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REGULAR

NUMBER: 273

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING SECTION 1.15 TO AND AMENDING SECTIONS 1.01 AND 1.03 OF CHAPTER 500 OF TITLE I OF THE MILPITAS MUNICIPAL CODE RELATED TO THE APPOINTMENT, POWER AND DUTIES OF AN ALTERNATE MEMBER OF THE PLANNING COMMISSION.

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of February 21, 2006, upon motion by Vice-Mayor Gomez and was adopted (second reading) by the City Council at its meeting of March 7, 2006, upon motion by Vice Mayor Gomez. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:	(3)	Vice Mayor Gomez, Councilmembers Polanski and Giordano
NOES:	(1)	Mayor Esteves
ABSENT:	(1)	Councilmember Livengood
ABSTAIN:	(0)	None

ATTEST:

Mary Lavelle

Mary Lavelle, City Clerk

APPROVED:

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

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NOES:	(1)	Mayor Esteves
ABSENT:	(1)	Councilmember Livengood
ABSTAIN:	(0)	None

ATTEST:

Mary Lavelle

Mary Lavelle, City Clerk

APPROVED:

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1.

Title I, Chapter 500, Section 1.01 shall be amended to add the following as a second paragraph:

There shall be one alternate member who shall be appointed by the majority of 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.

The first sentence of Title I, Chapter 500, Section 1.03 shall be amended as follows:

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.

Section 1.15 shall be added to Title I, Chapter 500 as follows:

I-500-1.15 Alternate Member

A. The alternate shall, like regular members, attend the regular and special meetings of the commission. The alternate shall review staff reports and documents and otherwise prepare for such meetings. At such meetings, the alternate shall be identified for the record.
B. The alternate shall publicly announce any items on the agenda that he or she is disqualified from participating in because of a conflict of interest.
C. If, as a result of an absence of a regular member or an abstention because a regular member believes he or she has a conflict of interest at a regular or special meeting, the alternate shall move to the seat of a regular member, then the alternate shall participate as a regular member.
D. The qualifications, appointment, removal and other requirements applicable to the alternate shall be the same as those for regular members of the commission.

Section 2. Effective Date and Posting.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.

Section 1.

Title I, Chapter 500, Section 1.01 shall be amended to add the following as a second paragraph:

There shall be one alternate member who shall be appointed by the majority of 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.

The first sentence of Title I, Chapter 500, Section 1.03 shall be amended as follows:

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.

Section 1.15 shall be added to Title I, Chapter 500 as follows:

I-500-1.15 Alternate Member

A. The alternate shall, like regular members, attend the regular and special meetings of the commission. The alternate shall review staff reports and documents and otherwise prepare for such meetings. At such meetings, the alternate shall be identified for the record.
B. The alternate shall publicly announce any items on the agenda that he or she is disqualified from participating in because of a conflict of interest.
C. If, as a result of an absence of a regular member or an abstention because a regular member believes he or she has a conflict of interest at a regular or special meeting, the alternate shall move to the seat of a regular member, then the alternate shall participate as a regular member.
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