2022 City Council meeting included changes to the composition of the BCC’s. The changes being proposed in this staff report focus on changing masculine language in the municipal code to gender neutral language, provides authority to the City Council to approve compensation of board members and commissioners by resolution, and update the scope of a few BCCs to better reflect current practices.

**ANALYSIS:**

Staff is recommending changes to the Board of Library Trustees, Design Review Board, and the Fire Commission. All recommended changed are explained below.

**Board of Library Trustees**

The Board of Library Trustees is required per the City’s Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 1) amending the code to provide authority to the City Council to approve compensation of Board Members by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Board’s duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Board 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 Board members. Attachment 2 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Board to formalize the current practice of requiring residency in city limits.

Present	Proposed
<b>Ordinance</b>	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Board members by resolution
Board’s duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Board members	Deletion – duplicative (Article IX, Section 1)
Masculine language	Gender-neutral language
<b>Resolution &amp; Bylaws</b>	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation

Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms
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**Design Review Board**

The Design Review Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits). Staff is recommending that the City Council adopt an ordinance (Attachment 3) amending the code to delete provisions relating to term of office, removal or vacancy of membership, meetings, quorum, and rules of order. Staff recommends this information be included in the Bylaws for the Board and be adopted by resolution in an effort to remain consistent with other boards and commissions. Additionally, staff recommends removal of compensation information in the municipal code, and provide authority to the City Council to approve compensation by resolution.

Staff also recommends moving the remaining provisions governing administration of the Design Review Board from Section 14.25.070 to new Sections 2.16.120 through 2.16.122 established under Chapter 2.16 (Boards and Commissions). This move will consolidate the provisions governing administration of the Design Review Board with provisions governing administration of the other boards and commissions of the City.

Staff recommends retaining under Section 14.25.070 the subsection governing the pilot program approved by the City Council in May 2022 for streamlined review of certain residential projects of the Environmental and Design Review Permits because this is a specific program for permitting of certain residential structures.

In addition, staff is recommending adoption of bylaws for the Board 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 Board members. Attachment 4 to this report is a resolution adopting the proposed bylaws.

Present	Proposed
<b>Ordinance</b>	
Membership and Powers and Duties	Moved to Sections 2.16.120 through 2.16.122
Membership, term of office, removal or vacancy of membership, meetings, quorum, and compensation	Deletion – will be designated by resolution adopting bylaws
Masculine language	Gender-neutral language
<b>Resolution &amp; Bylaws</b>	
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 3 consecutive four-year terms

**Fire Commission**

The Fire Commission is required per the City’s Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.010 through 2.16.013 of Chapter 2.16

(Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 5) amending the code to provide authority to the City Council to approve compensation of Board Members by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Commission’s duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Commission 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 Commissioners. Attachment 6 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Commission to formalize the current practice of requiring residency in city limits.

Present	Proposed
<b>Ordinance</b>	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
Board’s duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Commissioners	Deletion – duplicative (Article VIII, Section 10)
Masculine language	Gender-neutral language
<b>Resolution &amp; Bylaws</b>	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 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 introduce the ordinances.
2. Adopt resolutions/ introduce the ordinances with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
4. Adopt the Resolution Amending the Design Review Board Bylaws
5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
6. Adopt the Resolution Amending the Fire Commission Bylaws

**ATTACHMENTS:**

1. Ordinance (Board of Library Trustees)
2. Resolution (Board of Library Trustees) & Exhibit A – Bylaws
3. Ordinance (Design Review Board)
4. Resolution (Design Review Board) & Exhibit A – Bylaws
5. Ordinance (Fire Commission)
6. Resolution (Fire Commission) & Exhibit A – Bylaws
7. Correspondence

**ORDINANCE NO. 2017**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING  
SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL  
MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY  
TRUSTEES**

**WHEREAS**, Article IX, Section 1 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Library Trustees of the City of San Rafael; and

**WHEREAS**, regulations governing the Board of Library Trustees of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions); and

**WHEREAS**, staff recommends amending SRMC Section 2.16.031 (Trustee 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 Board's duty to review, and make comments and recommendations regarding the annual operating budget of the library department by deleting the applicable provision from the SRMC Section 2.16.033 (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**, there are instances throughout the SRMC where the term 'citizen' is used, and staff recommends replacing this term with the terms 'community' or 'patron'; and

**WHEREAS**, staff recommends repealing Section 2.16.032 of the SRMC (Trustee term of office and removal) in its entirety because it is duplicative of information set forth in Article IX, Section 1 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 ~~strikethrough~~.

**2.16.030 - Board of library trustees.**

A board of library trustees is created.

*(Ord. 889 § 6, 1967).*

*\* Board of library trustees —See San Rafael Charter, Art. IX § 1.*

**2.16.031 - Trustee membership—Compensation.**

The board of library trustees shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members shall serve without compensation.~~ The City Council may establish compensation for members of the board of library trustees by resolution.

*(Ord. 889 § 7 (part), 1967).*

**2.16.032 - ~~Trustee term of office and removal.~~ Reserved**

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

*(Ord. 889 § 7 (part), 1967).*

**2.16.033 - Trustee 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 library trustees shall be:

To assess and evaluate current and long-range needs of the library; to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;

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

To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;

To recommend ways to inform the ~~citizens of San Rafael~~ community as to the various programs, services and assistance which the library affords all its patrons~~citizens~~;

To promote intergovernmental cooperation in the development of library services, patronage and usage;

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

*(Ord. 1131 § 3, 1974: Ord. 889 § 7 (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.**

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the \_\_\_ day of \_\_\_\_ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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

Attest:

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



**RESOLUTION NO. 15129**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING BYLAWS OF THE BOARD OF LIBRARY TRUSTEES**

**WHEREAS**, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Board of Library Trustees; and

**WHEREAS**, staff recommends adoption of the Board of Library Trustees Bylaws in Exhibit A attached hereto, which include specific rules and practices for the operation of the Board 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;

**WHEREAS**, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Board Members to a maximum of two consecutive four-year term limits;

**WHEREAS**, the attached bylaws include eligibility requirements of living in city limits.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Board of Library Trustees Bylaws attached hereto as 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 19<sup>th</sup> day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: BOARD OF LIBRARY TRUSTEES BYLAWS

# BOARD OF LIBRARY TRUSTEES BYLAWS

## ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Board of Library Trustees, hereinafter referred to as the "Library Board," or the "Board."

**Section 1.2. Purpose.** The purpose of the Board is to support the Library Director, support the Library Foundation in its quest for a new library, serve as advocates for the Library to the City Council, and help increase the visibility of the Library in the community.

**Section 1.3. Board Responsibility.** The Library Board's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Library Board's authority is advisory only. The Library Board 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 Board of Library Trustees shall be:

1. To assess and evaluate current and long-range needs of the library;
2. to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;
3. To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;
4. To recommend ways to inform the San Rafael community as to the various programs, services, and assistance which the library affords all patrons;
5. To promote intergovernmental cooperation in the development of library services, patronage and usage;
6. To perform such other duties as may be prescribed by the city council.

## ARTICLE II. MEMBERSHIP

**Section 2.1. Number of Members.** The Library Board shall consist of five (5) voting members. The City Council has the authority to appoint alternates as needed.

**Section 2.2. Eligibility.** Board members shall be residents of the city of San Rafael.

**Section 2.3. Appointment of Board Members.** Members shall be appointed by the City

Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

**Section 2.4. Terms of Appointment.** Each Board member shall serve a minimum term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

**Section 2.5. Term Limits.** Members of the Board shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.6. Absence and Removal.** An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

**Section 2.7. Compensation.** Board members 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 Board shall meet once per month, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

**ORDINANCE NO. 2018**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD**

**WHEREAS**, regulations governing the Design Review Board of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Section 14.25.070 (Environmental and Design Review Permits); and

**WHEREAS**, staff recommends deleting provisions of Section 14.25.070 relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; and

**WHEREAS**, staff recommends that the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties be moved to new Sections 2.16.120 through 2.16.122 of Chapter 2.16 (Boards and Commissions); and

**WHEREAS**, staff recommends that the regulation under Section 14.25.070 relating to streamlined reviews of certain residential projects remain in that section of the code; and

**WHEREAS**, staff recommends the removal of compensation information from the municipal code.

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

**Division 1. Amendment of Section 14.25.070 of Municipal Code.**

Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits) of the San Rafael Municipal Code is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.25.070 – ~~Design review board~~ Streamlined Review of Certain Residential Projects.**

**A. ~~Purpose and Authority.~~**

- ~~1. The design review board shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process is allowed for certain eligible projects as described below. The design review board may also serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The design review board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.~~

~~2. Streamlined Review of Certain Residential Projects.~~

The following residential projects shall be eligible for a streamlined review process, as established by City Council resolution under a pilot program known as the "streamlined review for certain residential projects."

- a. ~~A.~~ Residential structures of three (3) to ten (10) units.
- b. ~~B.~~ Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty (40) percent of the total square footage of the building and would not increase the unit count by more than three (3) units.

This streamlined review process allows for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework, roles and membership of the design review board representatives for a streamlined review process shall be as established by city council resolution.

~~B. Membership of the Design Review Board. The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:~~

- ~~1. At least two (2) members shall be licensed architects or licensed building designers;~~
- ~~2. At least one member shall be a licensed landscape architect;~~
- ~~3. At least one of the five (5) members shall have background or experience in urban design;~~
- ~~4. The alternate member may have qualifications in any of the above fields of expertise;~~
- ~~5. All board members shall reside in the city of San Rafael; and~~
- ~~6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.~~

~~C. Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.~~

~~D. Term of Office. The term of office for each design review board member shall be four (4) years. Of the members of the board first appointed, one shall be appointed for the term of one year; one for the term of two (2) years; one for the term of three (3) years; and two (2) for the term of four (4) years. The term of office for the alternate board member shall be four (4) years concurrent with the term of the chairperson.~~

~~E. Removal or Vacancy of Membership. Any member of the board or the alternate member can be removed at any time by a majority vote by the city council. A vacancy shall be filled in the same manner as the original appointment. The person appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

~~F. Meetings. At least one (1) regular design review board meeting shall be held each month on a date selected by the board, unless there is no business to conduct. The design review board may adopt and amend as necessary, Rules of Order ensuring efficient and responsive board meetings.~~

~~G. Quorum. Three (3) of the members of the board, either regular members or two (2) regular members and the alternate board member, shall be required to constitute a~~

~~quorum for the transaction of the business of the board and the affirmation vote of a majority of those present is required to take any action.~~

~~H. Compensation of the Design Review Board. All members of the board shall serve as such without compensation.~~

~~I. The design review board may adopt, and amend as necessary, Rules of Order to ensure efficient and responsive board meetings.~~

~~(Ord. 1838 § 53, 2005; Ord. 1794 § 2, 2003; Ord. 1625 § 1 (part), 1992).~~

~~(Ord. No. 1882, Exh. A, § 94, 6-21-2010; Ord. No. 2006, § 1, 5-2-2022)~~

## **Division 2. Addition to Chapter 2.16 of Municipal Code.**

Sections 2.16.120 through 2.16.122 are hereby adopted and made a part of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code as follows. Additions are shown in underline.

### **2.16.120 Design review board – creation.**

A design review board is created.

### **2.16.121 Design review board membership - compensation.**

The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise;
5. All board members shall reside in the city of San Rafael; and
6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

The city council may establish compensation for members of the design review board by resolution.

### **2.16.122 – Design review 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 design review board shall be:

To serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design

review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council.

To serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council.

To provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city 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 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.

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 \_\_\_ day of \_\_\_\_\_ 2022 by the following vote, to wit:

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

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

Attest:

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

**RESOLUTION NO. 15130**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING BYLAWS OF THE DESIGN REVIEW BOARD**

**WHEREAS**, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Design Review Board; and

**WHEREAS**, the Design Review Board bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the Board 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 Design Review Board 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 19<sup>th</sup> day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: DESIGN REVIEW BOARD BYLAWS



## DESIGN REVIEW BOARD BYLAWS

### ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Design Review Board, hereinafter referred to as the "Board."

**Section 1.2. Purpose.** The Board shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council. The Board may also serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The Board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.

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

### ARTICLE II. MEMBERSHIP

**Section 2.1. Number of Members.** The Board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise; and
5. In addition to the five (5) council-appointed Board members and one alternate member, one planning commissioner shall attend Board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot

attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

**Section 2.2. Eligibility.** Board members shall be residents of the city of San Rafael.

**Section 2.3. Appointment of Board Members.** Regular voting members and alternate members shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

The liaison Planning Commissioner shall be appointed by the Commission Chairperson. An additional Commissioner shall be appointed to serve as an “alternate liaison” in case of absence.

**Section 2.4. Terms of Appointment.** Each Board member shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

**Section 2.5. Term Limits.** Members of the Board shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.6. Absence and Removal.** An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

**Section 2.7. Compensation.** Board members 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 Board meetings shall be the first and third Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Board. The Board shall meet once per month. The schedule for the upcoming year will be set by December of the previous year.

**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.**

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 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the \_\_\_ day of \_\_\_\_ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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

Attest:

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

**RESOLUTION NO. 15131**

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

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

**WHEREAS**, staff recommends adoption of the Fire Commission Bylaws in Exhibit A attached hereto, which 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;

**WHEREAS**, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Commissioners to a maximum of two consecutive four-year term limits;

**WHEREAS**, the attached bylaws include eligibility requirements of living in city limits.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby adopts the Fire Commission Bylaws attached hereto as 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 19<sup>th</sup> day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: FIRE COMMISSION BYLAWS

## **FIRE COMMISSION BYLAWS**

### **ARTICLE I. NAME AND PURPOSE**

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

**Section 1.2. Purpose.** The purpose of the Fire Commission is to advise and support the goals and objectives of the San Rafael Fire Department as articulated by the Fire Chief.

**Section 1.3. Commission Responsibility.** The Commission’s authority is advisory only. The Fire 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 Fire Commission shall be:

1. 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;
2. 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;
3. 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;
4. To receive monthly reports from the department head concerning the general operations and functions of the department;
5. To perform such other duties as may be prescribed by the city council.

### **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Commission shall consist of five (5) members, one of which may be a Councilmember. The City Council has the authority to appoint alternates as needed. 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.

**Section 2.2. Eligibility.** Commissioners shall be residents of the city of San Rafael.

**Section 2.3. Appointment of Commissioners.** Commissioners shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

**Section 2.4. Terms of Appointment.** Each Commissioner shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

**Section 2.5. Term Limits.** Commissioners shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

**Section 2.6. 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 Commissioners may be eligible for reappointment to the Commission. Commissioners shall be subject to removal by the affirmative vote of three members of the city council.

**Section 2.7. Compensation.** Commissioners 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, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.



**From:** Responsible Growth Marin <[info@rgmarin.org](mailto:info@rgmarin.org)>

**Sent:** Tuesday, September 6, 2022 11:59 AM

**To:** Mayor Kate <[kate.colin@cityofsanrafael.org](mailto:kate.colin@cityofsanrafael.org)>; Rachel Kertz <[rachel.kertz@cityofsanrafael.org](mailto:rachel.kertz@cityofsanrafael.org)>; Maribeth Bushey <[maribeth.bushey@cityofsanrafael.org](mailto:maribeth.bushey@cityofsanrafael.org)>; Eli Hill <[eli.hill@cityofsanrafael.org](mailto:eli.hill@cityofsanrafael.org)>; Maika Llorens Gulati <[maika@cityofsanrafael.org](mailto:maika@cityofsanrafael.org)>; Lindsay Lara <[lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org)>

**Cc:** Alicia Giudice <[alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org)>; Leslie Mendez <[Leslie.Mendez@cityofsanrafael.org](mailto:Leslie.Mendez@cityofsanrafael.org)>; Jim Schutz <[jim.schutz@cityofsanrafael.org](mailto:jim.schutz@cityofsanrafael.org)>

**Subject:** Proposed changes to City Boards, Committees & Commissions (BCCs)

For Public Record

Dear Honorable Mayor and City Council Members,

I will not be able to attend tonight's City Council meeting therefore I am writing to share my questions and comments so hopefully there will be some discussion regarding the points raised and this email is entered into the public record.

The City Council on 6/6/22 changed the composition of the BPAC (bicycle & pedestrian advisory committee), reducing voting membership from 9 to 5, and the Parks & Recreation(P&R) Commission, reducing voting membership from 7 to 5 voting members. The rationale was "to have uniformity among City advisory committees, improve efficiencies in meetings, and have inclusivity of experiences in our members, while remaining manageable".

The City Council also deleted the P&R Commission's authority to review P&R budget and made several changes to the San Rafael Code regarding composition of the Planning Commission, set term limits, and allowed the City Council to set eligibility requirements, quorum, meeting frequency, and compensation.

At this week's meeting the Council will continue this process with the 5-member Library Board of Trustees (allows compensation, sets term limits, removes budget review authority), Design Review Board (deletes code provisions on membership, term of office, removal or vacancy of membership, meetings, quorum, and compensation and allow City Council to decide this by resolution; sets term limits), and Fire Commission (similar changes).

While I totally support consistency and efficiencies across San Rafael Boards, Committees & Commissions, I don't understand the rationale to decrease the autonomy and decision-making responsibility. One must wonder, isn't it dangerous and antidemocratic to consolidate almost all power in the hands of the City Council? Also, I question whether eliminating the quorum requirement would allow by-passing Brown Act regulations?

I plan to see the video so if you are unable to answer my questions in tonight's meeting, please send me a written response.

I sincerely appreciate your consideration.

Respectfully,  
Grace Geraghty  
Terra Linda Resident - 36 years