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DATE: October 16, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Brian Oh, Director of Community Development  
Kami Noriega, Interim City Clerk  
Eric Danly, City Attorney

SUBJECT: Resolution Declaring a Vacancy of the Planning Commission and Appointing a Qualified Person to Fill Such Vacancy for the Unexpired Term, Pursuant to Petaluma Municipal Code Section 2.08.040

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### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Resolution declaring a Vacancy of the Planning Commission and appointing a Qualified Person to fill such vacancy for the unexpired term, pursuant to Petaluma Municipal Code Section 2.08.040.

### **BACKGROUND**

On June 19, 2023, City Council recommended the appointment of Mr. Kevin Kelly to serve as a regular member of the Petaluma Planning Commission for a 4-year term to expire June 20, 2027.

The annual recruitment to fill this vacancy was opened from May 1 to May 31, 2023, as part of the City's annual recruitment of its Commissions, Committees and Boards (CCBs).

Commissions are independent bodies authorized by ordinance or resolution to perform a particular function. In addition to the provisions of the Charter allowing for the City Council to establish commissions, the Council may also establish advisory bodies in the form of committees to recommend actions to the City Council. Committees are not constrained by the limits of the City Charter. Committees are established to perform various functions such as: reviewing and making recommendations, monitoring, and reporting on work of various municipal departments, studying particular problems and recommending solutions, and other detailed work which warrants additional oversight and input prior to Council consideration.

Generally, CCBs are established in conjunction with the City Council Goals and Priorities and the City's General Plan. Throughout the history of the City of Petaluma, the Council has

reviewed and amended the enabling legislation for CCBs to better align with the current goals and priorities, General Plan, or State law. For example, the former Site Plan and Architectural Review Committee was consolidated into the Planning Commission; the former Historic and Cultural Preservation/Planning Commission was split into two separate bodies. The City has greatly benefited from the time and expertise of these volunteer bodies and their members, and we want to ensure that the time that each committee/commission member dedicates on these advisory bodies are not only beneficial to advancing the City's work for the community, but ideally to those participating and volunteering their time. For a variety of reasons, City Council can consider vacancies, which is outlined as follows:

Section 2.08.040 of the Petaluma Municipal Code, titled "Vacancies," outlines the process by which the City Council is to handle the appointment of a new member to the Petaluma Planning Commission in the event of a vacancy. Specifically, Section 2.08.040 states that,

“Upon the death, resignation, disability to perform the duties of a member of the planning commission, or upon the loss of permanent residency from the city, or upon the failure to attend any meetings of the commission for three consecutive regular meetings, the council shall review, and if found to be appropriate, declare the office of such member vacant and thereupon appoint some qualified person to fill such vacancy for the unexpired term of such member.”

## **DISCUSSION**

The Petaluma Planning Commission presently comprises six members following the unfortunate passing of one of its members, Commissioner Kevin Kelly. In accordance with Section 2.08.040 of the Petaluma Municipal Code, the City Council may declare a vacancy and subsequently appoint a qualified individual to fill this vacancy.

Given the extensive business items expected to be considered by the Planning Commission, a brief, one-week, recruitment was conducted that yielded six applicants. Tonight, the City Council may consider filling the vacancy immediately rather than wait until the typical recruitment month of May. Alternatively, Council can wait to fill the vacancy until the annual recruitment, which typically has a longer and more robust outreach period. A fully seated commission helps to ensure a broader range of perspectives and ideas and minimizes the risk of not having a quorum for future Planning Commission meetings.

### **Planning Commission**

One Regular Member to fill a vacated 4-year term expiring 6/30/2027

Applicants (in alphabetical order):

1. Alan Coldiron
2. Jessica Mozes
3. Kevin Ford
4. Lydia Asselin
5. Peter Strzebniok
6. Susan Kirks

## **PUBLIC OUTREACH**

This agenda item appeared on the City’s tentative agenda document on September 11, 2023, which was a publicly noticed meeting. Additional outreach includes:

- Social media posts on the City’s Facebook, Instagram, NextDoor, What’s App, and LinkedIn channels
- Flyer posted at City Hall and the Community Center
- Information distributed by staff to community groups to share with their constituents, including General Plan Advisory Committee and Planning Commission

## **COUNCIL GOAL ALIGNMENT**

This action aligns with the Council Goal for “A City That Works For Everyone”.

## **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

A fully seated Planning Commission provides leadership and expertise on land use planning and policy matters related to climate action and sustainability.

## **ENVIRONMENTAL REVIEW**

The proposed actions are exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that appointing individuals to City committees and commissions does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because these actions that constitute organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

## **FINANCIAL IMPACTS**

None.

## **ALTERNATIVES**

City Council may opt to consider one of the applicants or wait until the City opens up its standard recruitment for all the various city Committee and Board vacancies in May 2024 to allow for a more robust recruitment.

## **ATTACHMENTS**

1. Resolution
2. Applications (Redacted)