

ORDINANCE NO. MC-1552

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
SAN BERNARDINO, CALIFORNIA, ALLOWING NON-CITY-
RESIDENTS WHO HAVE OTHER TIES TO THE CITY TO BE
APPOINTED TO A DOWNTOWN ADVISORY COMMITTEE**

WHEREAS, the Mayor and City Council of the City of San Bernardino ("MCC") are currently in the process of adopting a Downtown Specific Plan; and

WHEREAS, the MCC desires to establish a committee called the Downtown Advisory Committee ("Committee") in order to provide guidance, assistance, and/or feedback on the process of adopting the Downtown Specific Plan and what to include in it; and

WHEREAS, the MCC desires to be able to appoint both City of San Bernardino ("City") residents and non-residents to the Committee; and

WHEREAS, the MCC desires to be able to appoint non-City-residents to the Committee in order to capture and include the expertise of individuals and industries that have ties to and do business in the City but may not be residents of the City, including, but not limited to, the developer community and the commercial real estate community; and

WHEREAS, the City Charter Section 601 states that "[m]embers of boards, commissions and committees shall be residents of the City, unless exempted by ordinance or State law"; and

WHEREAS, the City is currently limited by Section 2.17.040 of the City Municipal Code to appoint City residents only because it states that "[e]ach member shall be and remain a registered voter within the City and no member shall be an employee of the City"; and

WHEREAS, the MCC desires to amend Section 2.17.040 of the City Municipal Code to allow the MCC to, by resolution, appoint non-City-residents to the Committee.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 2.17.040 of the City Municipal Code shall be amended to read, in full, as follows (new text in underline):

"2.17.040 Appointment-Registered voter requirement-Compensation-Oath

Each member of such board, commission or citizen advisory committee, after having been nominated, shall be appointed by at least five affirmative votes of the Mayor and City Council. Each member shall be and remain a registered voter within the City and no member shall be an employee of the City. Notwithstanding the foregoing, the Mayor and City Council may establish

a Downtown Advisory Committee by resolution and may permit the appointment of non-City-resident business professionals (i.e., local businesses) to the committee so long as the non-City-residents each have an active business license with the City and collectively make up less than twenty-five percent (25%) of that committee. Members shall serve, without compensation, at the pleasure of the Mayor and City Council. Any member no longer holding the qualifications required for appointment shall cease to serve as a member, and such member's position shall be deemed vacant. Any vacancy shall be filled and appointment shall be made in the manner herein before set forth as for an original appointment."

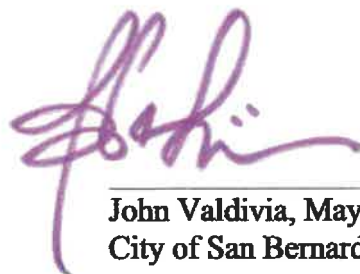
SECTION 3. CEQA. The Mayor and City Council find that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Mayor and City Council of the City of San Bernardino hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after the date of the adoption.

SECTION 6. Notice of Adoption. The City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under Section 36933 of the Government Code of the State of California.

APPROVED and ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of April, 2021.



John Valdivia, Mayor
City of San Bernardino

Attest:


Genoveva Rocha, CMC, City Clerk

Approved as to form:

PP.

for Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
 COUNTY OF SAN BERNARDINO) ss
 CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1552, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the 17th day of February, 2021. Ordinance No. MC-1552 was approved, passed and adopted at the regular meeting held the 7th day of April, 2021 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>X</u>	_____	_____	_____
IBARRA	<u>X</u>	_____	_____	_____
FIGUEROA	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
REYNOSO	<u>X</u>	_____	_____	_____
CALVIN	<u>X</u>	_____	_____	_____
ALEXANDER	<u>X</u>	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 8th day of April, 2021.


 Genoveva Rocha, CMC, City Clerk