



CITY COUNCIL AGENDA REPORT

MEETING DATE: April 5, 2005

ITEM NUMBER:

SUBJECT: CANCELLATION OF PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION'S LAST MEETING IN DECEMBER

DATE: MARCH 10, 2005

FROM: City Attorney's Office

PRESENTATION BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

FOR FURTHER INFORMATION CONTACT:

**Marianne Milligan, Sr. Deputy City Attorney
754-5289**

BACKGROUND:

At the February 22, 2005 City Council meeting, the Council adopted a Resolution establishing a new order of business. Included in this Resolution, at Council's direction was a provision permanently canceling the last Council Meeting in the month of December. This was because of the holidays during that time and a perceived lack of public participation because of the holidays.

At that meeting, Council also directed staff to permanently cancel the last meetings in December for both the Planning Commission and the Parks and Recreation Commission.

DISCUSSION:

The Planning Commission, pursuant to Section 13-10(h) of Title 13 of the Costa Mesa Municipal Code authorized the Planning Commission to establish Bylaws by which it sets the dates and times for its meetings. The Planning Commission Bylaws do establish the dates and times for meetings and would require amendment by the Planning Commission. Therefore, the attached resolution is directing the Planning Commission to proceed with such an amendment. However, because the Planning Commission may be required to meet on a particular application if there is a legal deadline imposed by the Subdivision Map Act, California Environmental Quality Act (CEQA), or the Permit Streamlining Act. Therefore, although their regular meeting on the fourth Monday would permanently be cancelled, the amendment would allow the Planning Commission to hold a special meeting for that limited purpose.

Pursuant to Section 12-57(b) of Title 12 of the Costa Mesa Municipal Code meeting dates and times for the Parks and Recreation Commission is established by separate resolution of the City Council. Council Resolution No. 02-34 previously established the date and time for the regular meeting of the Parks and Recreation Commission as being the fourth Wednesday of each month. In order to have all of the operative provisions

regarding meeting schedules contained within the same Resolution, an entirely new Resolution has been prepared for your approval.

ALTERNATIVES CONSIDERED:

The Council could direct staff to prepare an amendment to the Costa Mesa Municipal Code to provide that the Council has the sole authority to set the meeting dates and times for the Planning Commission.

LEGAL REVIEW:

The City Attorney prepared this report and the attached resolutions. No further legal review is necessary.

CONCLUSION:

Staff has prepared the attached Resolutions based upon your previous direction. It is recommended that the City Council adopt Resolutions 05-____ and 05-____.

Kimberly Hall Barlow
City Attorney

DISTRIBUTION: Allan Roeder, City Manager
Steve Hayman, Assistant City Manager

ATTACHMENTS: 1 [Resolution No. 05-____ re Planning Commission](#)
2 [Resolution No. 05-____ re Parks and Recreation Commission](#)