

DATE SUBMITTED 4/14/2023  
 SUBMITTED BY ACM  
 DATE ACTION REQUIRED 4/19/2023

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING (X)  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS *OB*

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

<p><b>SUBJECT:</b> DISCUSSION/ACTION: <b>Ordinance of the City Council Amending Codified Ordinances Regarding Appointment and Term of Various Boards and Commissions.</b></p> <ol style="list-style-type: none"> <li>1. Introduction/1st Reading in Title Only of Ordinance No. 826 of the City Council Amending the Codified Ordinances Regarding the Appointment(s) and Term(s) of the Imperial Planning Commission.</li> <li>2. Adoption of Resolution No. 2023- 14 Directing Updates to Appointments Coincide with City Council Member Terms, to the Extent Permissible By Law</li> </ol>	
<p><b>DEPARTMENT INVOLVED:</b> City Manager's Office/City Attorney</p>	
<p><b>BACKGROUND/SUMMARY:</b></p> <p>During a Regular Meeting of the Imperial City Council city staff received director to bring forward an ordinance to amend the codified ordinances of the Imperial Municipal Code regarding the appointments and terms of the Imperial Planning Commission. It was further directed by the Council to align all appointments and terms of the various Boards, Committees and Commissions to coincide with City Council terms to the extent permissible by law. The City Attorney and City Manager's Office has put together the attached Ordinance 826 and Resolution No. 2023-14 for Council's review and consideration.</p>	
<p><b>FISCAL IMPACT:</b> De minimus impact to municipal budget</p>	<p>ADMIN SERV INITIALS _____</p>
<p><b>STAFF RECOMMENDATION:</b> It is staff's recommendation to review and adopt the ordinance and resolution to the extent it aligns the appointments of various board members, committee members, and commissioners' terms to coincide with the terms of the City Councilmembers who appointed them.</p>	<p>DEPT. INITIALS <i>OB</i></p>
<p><b>MANAGER'S RECOMMENDATION:</b></p>	<p>CITY MANAGER'S INITIALS _____</p>
<p><b>MOTION:</b></p>	
<p>SECONDED: APPROVED ( ) REJECTED ( )                  AYES: DISAPPROVED ( ) DEFERRED ( )                  NAYES:                  ABSENT: REFERRED TO:</p>	

## ORDINANCE NO 826

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES REGARDING THE APPOINTMENT AND TERM OF PLANNING COMMISSIONERS.

The City Council of the City of Imperial does ordain as follows:

**Section 1:** Article 6 “Composition; Appointment; Terms of Office.” of Chapter 2 of the Imperial City Code is hereby deleted in its entirety and enacted to read as follows:

#### **2-6. Composition; Appointment; Terms of Office.**

The planning commission shall consist of five (5) members as appointed by the City Council. Each member of the City Council shall appoint one planning commission member. A City Council member shall make an appointment in writing to the City Clerk and the City Manager. The City Clerk shall then place the name of the appointee on the next City Council agenda as a public information item at which time the appointment shall be deemed effective. At the time any new appointment is approved by the City Council, the term of any planning commissioner holding that office shall be terminated.

The term of office of each commission member shall run concurrently with the term of office of the City Council member who appointed the commissioner.

Should the appointing City Council member leave office for any reason, the appointment of each commission member appointed by the City Council member shall expire when the council member leaves office, and the successor council member shall appoint a person to serve the balance of the unexpired portion of the term. In the event that the successor council member seat is vacant, the City Council, by majority vote, may appoint a temporary appointee to serve the balance of such vacancy. An appointee whose term has expired shall serve until a successor is appointed.

The City Council member making the appointment shall have the power to remove the appointee from the planning commission. If the City Council member chooses to remove an appointee, the City Council member shall do so in writing by filing a notice with the City Manager and the City Clerk. The City Clerk shall place it on the next public agenda as a public information item. The removal shall be effective on the date the item is on the City Council’s agenda.

Notwithstanding any other section, the City Council, by a majority vote, may remove any member or members of the planning commission.

Any appointee shall be a registered voter within the City of Imperial at time of appointment and shall throughout the appointment continue to be registered.

**Section 2:** Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial,  
this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Katherine Burnworth, Mayor

ATTEST:

\_\_\_\_\_  
Kristina Shields, City Clerk

**RESOLUTION NO. 2023-14**

**RESOLUTION OF THE IMPERIAL CITY COUNCIL  
DIRECTING UPDATES TO APPOINTMENTS TO  
COINCIDE WITH CITY COUNCIL MEMBER TERMS, TO  
THE EXTENT PERMISSIBLE BY LAW**

WHEREAS, the City Council has authority to establish and/or appoint members to certain committees, commissions and boards; and

WHEREAS, the City Council desires to make all such appointments coincide with incoming or outgoing City Council members; and

WHEREAS, it is acknowledged that there are certain cases that the law does not authorize such coordination or that such coordination may be ineffective; and

WHEREAS, the City Council directs staff to take necessary actions to make such appointments coincide with incoming or outgoing City Council members.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The above-referenced recitals are true and correct and are incorporated herein.
2. The City Council hereby directs that staff take the necessary action to have appointments coincide with incoming or outgoing City Council members to the extent allowable and practical under the law for the following bodies:

**APPROVED, PASSED AND ADOPTED**, at the meeting of the City Council this 19<sup>th</sup> day of April, 2023.

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Katherine Burnworth, Mayor

ATTEST:

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City Clerk