

ORDINANCE NO. 923

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
RIPON AMENDING CHAPTER 2.15 "COMMISSIONS" OF  
THE RIPON MUNICIPAL CODE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS  
FOLLOWS:**

**SECTION 1. AMENDMENT TO CODE.** Chapter 2.15 is hereby amended in its entirety to  
read as follows:

**Chapter 2.15  
COMMISSIONS**

**Sections:**

- 2.15.010 Created Number of Members**
- 2.15.020 Application Process**
- 2.15.030 Appointment and Re-appointment of regular terms**
- 2.15.040 Filling Vacancies - expired term**
- 2.15.050 Filling Vacancies - unexpired term**
- 2.15.060 Vacancies-Absences-Removal**
- 2.15.070 Powers and Duties**
- 2.15.080 Officers, General Rules and Regulations**
- 2.15.090 Meetings**
- 2.15.100 Rules Governing Conduct of Business**
- 2.15.110 Eligibility and Residency Requirements**
- 2.15.120 Cooperation with City Departments, Reports to Council**
- 2.15.130 Appropriation Budget**

**2.15.010 Created Number of Members**

- A. There is created the following Commissions in and for the City:
  - 1. Parks/Recreation Commission
  - 2. Planning Commission
- B. A Commission shall consist of six (6) members; five (5) regular and one (1) alternate whose function is to act in the place of an absent regular member. (Ord. 482 §1, 1991; Ord. 470 §1, 1991; Ord. 538 §1, 1995; Ord. 647 §1, 2001; Ord. 674 §1, 2003, Ord. 825 §3, 2015, Ord. 889, 2019)

**2.15.020 Application Process**

- A. Applications for Commissions are accepted at any time.
- B. Applications for Commissions are kept on file for a period of 24 months.
- C. 120 days prior to the Commissioner's term expiration, the City Clerk shall verify if the current Commissioners wish to continue to serve via a re-application process.

**2.15.030 Appointment and Re-appointment of regular terms**

- A. Commission members shall be appointed or re-appointed by the City Council. Such appointments or re-appointments shall be made by resolution by the City Council at the regularly scheduled January City Council meeting and the appointments or re-appointments will take effect at the next regular meeting of the appropriate Commission.
- B. Except as otherwise provided, all Commission members shall be appointed to terms of four (4) years.
- C. Commission members are assigned a seat number when appointed. The expiration of the Commission member terms shall be staggered such that a maximum number of three seats are expiring at any one time.
- D. No one person shall simultaneously serve on more than one Commission, except when, in its sole discretion in considering all the facts (e.g. number of applicants, special qualifications, etc.), the City Council determines that such simultaneous service would be in the best interest of the City. (Ord. 470 §1, 1991; Ord. 538 §1, 1995; Ord 634 §1, 2001; Ord. 674 §2, 2003)

**2.15.040 Filling Vacancies - expired term**

- A. If current Commissioners with terms about to expire wish to continue their service on the Commission, the Mayor shall convene a "Nomination Committee" consisting of the Mayor and Vice Mayor to discuss their continuance and may recommend to the entire City Council re-appointment for another four (4) year term.
- B. If there becomes a vacancy by term expiration, the Mayor shall direct the City Clerk to advertise for Commission applications for a period of not less than 30 days and confirm interest of current applications on file. convene a "Nomination Committee" consisting of the Mayor and Vice Mayor to review all applications, conduct interviews of the top ranked applicants and forward its recommendation to the City Council for consideration.

**2.15.050 Filling Vacancies - unexpired term**

- A. If a vacancy occurs for any reason prior to the expiration of the term, including removal of a member pursuant to Section 2.15.060, the Mayor shall direct the City Clerk to advertise for Commission applications for a period of not less than 30 days and confirm interest of current applications on file, convene a "Nomination Committee" consisting of the Mayor and Vice Mayor to review all applications, conduct interviews of the top ranked applicants and forward its recommendation to the City Council for consideration.
- B. If a vacancy occurs within 6 months of a term expiration, the vacant position shall remain open for the remainder of the term and filled utilizing the normal expired term process as described in 2.15.040.

**2.15.060 Vacancies-Absences-Removal**

- A. If a vacancy shall occur other than by expiration of term, it shall be filled by appointment by the City Council for the unexpired portion of the term using the procedures set forth in Section 2.15.050. A vacancy shall be deemed to have occurred when one or all of the following circumstances occur:
  - 1. When a member no longer complies with the residency requirement as set forth in Section 2.15.110.
  - 2. When a Commission member is absent from four consecutive meetings or twenty-five percent of the regularly scheduled meetings within any twelve-month period from date of

appointment without due cause, as determined by the City Council, the member shall be deemed to have resigned from their position and a vacancy thus created.

3. When a member submits a letter of resignation stating clearly and unambiguously that the member can no longer continue to serve on the Commission.
4. Upon the death of a Commission member.
5. Whenever, in the discretion of the City Council, the best interest of the City shall be served thereby, any member of a Commission may be removed by a majority vote of the City Council at a regularly scheduled City Council meeting.

#### **2.15.070 Powers and Duties**

The rights, powers and duties of each Commission shall be:

##### **A. Parks/Recreation Commission.**

1. To act in an advisory capacity to the City Council, the Recreation Director, and the staff in all matters pertaining to public parks and recreation, and to cooperate with other governmental agencies and groups in the advancement of sound recreation and park planning and programming.
2. To assist the Recreation Director, as he shall from time to time direct, in the enforcement of rules and regulations as may be adopted by resolution of the City Council and the Commission.
3. To carry out such other powers and duties as may be given to the Commission by the City Council and/or the Recreation Director.

##### **B. Planning Commission**

1. To exercise those powers and duties provided by state law, or any subsequent amendments, changes or revisions thereof.
2. To carry out specific powers and duties as are designated in any ordinance of the City relating to planning or zoning or any other related matter referred to it for consideration by the Council. (Ord. 580 §1, 1998, Ord. 825 §2, 2015, Ord. 889, §2, 2019)

#### **2.15.080 Officers, General Rules and Regulations**

The officers of each Commission shall be a chairperson and vice-chairperson. These officers shall be selected by the Commission members at the first meeting in February of each year, or the next regularly scheduled meeting thereafter. Officers shall hold office for the later of one year or until their successors are selected. Each Commission shall follow Rosenberg's Rules of Order to govern its proceedings, and such other rules as may be adopted by the City Council. (Ord. 470 §1, 1991, Ord 674 §5, 2003)

#### **2.15.090 Meetings**

Each Commission shall hold at least one regular meeting each month, on the day and at the time and in the location that it shall designate by minute action, as well as such special meetings as the Commission may require. Special meetings may be held only by complying with applicable provisions of the Government Code pertaining to such board and Commission meetings of a general law city. (Ord. 470 §1, 1991)

#### **2.15.100 Rules Governing Conduct of Business**

All meetings shall be generally conducted pursuant to the provisions contained in Rosenberg's Rules of Order, and as specifically set forth in the provisions of the Government Code pertaining

to such board and Commission meetings of a general law city. Three members of a Commission shall constitute a quorum. Unless otherwise provided in the Ripon Municipal Code or the provisions of state law, all actions of a Commission shall require the affirmative vote of a majority of the Commission members present for approval and such actions may either be in the form of a formal motion or a resolution, as required by law. (Ord. 470 §1, 1991)

**2.15.110 Eligibility and Residency Requirements**

- A. At all times during the term of office, a Commissioner shall be a registered voter.
- B. Commission members shall reside within the boundaries as hereinafter defined:
  - 1. Parks/Recreation Commission, the Ripon Unified School District.
  - 2. Planning Commission, the Ripon City Limits.

**2.15.120 Cooperation with City Departments, Reports to Council**

All officers, department heads and departments of the City shall render cooperation and all reasonable and necessary assistance to the Commissions. Neither a Commission nor any person connected with a Commission shall incur any financial liability in the name of the City without the prior consent of the City.

**2.15.130 Appropriation Budget**

The City Council may, in its discretion, appropriate such funds as it may deem necessary for the purpose of carrying on the activities of any Commission.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).** The City Council hereby finds that the adoption of this Ordinance does not constitute the approval of a "project" under the California Environmental Quality Act (CEQA) pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State of California CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

**SECTION 3. NO MANDATORY DUTY OF CARE.** This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall go into effect 30 days after its adoption and a summary of this ordinance shall be published five (5) days prior

to and within fifteen (15) days following its adoption in the Manteca Bulletin, the official paper of the City of Ripon.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 8th day of August, 2023, by the following vote:

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Leo Zuber, Vice Mayor

**SECONDER:** Daniel de Graaf, Council Member

**AYES:** Restuccia, Zuber, de Graaf, Barton, Uecker

**THE CITY OF RIPON,  
A Municipal Corporation**

By:   
MICHAEL RESTUCCIA, Mayor

ATTEST:

By:   
LISA ROOS, City Clerk