



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 5, 2013

ITEM NUMBER: NB-2

SUBJECT: AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES

DATE: OCTOBER 30, 2013

FROM: OFFICE OF THE CITY CLERK

PRESENTATION BY: MAYOR JIM RIGHEIMER

FOR FURTHER INFORMATION CONTACT: BRENDA GREEN, CITY CLERK, AT (714) 754-5221

RECOMMENDATION:

Introduce the Ordinance for first reading to be read by title only and waive further reading.

BACKGROUND:

Staff was directed by the Mayor to review the provisions in the Costa Mesa Municipal Code relating to appeal, rehearing, and review of decisions, for possible amendments to streamline these procedures. The proposed ordinance amends Chapter IX of Title 2 by removing Section 2-304 relating to rehearing.

ANALYSIS:

Section 2-304 of the Costa Mesa Municipal Code permits any affected person, the City Council, and any individual council member to request rehearing of a decision by filing an application with the City Clerk. This rehearing procedure is in addition to the appeal procedures and City Council review requests contained in Sections 2-302 and 2-303 of the Municipal Code, as well as the ability for Council to move to reconsider an action as set forth in Section 2-72 of the Municipal Code.

The rehearing procedure provides for a decision to be reheard by the same decision-making body that rendered it. Staff reviewed a number of municipal codes of local cities and did not find a corresponding procedure in those codes.

The proposed ordinance preserves the appeal and Council review procedures and removes the rehearing procedure. This allows for decisions to be reviewed and appealed but removes the potential for a decision to be considered twice by the same body and a multiple number of times if a decision is appealed.

FISCAL REVIEW:

Adoption of the proposed ordinance may result in a cost savings as additional staff time will not need to be devoted to and costs will not be incurred in preparing for and holding rehearings.

LEGAL REVIEW:

The City Attorney’s office has reviewed the proposed ordinance.

CONCLUSION:

Currently, in addition to appeals and Council review, the Municipal Code allows the City Council, its members, or any affected individual to request the rehearing of any decision. The adoption of the proposed ordinance would preserve the appeal and Council review procedures and remove the rehearing procedure.

BRENDA GREEN
City Clerk

THOMAS P. DUARTE
City Attorney

DISTRIBUTION: City CEO
City Attorney
City Clerk

- ATTACHMENTS: 1. [Proposed Ordinance Amending and Restating Chapter IX of Title 2 of the Costa Mesa Municipal Code](#)
2. [Clean version of text of proposed ordinance](#)