

CITY OF YUBA CITY
STAFF REPORT

Date: November 16, 2021
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation By: Dave Vaughn, City Manager

Summary

Subject: Economic Development Commission dissolution

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City to delete Chapter 12 (Economic Development Commission) of Title 2 of the Yuba City Municipal Code, and waive the second reading

Fiscal Impact: No fiscal impact

Purpose:

Adopt an Ordinance dissolving the City's Economic Development Commission in order to City Council restructuring.

Background:

The Economic Development Commission was established in 2008 as an advisory board for the City Council, the City Manager, and the City's Economic Development Staff in all matters related to economic development. At that time, the Commission gave input to the City's Economic Development Strategy/Work Plan, oversaw its implementation, and recommended changes as economic market conditions shifted. The Economic Development Commission consists of seven (7) members and one (1) alternate with representation from diverse local businesses and industries. The current Economic Development Commission has 4 vacant seats, including 1 alternate.

Analysis:

The function and purpose of the Economic Development Commission has evolved over time. Most recently, the goal has been to create a climate for attracting new businesses. However, because the City no longer has Economic Development staff, the Economic Development Commission has been challenged to maintain momentum and focus in recent years.

Due to COVID-19 and various other factors, the current Economic Development Commission has been on hold for more than a year. During this time, the City Council has established an ad hoc committee in order to focus on business retention. This new priority has prompted City Council and staff to re-evaluate the relevancy and purpose of the Economic Development Commission going forward. As a result, and in order to better align with Council priorities, staff recommends dissolving the current Economic Development Commission.

Alternatives:

Deny or modify the recommendation.

Recommendation:

Adopt an Ordinance of the City Council of the City of Yuba City to delete Chapter 12 (Economic Development Commission) of Title 2 of the Yuba City Municipal Code, and waive the second reading.

Attachments:

1. City Council Ordinance to delete Chapter 12 (Economic Development Commission) of Title 2 of the Yuba City Municipal Code
 - A. Exhibit A – Ordinance 009-08
 - B. Exhibit B – Ordinance 001-19

Prepared By:

Submitted By:

/s/ Ciara Wakefield

Ciara Wakefield
City Clerk Administrator

/s/ Dave Vaughn

Dave Vaughn
City Manager

Reviewed by:

City Attorney

SLC by email

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO DELETE CHAPTER 12 (ECONOMIC DEVELOPMENT COMMISSION) OF TITLE 2 OF THE MUNICIPAL CODE

WHEREAS, the Economic Development Commission was established in 2008 as an advisory board for the City Council, the City Manager, and the City's Economic Development Staff in all matters related to economic development.; and

WHEREAS, due to COVID-19 and various other factors, the current Economic Development Commission has been on hold for more than a year; and

WHEREAS, the City Council has established an ad hoc committee in order to focus on business retention; and

WHEREAS, in order to better align with Council priorities, the Council desires to dissolve the Economic Development Commission and delete Chapter 12 of Title 2 of the Municipal Code.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

Section 1. The City Council expresses its appreciation for all members who have served on the Economic Development Commission and their service to the Yuba City community.

Section 2. The City Council amends the Municipal Code to delete Chapter 12 of Title 2 in its entirety.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

Section 4. This Ordinance shall take effect and be in full force and effect from and after 30 days after its final passage and adoption.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 2nd Day of November, 2021, and passed and adopted at a regular meeting held on the 16th day of November 2021.

AYES:

NOES:

ABSENT:

ATTEST:

Marc Boomgaarden, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachments:

Exhibit A – Ordinance 009-08

Exhibit B – Ordinance 001-19

EXHIBIT A

ORDINANCE NO. 009-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CREATING AND ESTABLISHING AN ECONOMIC DEVELOPMENT
COMMISSION WITHIN THE CITY AND SETTING FORTH THE TERMS OF
OFFICE OF SAID COMMISSION AND PROVIDING FOR THE POWERS AND
DUTIES THEREOF**

The City Council of the City of Yuba City does hereby ordain as follows:

Section 1:

Title 2 entitled "Administration" of the Yuba City Municipal Code is hereby amended by adding thereto Chapter 12 entitled "Economic Development Commission" and as so entitled shall read as follows:

Section 2-12.01 – Creation/Membership

The City of Yuba City Economic Development Commission is hereby established. It shall be composed of five (5) members confirmed by the City Council. The City Council may choose to appoint one (1) alternate member to the Commission, who would serve normally as a nonvoting member. In the absence of a regular member of the Commission, the alternate member shall take the absent individual's seat and have the right to vote. The City Manager or his/her designee shall be an ex officio member and shall serve as Secretary of the Commission. All members of the Commission except ex officio members shall have the right to vote.

Section 2-12.02 – Terms of Office

Members of the Economic Development Commission shall be appointed for the following terms of office:

- a. Two (2) shall serve in office for a period of four (4) years; and
- b. Three (3) shall serve in the office for a period of two (2) years.

Thereafter, each member appointed shall serve in office for the term of four (4) years and the method of appointment shall remain the same. The anniversary date for all appointments shall be December 31st of any year.

Members of the Economic Development Commission serve at the pleasure of the City Council and may be removed without cause. The City Council may appoint a successor for the unexpired term of office of the removed member. Should a vacancy occur during the term of a regular member of the Commission, it is the City Council's expectation that the alternate member will be appointed to complete the unexpired term of the vacant position. Vacancies on the Commission, other than that to be filled by the alternate member, shall be filled in the same manner as appointments for the unexpired term of office.

Council may establish by resolution appropriate service requirements and criteria and attendance standards governing service on the Economic Development Commission.

Section 2-12.03 – Powers and Duties

The Economic Development Commission shall act in an advisory capacity to the City Council, the City Manager, the Redevelopment Executive Director, and the City's Economic Development Staff in all matters pertaining to economic development. The Commission shall provide input to the City's Economic Development Strategy/Work Plan, oversee its implementation,

and recommend changes as economic market conditions shift and opportunities arise. The Commission may be a network conduit for the City's Economic Development Staff with businesses and key business influencers and identify opportunities and available resources.

The Economic Development Commission, in coordination with City Staff, shall develop and submit for City Council approval an annual work program establishing the priority work items each year.

Section 2-12.04 – Officers

The Commission shall choose one (1) of its members to serve as chairperson and one (1) of its members as vice chair. The chair and vice chair shall be elected each calendar year at the first meeting following January 1. The chairperson shall preside at all meetings, submit all motions to vote and in general do all things ordinarily required of a chairperson. The vice chair shall assume the duties of the chairperson in his/her absence. The secretary shall take and keep minutes of all the meetings and provide information and assistance to the Commission. Copies of the minutes shall be submitted to the City Council for review.

Section 2-12.05 – Procedures

The Economic Development Commission may adopt rules of procedure, determine the order of business for its meetings, time and place, and conduct of its members. Three (3) members of the Economic Development Commission shall constitute a quorum for the transaction of business.

Section 2:

This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 2nd day of September, 2008 and adopted at a regular meeting thereof held on the 16th day of September, 2008.

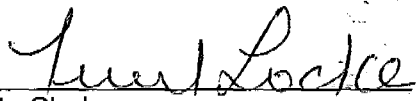
AYES: Councilmembers Gill, Maan, McBride, Miller and Mayor Ramirez

NOES: None

ABSENT: None


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

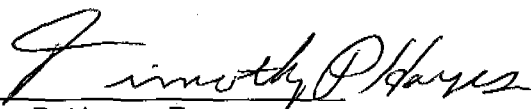

Timothy P. Hayes, Esq.
City Attorney

EXHIBIT B

ORDINANCE NO. 001-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING SECTIONS 2-12.01 AND 2-12.05 OF CHAPTER 12 OF TITLE 2
OF THE YUBA CITY MUNICIPAL CODE REGARDING THE ECONOMIC
DEVELOPMENT COMMISSION**

WHEREAS, The Yuba City Economic Development Commission was established by the City Council in September 2008; and

WHEREAS, this Commission acts in an advisory capacity to the City Council, the City Manager, and the Deputy City Manager for Economic Growth & Public Affairs. Representatives from diverse businesses and industries are recommended to serve on the Commission, including: education, agriculture, small business, banking, real estate, and medical; and

WHEREAS, the Commission is currently composed of 5 members serving for a period of 4 years; and

WHEREAS, the City Council desires to increase the number of members service on the Commission from 5 to 7 members.

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

Section 1. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment. Therefore, the proposed ordinance is not subject to CEQA.

Section 2. Section 2-12-01 of Chapter 12 of Title 2 of the Yuba City Municipal Code is amended to read in its entirety as follows:

Section 2-12.01 – Creation/Membership

The City of Yuba City Economic Development Commission is hereby established. It shall be composed of seven (7) members confirmed by the City Council. The City Council may choose to appoint one (1) alternate member to the Commission, who would serve normally as a nonvoting member. In the absence of a regular member of the Commission, the alternate member shall take the absent individual's seat and have the right to vote. The City Manager or his/her designee shall be an ex officio member and shall serve as Secretary of the Commission. All members of the Commission except ex officio members shall have the right to vote.

Section 3. Section 2-12-05 of Chapter 12 of Title 2 of the Yuba City Municipal Code is amended to read in its entirety as follows:

Section 2-12.05 – Procedures

The Economic Development Commission may adopt rules of procedure, determine the order of business for its meetings, time and place, and conduct of its members. Four (4) members of the Economic Development Commission shall constitute a quorum for the transaction of business.

Section 4. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 5 This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 16th day of April 2019 and adopted at a regular meeting thereof held on the 21st day of May 2019.

AYES: Councilmember Boomgaarden, Cardoza, Espindola, Shaw and Mayor Harris

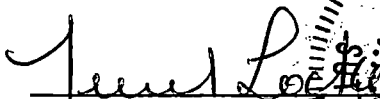
NOES: None

ABSTAIN: None

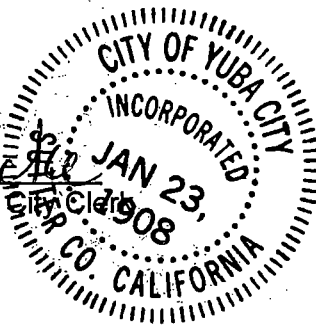


Shon Harris, Mayor

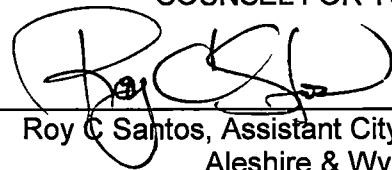
Attest:



Terrel Locke, Deputy City Clerk



APPROVED AS TO FORM
COUNSEL FOR YUBA CITY



Roy C Santos, Assistant City Attorney
Aleshire & Wynder, LLP