

**CITY OF DANA POINT**  
**AGENDA REPORT**

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| Reviewed By: |     |
| DH           | _X_ |
| CM           | _X_ |
| CA           | _   |

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**DATE: APRIL 3, 2007**

**TO: CITY MANAGER/CITY COUNCIL**

**FROM: KATHY WARD, CITY CLERK**

**SUBJECT: SECOND READING AND ADOPTION OF PLANNING COMMISSION ALTERNATES AND TERM LIMITS ORDINANCE**

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**RECOMMENDED ACTION:**

That the City Council adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 2.06.050, 2.06.060 AND 2.06.070 OF THE MUNICIPAL CODE, AND ADDING SECTION 2.07.016 TO THE MUNICIPAL CODE REGARDING PLANNING COMMISSION ALTERNATES AND PLANNING COMMISSION TERM LIMITS.

**BACKGROUND:**

The City Council, at its regular meeting of March 20, 2007, introduced the proposed ordinance for its first reading. Staff is bringing back the proposed ordinance for adoption at this time.

**DISCUSSION:**

The introduced ordinance makes two substantive changes to the City's current code. First, it imposes term limits on Planning Commissioners. Planning Commissioners shall be limited to a maximum of two four (4) year terms on the Planning Commission, and would be eligible for reappointment after a break in service (which is the same as City Council term limits). This term limit would begin with the Planning Commission appointments made in 2007 and would not count terms that commenced prior to 2007.

Second, the ordinance would name a specific first and second alternate to the Planning Commission. If a Planning Commissioner is absent from a meeting or otherwise unable to participate on a matter for any reason, including but not limited to a conflict of interest, then the first alternate would become an active Planning Commissioner for that meeting or matter, as applicable, with full participation and voting privileges. If two Planning Commissioners are absent or otherwise unable

to participate on a matter for any reason, including but not limited to a conflict of interest, then the first and second alternate would participate.

**FISCAL IMPACT:**

Planning Commissioners currently receive a monthly stipend of \$150.00 which is budgeted for in the Community Development Budget. The stipend would not apply to alternates.

**NOTIFICATION/FOLLOWUP:**

The Ordinance will be published in accordance with State and local regulations.

**ALTERNATIVE ACTIONS:**

The City Council could choose not to hold the second reading and deny the ordinance.

**ACTION DOCUMENTS:** \_\_\_\_\_ **PAGE NO.**

- A. [Ordinance.....3](#)

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| <b>ACTION DOCUMENT A</b> |
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**ORDINANCE NO. 07-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 2.06.050, 2.06.060 AND 2.06.070 OF THE MUNICIPAL CODE, AND ADDING SECTION 2.07.016 TO THE MUNICIPAL CODE REGARDING PLANNING COMMISSION ALTERNATES AND PLANNING COMMISSION TERM LIMITS.**

WHEREAS, the City of Dana Point ("City") desires to increase the effectiveness of the Planning Commission; and

WHEREAS, the City seeks to increase the responsibilities of Planning Commission Alternates, thereby increasing the effectiveness of the Planning Commission, by providing for Alternates to participate and vote on matters in which a Planning Commissioner is absent or has a conflict of interest; and

WHEREAS, the City seeks to increase community involvement in the Planning Commission and obtain additional perspectives, thereby increasing the effectiveness of the Planning Commission, by imposing term limits on Planning Commissioners; and

WHEREAS, to facilitate the above stated goals, the City desires to amend and add sections to Chapters 2.06 and 2.07 of the Dana Point Municipal Code.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.06.050 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

**2.06.050 Appointment.**

Members and alternates of each board and commission shall be appointed, and may be removed, by a majority of the City Council. The chairperson of the board or commission shall be selected by a majority of the membership of that board or commission. Alternates do not participate in the selection of chairperson of the board of commission.

(a) This subdivision (a) applies to all boards and commissions except the Planning Commission. The City Council may select one or more alternates for each board or commission. Alternates shall not become members of the designated board or commission except by the filling of a vacancy pursuant to Section 2.06.070.

(b) This subdivision (b) applies solely to the Planning Commission. The City Council shall select two (2) alternates for the Planning Commission. The alternates shall be called the First Alternate and Second Alternate.

Alternates shall not become permanent members of the Planning Commission except by the filling of a vacancy pursuant to Section 2.06.070. An alternate shall become a temporary member of the Planning Commission when the alternate participates as a Planning Commissioner pursuant to Section 2.07.016.

SECTION 2. Section 2.06.060 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

2.06.060 Term.

(a) The term of each board or commission member, other than the Youth Board members and Planning Commission members, shall be two (2) years with staggered terms.

(b) Planning Commission members shall serve four (4) year staggered terms and, beginning with terms commencing in 2007 and continuing with all appointments thereafter, no person shall be appointed as a Planning Commissioner for more than two (2) full consecutive terms and no person who has been a Planning Commissioner for more than two (2) years of a term to which he or she was appointed shall be appointed to the Planning Commission for more than one further consecutive term.

(c) The term of the Youth Board members shall be one year and shall expire on the last day of August.

(d) With the exception of the Youth Board, terms shall expire on the last day of March of the designated year or until such time as the City Council appoints a successor. Subject to any term limits provided by this Chapter, at the completion of any term, a board or commission member may be reappointed pursuant to the procedures set forth in Section 2.06.050 of this Chapter.

SECTION 3. Section 2.06.070 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

2.06.070 Vacancies.

If vacancies in any board or commission except the Planning Commission occur other than by expiration of term, such vacancy shall be filled by the alternate selected by the City Council during the most recent selection process. If vacancies in the Planning Commission occur other than by expiration of term, such vacancy shall be filled by the First Alternate, and if the First Alternate is unable to fill the vacancy, by the Second Alternate. Any alternate appointed pursuant to a vacancy shall serve the remaining term of the seat being filled. Vacancies which occur when no alternate is available for appointment to the remaining term shall be filled in a manner determined by the City Council or shall remain vacant until the last day of March.

SECTION 4. Section 2.07.016 of the Dana Point Municipal Code is hereby added to read in its entirety as follows:

2.07.016 Planning Commission Alternates.

Planning Commission Alternates shall be required to attend all regular meetings of the Planning Commission, but are not counted for quorum purposes unless participating as regular Planning Commissioners. If a Planning Commissioner is absent from a meeting or unable to participate in a matter for any reason, including but not limited to a conflict of interest, the First Alternate shall participate in the meeting or matter and vote as a regular Planning Commissioner for that meeting or matter as applicable. If the First Alternate is unable to participate or vote, the Second Alternate shall participate and vote in the stead of the Planning Commissioner who is unable to vote. If a second Planning Commissioner is absent from a meeting or unable to participate or vote, then the Second Alternate shall participate and vote in the stead of the second Planning Commissioner who is absent or unable to participate or vote. No Planning Commission Alternate may participate or vote on a matter if he or she has a conflict of interest that would preclude him or her from participating or voting.

SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
DIANE L. HARKEY, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

I, Kathy M. Ward, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 07-\_\_ introduced at a regular meeting of the City Council held this \_\_\_\_ day of \_\_\_\_\_, 2007, and passed and adopted at a regular meeting held \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

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KATHY M. WARD, CITY CLERK