Agenda # 7.11

City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager

DATE: May 23, 2016

SUBJECT: Waive First Reading and Introduce by Title Only Draft Ordinance #474 Authorizing Proposed Amendments to Farmersville Municipal Code Section 2.21 Pertaining to Recreation Advisory Commission.

RECOMMENDED ACTION:
It is respectfully recommended that the City Council Waive First Reading and Introduce by Title Only Draft Ordinance #474 Authorizing Proposed Amendments to Farmersville Municipal Code Section 2.21 Pertaining to Recreation Advisory Commission.

BACKGROUND and DISCUSSION:
On March 2016, the City Council reviewed and supported proposed changes to the Farmersville Municipal Code (FMC) Section 2.21 that governs the activities and operation of the Recreation Advisory Committee (RAC) in order to make the Committee more efficient and effective.

Amendment of Section 2.21 will address non-compliant management of this Advisory Committee. Adoption of draft Ordinance 473 **(Attachment 1)** will advance this effort to improve the workings of the committee. A redline strike out version is provide as **Attachment 2**, to show the particular changes proposed.

If advanced, a summary of the proposed Ordinance will be published in advance of Second Reading and final adoption, next month, with the new Ordinance going into effect 30 days later.

COORDINATION & REVIEW:
The recommended actions in this report have been reviewed and coordinated with, and received the concurrence of, the City Council, the RAC, all City departments and the City Attorney.

FISCAL IMPACT:
Cost of preparing an updated Ordinance is minimal and is offset by efficiency in improving Committee function and management.

CONCLUSION:
It is respectfully recommended that the City Council Waive First Reading and Introduce by Title Only Draft Ordinance #474 Authorizing Proposed Amendments to Farmersville Municipal Code Section 2.21 Pertaining to Recreation Advisory Commission.

Attachment(s): 2

1) Draft Ordinance #474
2) FMC Section 2.21 with redline & strike-out showing changes.

Recommended By:

John Jansons, City Manager

Attachment 1

DRAFT

ORDINANCE NO. 474

AN ORDINANCE OF THE CITY OF FARMERSVILLE REPEALING AND ENACTING PROVISIONS PERTAINING TO NEW NUMBER OF RECREATION COMMISSIONERS, STAGGERING OF TERMS, SETTING OF REGULAR MEETINGS AND FUNDRAISING.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

Section 1. CODE AMENDMENT. Sections 2.21.020, 2.21.030 and 2.21.050 of Chapter 2.21 of Title 2 of the Farmersville Municipal Code are hereby amended to read in their entirety as follows:

2.21.020 Membership.
The commission shall consist of at least five (5) members and may consist of any larger and odd number of members duly appointed. Commissioners must be appointed by the City Council. All commissioners shall be registered voters and permanent residents of the city. Each commissioner shall hold office for the term prescribed in this Chapter and until his/her successor is appointed.

2.21.030 Terms.
A. Members of the commission and their successors shall be appointed for terms of three years each. Initial terms shall be drawn by lot with two terms for two years each and three terms for three years each.

B. The City Council may by resolution re-stagger the terms of members of the commission by extending the term of any commissioner.

2.21.050 Meetings.
The commission must hold at least one regular meeting each calendar quarter, and must conform to Rosenberg's Rules of Order or such other adopted parliamentary rules for the conduct of business and shall keep accurate records of its minutes, resolutions and recommendations, which records shall be a public record maintained in the clerk's office. Regular meetings of the commission must be held at a location, time and day of the week as prescribed by the resolution of the City Council. Meetings must be

conducted in accordance with the Ralph M. Brown Act.

Section 2. CODE REPEAL. Sections 2.21.100 is hereby added into Chapter 2.21 of Title 2 of Farmersville Municipal Code, to read in its entirety as follows:

2.21.100 Fundraising.
The commission shall not have official authority to formally engage in fundraising on behalf of the city unless expressly authorized by resolution of the City Council or in writing by the City Manager.

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS AND EXISTING VIOLATIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court or other enforcement proceeding, or any rights acquired, or liability incurred, or any cause or causes of action already acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this

ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Farmersville, State of California, together with the names of the Council members voting for and against the same

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, on _____, 2016__ at a regular meeting of said City Council duly and regularly convened on said day by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

_____
GREGORIO GOMEZ, Mayor
CITY OF FARMERSVILLE

ATTEST: _____
City Clerk Pro Tem
CITY OF FARMERSVILLE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FARMERSVILLE REPEALING AND ENACTING PROVISIONS PERTAINING TO NEW NUMBER OF RECREATION COMMISSIONERS, STAGGERING OF TERMS, SETTING OF REGULAR MEETINGS AND FUNDRAISING.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

Section 1. CODE AMENDMENT. Sections 2.21.020, 2.21.030 and 2.21.050 of Chapter 2.21 of Title 2 of the Farmersville Municipal Code are hereby amended to read in their entirety as follows:

2.21.020 Membership.

The commission shall consist of at least five (5) members and may consist of any larger and odd number of members duly appointed. Commissioners ~~shall~~must be appointed by the City Council. All commissioners shall be registered voters and permanent residents of the city. Each commissioner shall hold office for the term prescribed in this Chapter and until his/her successor is appointed~~ and qualified~~.

2.21.030 Terms.

A. Members of the commission and their successors shall be appointed for terms of three years each. Initial terms shall be drawn by lot with two terms for two years each and three terms for three years each.

B. The City Council may by resolution re-stagger the terms of members of the commission by extending the term of any commissioner.

2.21.050 Meetings.

The commission ~~shall~~must hold at least one regular meeting ~~on the third Wednesday~~ each calendar month, and ~~shall~~must conform to Rosenberg's Rules of Order or such other adopted parliamentary rules for the conduct of business and shall keep accurate records of its minutes, resolutions~~, transactions, findings~~ and ~~determin~~recommendations, which records shall be a public record maintained in the clerk's office. Regular meetings of the

commission ~~shall~~must be held~~ in the Farmersville Civic Center beginning at four o'clock p.m~~ at a location, time and day of the week as prescribed by the resolution of the City Council. Meetings must be conducted in accordance with the Ralph M. Brown Act.

Section 2. CODE REPEAL. Sections 2.21.100 is hereby added into Chapter 2.21 of Title 2 of Farmersville Municipal Code, to read in its entirety as follows:

2.21.100 Fundraising.

The commission shall not have official authority to formally engage in fundraising on behalf of the city unless expressly authorized by resolution of the City Council or in writing by the City Manager.

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS AND EXISTING VIOLATIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court or other enforcement proceeding, or any rights acquired, or liability incurred, or any cause or causes of action already acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses

or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Farmersville, State of California, together with the names of the Council members voting for and against the same

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, on _____, 2016__ at a regular meeting of said City Council duly and regularly convened on said day by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

DRAFT

_____
GREGORIO GOMEZ, Mayor
CITY OF FARMERSVILLE

ATTEST: _____ _____

CITY OF FARMERSVILLE

MD/03142016 - Farmersville - Ordinance Re Recreation Commission-4.rtf