

ATTACHMENT #1

ORDINANCE NO. 754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING SECTION 2.12.030 OF THE MUNICIPAL CODE RELATING TO MEMBERSHIP OF THE PLANNING COMMISSION AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

WHEREAS, the City of Indian Wells is a California charter city, with authority to regulate its municipal affairs; and

WHEREAS, the membership and term of service of the Planning Commission is a municipal affair; and

WHEREAS, members of the City's Planning Commission have begun and ended their terms of service at the end of June; and

WHEREAS, the City Council desires to change the start and end date of Planning Commissioner service to be at the end of December, as set forth below; and

WHEREAS, adoption of this ordinance does not constitute a "project" as defined by CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) section 15378, and, in the alternative, adoption of this ordinance is subject to the common-sense exemption in CEQA Guidelines section 15061(b)(3).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CEQA. Adoption of this ordinance does not constitute a "project" as defined by CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) section 15378, and, in the alternative, adoption of this ordinance is subject to the common-sense exemption in CEQA Guidelines section 15061(b)(3).

SECTION 2. Amendment. Section 2.12.030 of the Indian Wells Municipal Code is amended to read as follows:

§ 2.12.030 Membership of the Planning Commission.

(a) Appointment and Term.

- (1) Generally. The Planning Commission shall consist of five members who shall be registered voters within the City and who shall be appointed by the City Council. The term of office for members of the Commission shall be a staggered term of office with terms of two years overlapping and commencing on December 1 of the applicable year and continuing until the second December 30 that follows. The members shall serve for said term, and until their successors have been appointed. All appointments to the Commission shall be by three

affirmative votes of the City Council and any appointment to fill a vacancy shall be for the unexpired term of the member being replaced.

- (2) Each term of service on the Commission that was due to expire on June 30, 2024, is extended through December 31, 2024.
- (b) **Term Limits.** Appointees are limited to two consecutive two-year terms of membership on the Planning Commission, including a partial term. An appointee may not be reappointed to the Planning Commission after completion of two consecutive terms, including a partial term. After serving a maximum of two consecutive two-year terms (including a partial term), an appointee shall not be reappointed to the Planning Commission unless at least one year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at any time following completion of service on the Planning Commission from being appointed to another commission, board or committee without the lapse of time between appointments. Term limits will be applied prospectively, commencing with appointments made on or after January 1, 2009.
 - (c) **Attendance Requirements and Conditions of Removal.** Any member of the Commission may be removed during the term of office by the affirmative vote of three members of the City Council. Attendance at all Commission meetings is an obligation of each member of the Commission. If a member of the Commission is absent without Commission permission from all regular Commission meetings for 95 days consecutively from the last regular meeting that the member of the Commission attended, that member's seat shall be deemed vacant, and the City Council shall appoint a new member for that seat. The Commission in its by-laws shall adopt a procedure for a member to obtain Commission permission to be absent. (Ord. 296 § 1, 1992; Ord. 382 § 1, 1996; Ord. 624 § 1, 2009; Ord. 727 § 1, 2020)

SECTION 3. The City Clerk is directed to publish this ordinance in the manner and in the time required by law and shall take effect 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 20th day of June, 2024.

GREG SANDERS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 754, having been regularly introduced at the meeting of May 16, 2024, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 20th of June, 2024 said ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

And was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY