## ORDINANCE NO. 2018-04

## ORDINANCE OF THE CITY COUNCIL OF THE
## CITY OF SAN JUAN BAUTISTA DELETING THE CURRENT SECTION 2-3-110, IN ITS ENTIRETY AND ADDING A NEW SECTION 2-3-110 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE REVISING THE "QUALIFICATIONS-APPOINTMENT- TERM" OF PLANNING COMMISSIONERS

**-o0o-**

**WHEREAS**, on February 20, 2018, the City Council considered the process for appointment of members to the Planning Commission and directed the City Attorney to provide the City Council with an Ordinance to change the process for appointment of members to the Planning Commission so that each member is appointed by the City Council rather than by individual City Council members.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 2-3-110 is deleted in its entirety and is replaced with a new Section 2-3 -110, which is hereby added to the San Juan Bautista Municipal Code, to read as follows:

### 2-3-110 Qualifications – Appointment – Term.

(A) Members of the Planning Commission shall be residents and registered voters of the City of San Juan Bautista and shall not be officers or management-level employees of the City at the time of their appointment and continuously during their terms of office. A Commissioner who has moved residence from the City shall be considered to have resigned from the Commission office.

(B) The City Council shall interview and appoint all members to the Planning Commission.

(C) Planning Commission member terms shall be four (4) years, which terms shall be staggered. The Council may, upon expiration of the Planning Commission member's term, reappoint a Planning Commission member for a successive, consecutive term, without an interview.

(D) Any vacancy in the Planning Commission from whatever cause arising, including expiration of term, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term

**SECTION 2**.   Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

**SECTION 3**.   Environmental assessment.  The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.  Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

**SECTION 4**.   Effective date. This ordinance shall go into effect thirty days after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 20$^{th}$ day of March, 2018, and was adopted at a regular meeting of the San Juan Bautista City Council on the 17$^{th}$ day of April, 2018, by the following vote:

        **AYES:**       **West, Martorana, Boch, Freeman, DeVries**

        **NOES:**       **None**

        **ABSENT:**    **None**

        **ABSTAIN:**   **None**


_____
**Jim West, Mayor**


**ATTEST:**

_____
**Mackenzie Quaid, Acting City Clerk**


**APPROVED AS TO FORM:**

_____
**Deborah Mall, City Attorney**