

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING AN EMERGENCY AND MAKING AN INTERIM APPOINTMENT TO THE COSTA MESA PLANNING COMMISSION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54974(b).

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, after the November 2004 election, two of the City's Planning Commissioners are now elected members of the City Council leaving the City's Planning Commission with a membership of three, the minimum number of Commissioners required to form a quorum; and

WHEREAS, one of the remaining three Planning Commissioners is unavailable due to emergency surgery and cannot participate in the Planning Commission. Therefore, the Planning Commission does not have a quorum and cannot therefore, take any action on planning applications pending before it; and

WHEREAS, the City Council is in the process of accepting applications and appointing new Planning Commissioners by majority vote pursuant to Ordinance No. 04-17, which permanent appointments cannot be made prior to February 3, 2005; and

WHEREAS, pursuant to the California Subdivision Map Act, California Government Code sections 66410 et. seq. (the "Map Act"), the Permit Streamlining Act, California Government Code sections 65920, et seq. (the "PSA"), and other provisions of California law (collectively referred to as the "Applicable Laws"), the City is required to take action on certain planning applications within the time limits specified in the Applicable Laws. If the City does not take action within the specified

time limits, such applications will be "deemed approved" without input from the City under specified circumstances; and

WHEREAS, the Planning Commission currently has several planning applications pending before it that require action before the end of January 2005 or these applications may be deemed approved pursuant to the Applicable Laws; and

WHEREAS, these circumstances give rise to an emergency which requires the Council to fill, on a temporary basis, the unscheduled vacancy created on the Planning Commission immediately.

NOW, THEREFORE, BE IT RESOLVED that the City Council declares an emergency exists which requires it to make a temporary appointment to the Planning Commission until permanent appointments are made on February 7, 2005 as currently scheduled. \_\_\_\_\_ is appointed as an Acting Planning Commissioner pursuant to California Government Code section 54974(b), to serve until permanent appointments are made by the City Council.

PASSED AND ADOPTED this 18<sup>th</sup> day of January, 2005.

ATTEST:

\_\_\_\_\_  
Deputy City Clerk of the City of Costa Mesa

\_\_\_\_\_  
Mayor of the City of Costa Mesa

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. \_\_\_\_\_ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 18<sup>th</sup> day of January, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 19<sup>th</sup> day of January, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio Clerk of  
the City Council of the City of Costa Mesa