

## ORDINANCE NO. 03-02

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE CITY OF FERNDALE AND REPEALING ORDINANCE NO. 00-04

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

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01: This ordinance shall be known and cited as the “Planning Commission Ordinance”.

§1.02: The purpose of the Planning Commission Ordinance is to establish a Planning Commission for the City of Ferndale.

§1.03: The scope of this ordinance is to set responsibility, membership, terms of office, appointments, vacancies, removal and organization of the Ferndale Planning Commission.

ARTICLE 2: STATUTORY AUTHORITY

§2.01: California Government Code section 65100 et seq.

65100. There is in each city and county a planning agency with the powers necessary to carry out the purposes of this title. The legislative body of each city and county shall by ordinance assign the functions of the planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. In the absence of an assignment, the legislative body shall carry out all the functions of the planning agency.

65101. (a) The legislative body may create one or more planning commissions each of which shall report directly to the legislative body. The legislative body shall specify the membership of the commission or commissions. In any event, each planning commission shall consist of at least five members, all of whom shall act in the public interest.

ARTICLE 3: GENERAL PROVISIONS

§3.01: RESPONSIBILITY: The role of the Planning Commission is to act as advisor to the City Council on matters related to local land use planning and development. The Planning Commission shall conduct open meetings to hear matters relating to the City of Ferndale’s General Plan and Zoning Ordinances.

§3.02: MEMBERSHIP: The Planning Commission for the City of Ferndale shall consist of five (5) voting members who are volunteers. Each Planning Commissioner shall serve at the pleasure of the City Council.

§3.03: EX OFFICIO MEMBERSHIP: The Mayor of the City of Ferndale, the Building Inspector, the City Attorney of the City of Ferndale shall be ex officio members of the Ferndale City Planning Commission, but shall not have a vote.

§3.04: TERM OF OFFICE: The term of office of the members of the Commission shall be four (4) years except for the first members of the Commission, whose terms shall be staggered so the terms of no more than three fifths (3/5) of the commissioners shall expire during a given year.

§3.05: APPOINTMENTS: A new commissioner shall be appointed to fill a vacancy within ninety (90) days from the next regularly scheduled City Council meeting. The City Clerk shall advertise the vacancy (via notice in newspaper, public posting) and notify Ferndale residents to contact the City Clerk for an application. An application will be mailed by the City Clerk.

Applications must be received by the City Clerk by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the remaining members of the Planning Commission the next business day after the closing date of the announcement. The Planning Commission will interview applicants at their next regular or special meeting. A priority ranking of the Commission's recommendations as well as reasons supporting the ranking will be forwarded the following business day to the City Council via the City Clerk.

The City Clerk shall include the recommendation list and reasons to support the ranking of candidates as an action agenda item for the next regular City Council meeting. The Council may interview the applicants, or rely on the Planning Commission recommendations. A member of the Commission will be present to summarize the qualifications and merits that support their ranking, and to answer questions posed by the City Council. The Council will vote, in open session, for the new Commissioner in the order of ranking by the Commission. The first person that receives a majority will be selected to fill the vacancy. If a majority is not obtained, or if there are no applicants, the vacancy will be re-advertised and the ninety- (90) day clock resets.

§3.06: VACANCIES: Vacancies shall be filled by appointment for the remaining portion of the term, or for four (4) years, starting March 1<sup>st</sup>, for expired terms.

§3.07: REMOVAL: Any appointee members of the Commission may be removed by the City Council with a majority vote of the Council.

§3.08: ORGANIZATION: The Commission shall elect its Chairman and Vice-Chairman from among the appointed members of the Commission. The Commission shall appoint a Secretary who need not be a member of the Commission.

§3.09: STATE LAW ADOPTED: The provisions of sections 65100-65106 of the Government Code of the State of California, as amended, are hereby adopted and the said statues are adopted as a whole insofar as they may apply to the number of members on the City Planning Commission and the terms of office, powers and duties of said Planning Commission. Removal shall be per Government Code 36506.

#### ARTICLE 4: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

#### ARTICLE 5: EFFECTIVE DATE:

This ordinance becomes effective thirty (30) days after the date of its enactment.

#### ARTICLE 6: POSTING REQUIREMENT

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

#### ARTICLE 7: ENACTING DATE AND SIGNATURES

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDAL AT A REGULAR MEETING ON July 14, 2003 BY THE FOLLOWING VOTE.

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Frances Scalvini, City Clerk

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Frank Taubitz, Mayor

First Reading: June 9, 2003

Second Reading: July 14, 2003