

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARTIN D. KOCZANOWICZ, CITY ATTORNEY



SUBJECT: INTRODUCTION AND FIRST READING OF A PROPOSED ORDINANCE AMENDING GROVER BEACH MUNICIPAL CODE SECTION 2401 REDUCING THE NUMBER OF PLANNING COMMISSION MEMBERS FROM SEVEN TO FIVE

BACKGROUND

Presently the Planning Commission is to be composed of seven (7) members. Council has agreed with Planning Commission and staff's recommendation to reduce the number to five (5). The basis for the reduction is the difficulty in having a quorum at Planning Commission meetings and efficiency that will occur in preparation for meetings. The functions of the Planning Commission may be served as well with only five (5) members. A change in membership number requires an amendment to the Grover Beach Municipal Code (GBMC) and Council requested that staff prepare a draft Ordinance to accomplish the change. As only five Commissioners are currently seated, the reduction, if approved by Council, will not result in the removal of any members currently serving on the Commission.

DISCUSSION

Article II, Chapter 4, Section 2401 of the Grover Beach Municipal Code presently provides that there will be seven (7) members on the City's Planning Commission. To reduce the number to five (5), an amendment of the Municipal Code is needed. A red-lined copy of said Section 2401 is attached as Exhibit A, which reflects what amendment is being made. Draft Ordinance No. 13-____ is also attached adopting that amendment.

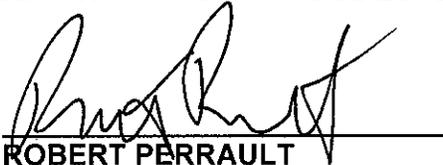
Additionally, Council directed staff to review the manner in which the terms of each position would be affected by this reduction. Staff has looked at this issue and determined that no changes to the existing terms are required and that the terms are staggered in a manner that minimizes the chances of having number of vacancies during the recruitment process.

ALTERNATIVES

The City Council has the following alternatives to consider.

1. Conduct the public hearing, consider testimony, introduce and conduct first reading of the proposed Ordinance, by title only, and schedule second reading and adoption for the next regularly scheduled meeting.

APPROVED FOR FORWARDING



ROBERT PERRAULT
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- Peterson
- Bright
- Lee
- Marshall
- Nicolls

Meeting Date: May 6, 2013

Agenda Item No. 6

2. Take no action to amend the Grover Beach Municipal Code and continue to have a seven- (7) member Planning Commission.
3. Provide further direction to staff.

RECOMMENDED ACTION

It is recommended that the City Council conduct the public hearing, consider testimony, and conduct the first reading of the Ordinance, by title only, and schedule the second reading and adoption for the next regularly scheduled City Council meeting.

FISCAL IMPACT

Possibly a reduction in staff time and reproduction costs with the creation of a more efficient process. Some costs will be incurred with updating the Municipal Code.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. Public Hearing Notice was published on Thursday, April 25, 2013.

Attachments

1. Draft Ordinance No. 13-__
2. Redlined version of Article II, Chapter 2, Section 2401 of the Grover Beach Municipal Code reflecting the amendment to the current Municipal Code for Planning Commission members.

ORDINANCE NO. 13-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH
AMENDING ARTICLE II SECTION 2401 OF THE GROVER BEACH MUNICIPAL CODE
TO REDUCE THE NUMBER OF PLANNING COMMISSION MEMBERS
FROM SEVEN TO FIVE**

WHEREAS, presently the Planning Commission consists of seven (7) members and Council has found that it has been difficult to seat a quorum for the Planning Commission meetings with seven (7) members and that costs can be reduced in preparation for meetings if the number of Commissioners is reduced to five (5); and

WHEREAS, the functions of the Planning Commission can be performed as well with only five (5) members; and

WHEREAS, Council conducted a public hearing to receive input and comments regarding this proposed amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grover Beach as follows:

PART 1.

Grover Beach Municipal Code Article II is hereby amended by deleting the existing Section 2401 and substituting it as follows:

"Sec. 2401. Members. Said Planning Commission shall consist of five (5) members who shall be qualified electors of the City, and who shall be appointed for terms of four (4) years, or for such lesser term as may be specified in the appointment."

PART 2.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 3.

This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held _____, 2013 and **PASSED, APPROVED, and ADOPTED** by the City Council on _____, 2013 on the following roll call, to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –

DRAFT

DEBBIE PETERSON, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

Approved as to form:

MARTIN C. KOCZANOWICZ, CITY ATTORNEY

CHAPTER 4 - CITY PLANNING COMMISSION

Sec. 2400. Planning Commission Created. A Planning Commission for the City is hereby created. (Ord. 2-A)

Sec. 2401. Members. Said Planning Commission shall consist of five (5)~~seven (7)~~ members who shall be qualified electors of the City, and who shall be appointed for terms of four (4) years, or for such lesser term as may be specified in the appointment. (Ord. 1; Am. Ord. 53; Ord. 94-7)

Sec. 2402. Absence from Meeting. If a member of the Planning Commission shall be absent from three (3) successive regular meetings of said Commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the Planning Commission shall immediately inform the City Council of such termination. (Ord. 2-A)

Sec. 2403. Absence for Cause. An absence due to illness or an unavoidable absence from the City and written notice thereof to the Planning Commission on or before the day of any regular meeting by the said Commission shall be deemed absence for cause. (Ord. 2-A)

Sec. 2404. Regular Meeting. A regular meeting as provided for by law or by rule of the Planning Commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. 2-A)

Sec. 2405. Organization. The Planning Commission shall elect a Chairman, and Vice-Chairman from among its appointed members for a term of one (1) year and, subject to other provisions of law, may create and fill such other offices as it may determine. The Planning Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of the resolutions, transactions, findings, and determinations, which record shall be a public record. (Ord. 2-A; Am. Ord. 75-11)

Sec. 2406. Duties. Said City Planning Commission shall perform the duties and shall have all the rights, powers, and privileges specified and provided by municipal ordinance or resolution or by State law. (Ord. 2-A)

Sec. 2407. Expenses. Said City Planning Commission shall be entitled to compensation for all necessary and proper expenses incurred in connection with their meetings. (Ord. 2-A)

Sec. 2408. Term Limit. (Repealed Ord. 02-01)

Sec. 2409. Appointments and Vacancies. In the event an appointment to fill a vacancy does not occur until after the expiration of a term, the incumbent shall serve on the Commission until reappointed or replaced. If vacancies occur otherwise than by expiration of term, the vacancy shall be filled by appointment for the unexpired portion of the term. Should the unexpired term be for a period of less than one year, the City Council may appoint a member to serve for the unexpired term plus a full four-year term. Members shall be appointed by the Mayor with the approval of the City Council. (Ord. 94-7, Am. 97-3)