

MEETING DATE: 02/22/10
AGENDA ITEM: Adoption of an Ordinance Amending Section
11.12.010.B of the Culver City Municipal Code to Ratify
and Memorialize the Intent of the Review Process for
Issuance of Oil Drilling Permits.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1-3

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 11.12.010.B OF THE
CULVER CITY MUNICIPAL CODE TO RATIFY AND
MEMORIALIZE THE INTENT OF THE REVIEW PROCESS
FOR ISSUANCE OF OIL DRILLING PERMITS.

WHEREAS, the existing provisions of Chapter 11.12 of the Culver City
Municipal Code ("CCMC") require the City Council's consideration and determination
whether permits should be issued to allow the drilling, re-drilling or deepening of any well
hole (collectively, "drilling"); and

WHEREAS, Chapter 11.12 of the CCMC sets forth the requirements
pertaining to such permits and related applications; and

WHEREAS, among other things, subsection 11.12.040 A. of the CCMC
specifically requires any applicant for an oil permit to sign an agreement obligating that
applicant to comply with all conditions imposed on the permit; and

WHEREAS, subsection 11.12.010.B. of the CCMC provides that, upon
receipt of an application, the City Council may require further information of the
applicant; and

WHEREAS, the language of Chapter 11.12 of the CCMC, as well as the
City's administrative history and past practice, establishes the process for the issuance
of a permit for drilling in Culver City; and

WHEREAS, such a permit can be issued only after the City Council has
used its discretion to determine, at a duly noticed public meeting, whether to approve,
deny or conditionally approve that permit; and

WHEREAS, a recent applicant has contended Chapter 11.12 instead
provides the Council's consideration of whether or not to issue those permits is a
ministerial determination; and

1 WHEREAS, the City's process of reviewing, studying, and revising the
2 City's laws, rules, procedures and fees relating to oil and/or gas operations, including its
3 zoning laws, to adequately and appropriately balance the rights of existing operators and
4 future applicants who wish to operate in the City with the preservation of the health,
5 safety and welfare of the communities surrounding such oil and/or gas operations under
6 Ordinance No. 2009-008 is not complete and circumstances make it desirable to ratify
7 and memorialize the intent of the review process used under the existing law; and

8 WHEREAS, the purpose of this Ordinance is to ratify the intent of the
9 subject regulations and to memorialize the City's administrative history and past
10 practices.

11 NOW, THEREFORE, the City Council of the City of Culver City DOES
12 HEREBY ORDAIN as follows:

13 **SECTION 1.** Section 11.12.010.B of the Culver City Municipal Code is
14 hereby amended to read as follows (underlined text indicates an addition):

15 "B. On receipt of an application, the City Council may require
16 further information of the applicant or from City Officers or
17 Commissions, and in no event shall a permit be issued unless
18 the City's zoning regulations have been adhered to. The
19 issuance of an oil drilling permit, and the determination of
20 conditions that should be included therein for the protection of
21 health, safety, and welfare, are subject to the discretion of the
22 City Council."

23 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
24 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
25 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
26 the City Clerk shall cause this Ordinance, or a summary thereof, to be
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1 published in the Culver City News and shall post this Ordinance or a summary thereof in
2 at least three places within the City:

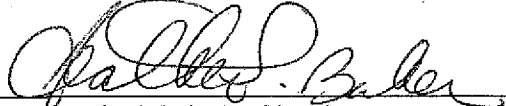
3 APPROVED AND ADOPTED this _____ day of _____ 2010.

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6 _____
7 ANDREW WEISSMAN, Mayor
8 City of Culver City, California

9 ATTEST:

APPROVED AS TO FORM:

10
11 _____
12 MARTIN R. COLE, City Clerk

13
14 
15 for CAROL SCHWAB, City Attorney

16 A10-00021