

Ordinance No. 1688(22)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending Chapters 2.48, 2.52, 2.56, and 2.60 of the Lompoc
Municipal Code to Change the Method for Filling Commission
Vacancies**

WHEREAS, the Lompoc Municipal Code (LMC) establishes requirements for the appointment of commissioners to the Planning Commission (Chapter 2.48), Parks and Recreation Commission (Chapter 2.52), Utility Commission (Chapter 2.56), and Beautification and Appearance Commission (Chapter 2.60) (“Requirements”); and

WHEREAS, under the Requirements, commissioners must reside in the district of the Council Member who appoints them; and

WHEREAS, the City Council desires to amend the Requirements to allow a Council Member to appoint a commissioner from outside of the Council Member’s district, in some circumstances.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. LMC Section 2.48.010 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.48.010 Planning Commission—Created.

There is hereby created a Planning Commission which shall consist of five members to be appointed as follows:

A. A member of the City Council, upon commencement of that member’s term of office, shall nominate for appointment or reappointment a member of the Planning Commission whose term of office concurrently expires with that of the nominating Councilmember. The nominee shall be interviewed by the City Council at a duly noticed public meeting and shall be appointed by the Mayor upon approval of a majority vote of all members of the City Council.

B. Each member of the City Council shall have an opportunity to nominate one appointee to become a member of the Planning Commission. If the Mayor fails to appoint such nominee due to failure of the majority of all the members of the City Council to approve the appointment, the member of the City Council whose nominee was rejected may nominate such other persons as necessary until the majority of the City Council votes

to approve such nominee for appointment and the Mayor appoints such nominee to the Planning Commission. The Mayor shall not refuse to appoint any nominee otherwise qualified to serve on the Planning Commission once the majority of all the members of the City Council have voted the approval of such nomination.

~~C. Failure to nominate a person for a seat on the Planning Commission for six consecutive regular or adjourned City Council meetings shall entitle the Mayor to appoint the Mayor's or any other Councilmembers' nominee to the seat upon the approval of the majority of all of the members of the City Council without the nomination of that member of the City Council otherwise entitled to nominate.~~

C. If no qualified person has filed (and not withdrawn) an application to serve on the Planning Commission within 90 days following the creation of a Commission vacancy or the expiration of a Commissioner's term, then the Councilmember entitled to nominate an appointee to fill that Commission seat may nominate a person from any district in the City who otherwise meets all the qualifications in Section 2.48.050. If such person is appointed by the City Council, then such person shall be considered a temporary appointee. A temporary appointee's term shall expire either: (i) 12 months following the date of appointment, unless a majority of the City Council votes to extend the term, or (ii) concurrently with the expiration of the term of office of the nominating Councilmember if the nominating Councilmember is not reelected, whichever occurs first. A temporary appointee may not be reappointed to that seat on the Commission as a temporary appointee after the expiration or termination of the temporary term. If, during the term of the temporary appointment, an application is submitted by a person who is qualified to fill that Commission seat, the City Clerk shall place an item on the next available City Council agenda for the City Council to consider appointment of such applicant. If such applicant is appointed, then such applicant shall immediately replace the temporary appointee.

SECTION 2. LMC Section 2.48.030 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.48.030 Term of Office.

With the exception of temporary appointees discussed in Section 2.48.010(C), the ~~The~~ term of office of each Planning Commissioner shall expire concurrently with that of the Councilmember who was entitled to nominate the Commissioner under Section 2.48.010(A), ~~regardless of whether the Commissioner was, in fact, nominated by a different~~

~~Councilmember pursuant to Section 2.48.010(C).~~ Vacancies on the Planning Commission shall be filled in the same manner provided for in Section 2.48.010. Commissioners shall serve until their successors have been appointed by the City Council and qualified, except in the case of a vacancy due to termination of residency as described in Section 2.48.050(A) or the expiration of a temporary appointment under Section 2.48.010(C). A vacancy occurring on the City Council shall not automatically terminate the office of the Commissioner nominated by the departing Councilmember; however, the new Councilmember filling the Council vacancy shall be entitled to nominate a candidate of his or her choice for Commissioner in the manner provided in Section 2.48.010.

SECTION 3. LMC Section 2.48.050 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.48.050 Qualifications.

A. With the exception of temporary appointees discussed in Section 2.48.010(C), each ~~Each~~ Planning Commissioner shall reside in the district represented by the Councilmember who was entitled to nominate the Commissioner under Section 2.48.010(A), ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.48.010(C).~~ The Mayor, being elected at-large, may nominate for appointment any person residing in the City. Termination of residency in a district by a seated Planning Commissioner shall create a vacancy for that Planning Commission district on the 31st day after termination of residency unless a substitute residence within the district is established within 30 days after termination of residency. Termination of residency in the City shall create an immediate vacancy of any Planning Commission seat.

B. No person shall be appointed to the Planning Commission who is employed by the City.

C. For purposes of subsection A, "district" refers to the City Council Electoral Districts established by, and described in, Chapter 2.06 of this Code.

SECTION 4. LMC Section 2.52.010 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.52.010 Parks and Recreation Commission—Created.

There is hereby created a Parks and Recreation Commission which shall consist of five members to be appointed ~~by the~~ as follows:

A. A member of the City Council, upon commencement of that member's term of office, shall nominate for appointment or reappointment a member of the Parks and Recreation Commission whose term of office concurrently expires with that of the nominating Councilmember. The nominee shall be interviewed by the City Council at a duly noticed public meeting and shall be appointed by the Mayor, upon approval of a majority vote of all members of the City Council.

B. Each member of the City Council shall have an opportunity to nominate one appointee to become a member of the Parks and Recreation Commission. If the Mayor fails to appoint such nominee due to failure of the majority of all the members of the City Council to approve the appointment, the member of the City Council whose nominee was rejected may nominate such other persons as necessary until the majority of the City Council votes to approve such nominee for appointment and the Mayor appoints such nominee to the Parks and Recreation Commission. The Mayor shall not refuse to appoint any nominee otherwise qualified to serve on the Parks and Recreation Commission, once the majority of all the members of the City Council have voted the approval of such nomination.

~~C. Failure to nominate a person for a seat on the Parks and Recreation Commission for six consecutive regular or adjourned City Council Meetings shall entitle the Mayor to appoint the Mayor's or any other Councilmember's nominee to the seat upon the approval of the majority of all the members of the City Council without the nomination of that member of the City Council otherwise entitled to nominate.~~

C. If no qualified person has filed (and not withdrawn) an application to serve on the Parks and Recreation Commission within 90 days following the creation of a Commission vacancy or the expiration of a Commissioner's term, then the Councilmember entitled to nominate an appointee to fill that Commission seat may nominate a person from any district in the City who otherwise meets all the qualifications in Section 2.52.050. If such person is appointed by the City Council, then such person shall be considered a temporary appointee. A temporary appointee's term shall expire either: (i) 12 months following the date of appointment, unless a majority of the City Council votes to extend the term, or (ii) concurrently with the expiration of the term of office of the nominating Councilmember if the nominating Councilmember is not reelected, whichever occurs first. A temporary appointee may not be reappointed to that seat on the Commission as a temporary appointee after the expiration or termination of the temporary term. If, during the term of the temporary appointment, an application is submitted by a person who is qualified to fill that Commission seat, the City Clerk shall place an item on the next available City Council agenda for the City Council to consider

appointment of such applicant. If such applicant is appointed, then such applicant shall immediately replace the temporary appointee.

SECTION 5. LMC Section 2.52.030 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.52.030 Term of Office.

With the exception of temporary appointees discussed in Section 2.52.010(C), the ~~The~~ term of office of each Parks and Recreation Commissioner shall expire concurrently with that of the Councilmember who was entitled to nominate the Commissioner under Section 2.52.010(A); ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.52.010(C).~~ Vacancies on the Parks and Recreation Commission shall be filled in the same manner provided for in Section 2.52.010. Commissioners shall serve until their successors have been appointed by the City Council and qualified, except in the case of a vacancy due to termination of residency as described in Section 2.52.050(A) **or the expiration of a temporary appointment under Section 2.52.010(C).** A vacancy occurring on the City Council shall not automatically terminate the office of the Commissioner nominated by the departing Councilmember; however, the new Councilmember filling the Council vacancy shall be entitled to nominate a candidate of his or her choice for Commissioner in the manner provided in Section 2.52.010.

SECTION 6. LMC Section 2.52.050 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.52.050 Qualifications.

A. **With the exception of temporary appointees discussed in Section 2.52.010(C), each** ~~Each~~ Parks and Recreation Commissioner shall reside in the district represented by the Councilmember who was entitled to nominate the Commissioner under Section 2.52.010(A); ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.52.010(C).~~ The Mayor, being elected at-large, may nominate for appointment any person residing in the City. Termination of residency in a district by a seated Parks and Recreation Commissioner shall create a vacancy for that Parks and Recreation Commission district on the 31st day after termination of residency unless a substitute residence within the district is established within 30 days after termination of residency. Termination of residency in the City shall create an immediate vacancy of any Parks and Recreation Commission seat.

B. No person shall be appointed to the Parks and Recreation Commission who is employed by the City.

C. For purposes of subsection A, “district” refers to the City Council Electoral Districts established by, and described in, Chapter 2.06 of this Code.

SECTION 7. LMC Section 2.56.010 is hereby revised as follows (new text in **bold underline**; deleted text in ~~**bold strikethrough**~~):

2.56.010 Utility Commission—Created.

There is hereby created a Utility Commission which shall consist of five members to be appointed as follows:

A. A member of the City Council, upon commencement of that member’s term of office, shall nominate for appointment or reappointment a member of the Utility Commission whose term of office concurrently expires with that of the nominating Councilmember. The nominee may be interviewed by the City Council at a duly noticed public meeting and shall be appointed by the Mayor, upon approval of a majority vote of all members of the City Council.

B. Each member of the City Council shall have an opportunity to nominate one appointee to become a member of the Utility Commission. If the Mayor fails to appoint such nominee due to failure of the majority of all the members of the City Council to approve the appointment, the Councilmember whose nominee was rejected may nominate such other persons as necessary until the majority of the City Council votes to approve a nominee for appointment and the Mayor appoints that nominee to the Utility Commission. The Mayor shall not refuse to appoint any nominee otherwise qualified to serve on the Utility Commission, once the majority of all the members of the City Council have voted the approval of such nomination.

~~C. Failure to nominate a person for a seat on the Utility Commission for six consecutive regular or adjourned City Council Meetings shall entitle the Mayor to appoint the Mayor’s or any other Councilmember’s nominee to the seat upon the approval of the majority of all the members of the City Council without the nomination of that Councilmember otherwise entitled to nominate.~~

C. If no qualified person has filed (and not withdrawn) an application to serve on the Utility Commission within 90 days following the creation of a Commission vacancy or the expiration of a Commissioner’s term, then the Councilmember entitled to nominate

an appointee to fill that Commission seat may nominate a person from any district in the City who otherwise meets all the qualifications in Section 2.56.060. If such person is appointed by the City Council, then such person shall be considered a temporary appointee. A temporary appointee's term shall expire either: (i) 12 months following the date of appointment, unless a majority of the City Council votes to extend the term, or (ii) concurrently with the expiration of the term of office of the nominating Councilmember if the nominating Councilmember is not reelected, whichever occurs first. A temporary appointee may not be reappointed to that seat on the Commission as a temporary appointee after the expiration or termination of the temporary term. If, during the term of the temporary appointment, an application is submitted by a person who is qualified to fill that Commission seat, the City Clerk shall place an item on the next available City Council agenda for the City Council to consider appointment of such applicant. If such applicant is appointed, then such applicant shall immediately replace the temporary appointee.

SECTION 8. LMC Section 2.56.040 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.56.040 Term of Commissioners.

With the exception of temporary appointees discussed in Section 2.56.010(C), the ~~The~~ term of office of each Utility Commissioner shall expire concurrently with that of the Councilmember who was entitled to nominate the Commissioner under Section 2.56.010(A), ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.56.010(C).~~ Vacancies on the Utility Commission shall be filled in the same manner provided for in Section 2.56.010. Commissioners shall serve until their successors have been appointed by the City Council and qualified, except in the case of a vacancy due to termination of residency as described in Section 2.56.060(A) **or the expiration of a temporary appointment under Section 2.56.010(C).** A vacancy occurring on the City Council shall not automatically terminate the office of the Commissioner nominated by the departing Councilmember; however, the new Councilmember filling the Council vacancy shall be entitled to nominate a candidate of his or her choice for Commissioner in the manner provided in Section 2.56.010.

SECTION 9. LMC Section 2.56.060 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.56.060 Qualifications.

A. With the exception of temporary appointees discussed in Section 2.56.010(C), each ~~Each~~ Utility Commissioner shall reside in the district represented by the Councilmember who was entitled to nominate the Commissioner under Section 2.56.010(A), ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.56.010(C).~~ The mayor, being elected at-large, may nominate for appointment any person residing in the City. Termination of residency in a district by a seated Utility Commissioner shall create a vacancy for that Utility Commission district on the 31st day after termination of residency unless a substitute residence within the district is established within 30 days after termination of residency. Termination of residency in the City shall create an immediate vacancy of any Utility Commission seat.

B. No person shall be appointed to the Utility Commission who is employed by the City.

C. For purposes of subsection A, "district" refers to the City Council Electoral Districts established by, and described in, Chapter 2.06 of this Code.

SECTION 10. LMC Section 2.60.010 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.60.010 Beautification and Appearance Commission—Created.

There is hereby created a Beautification and Appearance Commission which shall consist of five members to be appointed as follows:

A. A member of the City Council, upon commencement of that member's term of office, shall nominate for appointment or reappointment a member of the Beautification and Appearance Commission whose term of office concurrently expires with that of the nominating Councilmember. The nominee shall be interviewed by the City Council at a duly noticed public meeting and shall be appointed by the Mayor, upon approval of a majority vote of all members of the City Council.

B. Each member of the City Council shall have an opportunity to nominate one appointee to become a member of the Beautification and Appearance Commission. If the Mayor fails to appoint such nominee due to failure of the majority of all the members of the City Council to approve the appointment, the member of the City Council whose nominee was rejected may nominate such other persons as necessary until the majority of the City Council votes to approve such nominee for appointment and the Mayor appoints such nominee to the Beautification and Appearance

Commission. The Mayor shall not refuse to appoint any nominee otherwise qualified to serve on the Beautification and Appearance Commission, once the majority of all the members of the City Council have voted the approval of such nomination.

~~C. Failure to nominate a person for a seat on the Beautification and Appearance Commission for six consecutive regular or adjourned City Council Meetings shall entitle the Mayor to appoint the Mayor's or any other Councilmember's nominee to the seat upon the approval of the majority of all the members of the City Council without the nomination of that member of the City Council otherwise entitled to nominate.~~

C. If no qualified person has filed (and not withdrawn) an application to serve on the Beautification and Appearance Commission within 90 days following the creation of a Commission vacancy or the expiration of a Commissioner's term, then the Councilmember entitled to nominate an appointee to fill that Commission seat may nominate a person from any district in the City who otherwise meets all the qualifications in Section 2.60.050. If such person is appointed by the City Council, then such person shall be considered a temporary appointee. A temporary appointee's term shall expire either: (i) 12 months following the date of appointment, unless a majority of the City Council votes to extend the term, or (ii) concurrently with the expiration of the term of office of the nominating Councilmember if the nominating Councilmember is not reelected, whichever occurs first. A temporary appointee may not be reappointed to that seat on the Commission as a temporary appointee after the expiration or termination of the temporary term. If, during the term of the temporary appointment, an application is submitted by a person who is qualified to fill that Commission seat, the City Clerk shall place an item on the next available City Council agenda for the City Council to consider appointment of such applicant. If such applicant is appointed, then such applicant shall immediately replace the temporary appointee.

SECTION 11. LMC Section 2.60.030 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.60.030 Term of Office.

With the exception of temporary appointees discussed in Section 2.56.010(C), the ~~The~~ term of office of each Beautification and Appearance Commissioner shall expire concurrently with that of the Councilmember who was entitled to nominate the Commissioner under Section 2.60.010(A), ~~regardless of whether the Commissioner was, in fact, nominated by a~~

~~different Councilmember pursuant to Section 2.60.010(C).~~ Vacancies on the Beautification and Appearance Commission shall be filled in the same manner provided for in Section 2.60.010. Commissioners shall serve until their successors have been appointed by the City Council and qualified, except in the case of a vacancy due to termination of residency as described in Section 2.60.050(A) **or the expiration of a temporary appointment under Section 2.60.010(C).** A vacancy occurring on the City Council shall not automatically terminate the office of the Commissioner nominated by the departing Councilmember; however, the new Councilmember filling the Council vacancy shall be entitled to nominate a candidate of his or her choice for Commissioner in the manner provided in Section 2.60.010.

SECTION 12. LMC Section 2.60.050 is hereby revised as follows (new text in **bold underline**; deleted text in **~~bold strikethrough~~**):

2.60.050 Qualifications.

A. **With the exception of temporary appointees discussed in Section 2.60.010(C), each** ~~Each~~ Beautification and Appearance Commissioner shall reside in the district represented by the Councilmember who was entitled to nominate the Commissioner under Section 2.60.010(A); ~~regardless of whether the Commissioner was, in fact, nominated by a different Councilmember pursuant to Section 2.60.010(C).~~ The Mayor, being elected at-large, may nominate for appointment any person residing in the City. Termination of residency in a district by a seated Beautification and Appearance Commissioner shall create a vacancy for that Beautification and Appearance Commission district on the 31st day after termination of residency unless a substitute residence within the district is established within 30 days after termination of residency. Termination of residency in the City shall create an immediate vacancy of any Beautification and Appearance Commission seat.

B. No person shall be appointed to the Beautification and Appearance Commission who is employed by the City.

C. For purposes of subsection A, "district" refers to the City Council Electoral Districts established by, and described in, Chapter 2.06 of this Code.

SECTION 13. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on February 1, 2022, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2022, by the following electronic vote:

PASSED AND ADOPTED this ____ day of _____, 2022, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc