

ORDINANCE NO. 51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTIONS 17.04.042, 17.04.043, 17.04.045, 17.04.046 AND 17.04.047 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. Section 17.04.042.A of the Wildomar Municipal Code is hereby amended to read as follows:

“A. Terms of members of the commission shall run concurrently with the term of office of the city council member who appointed the commission member and shall expire sixty (60) days after the end of the appointing Councilmembers term of office or the vacancy is filled, whichever occurs first.”

SECTION 3. Section 17.04.043 of the Wildomar Municipal Code is hereby amended to read as follows:

“Members of the Planning Commission may be removed from office, or their offices declared vacant, for the following reasons and in the following manners.

A. A member of the commission may be removed from office by the City Council for failure to meet any of the requirements for membership as defined in Section 17.04.041. The vacancy created shall be filled in the manner described in Section 17.04.041.”

B. A member of the commission is automatically removed from office if the member has an unexcused absence from three consecutive regular meetings of the commission. An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner's position is now vacant. The vacancy created shall be filled in the manner described in Section 17.04.041.

C. 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. The vacancy created shall be filled in the manner described in Section 17.04.041.”

SECTION 4. Subsection 17.04.045.A of the Wildomar Municipal Code is hereby amended to read as follows:

“A. Each year, at its first regular meeting in December, the Commission shall elect from its membership a chair and a vice-chair for the following year.”

SECTION 5. Section 17.04.046 of the Wildomar Municipal Code is hereby amended to read as follows:

“The Commission shall have approval authority over subdivision applications as provided in Title 16 of the Wildomar Municipal Code and over land use matters as specified in Title 17 of the Wildomar Municipal Code.”

SECTION 6. Section 17.04.047.B of the Wildomar Municipal Code is hereby amended to read as follows:

“B. Final decisions by the commission may be appealed to the city council within 10 calendar days of the decision becoming final under the provisions of Section 17.192.020. If a commission decision is not appealed to the city council within that period, the decision cannot be appealed.”

SECTION 7. 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 anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Certification. 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 9. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

PASSED, APPROVED, AND ENACTED this 9th day of June, 2010.



Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs
City Attorney



Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 51 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on May 26, 2010, and was duly adopted at a regular meeting held on June 9, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Cashman, Farnam

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar