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**ORDINANCE NO. MC-1473**

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA AMENDING CHAPTER 2.22 OF THE SAN BERNARDINO MUNICIPAL CODE RELATED TO THE "PLANNING COMMISSION"**

**WHEREAS**, the People of the City of San Bernardino adopted a new Charter at the November 8, 2016 municipal election; and

**WHEREAS**, the new Charter was filed with the California Secretary of State on January 31, 2017 and became effective on that date; and

**WHEREAS**, the new Charter requires that that the governing body, formerly known as the Common Council, instead be known as the City Council; and

**WHEREAS**, the City Council in implementing the new Charter provisions has evaluated the community's need for various committees and commissions and the City's existing ordinances, including the existing code governing the Planning Commission; and

**WHEREAS**, City Council desires to amend Chapter 2.22 to update and clarify the code relating to the Planning Commission.

**NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 2.22 of the San Bernardino Municipal Code is hereby amended to read in its entirety as follows:

**Chapter 2.22  
PLANNING COMMISSION**

**Sections:**

- 2.22.010 Members-Appointment**
- 2.22.020 Duties**
- 2.22.030 Quorum and Vote Required**

The Planning Commission of the City shall consist of nine members who shall serve at the pleasure of the Mayor and City Council. Members shall be appointed and serve pursuant to the provisions of Chapter 2.17 of this code. Members shall be appointed on the basis of

1 demonstrated knowledge and experience in land use, zoning, architecture, engineering,  
2 planning, or other relevant area.

3 **2.22.020 Duties**

4 The commission shall perform the duties and functions prescribed in Title 19 of this  
5 Code and other ordinances. The commission shall prepare, adopt and periodically review and  
6 revise a comprehensive long-term general plan for the physical development of the City and  
7 any land outside the boundaries thereof which in the commission's judgment bears relation to  
8 the planning or development of the City itself. Such plans shall be known as the general plan  
9 and shall be so prepared that all or portions thereof may be adopted by the City Council as a  
10 basis for the development of the City for such reasonable period of time next ensuing after the  
11 adoption thereof as may be practicably covered thereby.

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14 **2.22.030 Quorum and Vote Required**

15 Five members of the City Planning Commission shall constitute a quorum for the  
16 transaction of business. Action granting approval of any matter, except General Plan  
17 amendments, and amendments to the Municipal Code, must be taken by a majority vote of  
18 commissioners in attendance, and a failure to do so results in an automatic denial of the  
19 pending matter. A recommendation for approval of a General Plan Amendment or an  
20 amendment to the Municipal Code shall be by the affirmative vote of not less than a majority  
21 (five) of the total membership of the commission. Procedural matters may be dealt with by a  
22 majority of those voting and not abstaining at such times when a quorum is present. The  
23 absence (temporary or permanent) of any commissioner previously recorded as present, shall  
24 be noted in the minutes for purposes of determining the presence of a quorum at all times.

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27 **SECTION 2.** The existing members of the Planning Commission previously  
28 established by ordinance shall continue to serve as commissioners until they are replaced.

1           **SECTION 3. INCONSISTENCIES.** Any provision of the San Bernardino Municipal  
2 Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of  
3 such inconsistencies, is hereby repealed or modified to the extent necessary to effect the  
4 provisions of this Ordinance.

5           **SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, sentence,  
6 clause, phrase, or word in this Ordinance or any part thereof is for any reason held to be  
7 unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision  
8 shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any  
9 part thereof. The Mayor and City Council hereby declares that it would have adopted each  
10 section irrespective of the fact that any one or more subsections, subdivisions, sentences,  
11 clauses, phrases, or words be declared unconstitutional, invalid, or ineffective.

12           **SECTION 5. PUBLICATION.** This Ordinance shall take effect and be in full force  
13 thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days  
14 from its passage shall be published once in a newspaper of general circulation, printed and  
15 published in the City of San Bernardino or, in the alternative, the City Clerk may cause to be  
16 published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be  
17 posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance,  
18 and within fifteen (15) days after adoption, the City Clerk shall cause to be published the  
19 aforementioned summary and shall post in the office of the City Clerk a certified copy of this  
20 Ordinance together with the names of the members of the City Council voting for and against  
21 the same.

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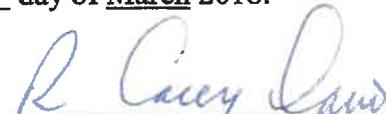
1 **ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN**  
 2 **BERNARDINO, CALIFORNIA, AMENDING CHAPTER 2.22 OF THE SAN**  
 3 **BERNARDINO MUNICIPAL CODE RELATING TO THE "PLANNING**  
 4 **COMMISSION"**

5 I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Mayor  
 6 and City Council of the City of San Bernardino at a joint regular meeting thereof, held on the  
 7 7<sup>th</sup> day of March 2018, by the following vote, to wit:

8 <u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
9 MARQUEZ	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
10 BARRIOS	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
11 VALDIVIA	<u>X(S)</u>	<u>      </u>	<u>      </u>	<u>      </u>
12 SHORETT	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
13 NICKEL	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
14 RICHARD	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
15 MULVIHILL	<u>X(M)</u>	<u>      </u>	<u>      </u>	<u>      </u>

17   
 18 Georgeanna Hanna, CMC, City Clerk

19 The foregoing Ordinance is hereby approved this 7<sup>th</sup> day of March 2018.

20   
 21 R. Carey Davis, Mayor  
 22 City of San Bernardino

23 Approved as to form:  
 24 Gary D. Saenz, City Attorney

25 By:   
 26 