

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: Planning Commission Appointment Expiration Date
DATE: February 19, 2013

Needs: For the City Council to adopt an ordinance to change the expiration date of Planning Commission appointments.

- Facts:**
1. At its meeting of February 5, 2013, the City Council directed staff to prepare an ordinance to change the date of expiration of Planning Commission appointments from December 31 to February 28.
 2. Section 2.20.101 of the Municipal Code presently provides that Planning Commissioner's terms shall expire on December 31.
 3. Planning Commissioners serve for a term of three years. Their terms are staggered so that no more than three appointments expire at any time.

Analysis and Conclusion

At its meeting of February 5, 2013, the City Council agreed that the current expiration date of December 31 caused interviews to be scheduled in the months of November or December, which are usually already filled with several other events that make interviews difficult for councilmembers and candidates alike. The Council decided that February 28 was a better date as January and February offered fewer scheduling conflicts.

Since the expiration dates of Planning Commission terms are established by ordinance, adoption of an ordinance is necessary to change of the expiration dates. A public hearing is not required for this type of ordinance.

Policy

Reference: Municipal Code Section 2.20.010

Fiscal Impact: None

- Options:**
- a. Introduce for first reading the attached ordinance to amend Section 2.20.010 to change the date of expiration of Planning Commissioners' terms from December 31 to February 28.
 - b. Amend, modify, or reject the above option.

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING SECTION 2.20.010 OF THE MUNICIPAL CODE TO CHANGE THE DATE OF EXPIRATION OF PLANNING COMMISSIONERS' TERMS

WHEREAS, Section 2.20.010 of the Municipal Code, as amended via Ordinance No. 720 N.S. adopted January 21, 1997, provides that terms of office for Planning Commissioners shall expire on December 31; and

WHEREAS, the City Council has determined that changing the date of expiration of Planning Commissioners' terms to February 28 would be beneficial to the overall scheduling of City business;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2.20.010 of the Municipal Code is hereby amended to read as follows:

There is reestablished, recreated and reorganized a Planning Commission, which shall succeed unbrokenly the commission previously existing under the provisions of this section, pursuant to the provision of Chapter 3, Title 7 of the Government Code of the State of California, and said Planning Commission will have the powers and duties described herein.

Planning Commissioners shall serve for overlapping three-year terms that expire on February 28. The ~~three~~ ~~two of the four~~ terms that expire on December 31, ~~2013~~ ~~1997~~ shall expire on February 28, 2014 ~~December 31, 1997~~, ~~the two terms that expire on December 31, 2014 shall expire on February 28, 2015~~, and ~~the two of the four terms that shall expire on December 31, 2015~~ ~~1998 shall expire on February 28, 2016~~. ~~The three terms appointed December 18, 1996 shall serve terms expiring December 31, 1999.~~

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on February 19, 2013, and passed and adopted by the City Council of the City of El Paso de Robles on the 5th day of March, 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk