

ORDINANCE NO. 93-030

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 18 1993

AN ORDINANCE AMENDING CHAPTER 60 OF THE CITY CODE TO ADD ARTICLE XIX WHICH SETS FORTH PROCEDURES FOR ESTABLISHING LOCAL ASSESSMENT COMMITTEES TO EVALUATE HAZARDOUS WASTE FACILITY PROJECTS (M93-006)

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Article XIX is hereby added to Chapter 60 of the City Code to read as follows:

Article XIX. LOCAL ASSESSMENT COMMITTEES

Sec. 60.170. Formation

Pursuant to Health and Safety Code Section 25199.7, a local assessment committee (LAC) shall be established for each specified hazardous waste facility project proposed to be located within the City for which an application has been filed with the City. Except as otherwise provided in the resolution, ordinance or motion creating an individual local assessment committee, the regulations established in this ordinance shall govern the formation and operation of each such committee.

Sec 60.171. Duties

As required by Health and Safety Code Section 25199.7(d), the Committee shall do the following:

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- a) As its primary function, advise the City Planning Commission in considering an application for a land use decision for a specified hazardous waste facility project of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community;
- b) Enter into a dialogue with the proponent for the proposed specified hazardous waste facility project to reach an understanding with the proponent on both of the following:
 - 1) The measures that should be taken by the proponent in connection with the operation of the proposed hazardous waste facility project to protect the public health, safety, and welfare, and the environment of the City;
 - 2) The special benefits and remuneration the facility proponent will provide the City as compensation for the local costs associated with the operation of the facility.
- c) Represent the interests of the residents of the surrounding community and City;
- d) Advise the City Planning Commission of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the proponent, and any additional information which the committee deems appropriate.

Sec 60.172. Membership, Appointment and Term of Office

- a) **Regular Members.** There shall be seven (7) regular members of the Committee, who shall have full voting rights on the Committee.
- b) **Appointment of Members.** Members shall be appointed by the Mayor, subject to the concurrence of a majority of the City Council, pursuant to the procedures set forth in Article I, Division 1 ("Appointment Procedures for Appointments to the City Council and City Boards and Commissions") of this chapter. Notwithstanding subsection (e) below, members may be removed at any time by the Mayor, subject to the concurrence of a majority of the City Council, and shall serve at the pleasure of the Mayor and City Council.

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- c) **Background and Composition of Membership:** Pursuant to Health and Safety Code Section 25199.7 (d), the committee shall be broadly constituted to reflect the makeup of the community and shall consist of the following: three representatives of the public at large, who shall reside within the City of Sacramento; Two representatives of public interest or environmental groups; and two members of the affected businesses and industries. As specified in Health and Safety Code Sec. 25199.7(d), no member shall have a direct financial interest, as defined in Government Code Sec. 87103, in the proposed specified hazardous waste facility project.
- d) **Terms of Office.** Members shall serve on the local assessment committee to which they are appointed until the local assessment committee terminates pursuant to subparagraph f below.
- e) **Termination of Local Assessment Committee.** A local assessment committee shall terminate and cease to exist after final administrative action by the City and other local and state agencies has been taken on the permit applications for the project for which the committee was convened.
- f) **Vacancies.** A vacancy shall exist in any of the following circumstances:
- 1) When a member submits a written resignation to the Committee Chair and to the appointing authority (the Mayor);
 - 2) Pursuant to Sections 60.10 and 60.11, the failure of any member of the committee to attend three (3) consecutive regular meetings shall be deemed good cause for removal of such members;
 - 3) When death, disability, or any other such circumstance prevents the member from completing a term;
 - 4) When a public at large member no longer resides in the City;
 - 5) When a member is removed from the Committee by the Mayor, with concurrence of the City Council.

Sec 60.173. **Officers**

- a) **Officers Designated.** The Committee shall have a chair and vice-chair. The chair and the vice-chair shall be elected by a majority of all the members of the Committee, at the first meeting of the Committee following establishment of the Committee. The chair, or vice-chair in the absence of the chair, shall preside at all normal meetings of the Committee.

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- b) **Secretary.** The Director of the Planning Division shall select a person to serve as secretary to the Committee. The Secretary shall perform the following duties:
- 1) Record the proceedings of the Committee and prepare minutes of these proceedings;
 - 2) Prepare agendas, post and mail notices, and arrange for meeting facilities for the committee;
 - 3) Within reasonable budgetary and time constraints, act as staff to the Committee and assist in the preparation of reports and correspondence;
 - 4) Schedule the initial meeting.

Sec. 60.174. Public Meetings.

- a) **Brown Act.** The Committee constitutes a "legislative body" under the provisions of the Ralph M. Brown Act, Government Code sections 54950 et seq., and shall hold its meetings in accordance therewith.
- b) **Regular Meetings.** The Committee will normally hold its regular meetings on a weekday at a public building, at a predetermined time by the Committee. The Committee may continue a meeting from time to time, in which case notice of the time and place to which the meeting is continued shall be publicly announced prior to adjournment of the meeting, and no further notice will be required.
- c) **Cancellation of Regular Meetings.** If any regular meeting is canceled, notice of this fact shall be given by an oral announcement by the Chairperson at the previous regular meeting, and by posting a notice at or near the door of the meeting place at the time the regular meeting was to be conducted if the canceled meeting has already been properly noticed.
- d) **Committee Quorum and Committee Actions.** A majority of the members of the Committee shall constitute a quorum for the transaction of business. Provided that a quorum is present, the committee shall act according to the vote of the majority of the number of members present. A member of such a committee who disqualifies himself from voting, or who is disqualified by order of the committee, shall not count for purposes of constituting a quorum. If a member of the Committee fails to vote, the member's non-action shall not be counted as either an affirmative or a negative vote.

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- e) **Procedures.** The committee may adopt such additional rules and procedures as are necessary to perform its duties. Except as otherwise provided by these additional procedures, or by statute, ordinance or resolution, all meetings shall be conducted in accordance with the parliamentary procedures set forth in the most recent edition of Roberts Rules of Order.
- f) **Roll Call Vote.** Ordinarily, the chair shall determine the manner in which votes shall be taken. However, a roll call vote shall be taken whenever requested by any member in attendance. Such a request may be made before or immediately after a vote is taken in any other matter.
- g) **Place of Meetings.** All meetings, whether held open sessions or executive sessions, shall be conducted in places that are freely accessible to physically handicapped persons. As appropriate, meetings may be held in different locations throughout the City.

Sec. 60.175 **Records.**

- a) **Minutes.** The secretary shall prepare official minutes of each regular meeting, indicating attendance and whether absences were previously cleared with the chair of the Committee, and recording actions taken at each meeting. The minutes for each meeting shall be submitted to the City Council and/or the City Planning Commission once approved by the Committee and duly signed by the Secretary and attested to by the Chair.
- b) **Progress Reports.** The Committee may submit progress reports and recommendations to the City Planning Commission at any time.

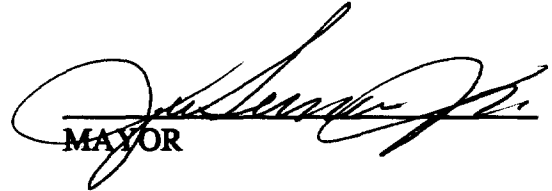
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SECTION 2.

This ordinance is hereby declared an emergency to take effect immediately. The facts constituting an emergency are as follows: The City has received a Notice of Intent by an applicant to apply for a specified hazardous waste facility project, pursuant to Health and Safety Code Sec. 25199.7. Pursuant to state law, the City has a limited amount of time to establish a local assessment committee and to take other steps in responding to the Notice of Intent. To fulfill the requirements of state law, and to provide for the processing of the notice of intent and application in a timely and efficient manner, it is necessary for this ordinance to take effect immediately.

DATE PASSED FOR PUBLICATION: May 11, 1993
DATE ENACTED: May 18, 1993
DATE EFFECTIVE: June 17, 1993


MAYOR

ATTEST:


Valerie A. Burrows
CITY CLERK

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