

ORDINANCE NO. 07-_____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CALIFORNIA CITY AMENDING
THE CALIFORNIA CITY MUNICIPAL CODE
AS IT RELATES TO CODE MAINTENANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA
CITY as follows:**

1. Purpose.

This ordinance amends the California City Municipal Code relating to Code maintenance and duties of City personnel.

2. Amendment.

Section 2-3.101 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"Sec. 2-3.103. Personnel Rules

(a) Persons holding the following offices or positions are at-will management employees and not subject to the Personnel Rules affecting other employees: City Manager, Chief of Police, Fire Chief, Director of Finance, City Engineer, City Attorney, City Clerk, and Public Works Director.

(b) Persons holding the following offices or positions occupy "exempt positions" within the meaning of the Fair Labor Standards Act:

(1) Administrative: City Manager, Chief of Police, Fire Chief; Finance Director, Administrative Clerk to City Manager, Human Resources Specialist, Public Works Supervisor, Parks and Recreation Supervisor, Accounting Manager, Housing Manager, Planning Technician, and Airport Manager.

(2) Professional: City Engineer, City Attorney, Finance Director, Public Works Director."

3. Amendment.

Section 2-3.209 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"Sec. 2-3.209. Powers and Duties

The City Manager is the administrative head of the City under the direction and control of the Council. The City Manager is responsible for the efficient administration of the affairs of the City. In addition to general powers as administrative head, the City Manager shall have the following powers and duties:

- (a) To enforce the laws and regulations of the City;
- (b) To ascertain franchises, contracts, permits, and privileges granted by the Council are faithfully observed;
- (c) To control, order, and give directions to heads of departments and subordinate officers and employees through department heads;
- (d) To appoint, remove, promote, and demote any and all officers and employees of the City, subject to personnel rules and regulations (provided the City Attorney and the City Clerk shall be appointed by the City Council and City Treasurer shall be elected; provided further, the City Manager shall seek the advice and consent of the City Council prior to the appointment of the Chief of Police and Fire Chief; the City Council shall review the City Manager's recommendations in closed session and the decision of the City Council shall be memorialized in written minutes);
- (e) To conduct studies and effect such administrative reorganization of offices, positions, or units as may be in the interest of the efficient, effective, and economical conduct of the City's business;
- (f) To recommend to the Council for adoption of measures and ordinances;
- (g) To attend meetings of the Council;
- (h) To keep the Council fully advised as to the financial conditions and needs of the City;
- (i) To prepare and submit the proposed annual budget and the proposed annual salary plan to the Council;
- (j) To ascertain no expenditures shall be submitted or recommended to the Council except on approval of the City Manager or the approval of City Manager's authorized representative;
- (k) City Manager or authorized representative shall be responsible for the purchase of supplies for all departments or divisions of the City;
- (l) To make investigations into the affairs of the City, and investigate all complaints concerning the administration of the City;
- (m) To exercise general supervision over public buildings, public parks, and other public property under the control and jurisdiction of the Council; and
- (n) To perform other duties and exercise other powers delegated by the Council.

4. Amendment.

Section 2-3.303 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"Sec. 2-3.303. City Clerk.

- (a) The City Council shall appoint the City Clerk.
- (b) The City Clerk shall perform duties mandated by State law, including:
 - (1) keep accurate records of the proceedings of the City Council in books bearing appropriate titles, containing a comprehensive general index and devoted exclusively to such purpose;
 - (2) cause ordinances to be posted or published as required by law;
 - (3) keep a book marked "ordinances" and record in it all City ordinances with the Clerk's affidavit annexed to each or made a part of, stating:
 - (i) it is a true and correct copy of a City ordinance;
 - (ii) the ordinance number, and
 - (iii) it has been published or posted pursuant to law;
 - (4) cause a written notice of adjournment of a Council meeting to be posted;
 - (5) certify and maintain at least three copies of the Municipal Code in the Clerk's office as the official copies of the Code;
 - (6) keep the City seal;
 - (7) prepare and publish notices and other election material, conduct elections, canvass and report returns to the Council except when services are provided by the County Clerk
 - (8) acknowledge oaths and certify affidavits pertaining to City business; and
 - (9) the duties imposed on the City Clerk by Government Code Sections 37201 through 37205, 37207, and 40802 through 40805 are transferred to the Director of Finance.
- (c) Before entering upon the duties of the office, the City Clerk shall execute a corporate surety bond, conditioned upon the faithful performance of the duties of the City Clerk in the penal sum of a reasonable amount as recommended by the City Attorney and fixed by the City Council by resolution. The amount of the bond may be changed during the term of office of the City Clerk."

5. Amendment.

Section 2-3.305 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"Section 2-3.305. Director of Finance.

- (a) The City Council shall appoint the Director of Finance.

- (b) The Director of Finance has the following powers and duties:
- (1) To audit demands prior to submittal to the Council for approval or rejection;
 - (2) To countersign City warrants;
 - (3) To endorse and number an order or demand "Not Approved for Want of Funds" with the date of the presentation and signature, when an order or demand is not approved for want of funds and its amount does not exceed the income and revenue for the year in which the indebtedness was incurred;
 - (4) To certify or approve payrolls or attendance records of other officers and employees of the City;
 - (5) To maintain records readily reflecting the financial condition of the City;
 - (6) To prepare and present to the Council at the end of each fiscal year a summary statement of the receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury;
 - (7) To cause the financial statement to be posted at the places for public notices not later than October 1 of each year in a form prescribed by the State Controller;
 - (8) To account for expenditures;
 - (9) To exercise continuous scrutiny of revenues;
 - (10) To transfer moneys within a fund to prevent the over-expenditure of accounts where approved by the Council;
 - (11) To prepare monthly budget reports by funds, character, object, and classification for the use of department heads and the Council;
 - (12) To prepare and distribute working schedules to City department heads for the preparation of the ensuing year's budget;
 - (13) To schedule and attend budget hearings to assist the council and the department heads in budgetary matters;
 - (14) To administer the daily transactions of the City;
 - (15) To post revenues and expenditures to the general fund ledger and determine the monthly and year-to-date totals at the close of each month. Such fund balances shall be verified with the City treasurer's fund balances monthly and must agree;
 - (16) To prepare monthly reports for the management and the Council which shall include the following:
 - (i) The comparative statement of revenue;
 - (ii) The monthly report of appropriations, encumbrances, expenditures, and unencumbered balances; and
 - (iii) The combined fund balance sheet;
 - (17) To analyze and verify listings of impound note payments received;
 - (18) To supervise the preparation of the bi-weekly payroll and payroll registers;
 - (19) To prepare and certify all reports to other governmental agencies relating to payroll activities;

(20) To prepare and certify all other monthly, quarterly, and annual reports to the State and other governmental agencies;

(21) To establish accounting records and to create and maintain active and inactive files for the transaction of City business;

(22) To be available to the Council and the individual members for consultation and advice at reasonable times; and

(23) To perform the duties set forth in Government Code Sections 37203 through 37205, 37207, and 40802 through 40805.

(c) Before entering upon the duties of office, the Director of Finance shall execute a corporate surety bond, conditioned upon the faithful performance of duties, in a penal sum in a reasonable amount as recommended by the City Attorney and fixed by the Council by resolution, which may be changed during the term of office of the Director of Finance."

6. Amendment.

Section 9-2.307 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"Section 9-2.307. Second Unit Housing.

(a) No person shall construct, or cause to be constructed, maintain, or cause to be maintained, second unit housing within the City unless a special use permit is first obtained.

(b) The following procedure shall be employed to secure a second unit housing permit:

(1) An application for a second unit housing permit shall be filed with the Planning Director. The application shall set forth such information as the Planning Director shall reasonably require. The application shall be accompanied by an application processing and permit fee in an amount from time to time established by the Council by resolution.

(2) Upon receipt of an application for second unit housing and the payment of the required fees, the City Engineer shall prepare an initial study in accordance with the City's environmental regulations to examine the environmental impact of the proposed second unit.

(3) Upon completion of the required environmental study, the City Engineer shall present the environmental documents and the application to the Planning Commission for the Commission's review. The Commission may impose such requirements as are allowed by law including the imposition of measures necessary to mitigate adverse environmental impacts of the proposed unit as permit conditions.

(4) Any person may, within ninety (90) days after the Commission's decision, appeal the decision of the Commission to the Council in which event the Council shall conduct a *de novo* hearing. At the conclusion of the hearing, the Council

shall either affirm the Commission's decision or refer the decision back to the Commission with instructions how to modify the decision.

(5) Any person dissatisfied with the decision of the Commission after the matter has been remanded to the Commission may appeal the decision of the Commission in the same manner as set forth hereinabove in which event, the Council will conduct a subsequent *de novo* hearing unless the Council determines that the appeal is frivolous. If the Council conducts a subsequent *de novo* hearing, the Council may either affirm the decision of the Commission or remand the matter to the Commission with instructions for further action.

(6) The Planning Commission shall act upon second unit housing applications within thirty days after such applications are presented to it for action by the City Engineer or within thirty days after Council action. The decision of the Commission shall be final one hundred (100) days after the decision is rendered unless an appeal is pending in which event, the decision shall be final when the Council affirms the Commission's decision or one hundred (100) days after the Commission acts upon the Council's instructions upon remand, as the case may be.

(7) The Planning Director shall, within ten days after the Commission's final decision, either issue the permit for second unit housing to the applicant or inform the applicant on the grounds for the denial of such permits.

(8) The criteria set forth in Government Code Section 65852.2 shall be observed in the imposition of requirements or conditions upon second unit housing permit."

7. Other.

Except as provided herein, the California City Municipal Code is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on _____, 2007, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

(SEAL)