



Agenda Item C.1
DISCUSSION/ACTION ITEM
Meeting Date: December 16, 2008

TO: Mayor and Councilmembers
FROM: Daniel Singer, City Manager
CONTACT: Deborah Constantino, City Clerk
SUBJECT: Appointments to the Planning Commission

RECOMMENDATION:

Consider appointments to the Planning Commission nominated by Councilmembers Easton and Connell to fill existing vacancies and for the terms commencing February 9, 2009.

BACKGROUND:

On June 5, 2006, Council adopted Ordinance No. 06-02 establishing the Planning Commission (Attachment 1). The ordinance specified that the Planning Commission would consist of five members, each of whom must be a resident of the City of Goleta and a qualified elector. The ordinance further specified that each City Councilmember would have the authority to appoint one member to the Planning Commission. The term of office for each Commissioner is four (4) years and each term is set to expire at the first regular meeting of the first February following the expiration of the current term of office of the City Councilmember who appointed the commission member.

On October 15, 2007, the City Council adopted Ordinance No. 07-13 for the primary purpose of clarifying the City's Municipal Code as it relates to the purpose and powers of the Planning Commission, the number of members, the length and method of appointments, residency requirements, responsibilities, and authority. Most pertinent to the matter at hand was a clarification that appointments needed to be approved by the full Council. A copy of this ordinance is also attached for your review. (Attachment 2).

DISCUSSION:

As you are aware, the November 4, 2008 General Election resulted in appointment of two new Councilmembers to the City Council. In accordance with Ordinance No. 06-02, the new members, Margaret Connell and Ed Easton, have the responsibility of appointing two new members to the Planning Commission. As Mayor Aceves, Mayor

Pro Tempore Onnen, and Councilmember Bennett were not up for re-election, their prior appointments to the Planning Commission are still effective.

The City Clerk published and posted an advertisement for the Planning Commission vacancies on November 14, 2008, and November 21, 2008. Letters were also sent directly to past applicants for the position. The vacancies were also published on the City's new website. The deadline for applications was 5:00 p.m. on December 1, 2008. Five applications were received, copies of which were distributed to Councilmembers Easton and Connell on December 2, 2008 for their review.

Under normal circumstances, appointments to the Planning Commission would occur in February. However, at this time there are only three seated Planning Commissioners. As you will recall, shortly before the election, one member of the Commission resigned, and immediately after his election to the City Council, Ed Easton resigned from the Commission as well. The two vacancies necessitate the early appointment of two members to the Commission. Therefore, Councilmembers Connell and Easton are asked to submit their nomination for ratification by the full Council at today's meeting. Not only is this ratification required under Ordinance 07-13, it is also symbolic in that it signifies to the appointee the Council's acknowledgement of their contribution of time and effort to this important decision-making body.

Attached to this report for your review is a copy of the newspaper notice advertising the Planning Commission vacancies.

FISCAL IMPACTS:

The only fiscal impact is the cost of advertising the Planning Commission openings.

Submitted By:

Reviewed By:

Approved By:

Deborah Constantino
City Clerk

Michelle Greene
Administrative Services
Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Ordinance No. 06-02 entitled "An Ordinance of the City Council of the City of Goleta, California, Repealing Sections 2-25 through 2-26.8 of the Goleta Municipal code and Adding Sections 2-25.8 through 2-25.12 Relating to the Establishment of a Planning Commission."

2. Ordinance No. 07-13 entitled "An Ordinance of the City Council of the City of Goleta, California, Relating to the Establishment of a Planning Commission, Amending Municipal Code Sections 2-25 through 2-25.13."
3. A copy of the newspaper notice advertising the Planning Commission vacancies.

ATTACHMENT 1

Ordinance No. 06-02 entitled “An Ordinance of the City Council of the City of Goleta, California, Repealing Sections 2-25 through 2-26.8 of the Goleta Municipal code and Adding Sections 2-258 through 2-25.12 Relating to the Establishment of a Planning Commission.”

ORDINANCE NO. 06-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING SECTIONS 2-25 THROUGH 2-26.8 OF THE GOLETA MUNICIPAL CODE AND ADDING SECTIONS 2-25 THROUGH 2-25.12 RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION

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

SECTION 1. Sections 2-25 through 2-26.8 of the Goleta Municipal Code are hereby repealed in their entirety and new Sections 2-25 through 2-25.13 are hereby added to the Goleta Municipal Code to read in its entirety as follows:

"PLANNING COMMISSION

Sections:

2-25	Created
2-25.1	Members
2-25.2	Appointment
2-25.3	Qualifications of members
2-25.4	Term of office
2-25.5	Removal from office
2-25.6	Vacancy in office
2-25.7	Organization
2-25.8	Meetings
2-25.9	Responsibilities
2-25.10	Approval authority
2-25.11	Appeal to planning commission
2-25.12	Appeal to City Council
2-25.13	Compensation

2-25 Created

A planning commission ("commission") for the City is created.

2-25.1 Members

The commission shall consist of five (5) members.

2-25.2 Appointment

Each councilmember shall have the authority to appoint one member to the commission.

2-25.3 Qualifications

(a) Members of the commission shall be residents of the City and shall be qualified electors within the City.

(b) Each member shall be a resident of the City for the year immediately preceding the inception of his or her term.

(c) No member of the commission may be an employee or officer of the City.

2-25.4 Term of office

(a) Members of the commission shall be appointed for a four year term which shall expire at the first regular meeting of the first February following the expiration of the current term of office of the City Council member who appointed the commission member.

(b) There is no limit as to the number of times that a commission member may be appointed.

2-25.5 Removal from office

A member of the commission is automatically removed from office if the member is absent from three consecutive regular meetings of the commission. A member shall serve at the pleasure of the councilmember who makes that appointment and may be removed by that councilmember at any time. The member may also be removed by a 4/5 vote of the City Council at any time and for any reason.

2-25.6 Vacancy in Office

If vacancies occur on the commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

2-25.7 Organization

(a) Each year, at its first regular meeting in February, the commission shall elect from its membership a chair and a vice-chair.

(b) The commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.

(c) The Director of Planning and Environmental Services serve as the Secretary to the commission and shall have no vote.

2-25.8 Meetings

The commission shall hold at least one regular meeting each month.

2-25.9 Responsibilities

The commission shall have such duties as are prescribed by California law, including the following:

- (a) Assist in reviewing proposed general plan amendments and community or specific plans and hold public hearings on such plans.
- (b) Hold hearings and make recommendations to the City Council with regard to proposed amendments to the general plan and specific plan.
- (c) Make recommendations to the City Council regarding reasonable and practical means for implementing the general plan or elements of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
- (d) Provide an annual report to the City Council on the status of the general plan and progress in its implementation, including the progress in meeting the City's share of the regional housing needs determined pursuant to Government Code section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code section 65583(c)(3), and compliance of the general plan with the guidelines contained at Government Code section 65040.2.
- (e) Hold hearings and make recommendations to the City Council with regard to proposed changes to the zoning ordinance and zoning maps.
- (f) Hold hearings and make recommendations to the City Council on tentative subdivision maps.
- (g) Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the City's general plan and make recommendations to the City Council.
- (h) Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted general plan.

2-25.10 Approval authority

The commission shall have final approval authority for all use permits.

2-25.11 Appeal to commission

All administrative land use decisions, including those of the Design Review Board, may be appealed to the commission.

2-25.12 Appeal to City Council

Any decision made by the commission other than for a use permit may be appealed to the City Council. If a commission decision is not appealed to the City Council within 10 days following the action, the decision of the commission is final.

2-25.13 Compensation

The City Council may establish by Resolution the compensation to be paid to the members of the Commission."

SECTION 2. 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 3. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 4. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

PASSED, APPROVED AND ADOPTED this 19th day of June, 2006.




JONNY WALLIS, MAYOR

ATTEST:

APPROVED AS TO FORM:


DEBORAH CONSTANTINO
CITY CLERK


JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, do hereby certify that the foregoing Ordinance No. 06-02 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 5th day of June, 2006, and that thereafter, said Ordinance was duly adopted at a regular meeting of the City Council on the 19th day of June, 2006, by the following vote:

AYES: COUNCILMEMBERS BLOIS, BROCK, HAWXHURST, MAYOR PRO
TEMPORE CONNELL AND MAYOR WALLIS.

NOES: NONE.

ABSENT: NONE.


DEBORAH CONSTANTINO
CITY CLERK



ATTACHMENT 2

Ordinance No. 07-13 entitled “An Ordinance of the City Council of the City of Goleta, California, Relating to the Establishment of a Planning Commission, Amending Municipal Code Sections 2-25 through 2-25.13.”

ORDINANCE NO. 07-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION, AMENDING MUNICIPAL CODE SECTIONS 2-25 THROUGH 2-25.13.

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

SECTION 1. Goleta Municipal Code Sections.

Sections 2-25 through 2-25.13 of the Goleta Municipal Code are hereby repealed in their entirety and new Sections 2-25 through 2-25.13 are hereby added to the Goleta Municipal Code to read in its entirety as follows:

"PLANNING COMMISSION

Sections:

- | | |
|---------|-------------------------------|
| 2-25 | Created |
| 2-25.1 | Members |
| 2-25.2 | Appointment |
| 2-25.3 | Qualifications of members |
| 2-25.4 | Term of office |
| 2-25.5 | Removal from office |
| 2-25.6 | Vacancy in office |
| 2-25.7 | Organization |
| 2-25.8 | Meetings |
| 2-25.9 | Responsibilities |
| 2-25.10 | Approval authority |
| 2-25.11 | Appeal to Planning Commission |
| 2-25.12 | Appeal to City Council |
| 2-25.13 | Compensation |

2-25 Created

A planning commission ("Commission") for the City is created.

2-25.1 Members

The Commission shall consist of five (5) members.

2-25.2 Appointment

Each councilmember shall have the authority to appoint one member to the Commission. The City Council shall vote on whether to approve each appointment. Such approval requires at least three affirmative votes.

2-25.3 Qualifications

(a) Members of the Commission shall be residents of the City and shall be qualified electors within the City.

(b) Each member shall be a resident of the City for the year immediately preceding the inception of his or her term.

(c) No member of the Commission may be an employee or officer of the City.

2-25.4 Term of office

(a) Members of the Commission shall be appointed for a four year term which shall expire at the first regular meeting of the first February following the expiration of the current term of office of the City Council member who appointed the Commission member.

(b) There is no limit as to the number of times that a Commission member may be appointed.

2-25.5 Removal from office

A member of the Commission is automatically removed from office if the member is absent from three consecutive regular meetings of the Commission. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council.

2-25.6 Vacancy in Office

If vacancies occur on the Commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

2-25.7 Organization

(a) Each year, at its first regular meeting in February, the Commission shall elect from its membership a chair and a vice-chair.

(b) The Commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.

(c) The Director of Planning and Environmental Services or the Director's designee shall serve as the Secretary to the Commission and have no vote.

2-25.8 Meetings

The Commission shall hold at least one regular meeting each month.

2-25.9 Responsibilities

The Commission shall have such duties as are prescribed by California law, including the following:

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions, including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Endeavor to promote public interest, comment on, and understanding of the general plan, and regulations relating to it.
- (d) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (e) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (f) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Government Code Section 65400).
- (g) Review and determine conformity of proposed public land acquisition or disposal with the adopted general plan Government Code Section 65402).
- (h) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2-25.10 Authority

The Commission shall have final authority over applications as specified in Chapter 21 (Subdivision Regulations), Chapter 35, Article I (Sign Regulations), Chapter 35, Article II (Coastal Zoning Ordinance), and Chapter 35, Article III (Inland Zoning Ordinance).

2-25.11 Appeal to Planning Commission

Appeal of administrative land use decisions to the Commission shall be as specified in Chapter 21 (Subdivision Regulations), Chapter 35, Article I (Sign Regulations), Chapter 35, Article II (Coastal Zoning Ordinance), and Chapter 35, Article III (Inland Zoning Ordinance).

2-25.12 Appeal to City Council

Final decisions by the Commission may be appealed to the City Council within 10 days of the decision becoming final. If a Commission decision is not appealed to the City Council within that period, the decision cannot be appealed.

2-25.13 Compensation

The City Council may establish by Resolution the compensation to be paid to the members of the Commission."

SECTION 2. Severability.

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 3. Certification of City Clerk.

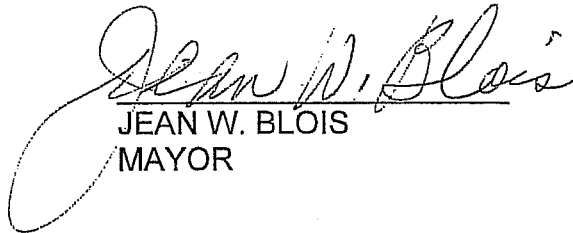
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

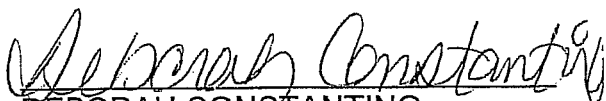
INTRODUCED ON the 1st day of October, 2007

PASSED, APPROVED AND ADOPTED this 15th day of October, 2007.


JEAN W. BLOIS
MAYOR

ATTEST:

APPROVED AS TO FORM:


DEBORAH CONSTANTINO
CITY CLERK


JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, do hereby certify that the foregoing Ordinance No. 07-13 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 1st day of October, 2007, and that thereafter, said Ordinance was duly adopted at a regular meeting of the City Council on the 15th day of October, 2007, by the following vote:

AYES: MAYOR BLOIS, MAYOR PRO TEMPORE BENNETT,
COUNCILMEMBERS ACEVES AND ONNEN, AND WALLIS

NOES: NONE

ABSTAIN: NONE

(SEAL)


DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT 3

**A copy of the newspaper notice advertising the Planning
Commission vacancies.**



CITY OF GOLETA
130 Cremona Drive, Suite B, Goleta, California

**PUBLIC NOTICE
CITIZEN VACANCIES
CITY OF GOLETA PLANNING COMMISSION**

The City of Goleta is currently accepting applications from citizens who are interested in serving in the City of Goleta Planning Commission. The Planning Commission is a five-member advisory body whose responsibility is to develop and provide for the orderly development of the City and administer the zoning and subdivision ordinances. The Planning Commission shall hold at least one regular meeting on the second Monday of each month.

There are two (2) appointments to be made to the Planning Commission. To be eligible to apply, candidates must reside within the City of Goleta city limits and be a qualified elector. Appointments will be for a maximum four year term which is tied to the expiration of the term of office of the City Councilmember who appointed the commission member.

Applications/Deadline

Applications may be obtained from and must be returned to the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117. An application form is also available at the City's website at www.cityofgoleta.org. Additional information can be provided by calling (805) 961-7500. **Applications must be received no later than Monday, December 1, 2008 by 5:30 p.m.**

Deborah Constantino, City Clerk

Publish date in the Valley Voice

Date: November 14, 2008
November 21, 2008