

24) **Planning Commission Terms**

Option 1Extend the terms of office for Planning Commissioners as follows:Commissioners Peters to June 30, 2027 (currently June 30, 2026)Commissioner Carroll to June 30, 2025 (currently June 30, 2024)Commission Gray to June 30, 2025 (currently June 30, 2024) (see discussion in staff report regarding follow-up two year term)the currently vacant seat for District 4 to June 30, 2025 (currently June 30, 2026)the soon-to-be-vacant seat for District 5 to June 30, 2025 (currently June 30, 2024); andIntroduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 2.24 (PLANNING COMMISSION) OF THE LAKE ELSINORE MUNICIPAL CODE.OrOption 2Extend the terms of office for Planning Commissioners as follows:Commissioners Peters to December 31, 2026 (currently June 30, 2026)Commissioner Carroll to December 31, 2024 (currently June 30, 2024)Commission Gray to December 31, 2024 (currently June 30, 2024) (see discussion in staff report regarding follow-up two year term)the currently vacant seat for District 4 to December 31, 2024 (currently June 30, 2026)the soon-to-be-vacant seat for District 5 to December 31, 2024 (currently June 30, 2024); andIntroduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 2.24 (PLANNING COMMISSION) OF THE LAKE ELSINORE MUNICIPAL CODE; andAmend Council Policy No. 200-5A Section G(1) regarding the selection of a Chair and Vice Chair.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Barbara Leibold, City Attorney
Candice Alvarez, MMC, City Clerk

Date: May 23, 2023

Subject: Planning Commission Terms

Recommendation

Option 1

1. Extend the terms of office for Planning Commissioners as follows:
 - Commissioners Peters to June 30, 2027 (currently June 30, 2026)
 - Commissioner Carroll to June 30, 2025 (currently June 30, 2024)
 - Commission Gray to June 30, 2025 (currently June 30, 2024) (see discussion in staff report regarding follow-up two year term)
 - the currently vacant seat for District 4 to June 30, 2025 (currently June 30, 2026)
 - the soon-to-be-vacant seat for District 5 to June 30, 2025 (currently June 30, 2024); and
2. Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 2.24 (PLANNING COMMISSION) OF THE LAKE ELSINORE MUNICIPAL CODE.

Or

Option 2

1. Extend the terms of office for Planning Commissioners as follows:
 - Commissioners Peters to December 31, 2026 (currently June 30, 2026)
 - Commissioner Carroll to December 31, 2024 (currently June 30, 2024)
 - Commission Gray to December 31, 2024 (currently June 30, 2024) (see discussion in staff report regarding follow-up two year term)
 - the currently vacant seat for District 4 to December 31, 2024 (currently June 30, 2026)
 - the soon-to-be-vacant seat for District 5 to December 31, 2024 (currently June 30, 2024); and

2. Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 2.24 (PLANNING COMMISSION) OF THE LAKE ELSINORE MUNICIPAL CODE; and
3. Amend Council Policy No. 200-5A Section G(1) regarding the selection of a Chair and Vice Chair.

Background

On January 27, 1975, the City Council adopted Ordinance No. 539 establishing the City's Planning Commission and Design Review Board, providing for the appointment and removal of the Members, and prescribing their powers and duties.

On February 1, 2018, the City Council adopted Ordinance No. 1387 amending Lake Elsinore Municipal Code Chapter 2.09 providing for the election of five Members of the City Council by Districts.

After the establishment of the Measure Z Citizens Committee by Ordinance No. 1439 adopted by the voters of the City of Lake Elsinore on November 30, 2020, the City Council revised Council Policy No. 200-5A regarding Commission Appointments to formalize the City Council's direction to convert to "by district" Commission appointments and allow Council Members to appoint someone from outside of their District should they not receive an acceptable application from anyone within their District.

Matthew Dobler, a resident of District 4, submitted a letter of resignation from the Planning Commission effective April 19, 2023. Rendell Klaarenbeek, a resident of District 5, submitted a letter of resignation from the Planning Commission effective June 30, 2023.

Discussion

Lake Elsinore Municipal Code Section 2.24.040 states "three members' terms will expire on June 30, 1976, and two members' terms will expire on June 30, 1978," meaning that three of the current members' terms (for Commissioners Carroll and Gray and the soon-to-be-vacant seat for District 5) will currently expire on June 30, 2024 and two members' terms (for Commissioners Peters and the currently vacant seat for District 4) will currently expire June 30, 2026.

However, since the City Council switched to district elections and converted to district Commission appointments, staff is recommending that the Commission's term expirations be reassigned to align with the terms of office for the appointing Council Member.

The chart below summarizes the two options proposed by Staff for consideration:

Planning Commission Terms

Planning Commissioners	Representing District	Current Term Ends	Option 1	Option 2
Jodi Peters	District 1	6/30/2026	6/30/2027	12/31/2026
Michael Carroll	District 2	6/30/2024	6/30/2025	12/31/2024
John Gray	District 3**	6/30/2024	6/30/2025	12/31/2024
Vacant (formerly Matthew Dobler)	District 4	6/30/2026	6/30/2025	12/31/2024
Rendell Klaarenbeek (resignation effective 6/30/2023)	District 5	6/30/2024	6/30/2025	12/31/2024

** Appointment of a Planning Commissioner for District 3 for the term beginning 7/1/2025 (Option 1) or 1/1/2025 (Option 2) will be for a two-year term in order to align that Commissioner's term with the City Council 2026 election cycle for District 3.

Option 1 provides for a Council Member, during the first six months of their term, to meet with the sitting Commissioner or seek a new Commissioner; however, the June term expiration date is not consistent with Measure Z Citizen Committee Members' terms.

Under Option 2, a recently elected Council Members would appoint a new Commissioner almost immediately after the beginning of the Council Member's term (that is, by December or January following the November elections). While this would result in the Planning Commissioners' terms being consistent with Measure Z Citizen Committee Members' terms; there is concern about potential delays in the appointment process occasioned by the holiday season.

Selection of Option 2 will require a minor revision to Council Policy No. 200-5A regarding the timing of selection of the Planning Commission's Chair and Vice Chair. If Option 2 is selected by the City Council, a revised policy will be presented to the City Council for consideration in connection with the second reading of the ordinance amendment.

Fiscal Impact

There is no fiscal impact associated with this item.

Attachments

Attachment 1 - Ordinance

ORDINANCE NO. 2023 – _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 2.24 (PLANNING
COMMISSION) OF THE LAKE ELSINORE MUNICIPAL CODE**

Whereas, the City Planning Commission was established by the City Council under Chapter 2.24 of the Lake Elsinore Municipal Code in accordance with state law; and

Whereas, commencing in 2018, the City Council of the City transitioned from “at large” elections to election by Council district and on May 25, 2022, the City Council revised City Council Policy 200-5A to transition the appointment of Planning Commissioner from “at large” to Council district; and

Whereas, to implement the Council district appointment schedule, the City Council desires to amend Chapter 2.24 and adjust the terms of the existing Planning Commissioners; and

Whereas, in order to sync the Planning Commission terms and appointments by district to the City Council election cycle as envisioned by City Council Policy and this Ordinance, the terms of Planning Commissioners presently serving through June 30, 2024 shall be extended to [June 30, 2025 (Option 1) or December 31, 2024 (Option 2)] and the terms of Planning Commissioners serving through June 30, 2026 shall be extended to [June 30, 2027 (Option 1) or December 31, 2026 (Option 2)]; and

Whereas, to further in order to sync the Planning Commission terms and appointments by district to the City Council election cycle as envisioned by City Council Policy and this Ordinance, the Planning Commissioner appointed from District 3 shall serve a 2-year term commencing [July 1, 2025 (Option 1) or December 31, 2024 (Option 2)] and expiring [June 30, 2027 (Option 1) or December 31, 2026 (Option 2)] and, thereafter, the Planning Commissioner appointed from District 3 shall serve a four-year term as set forth in Section 2.24.040 of the Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.24 Planning Commission of the Lake Elsinore Municipal Code is amended and restated in its entirety, as follows:

**Chapter 2.24
PLANNING COMMISSION**

Sections:

- 2.24.010 Created.**
- 2.24.020 Membership.**
- 2.24.030 Appointment – Removal.**
- 2.24.040 Term of office.**
- 2.24.050 Powers and duties.**
- 2.24.060 Approval of obligations, expenses.**
- 2.24.070 Compensation.**

2.24.010 Created.

A City Planning Commission is created with membership, powers and duties as provided herein. Unless another official or body is designated to perform a function or make a particular decision as provided in Title 17 of this code, the Planning Commission shall serve as the City's Planning Agency within the meaning of the California Planning and Zoning laws, Government Code Section 65100 et seq.

2.24.020 Membership.

The Planning Commission shall consist of five members. Unless otherwise specifically provided by law, all members of the Planning Commission shall be at least 18 years of age and legally reside within the City limits at all times during their term. No member of any commission shall be a city employee or city official, nor shall any person be a member of more than one commission at any one time.

2.24.030 Appointment – Removal.

Except as provided hereinbelow, the members of the Planning Commission shall be appointed by the City Council "by district" with one member appointed from each of the five City Council Districts. Planning Commission members must reside in the Council District from which they are appointed. In the event the representative Council Member determines that there is no qualified applicant from the Council Member's District, that Council Member may nominate and the City Council may appoint a Planning Commission member from any remaining qualified applicants residing in the City but outside that Council District. All Planning Commission appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the Council present. Planning Commissioners serve at the pleasure of the City Council and may be removed by an affirmative vote of not less than a majority of the Council present at a regularly scheduled meeting.

2.24.040 Term of office.

The members of the Planning Commission shall be appointed for a term of four years. Commencing [July 1, 2025 (Option 1) or January 1, 2025 (Option 2)] the term of the Planning Commissioners from City Council Districts 2, 3 and 5 shall expire [June 30, 2029 (Option 1) or December 31, 2028 (Option 2)] and the term of the Planning Commissioners from City Council Districts 1 and 3 shall commence [July 1, 2027 (Option 1) or January 1, 2027 (Option 2)] and shall expire [June 30, 2031 (Option 1) or December 31, 2030 (Option 2)].

2.24.050 Powers and duties.

The Planning Commission shall have the powers and duties set forth in Title 7, Chapters 3 and 4 of the California Government Code and such additional duties, powers and functions as the City Council may from time to time provide.

2.24.060 Rules of procedure and administrative matters.

Procedural rules and administrative matters regarding Commission appointments, vacancies, meetings, obligations and expenses shall be governed by policies adopted by City Council resolution.

2.24.070 Compensation.

The City Council shall from time to time, by resolution, fix the compensation of Planning Commissioners.

Section 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

Section 3. Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 4. Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed and Adopted on this ____ day of _____, 2023.

Natasha Johnson
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2023-____ was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of May 23, 2023 and adopted at the Regular meeting of _____, 2023 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk