

ORDINANCE NO. 3511 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

TO AMEND MONTEREY CITY CODE SECTION 26-2 TO PROVIDE THAT MEMBERS OF THE PLANNING COMMISSION WHOSE TERMS HAVE EXPIRED SHALL CONTINUE TO SERVE UNTIL THEIR VACANCY IS FILLED BY THE CITY COUNCIL.

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, public policy is against having a vacancy in public office, or a gap between successive office holders;

WHEREAS, the Monterey City Code has express provisions reflecting that members of the Architectural Review Committee (Section 26-20), the Parks & Recreation Commission (Section 2-6) and the Historic Preservation Commission (Section 2-12) whose terms have expired continue to serve until the vacancy is filled by the City Council. There is no such reference for Planning Commissioners, so this amendment is for clarity and consistency purposes; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 26, Section 2, is hereby amended to read as follows:

"Sec. 26-2 Terms of Office of Members; Filling Vacancies

The term of office for the first seven members appointed shall be two years commencing on the 1st day of July and ending on the 30th day of June; provided that members whose terms have expired shall continue to serve until their vacancy is filled by the City Council. Members shall be appointed in such a manner as to provide for staggered terms. If a vacancy shall occur otherwise than by expiration of the term, it shall be filled by appointment for the unexpired portion of the term."

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of February, 2015, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

