

ORDINANCE NO. 15 – 006

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING TITLE 3
RELATING TO THE NUMBER OF VOTES REQUIRED FOR APPROVAL BY A
BOARD OR COMMISSION**

WHEREAS, the City of Pacific Grove has 11 standing boards and commissions, as well as standing and ad hoc committees; and

WHEREAS, the standing boards, commissions, and committees have seats for over 75 individuals; and

WHEREAS, these standing boards, commissions, and committees perform vital services for the community, dealing with complex and difficult issues; and

WHEREAS, it is important that the boards, commissions, and committees comprise individuals who are knowledgeable, interested, and willing to invest the considerable time and effort necessary for such service; and

WHEREAS, it may be better for the common interest to leave a seat vacant, rather than appoint someone who is not able and willing to invest the time and effort necessary to become a fully contributing member of the board or commission; and

WHEREAS, it sometimes occurs that one or more seats on a board, commission, or committee is vacant; and

WHEREAS, when one or more vacancies does exist, it can be difficult for a decision to be reached under the current provisions of the Pacific Grove Municipal Code, which require the affirmative vote of a majority of the total number of seats in order for a motion to be approved;

WHEREAS, when one or more vacancies causes an item to be continued to a subsequent meeting, in order to meet the current requirements for an affirmative action, this can impose additional costs on an applicant or delay needed actions by the City; and

WHEREAS, this problem can be addressed without reducing the quality of decisions, by changing the requirements for an affirmative action; and

WHEREAS, this ordinance shall amend only the number of affirmative votes required to approve a motion and, as such, does not constitute a “Project” as that term is defined under the California Environmental Quality Act (CEQA) Guideline Section 15378, as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment..

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pacific Grove Municipal Code section 3.02.070 -- Required votes for certain actions – which addresses the four charter boards and commissions, shall be amended as shown in this section. Text shown in ***bold italics*** shall be added, and text shown in ~~strikeout format~~ shall be deleted.

3.02.070 Required votes for ~~certain~~ actions of charter boards and commissions.

(a) An affirmative vote of ~~five~~ ***a supermajority (a majority of the appointed members, plus one) of the appointed*** members of the planning commission shall be required for a recommendation to amend a zoning ordinance and ***a simple majority*** of ~~four~~ ***the appointed*** members for any other action, unless otherwise provided in this code.

(b) An affirmative vote of a majority of the ~~total~~ ***appointed*** members of the board shall be required for any action by the library board, the museum board, and the recreation board.

SECTION 3. Pacific Grove Municipal Code section 3.04.080 -- Required votes for actions – which addresses all other boards, committees, and commissions, shall be amended as shown in this section. Text shown in ***bold italics*** shall be added, and text shown in ~~strikeout format~~ shall be deleted.

3.04.080 Required votes for actions of other bodies.

An affirmative vote of a majority of the ~~total~~ ***appointed*** members of the board, committee, or commission shall be required for any action by the board, committee, or commission.

SECTION 4. In accord with Article 15 of the City Charter, this ordinance shall take effect thirty days following passage and adoption hereof.

SECTION 5. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance. This measure shall cause republication of the Pacific Grove Municipal Code.

SECTION 6. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 4th day of March 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller, Peake

NOES: None

ABSENT: None

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney