

AGENDA ITEM NO. 9:45 AM C

COUNCIL MEETING 07/16/09

APPROVED BY _____

DEPARTMENT DIRECTOR _____

CITY MANAGER _____

July 8, 2009

FROM: ASHLEY SWEARENGIN, Mayor

BY: KELLI FURTADO, Deputy Chief of Staff
Mayor's Office

SUBJECT: AMENDMENT TO THE FRESNO MUNICIPAL CODE RELATING TO THE
HISTORIC PRESERVATION COMMISSION SUBSECTION (a) OF SECTION 12-
1605

RECOMMENDATIONS

It is recommended that the City Council introduce the attached amendment of the Fresno Municipal Code relating to the Historic Preservation Commission and adopt the amendment on July 23, 2009.

EXECUTIVE SUMMARY

The City of Fresno outlines the Historic Preservation Ordinance in Article 16 of the Fresno Municipal Code Section 12. The ordinance allows for the establishment of the Historic Preservation Commission ("Commission"), and regulates the Commission's composition and operation in Section 12-1605.

The proposed amendment to Fresno Municipal Code Section 12-1605 would require five (5) of the seven (7) members of the Historic Preservation Commission to be a resident of the City of Fresno, but would allow two (2) of the seven (7) commission members, as long as they had the historical background described in Section 12-1605, to reside outside of Fresno but within the State of California.

The amendment will broaden residency requirements to allow for professionals with expertise in the disciplines of architecture, history, architectural history, planning, pre-historic and historic archaeology, folklore, cultural archaeology, curation, conservation and landscape architecture to the extent that such professionals are available and willing to serve on the Commission.

While the changes do not affect the intent of the ordinance or operation of the Historic Preservation Commission, they do allow for better representation of qualified commission members.

BACKGROUND

The City of Fresno outlines the Historic Preservation Ordinance in Article 16 of the Fresno Municipal Code. The ordinance allows for the establishment of the Historic Preservation Commission ("Commission"). The Composition of the Commission is set forth in Section 12-1605 (a), which states in part, "The Commission

shall consist of seven persons having a demonstrated interest, competence or knowledge in historic preservation, and unless otherwise specified in this article, Charter Sections 902, 904 and 905 shall apply.”

Charter Section 902 states that members of boards and commissions “shall be appointed by the Mayor with the approval of the Council from the qualified electors of the City...” Chapter 12, Article 16 of the Fresno Municipal Code is silent on the issue of whether members of the Commission are required to be a qualified elector of the City. Thus, the language in Charter section 902 requiring a Commissioner to be a “qualified elector of the City,” is controlling.

The proposed amendment to Fresno Municipal Code Section 12-1605 would require five (5) of the seven (7) members of the Historical Preservation Commission to be a resident of the City of Fresno, but would allow two (2) of the seven (7) commission members, as long as they had the historical background described in Section 12-1605, to reside outside of Fresno but within the State of California.

FISCAL IMPACT

There is no impact to the General Fund.

Attachment: Municipal Code Amendment

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SUBSECTION (a) OF 12-1605 RELATING TO
HISTORIC PRESERVATION.

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

SECTION 1. Subsection (a) of 12-1605 of the Fresno Municipal Code is amended to read:

(a) Composition: The Commission shall consist of seven persons having a demonstrated interest, competence or knowledge in historic preservation and, unless otherwise specified in this article, Charter Sections 902, 904 and 905 shall apply. [At least five (5) Commission members shall be appointed from the qualified electors of the City and shall reside within the City of Fresno.] At least two Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, pre-historic and historic archeology, folklore, cultural archaeology, curation, conservation, landscape architecture or related disciplines such as urban planning, American studies, American civilization or cultural geography, to the extent that such professionals are available in the community [and/or within the State of California] and are willing to serve on the Commission. Commission members may also include lay persons who have demonstrated special interest, competence, experience or knowledge in historic preservation.

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SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2009.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2009

Mayor Approval/No Return: _____, 2009

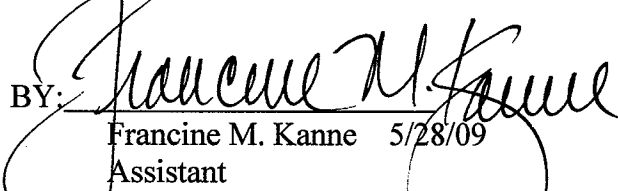
Mayor Veto: _____, 2009

Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 
Francine M. Kanne 5/28/09
Assistant

FMK:mag[49401mag/fmk]05/28/09