

Chapter 500

PLANNING COMMISSION

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I-500-1.00 Establishment

There is hereby established, in and for the City of Milpitas, a City Planning Commission. (Ord. 41.8 (part), 1997)

I-500-1.01 Composition and Qualifications

The Planning Commission shall consist of seven (7) members. The initial selection of the members shall be as set forth in a resolution approved by the City Council. Thereafter, the members shall be appointed by the Mayor, and approved by a majority of the City Council. At all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas. A Planning Commissioner shall not hold any other public office or employment in the government of the City of Milpitas. The registered voter requirement shall

not apply to any Planning Commissioner in office prior to the effective date of the ordinance codified in this chapter.

There shall be one alternate member who shall be appointed by the Mayor and approved by the City Council. The alternate member shall have all of the powers and duties of a regular commissioner except his or her right to vote shall be allowed and have legal effect only when seated as an acting commissioner in the absence of one of the regular members or abstention of one of the regular members because he or she believes he or she has a conflict of interest. (Ord. 41.11 (1) (part), 10/17/06; Ord. 273 (part), 3/7/06; Ord. 41.8 (part), 1997)

I-500-1.02 Application for Appointment

All applications for Planning Commissioners may be reviewed by any City Councilmember. In addition to any other process for the selection of Planning Commissioners, any City Councilmember may recommend to the Mayor a candidate for appointment to the Planning Commission from the entire pool of applicants. (Ord. 41.8 (part), 1997)

I-500-1.03 Term of Office

The term of office of each regular and alternate member of the Planning Commission shall be three (3) years, commencing on the first day of January and concluding on the 31st day of December of the third year thereafter.

It is the intent of this Chapter that the concept of staggered terms for members of the Planning Commission (established by earlier ordinances of the City of Milpitas) shall be preserved.

The terms of all present members of the Planning Commission shall terminate on the day the initial selection of new members by the City Council becomes effective. (Ord. 273 (part), 3/7/06; Ord. 41.8 (part), 1997)

I-500-1.04 Removal from Office

Any or all members of the Planning Commission may be removed from office prior to the

expiration of the normal term of office without cause upon an affirmative vote of three (3) City Councilmembers, at a regular meeting of the City Council. (Ord. 41.8 (part), 1997)

I-500-1.05 Vacancy

Any vacancy on the Planning Commission occurring prior to the expiration of the term of office shall be filled by appointment by the Mayor and approved by a majority of the City Council within sixty (60) days of the date the vacancy is created. Any Commissioner appointed to fill a vacancy shall complete the unexpired portion of the term of the Commissioner whose office has become vacant. (Ord. 41.11 (1) (part), 10/17/06: Ord. 41.10, 10/17/00: Ord. 41.8 (part), 1997)

I-500-1.06 Commissioner to Serve Until Successor is Appointed

Notwithstanding anything to the contrary herein contained (and except in the case of a Commissioner who has been removed from office by vote of the City Council) a Commissioner shall remain in office until his successor has been appointed and takes office. (Ord. 41.8 (part), 1997)

I-500-1.07 Organization and Officers

The Planning Commission shall, at its first regular meeting held for the transaction of business during July, elect a chairman and a vice-chairman for such fiscal year. When a vacancy exists in the office of chairman or vice-chairman, the Planning Commission shall elect a member to serve in such capacity for the remainder of the fiscal year. At said meeting, the Planning Commission shall also appoint a secretary who need not be a member of the Commission. (Ord. 41.8 (part), 1997)

I-500-1.08 Adoption of Rules and Regulations

The Planning Commission shall adopt written rules and regulations as to the time, place and date of its regular meetings and shall adopt such rules and regulations as it deems necessary to conduct its business including rules of procedure. Such rules and regulations shall not be inconsistent

with the laws of the State of California or with the ordinances, resolutions or regulations of the City of Milpitas. Upon adoption or amendment, such rules and regulations shall be submitted to the City Council for review. The City Council shall have the power to approve, disapprove or modify said rules or regulations as it deems necessary. (Ord. 41.8 (part), 1997)

I-500-1.09 Meetings

The Planning Commission shall hold such regular meetings as are necessary to transact its business provided, however, that it shall not hold less than one meeting per month. (Ord. 41.8 (part), 1997)

I-500-1.10 Quorum

A quorum of the Planning Commission for the transaction of business shall consist of a majority of its members. (Ord. 41.8 (part), 1997)

I-500-1.11 Records

The Planning Commission shall keep a record of its resolutions, transactions, findings and determination. (Ord. 41.8 (part), 1997)

I-500-1.12 Duties and Powers

Each Planning Commissioner and the Planning Commission shall have the following duties and powers:

A. Those specifically authorized by the law of the State of California.

B. Such duties as are assigned to the Planning Commission by minute action, resolution or ordinance of the City of Milpitas.

C. Such powers as are reasonable and necessary in order to enable the Planning Commission to fulfill and carry out its planning functions (see Section 65102 of the Government Code with respect to powers under Title 7 of the Government Code).

D. Such powers as are reasonable and necessary in order to enable the Planning Commission to advise the City Council with respect to redevelopment functions set forth in the Health and Safety