

ORDINANCE NO. 2007 - 18

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN BAUTISTA
REPEALING AND REPLACING
SECTIONS 2-3-110, 2-3-115, AND 11-13-030 OF THE
SAN JUAN BAUTISTA MUNICIPAL CODE
REGARDING QUALIFICATION, APPOINTMENT AND TERM
OF PLANNING COMMISSIONERS AND PROVIDING FOR THEIR
SERVICE AS MEMBERS OF THE HISTORIC RESOURCE BOARD**

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**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1. Sections 2-3-110 and 2-3-115 of the San Juan Bautista Municipal Code are repealed and replaced to read in their entirety as follows:

2-3-110 Qualifications - Appointment - Term

(A) Members of the Planning Commission shall be residents and registered voters of the City of San Juan Bautista and shall not be officers or management-level employees of the city at the time of their appointment and continuously during their terms of office. A commissioner who has moved residence from the City shall be considered to have resigned from the commission office.

(B) Each member of the City Council shall appoint one member to the Planning Commission.

(C) At or near the beginning of his or her initial and succeeding elected or appointed term of office, each member of the City Council may nominate one commissioner who shall be appointed to the commission, if approved by a vote of at least three (3) members of the Council. Each commissioner's term of office shall coincide with the term of office of the City Council member who nominated him or her.

(D) If a commissioner vacates his or her office before the expiration of his or her term of office, the City Council member who nominated that commissioner (or a City Council member elected or appointed to fill the remaining unexpired term of office of the City Council member who appointed the commissioner) may nominate a replacement to serve the remainder of that commissioner's term of office, who shall be appointed, if the nomination is approved by a vote of at least three (3) members of the Council.

(E) If a City Council member's nomination receives less than three (3) votes, he or she may nominate additional candidates, one at a time, until one of them is appointed by a vote of at least three (3) members of the Council. Commissioners shall be nominated and voted upon at a single City Council meeting, unless a difference procedure is approved by a majority vote of the City Council. If a City Council member fails to nominate a commissioner within sixty (60) days after the vacancy occurs, the mayor, in his or her discretion, shall appoint a commissioner subject to approval of at least three (3) members of the City Council.

(F) Within 30 days from the effective date of the city ordinance which adds this subsection, the mayor shall designate the initial nominating council member for each filled and vacant position on the Planning Commission. Following the mayor's designation the Council shall undertake the nomination, appointment and confirmation procedures described in subsections (B) - (E) to nominate, appoint and confirm the members of the Planning Commission who will initially take office subject to the provisions of this section.

2-3-115 Removal

Any regular member of the Commission may be removed with good cause or without cause by a vote of at least three (3) members of the Council and such action shall be final and not subject to review.

SECTION 2. Section 11-13-030 of the San Juan Bautista Municipal Code is repealed and replaced to read in its entirety as follows:

11-13-030 Historic Resources Board.

(A) There is created the "Historic Resources Board" of the City of San Juan Bautista.

(B) The Members of the Planning Commission shall serve as Members of the Historic Resources Board.

SECTION 3. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 17th day of July 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 21st day of August, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Priscilla J. Hill, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney