

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

CITY COUNCIL*

Sections:

- 2.04.010 Meeting--Place.
- 2.04.020 Meeting--Time.
- 2.04.030 Meeting--Audio recordings.

* For statutory provisions regarding scheduling of city council meetings, see Gov. Code §§ 36805--36811.

2.04.010 Meeting--Place. The City Hall is designated as the meeting place of the city council. (Ord. 294 § 1, 1969).

2.04.020 Meeting--Time. Regular meetings of the city council shall be held on the second and fourth Mondays of each calendar month at seven p.m. on these days at

the place designated in Section 2.04.010. (Ord. 493 § 1, 1985; Ord. 294 § 2, 1969).

2.04.030 Meeting--Audio recordings. All meetings of the city council, regular or otherwise, which are conducted in open session, shall be recorded in audio. The city council shall designate the person(s) responsible for conducting and storing such audio recordings. The city council shall identify or delegate the responsibility to identify the acceptable format for such recordings from time to time as necessary. All such recordings shall be permanently retained. Nothing in this section shall be construed to require the recording of closed session deliberations of the city council as authorized by California law, nor to require that any such recordings be retained for any period of time. (Ord. 656 § 3, 2008).

Chapter 2.05CITY MANAGER*Sections:

- 2.05.010 Position created.
- 2.05.020 Appointment and removal.
- 2.05.030 Powers and duties.
- 2.05.040 Powers and duties; limitations.
- 2.05.050 Internal relations.
- 2.05.060 Manager pro tempore.
- 2.05.070 Compensation and vacation.
- 2.05.080 Eligibility.
- 2.05.090 Bond.
- 2.05.100 Performance review.

2.05.010 Position created. The position of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of the city manager's administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council as hereinafter provided.

Whenever a reference is made to "city director," "chief administrative officer" or "city administrator" in this code or in any other ordinance, resolution or action, that reference shall be deemed to mean "city manager." (Ord. 574 §1(part), 1995).

2.05.020 Appointment and removal. Appointment and removal by council:

A. The city council shall appoint the city manager for an indefinite term, and may remove the city manager by a three-member vote. After the expiration of the six months' probationary period of employment, such removal shall be accomplished in the following manner: at least thirty days before such removal becomes effective, the city council shall, by a three-member vote of its members, adopt a preliminary resolution stating the reason for city manager removal. By the preliminary resolution the council may suspend the city manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of the city manager's salary. The city council, in removing the city manager, shall use its controlled discretion, and its action shall be final.

B. During the city manager's six months' probationary period of employment, the city manager may resign without notice. After the expiration of six months' probationary

* Prior ordinance history: Ord. 475 and 475-B.

period, the city manager may resign from the position by giving at least thirty days' written notice of the effective date of the city manager's resignation; provided, further that the city council may waive all or part of said thirty-day notice period. (Ord. 574 §1(part), 1995).

2.05.030 Powers and duties. The city manager shall be the administrative head of the government of the city, under the direction and control of the city council. The city manager shall be responsible for the effective administration of all the affairs of the city. In addition to general authorities and power as administrative head, it shall be the duty to and shall have the powers as set forth in the following subsections:

A. Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.

B. Authority Over Employees. It shall be the duty of the city manager, and he shall have the authority, to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under the city manager's jurisdiction.

C. Power of Appointment and Removal. Subject to the employee merit system rules and regulations of the city, it shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk, the city treasurer and the city attorney. City manager review with the city council is required prior to appointment or resignation but not prior to change of power of appointment. The city council shall appoint, remove, promote and demote the city attorney and all department heads of the city. City manager shall keep the city council informed of all employee terminations.

D. In the event the city manager is out-of-town for any reason, the city manager will notify the city council by memorandum of the individual or individuals responsible for overseeing the city manager's general administrative duties.

E. Administrative Reorganization of Officers. It shall be the duty and responsibility of the city manager to conduct studies and to recommend to the city council such administrative reorganization of offices, positions or units of the city as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

F. Ordinances. It shall be the duty of the city manager to recommend to the city council for adoption such measures, resolutions and ordinances as he deems necessary.

G. Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the city

council unless excused therefrom by the mayor individually or the city council.

H. Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city and to present a monthly report to the city council on the finances and administrative activities of the city.

I. Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval on or before June 15th each year.

J. Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or the authorized representative. The city manager or the authorized representative shall be responsible for the purchase of all supplies for all the departments or divisions of the city; further, it shall be the duty of the city manager to establish a centralized purchasing system for all city offices, departments and agencies.

K. Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city; further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

L. Public Buildings. It shall be the duty of the city manager to exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the city council.

M. Emergency. It shall be the duty of the city manager or designated acting city manager in the absence of the city manager to advise the mayor and council members of emergency conditions as soon as practicable.

N. Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council. (Ord. 574 §1(part), 1995).

2.05.040 Powers and duties; limitations. It is not intended by the provisions of this chapter to grant any authority to, or impose any duty upon, the city manager which is vested in or imposed by any general law or city regulation in any other city board, officer or employee. The city manager's functions shall be administrative and

not policy-making or legislative. (Ord. 574 §1(part), 1995).

2.05.050 Internal relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council, and no individual councilperson shall give any orders or instructions to the city manager. (Ord. 574 §1(part), 1995).

2.05.060 Manager pro tempore. The city manager shall appoint, subject to council approval, one of the officers or department heads of the city to serve as manager pro tempore during any extended or otherwise significant temporary absence or disability of the city manager. (Ord. 574 §1(part), 1995).

2.05.070 Compensation and vacation. The city manager shall receive such compensation as the city council shall from time to time determine. The city manager shall take an annual vacation in accordance with the time authorized by the city council for vacation unless the city council extends approved accrued vacation time. (Ord. 574 §1(part), 1995).

2.05.080 Eligibility. No member of the city council shall be eligible for appointment as city manager until two years have elapsed after such councilmember has ceased to be a member of the city council. (Ord. 574 §1(part), 1995).

2.05.090 Bond. The city manager shall furnish a corporate surety bond to be approved by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city. (Ord. 574 §1(part), 1995).

2.05.100 Performance review. The city council shall on a semiannual basis prepare a written report of the city manager's performance. (Ord. 574 §1(part), 1995).

Chapter 2.08FIRE DEPARTMENT*Sections:

- 2.08.010 Organization.
- 2.08.020 Fire chief.
- 2.08.040 Apparatus--Use restrictions.
- 2.08.050 False alarms.
- 2.08.060 Water use restrictions.

* For statutory provisions requiring cities to provide fire protection, see Gov. Code §§38600--38611.

2.08.010 Organization. The city fire department shall consist of volunteer companies of firemen, organized into such engine, hose or hook and ladder companies as are allowed by law, and the certificate members thereof shall consist of such number of members as is now or may hereafter be allowed by law. (Ord. 31 §1, 1907).

2.08.020 Fire chief. The fire chief shall have exclusive control of the workings of the fire department in time of conflagration or fire. He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violations of ordinances relating to the prevention and extinguishment of fires when directed by the proper authorities, and institute proceedings therefor, and has general control, management and direction of the city fire companies; and shall perform such other duties as may, by city ordinances, or by law, be imposed upon him. His compensation is fixed at the sum the city council determines from time to time by resolution. (Ord. 336 §1, 1973; Ord. 31 §2, 1907).

2.08.040 Apparatus--Use restrictions. No fire apparatus, hose, tools or fire appliances of the department shall be used for other than fire purposes unless with written consent of the fire chief. Any person violating the conditions of this section is guilty of a misdemeanor. (Ord. 31 §4, 1907).

2.08.050 False alarms. Any person who rings or assists in ringing any fire bell in the city other than for fire alarms, fire meetings or funeral tolling, unless with the written permission of the fire chief, is guilty of a misdemeanor. (Ord. 31 §6, 1907).

2.08.060 Water use restrictions. Any person who opens or leaves open, except for ordinary household purposes, any faucet or water cock directly or indirectly connected with

the source whence the fire department derives its supply of water for extinguishing fires, or who uses or continues to use for irrigating purposes any water from any pipe connected with the source of supply, from and after an alarm of fire, during any time the fire department is drawing upon such source of supply for the extinguishment of fire, is guilty of a misdemeanor. (Ord. 31 §1, 1907).

Site Code Table Listing

Site Code	Description
001	CIVIC CENTER
002	CORPORATE YARD
003	FIRE STATION #1
004	FIRE STATION #2
005	WASTE WATER TREATMENT PLANT
006	OLD WATER TREATMENT PLANT
007	SCOTTSVILLE RESERVOIR
008	TERRACE VIEW BOOSTER STATION
009	HIGH SCHOOL LIFT STATION
010	SCOTTSVILLE LIFT STATION
011	WESTVIEW LIFT STATION
012	DETER PARK DETERT PARK
013	KENNEDY TAILING WHEELS PARK
014	PETKOVICH PARK
015	SCOUT BUILDING
016	BUSI PARKING LOT
017	PLACER PARKING LOT
018	GRUBER PARKING LOT
019	CALIFORNIA STREET PARKING LOT
900	INFRASTRUCTURE

Chapter 2.16

PLANNING COMMISSION

Sections:

- 2.16.010 Established--Number of members designated.
- 2.16.020 Eligibility.
- 2.16.030 Appointment and term of office.
- 2.16.040 Compensation--Business expenses.
- 2.16.050 Removal from office--Vacancies.
- 2.16.060 Election of officers--Secretary designated.
- 2.16.070 Planning commission meetings.
- 2.16.080 Voting requirement.
- 2.16.090 Powers and duties designated.

2.16.010 Established--Number of members designated.
A planning commission is established, with membership, powers and duties as provided in this chapter and by the statutes of the state. The planning commission shall consist of five members. (Ord. 537 § 1(part), 1991).

2.16.020 Eligibility. To be eligible for appointment or to hold office as a member of the planning commission, a person shall be a resident and qualified elector of the city. (Ord. 537 § 1(part), 1991).

2.16.030 Appointment and term of office. The mayor shall appoint the members of the planning commission, with the approval of the city council, to serve terms of two years. Appointments shall be made to staggered terms to provide that no more than three appointments expire at the same time. (Ord. 537 § 1(part), 1991).

2.16.040 Compensation--Business expenses. All members of the planning commission shall serve as such without compensation, except such as may be fixed by the city council from time to time. Reasonable travel and other expenses may be allowed from time to time while traveling or engaged on business authorized by the planning commission. (Ord. 537 § 1(part), 1991).

2.16.050 Removal from office--Vacancies. A. Members of the planning commission may be removed from office by a majority vote of the city council or by the mayor subject to the approval of the city council.

B. If a member of the planning commission absents himself from two regular meetings of the commission within a period of twelve calendar months, unless by permission of the commission expressed in its official minutes, or is convicted of a crime involving moral turpitude or ceases to be qualified elector of the city, his or her office shall become vacant.

C. If vacancies occur on the planning commission other than by the expiration of the term, they shall be filled by appointment for the unexpired portion of the term. (Ord. 537 § 1(part), 1991).

2.16.060 Election of officers--Secretary designated. At the first regular meeting in December of each calendar year, the planning commission shall elect a chairman and a vice chairman from among its members and other officers as deemed necessary by the commission. The chairman and vice-chairman may serve successive terms. The secretary of the planning commission shall be the city manager or his designated deputy. (Ord. 537 § 1(part), 1991).

2.16.070 Planning commission meetings. A. The planning commission shall meet regularly once each month at a time and place fixed by resolution of the commission, and shall hold such other meetings as shall from time to time be called in the manner and form required by law.

B. All meetings of the planning commission, regular or otherwise, which are conducted in open session, shall be recorded in audio. The person(s) responsible for conducting and storing audio recordings pursuant to Section 2.04.030 shall conduct and store audio recordings under this section. Such recordings shall be conducted and

stored in the same manner and format as recordings conducted pursuant to Section 2.04.030. All such recordings shall be permanently retained. Nothing in this section shall be construed to require the recording of closed session deliberations of the planning commission as authorized by California law, nor to require that any such recordings be retained for any period of time. (Ord. 656 § 4, 2008: Ord. 537 § 1(part), 1991).

2.16.080 Voting requirement. The affirmative or negative vote of a majority of the entire membership of the commission is necessary for it to take action. (Ord. 537 § 1(part), 1991).

2.16.090 Powers and duties designated. The planning commission shall have the following powers and duties:

A. To recommend to the proper officers of the city, plans for the regulation of the future growth and development and beautification of the city;

B. To carry out the provisions of the zoning ordinance of the city (Title 17 of this code) and to undertake the study for, preparation and recommendation of a master plan or amendments thereto covering a comprehensive, long-term general plan for the physical development of the city and of any land outside its boundaries which bears relation to the development of the city;

C. To approve, conditionally approve or deny tentative maps, tentative parcel maps and use permits, certify adequacy of C.E.Q.A. documents therefor, and shall conduct meetings and/or public hearings as necessary to review and prepare recommendations to the city council on all zoning, zoning variance, general plan and capital improvement programs;

D. To do such other things as may be required by other ordinances of the city or by state law. (Ord. 537 § 1(part), 1991).

Chapter 2.20

SALARIES *

Sections:

2.20.010 Council members.
2.20.020 Mayor.

2.20.010 Council members. Each member of the city council shall receive a salary of seventy-five dollars per month. This amount shall be payable each month from and after July 1, 1968. (Ord. 280 §1, 1968)

2.20.020 Mayor. The mayor shall receive a salary of one hundred dollars per month. This amount shall be payable each month from and after January 1, 2001. (Ord. 618 § 1, 2001).

Chapter 2.24

MAYOR

Sections:

- 2.24.010 When chosen.
- 2.24.020 Incumbent--Status.
- 2.24.030 Effective date.
- 2.24.040 Incumbent--To serve out term.
- 2.24.050 Duties of the mayor pro tempore.

2.24.010 When chosen. The mayor and mayor pro tempore shall be chosen one year from the date set by Section 36801 of the Government Code of the state of California for a one-year term or until a duly elected successor takes office. (Ord. 331 §1, 1973).

2.24.020 Incumbent--Status. The persons elected as mayor and mayor pro tempore shall be incumbents. (Ord. 331 §2, 1973)

* For statutory provisions regarding salary schedules for city councilmen, see Gov. Code §36516; for the provisions that the salaries of the city clerk and treasurer be fixed by ordinance or resolution, see Coy. Code §36517.

** For statutory provisions regarding selection of mayor and mayor pro tempore, see Gov. Code §36801; for the provisions authorizing the council to submit to the voters the question of whether the mayor shall be elective, see Coy. Code §§34900--34905.

2.24.030 Effective date. The ordinance codified in this chapter shall be effective at the election in 1974 and the mayor and mayor pro tempore elected in 1974 and each year thereafter shall serve for one year. (Ord. 331 §3, 1973) .

2.24.040 Duties of the mayor. The mayor serves at the pleasure of the city council and has all the rights and responsibilities of any council member. In addition, the mayor:

- A. Acts as the official head of the council.
- B. Calls for special meetings when needed with guidance from the city manager and city attorney.
- C. Selects a substitute for city representation when unable to attend functions.
- D. Makes judgment calls on proclamations, recognition awards and other ceremonial matters.
- E. Recommends committee assignments as appropriate.
- F. Leads the council into working as an effective, cohesive team.
- G. Signs documents and checks on behalf of the city.
- H. Chairs council meetings, including:
 - 1. Maintains order, decorum and the fair and equitable treatment of all speakers.
 - 2. Keeps discussion and questions focused on the specific agenda item under consideration.
 - 3. Makes parliamentary rulings with advice, if requested, from the city attorney who acts as an advisory parliamentarian.

2.24.050 Duties of the mayor pro tempore. The mayor pro tempore serves at the pleasure of the city council and has all of the rights and responsibilities of any council member. In addition, the mayor pro tempore:

- A. Performs the duties of the mayor if the mayor is absent or disabled and unable to perform mayoral duties.
- B. Chairs city council meetings at the request of the mayor.
- C. Reports closed session actions in open session at city council meetings. (ORD 648, 2005)

Chapter 2.26CITY CLERK AND TREASURER*Sections:

- 2.26.010 Office established.
 2.26.020 Duties, qualifications and compensation.

2.26.010 Office established. There is established the consolidated position of city clerk/treasurer, which shall be an elected office, subject to the provisions of the California Government Code Sections 36502 et seq. and 40800 et seq. In the event the voters of the city elect to make such offices appointive, as allowed by Government Code Sections 36508 and 36509, the statutory restrictions regarding residency shall not apply. (Ord. 590 §1(part), 1996)

2.26.020 Duties, qualifications and compensation.

The elected clerk/treasurer position shall be paid the sum of one hundred fifty dollars per month. The position shall not be eligible for city paid benefits of any type.

The clerk/treasurer shall carry out all duties required by Government Code Sections 41001 et seq. and 53630--53638. Any person seeking to be elected to the position of city clerk/treasurer shall provide a statement of qualifications to the voters of the city which demonstrates education or public or private sector financial experience sufficient to allow that person to successfully fill the duties and responsibilities assigned by the Government Code. (Ord. 590 §1(part), 1996).

* Prior ordinance history: Ord. 482.

Chapter 2.28PERSONNEL POLICY*Sections:

- 2.28.010 Adoption of personnel system.
- 2.28.020 Definitions.
- 2.28.030 Administration.
- 2.28.040 Competitive service.
- 2.28.050 Adoption and amendment of rules.
- 2.28.060 Appointments.
- 2.28.070 Probationary period.
- 2.28.080 Status of present employees.
- 2.28.090 Demotion, dismissal, reduction in pay, suspension, reprimand.
- 2.28.100 Right of appeal.
- 2.28.110 Lay-off and reemployment.
- 2.28.120 Political activity.
- 2.28.130 Contracts for special service.

2.28.010 Adoption of personnel system. In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the personnel system set forth in this chapter is adopted. (Ord. 504 §1, 1986).

2.28.020 Definitions. The terms used to administer the personnel system shall be defined in the personnel rules. (Ord. 504 §2, 1986).

2.28.030 Administration. The city manager shall administer the city personnel system under the direction and control of the city council. The city manager shall:

- A. Act as the appointing authority for the city;

* For statutory provisions authorizing cities to establish personnel or civil service systems, see Gov. Code §45000 et seq.
Prior ordinance history: Ords. 315, 337, 364, 370, 390, 402, 446 and 466.

B. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council;

C. Prepare and recommend to the city council personnel rules and revisions and amendments to such rules;

D. Prepare and recommend to the city council personnel rules and revisions and amendments to such rules;

E. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city.

F. Provide for the publishing or posting of notices of positions in the city competitive service; the receiving of applications therefor; the conducting and grading of tests; the certification of individuals or lists of persons eligible for appointment to the appropriate positions in the city service; and performing any other duty that may be required to administer the personnel system. (Ord. 504 §3, 1986).

2.28.040 Competitive service. The provisions of the chapter shall apply to all regular full-time offices, positions and employments in the service of the city, except:

A. Elective officers;

B. The city manager and any assistants to the city manager;

C. The city attorney and any assistant or deputy city attorneys;

D. Members of appointive boards, commissions and committees;

E. All department heads (e.g. director of public works, chief of police);

F. Persons engaged under contract to supply expert, professional, technical or any other services;

G. Volunteer personnel, such as volunteer firemen;

H. All council-appointed city officers;

I. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property;

J. Employees, other than those listed elsewhere in this section, who are not regularly employed in regular full-time positions. "Regularly employed in regular full-time positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand forty hours per year, and has successfully completed the probationary period and been retained as provided in this chapter and the personnel rules;

K. Any position primarily funded under a state or federal employment program;

L. Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority. (Ord. 504 §4, 1986).

2.28.050 Adoption and amendment of rules. Personnel rules shall be adopted by resolution of the city council. The rules may establish regulations governing the personnel system; including:

A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

B. Appropriate announcement of the selection process and acceptance of applications for employment;

C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

E. Establishment of probationary testing periods;

F. Evaluation of employees during the probationary testing period and thereafter;

G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;

H. Separation of employees from the city service;

I. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements;

J. The establishment of any necessary appeal procedures. (Ord. 504 §5, 1986).

2.28.060 Appointments. A. Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by examination. Examinations may be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as a part of any examination.

B. In any examination the city manager or his/her designee may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

C. The appointing authority of employees in the competitive service is the city manager. The city manager may delegate the appointing authority to any other officer or employee of the city. (Ord. 504 §6, 1986).

2.28.070 Probationary period. A. All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months or longer as determined by the personnel rules. During the probationary period, the employees may be rejected at any time without the right of appeal or hearing.

B. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged from the city service as provided in the personnel rules. If no vacancy exists in such position, he shall be placed on a reemployment list as provided in the personnel rules.

C. An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to a position in the class from which he was promoted or transferred if action is taken to reject him unless he is discharged in the manner provided in this chapter and the personnel rules for positions in the competitive service. If no vacancy exists in such a position he shall be placed on a reemployment list as provided in the personnel rules. (Ord. 504 §7, 1986).

2.28.080 Status of present employees. A. Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment. (Ord. 504 §8, 1986).

2.28.090 Demotion, dismissal, reduction in pay, suspension, reprimand. The city manager or any appointing power shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend, any regular employee for cause in accordance with procedures included in the personnel rules. (Ord. 504 §9, 1986).

2.28.100 Right of appeal. A. Any employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension or discharge for disciplinary

or medical reasons, except in those instances where the right of appeal is specifically prohibited by this chapter or the rules adopted thereunder.

B. All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this chapter. (Ord. 504 §10, 1986).

2.28.110 Lay-off and reemployment. Lay-off and re-employment actions shall follow the process outlined in the personnel rules. (Ord. 504 §11, 1986).

2.28.120 Political activity. The political activities of city employees shall conform to pertinent provisions of state law and any local provision adopted pursuant to state law. (Ord. 504 §12, 1986).

2.28.130 Contracts for special service. The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may authorize a contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

A. The preparation of personnel rules and subsequent revisions and amendments thereof;

B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;

C. The preparation, conduct and grading of competitive tests;

D. The conduct of employee training programs;

E. Special and technical services of advisory or informational character on matters relating to personnel administration. (Ord. 504 §13, 1986).

Chapter 2.32EMERGENCY ORGANIZATION*Sections:

- 2.32.010 Purpose.
- 2.32.020 "Emergency" defined.
- 2.32.030 Disaster council--Created--Membership.
- 2.32.040 Disaster council--Powers and duties.
- 2.32.050 Director and assistant director of emergency services--Offices created.
- 2.32.060 Director and assistant director of emergency services--Powers and duties.
- 2.32.070 Emergency evaluation committee--Created--Membership.
- 2.32.080 Emergency evaluation committee--Powers and duties.
- 2.32.090 Emergency organization--Composition.
- 2.32.100 Emergency plan.
- 2.32.110 Expenditures.
- 2.32.120 Violations--Penalties.

* For statutory provisions regarding the establishment and powers of local disaster councils, see Gov. Code §8610 et seq.

2.32.010 Purpose. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. 608 §1(part), 2000).

2.32.020 "Emergency" defined. As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, avalanche, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city, requiring the combined forces or other political subdivisions to combat. (Ord. 608 §1(part), 2000).

2.32.030 Disaster council--Created--Membership. The city disaster council is created, and shall consist of the following:

- A. The mayor, who shall serve as chairman;
- B. The director of emergency services, who shall serve as vice chairman;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. (Ord. 608 §1(part), 2000).

2.32.040 Disaster council--Powers and duties. It shall be the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual-aid plans and agreements, and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his/her absence from the city or inability to call such meeting, upon call of the vice chairman. (Ord. 608 §1(part), 2000).

2.32.050 Director and assistant director of emergency services--Offices created. A. There is created the office of director of emergency services. The city manager shall serve as director of emergency services.

B. There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 608 §1(part), 2000).

2.32.060 Director and assistant director of emergency services--Powers and duties. A. The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;

5. Activate the emergency operations center to facilitate the emergency efforts of the city;

6. Represent this city in all dealings with the public or private agencies on matters pertaining to emergencies as defined in this chapter;

7. In the event of the proclamation of a "local emergency" as provided in this section, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services in the event the Governor is inaccessible, or the existence of a "state of war emergency," the director is empowered:

a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practical time by the city council,

b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers,

d. To requisition necessary personnel or material of any city department or agency,

e. To execute all of his/her ordinary power as city manager, all of the special powers conferred upon him/her by this chapter or by resolution of emergency plan pursuant hereto adopted by the city council, all powers conferred upon him/her by any statute, by any agreement approved by the city council, and by any other lawful authority, and

f. To seek accreditation of the disaster council formed under Section 2.32.020 of this chapter in accordance with Sections 8581(b) or 8612 of the Government Code.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event other director is unavailable to attend meetings

and otherwise perform his/her duties during an emergency. Such order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of the emergency service chiefs, develop emergency plans and manage the emergency programs of this city, and shall have such other powers and duties as may be assigned by the director. Emergency plans should be consistent with and complementary to the California state emergency plan and the Amador County emergency operations plan. (Ord. 608 §1(part), 2000).

2.32.070 Emergency evaluation committee--Created--Membership. The emergency evaluation committee is created, and shall consist of the following:

- A. The director of emergency services;
- B. The fire chief;
- C. The police chief;
- D. The director of public works;
- E. The city attorney. (Ord. 608 §1(part), 2000).

2.32.080 Emergency evaluation committee--Powers and duties. Any member of the emergency evaluation committee may call an emergency meeting of the committee. These emergency meetings may take place in person or by phone, radio, electronic mail, or any other medium that seems appropriate to the members of the committee. A quorum of the committee need not participate in any emergency meeting. However, attempts should be made to contact all members of the committee in the event of an emergency meeting.

The group shall meet to discuss the city's role in emergency or disaster situations. The director of emergency services has ultimate authority for activation of the emergency operations center (EOC). Other members of the emergency evaluation committee will advise the director on EOC activation.

If there is a question regarding whether city facilities should be activated as an evacuation center, this committee shall meet to discuss what action is necessary. The director has decision-making authority in these matters. Other members of the emergency evaluation committee will advise the director on evacuation center activation.

When appropriate, the committee shall determine evacuation routes and safe zones that would best protect the well being of persons in the city. The committee must instruct the public information officer to have the media broadcast evacuation and safe zone instructions when needed. The committee will also assure that units are dispatched to alert persons to evacuate areas facing significant danger from the hazard.

When the director of emergency services has questions regarding emergency policy or authority, he/she may seek

the council of the emergency evaluation committee. (Ord. 608 §1(part), 2000).

2.32.090 Emergency organization--Composition. All officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of Jackson City Code charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of this city. (Ord. 608 §1(part), 2000).

2.32.100 Emergency plan. The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of the city, both public and private, to meet any condition constituting a local emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. (Ord. 608 §1(part), 2000).

2.32.110 Expenditures. Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 608 §1(part), 2000).

2.32.120 Violations--Penalties. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

A. Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him/her by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if the act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives and property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 608 §1(part), 2000).

Chapter 2.36CEMETERY*Sections:

- 2.36.020 Map on file.
- 2.36.030 Price of plots or lots.
- 2.36.040 Improvements.
- 2.36.050 Lot sale conveyances.
- 2.36.060 Permit--When required.
- 2.36.070 Noncompliance with council's orders.
- 2.36.080 Written permission required for grave digging.
- 2.36.090 Unlawful acts.
- 2.36.100 Burial of persons who have died from contagious disease.
- 2.36.110 Refuse disposal and fire restrictions.
- 2.36.120 Cemetery director.
- 2.36.150 Grave--Depth.
- 2.36.160 Grave--Price of opening and closing.
- 2.36.161 Numbered marker.
- 2.36.170 Effective date of rates and charges.
- 2.36.180 Violation--Penalty.

* For statutory provisions regarding public cemeteries, see Gov. Code §8125 et seq.

2.36.020 Map on file. The map of the cemetery on file in the office of the city clerk of the city, is the reference map of the Jackson Public Cemetery. (Ord. 361 §2, 1975: Ord. 89 §2, 1916).

2.36.030 Price of plots or lots. The price of cemetery plots in the city cemetery shall be two hundred dollars each, or as may otherwise be modified or set periodically by city council resolution; except a lot for still-born or infant (less than twelve months) which shall be ten dollars. (Ord. 492 §1, 1985; Ord. 423 §1, 1979: Ord. 361 §3, 1975: Ord. 321 §§1, 2(part), 1972).

2.36.040 Improvements. No improvements of any character will be permitted in the cemetery unless the purchase price of the lot on which the improvements are to be made has been paid to the city. All improvements are subject to the inspection and approval of the cemetery commissioner. Before any improvements can be commenced or made, the approval of the cemetery commissioner shall be obtained thereon. (Ord. 361 §4, 1974: Ord. 89 §4, 1916).

2.36.050 Lot sale conveyances. The mayor and city clerk are authorized to execute all necessary conveyances to evidence the sale of any cemetery lot by the city to the purchaser. (Ord. 321 §3, 1972).

2.36.060 Permit--When required. It is unlawful to bury in the cemetery or to remove therefrom for burial or other purpose the body of any deceased person without first having complied with the laws of the state of California. (Ord. 361 §5, 1975: Ord. 41 1/2 §1, 1908).

2.36.070 Noncompliance with council's orders. It is unlawful to violate or refuse, fail, or neglect to comply with any lawful, general or special order, notice or direction of the city council relating to the cemetery. (Ord. 361 §6, 1975: Ord. 348 §2(part), 1973; Ord. 41 1/2 §2, 1908).

2.36.080 Written permission required for grave digging. It is unlawful for any person to dig any grave in the cemetery without first having obtained the written permission from the city council. (Ord. 361 §7, 1975: Ord. 348 §2(part), 1973; Ord. 41 1/2 §3, 1908).

2.36.090 Unlawful acts. Under the authority of California Health and Safety Code Section 8115 and any successor section thereto the following acts shall be unlawful and a violation of this ordinance in any cemetery, public or private, within the municipal boundaries of the city:

A. Defacement, Damage or Theft of Property. No person shall cut, chalk, mark or write upon, or in any manner whatsoever deface, break, mutilate, injure, destroy, damage or steal from any vault, tombstone, mausoleum, gravestone, monument, building or other structure within the boundaries of any cemetery located within the limits of the city.

B. Destruction of Plants--Molestation of Birds or Wildlife. No person shall cut, break, pluck, or remove or in any manner destroy or injure any tree, shrub, plant or flower, or destroy, injure, or molest any bird, or any bird's nest or any bird's eggs or any wildlife within the boundaries of any cemetery located within the limits of the city.

C. Deposit of Rubbish or Waste. No person shall deposit rubbish, grass, shrub cuttings, waste or other material or substance in any of the roadways or driveways or other areas of any cemetery within the limits of the city.

D. Loitering and Improper Behavior or Use. No person shall loiter in any cemetery or property used or held exclusively for the burial or other permanent deposit of the human dead. The word "loitering" is defined as idling with intent to commit crime or unlawful acts.

E. Hours of Operation. No person, without the express consent of the owner of the cemetery, shall enter any cemetery within the limits of the city between one-half hour after sunset and one-half hour before sunrise.

F. Civil Cause of Action, Treble Damages, Attorneys Fees. Any person or persons who damages, destroys, mutilates, or vandalizes any property within a cemetery in the city shall be civilly liable to the owner of such property for three times the amount of any actual damage caused by that person and all costs and attorneys fees incurred by the owner in obtaining judgement and recovery.

In the event the person or persons are juveniles, the parents and/or guardians of such juvenile shall be jointly and severably liable for all actual damages, treble damages, costs and attorneys fees. (Ord. 605 §1, 1999: Ord. 348 §2(part), 1973; Ord. 41 1/2 §4, 1908).

2.36.100 Burial of persons who have died from contagious disease. It is unlawful to bury in the cemetery the remains of any person whose death has occurred from disease that is held by the State Board of Health to be infectious, contagious, or communicable and dangerous to the public health unless the remains are arterially embalmed. (Ord. 361 §8, 1975: Ord. 348 §2(part), 1973; Ord. 41 1/2 §5, 1908).

2.36.110 Refuse disposal and fire restrictions. It is unlawful to leave or deposit rubbish, dirt, brush or refuse of any kind on graves, walks or passageways in the cemetery, or at any other place therein other than dumping ground selected by the city council, or to build fires for any purpose in the cemetery without permission of the city council. (Ord. 361 §9, 1975: Ord. 348 §2(part), 1973; Ord. 41 1/2 §6, 1908).

2.36.120 Cemetery director. Pursuant to the authority granted by Sections 2.05.030 and 2.05.120, it shall be the duty of the chief administrative officer of the city to function as the cemetery director, responsible for all fiscal management, cemetery maintenance and improvements, and overall cemetery administration and control.

A. The cemetery director may appoint a deputy or delegate any specific duties in the interest of efficient, effective, and economical conduct of the city's cemetery.

B. The cemetery director shall define and enforce all duties appropriate for proper operation and management of the city cemetery, and shall cause such definitions to be set forth and adopted by resolution.

C. All references in the ordinances codified in this Chapter 2.36, Cemetery, which designate certain duties to the mayor or city clerk, or cemetery commissioner are modified and shall be substituted with the words, "cemetery

director." (Ord. 492 §2, 1985: Ord. 361 §10, 1975: Ord. 321 §2(part), 1972; Ord. 41 1/2 §7, 1908).

2.36.150 Grave---Depth. All graves to be hereafter dug in the cemetery shall be in compliance with the State Code. (Ord. 361 §13, 1975: Ord. 41 1/2 §9, 1908).

2.36.160 Grave--Price of opening and closing. The opening and closing price for any grave shall be:

- | | |
|----------------------------------|----------|
| A. Single grave (depth standard) | \$145.00 |
| B. Single grave (vault size) | 185.00 |

C. Single grave (depth double)	\$265.00
D. Single grave (depth double/vault size)	265.00
E. Any grave for burial of stillborn or infants	15.00
F. Any grave for burial of cremated remains	25.00

and may from time to time be changed by resolution of the city council. (Ord. 276 §1, 1976: Ord. 361 §14, 1975: Ord. 321 §1(part), 1972: Ord. 41 1/2 §11, 1908).

2.36.161 Numbered marker. A numbered marker shall be placed on the grave immediately after the burial. The cost shall be included in the plot or lot price. (See Section 2.36.030). (Ord. 361 §15, 1975).

2.36.170 Effective date of rates and charges. The rates set forth in Sections 2.36.030 and 2.36.160 shall be effective on and after February 1, 1974. (Ord. 361 §16, 1975: Ord. 321 §6, 1972).

2.36.180 Violation--Penalty. The penalty for violations of this chapter shall be as prescribed in Section 1.20.010. (Ord. 334 §2(part), 1973: Ord. 41 1/2 §12, 1908).

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Chapter 2.37

CEMETERY COMMITTEE

Sections:

- 2.37.010 Established.
- 2.37.020 Number of members designated.
- 2.37.025 Eligibility.
- 2.37.030 Appointment and term of office.
- 2.37.040 Removal from office--Vacancies.
- 2.37.050 Compensation.
- 2.37.060 Election of officers--Secretary designated.
- 2.37.070 Time and place of meetings.
- 2.37.080 Powers and duties.

2.37.010 Established. The Jackson cemetery committee is created as an official advisory committee of the city. (Ord. 588 §1(part), 1996).

2.37.020 Number of members designated. The committee shall be composed of five members who shall act in an advisory capacity to the city council on matters affecting the operation and maintenance of the Jackson cemetery. (Ord. 588 §1(part), 1996).

2.37.025 Eligibility. To be eligible for appointment or to hold office as a member of the cemetery committee, members shall be a resident and qualified elector of the city. Provided, however, that this provision shall not apply to persons serving as members of the cemetery committee prior to the effective date of the ordinance codified in this chapter. They shall serve in accordance with the terms of their previous appointment by the city council. (Ord. 588 §1(part), 1996).

2.37.030 Appointment and term of office. The mayor shall appoint members of the cemetery committee, with the approval of the city council, to serve two-year terms. There shall be no limit to the number of terms any member may serve. (Ord. 588 §1(part), 1996).

2.37.040 Removal from office--Vacancies. A. Members of the cemetery committee may be removed from office by a majority vote of the city council or by the mayor, subject to the approval of the city council.

B. A member may resign from the committee by providing written notification to the city council. (Ord. 588 §1(part), 1996).

2.37.050 Compensation. All members of the cemetery committee shall serve as such without compensation. (Ord. 588 §1(part), 1996).

2.37.060 Election of officers--Secretary designated. At the first regular meeting following enactment of the ordinance codified in this chapter, and thereafter in December, the cemetery committee shall elect a chairman and a vice-chairman from among its members and other officers as deemed necessary by the committee. The secretary of the cemetery committee shall be the city clerk or her designated deputy. (Ord. 588 §1(part), 1996).

2.37.070 Time and place of meetings. The cemetery committee shall meet regularly each month at a time and place fixed by resolution of the committee and shall hold such other meetings as shall from time to time be called in the manner and form required by law. (Ord. 588 §1(part), 1996).

2.37.080 Powers and duties. The cemetery committee shall:

A. Recommend to the city council policy or administration of the Jackson cemetery;

B. Advise and recommend to the city council policy for maintenance and operation of and improvements to the Jackson cemetery;

C. Confer and make recommendations on any matter specifically referred by the city council. (Ord. 588 §1(part), 1996).

Chapter 2.44COMMUNITY HALLSections:

- 2.44.010 Policies and regulations established.
- 2.44.020 Advisory committee.
- 2.44.030 Permit--Required.
- 2.44.040 Permit--Application.
- 2.44.050 Permit--Investigation.
- 2.44.060 Rental fees and deposits.
- 2.44.070 Term of Permit.
- 2.44.080 Approval of application--Issuance of permit.
- 2.44.090 Appeals.

2.44.010 Policies and regulations established. There is established the policies and regulations set forth in this chapter regarding public usage of the community hall. (Ord. 415 §1(part), 1979).

2.44.020 Advisory committee. A community hall advisory committee, composed of the city administrator and the chief of police is created to serve without additional compensation, to investigate each application for a permit required for the use of the community hall. The committee shall have the power to direct investigations and conduct hearings, and to do and perform all other acts which may be necessary or proper within the scope of its duties and functions. The committee shall maintain each application on file, together with its recommendation thereon, all of which shall be subject to public inspection at any reasonable time. (Ord. 415 §1(A), 1979).

2.44.030 Permit--Required. A. No person or organization shall be permitted or allowed to use or rent the community hall for any purpose without a permit from the city administrator authorizing such use. All rules attached to the permit shall be observed at all times, including those rules posted on the premises of the community hall. Failure to observe the rules shall be grounds for denial of permit.

B. The provisions of this regulation shall not apply to any person or group functioning as an arm of the city,

county, state or federal government, and whose activity in the community hall is directly related to the regular transaction of government business, provided the committee so approves. (Ord. 415 §1(B), 1979).

2.44.040 Permit--Application. An application for a permit to use the community hall as required by Section 2.44.030 shall be made to the city administrator upon forms prescribed by the committee. Such application shall be filed with the administrator at least ten days prior to the time at which the permit applied for is to become effective. The administrator may, for good cause shown, allow the filing of an application less than ten days. The application required in this section shall contain the following information, or in lieu thereof, a statement satisfactory to the administrator of the reasons why such information is not furnished:

A. Names, addresses, and phone numbers of the person or organization renting the hall; if an organization, then the names, addresses and phone numbers of its principal officers or persons who will be in charge;

B. The period of time when the hall will be used, beginning with the time when furniture must be set up to the time when cleanup terminates;

C. A list of references where the person or group has used a similar hall or auditorium in other cities during the past two years;

D. A full statement of the general character and extent of the type of activity being conducted, and the estimated attendance;

E. A statement that if a permit is granted, no person under the age of sixteen may be unaccompanied by an adult;

F. A statement that if a permit is granted, it will not be used or represented in any way as an endorsement by the city of the character of the activity carried out in the hall;

G. Such other information as may be required by the administrator or the committee in order for them to determine that the proposed activity is in the interest of and not inimical to the public welfare. (Ord. 415 §1(C), 1979).

2.44.050 Permit--Investigation. The committee shall examine all applications filed under Section 2.44.040, and shall make such further investigation of the application and applicant as the committee shall deem necessary in order for them to perform their duties under this chapter. If, upon such investigation, the committee determines that the nature of the activity would involve or produce a public nuisance or anything of immoral character, or would in any way be a detriment to the health, safety, and welfare of the residents of the city, then the permit shall be summarily denied. (Ord. 415 §1(D), 1979).

2.44.060 Rental fees and deposits. A. At least ten days prior to the usage of the hall, each applicant shall tender to the city payment for such rental fees and deposits as are determined appropriate by the city administrator pursuant to the current resolution establishing the fee schedule for community hall approved by the city council at that time.

B. In addition to the above, each and every applicant, not otherwise specifically exempted by Section 2.44.030B, shall post a cleaning deposit for the use of the hall and kitchen in the amount of thirty dollars; which deposit is refundable upon approval of the city administrator in the manner herein designated.

C. Time and Method of Refunding Deposits. The moneys from all such deposits designated herein shall be held by the city administrator for a maximum of ten days after the event in order for the administrator (or his duly authorized representative) to inspect the hall and all equipment used for possible repairs of damage or excess cleaning, etc., which may be required as a result of the applicant's usage. After the administrator so determines the final charges, he shall refund to the applicant all deposit moneys in excess of the amount required to complete repairs or additional cleaning, etc.

D. If the administrator determines that the final charges will exceed the amount on deposit from the lessee, he shall bill the applicant for the difference. The bill shall be due and payable thirty days from the day of transmittal.

E. Waiver. The city council may for good cause shown waive any fee or deposit required by the provisions of this chapter. (Ord. 415 §1(E), 1979).

2.44.070 Term of permit. A. The permit required by the provisions of this chapter shall be issued no longer than twelve calendar months from its date. The permittee shall be prohibited from renting the hall for the same type of activity for longer than one day per month for twelve months, or three consecutive days together in a three-month time period.

B. Exception. A scheduled event within a term may be interrupted or postponed upon ten days' written notice to the permittee by the city council that an approved governmental activity will be using the hall at that time.

C. Renewal. The committee may renew any such permit upon its expiration if it is satisfied that the requirements of Section 2.44.040 are still being met and that no violation of this chapter has been committed. The committee may, in its discretion, require a new application and its action upon such new application shall be governed by the standards applicable to an original application. (Ord. 415 §1(F), 1979).

2.44.080 Approval of application--Issuance of permit.
The committee shall approve the application and authorize the city administrator to issue the necessary permit therefor if the committee finds that:

A. All of the statements made in the application are true;

B. The applicant, or its managing officers and agents, are of good character and reputation for honesty and integrity;

C. The applicant has not engaged in any vandalism or other fraudulent enterprise;

D. The activity or event will be under the control and supervision of responsible and reliable persons;

E. The kind, character and method of the proposed activity or event, the time when it will take place, and its duration are such that it will be in the interest of and not inimical to the safety, convenience or welfare of the inhabitants of the city;

F. The applicant-permittee has signed a rental/hold-harmless agreement and agrees to abide by its provisions for as long as the permit continues to be valid;

G. If the activity or event to be scheduled is a dance, rock-festival or other such type activity, said activity shall be held subject to additional police protection which public service shall be paid for by the applicant, and shall be entirely in the discretion of the chief of police. (Ord. 415 §1(G), 1979).

2.44.090 Appeals. A. Any person aggrieved by the provisions of this chapter or by the committee's denial of the application for a permit, may appeal as set forth herein.

1. Notice of Denial. If the applicant is denied, the committee shall so notify the applicant by certified mail, return receipt requested, at the address given on the application, stating the reasons therefor.

2. Request for Hearing. Within five days after receiving the above notice of denial, any applicant may file a written request with the city administrator for a hearing on the application before the committee, together with written exceptions to the reasons upon which the committee based its denial of the application.

3. Notice of Hearing. Upon the filing of such a request, the committee shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within ten days after the request is filed.

4. Hearing. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the committee, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions.

5. Decision. Within ten days after the conclusion of the hearing, the committee shall render a written report either granting or denying the application for a permit. The report shall state the facts upon which the decision is based and the rulings upon any exceptions filed to the original reasons for denying the application.

6. Appeal. Any such decision of the committee denying the application for a permit may be appealed to the city council pursuant to the provisions set forth herein.

7. Appeal to Council. Any such decision of the committee may be appealed to the city council upon the applicant filing a written request with the city administrator for such an appeal, together with written exceptions to the reasons upon which the committee based its denial of the application, within ten days after the committee's decision.

B. The city council shall hear and determine the appeal within thirty days after it is filed, and the decision of the city council on the appeal shall be final. (Ord. 415 §1(H), 1979).

Chapter 2.48

CONSOLIDATION OF ELECTIONS

Sections:

2.48.010 Authorized.

2.48.010 Authorized. The general municipal election is called and ordered to be consolidated with the statewide general election in November of all even-numbered years; and the election shall be held and conducted, the votes canvassed, the returns thereof made, and, in all particulars the election shall be conducted as all other city elections; and that as a result of the change in the date of this election, the elected city office holders' terms in office will be extended and that no terms will be decreased. (Ord. 497 §1, 1986).

Chapter 2.52DISPOSITION OF UNCLAIMED PROPERTYSections:

- 2.52.010 Delivery to chief of police.
- 2.52.020 Protection of property--Sale--Retention for public use.
- 2.52.030 Notice of sale--Disposal of unsold property.
- 2.52.040 Perishable property.

2.52.010 Delivery to chief of police. It shall be and it is declared to be the duty of every employee and officer of the city who shall find any lost money or other property in or upon any public grounds, highways, road, public building, place or property in the city to deliver the same to the chief of police, together with a statement in writing stating fully the circumstances of the finds, including the time and place of the finding and the name and address of the owner or person believed to be the owner, if known. (Ord. 604 §1(part), 1998).

2.52.020 Protection of property--Sale--Retention for public use. The chief of police for the city shall care for and protect all property coming into his possession by virtue of the preceding section, or otherwise, including items of evidence obtained during investigations and shall restore such property to its true owner upon proof of ownership satisfactory to him and upon payment of all necessary costs incurred in the care and protection thereof. Should any such property remain unclaimed by its true owner for a period of four months from the date of finding, or for a period of three months with respect to bicycles, the chief of police is authorized at any time thereafter to publish a notice describing the property and stating that five days after such publication the property will be placed for sale at public auction. Such property shall not thereafter be redeemable by the owner or the person entitled to possession. If the city manager determines that any such property transferred to the city for sale is needed for public use, such property may be retained for use by the city and need not be sold. Property determined by the chief of police or his designee to be of no or of insufficient value to recover cost of sale, may be disposed of without first complying with this chapter. (Ord. 604 §1(part), 1998).

2.52.030 Notice of sale--Disposal of unsold property. Prior to the sale of any property at public auction, the chief of police shall publish a notice of time and place of

sale, describing the items to be sold, at least five days prior to the sale. Any property remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of. The proceeds of such sale shall be deposited in the general fund. (Ord. 604 §1(part), 1998).

2.52.040 Perishable property. Should any property coming into the custody of the chief of police be in danger of perishing or of losing the greater part of its value, or should the lawful charges as a finder of such property amount to two-thirds of its value, the same may be immediately sold by the chief of police. (Ord. 604 §1(part), 1998).

Chapter 2.56

INSURANCE COVERAGE AND HOLD HARMLESS AGREEMENTS

Sections:

2.56.010 Requirements for city contracts and permits.

2.56.010 Requirements for city contracts and permits.
The following provisions shall govern all contracts and/or permits granted by the city for the use of public property:

A. Hold Harmless Provision of Contracts and/or Permits. All contracts and/or permits awarded by the city shall contain a hold harmless provision which shall read substantially as follows:

1. Contractor and/or permittee agree to, and shall, hold city, its elective and appointive boards, officers, agents and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from contractor and/or permittee or any of its subcontractor's operations under this agreement, whether such operations be by contractor and/or permittee or subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, contractor and/or permittee or any subcontractor. Contractor and/or permittee agrees to, and shall, hold city, its elective and appointive boards, officers, agents and employees from any suits or actions at law or in equity for damage caused, or alleged to have been caused, by reason of any of the aforesaid operations, provided as follows:

a. That city does not, and shall not, waive any rights against contractor and/or permittee which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by city, or the deposit with city

by contractor and/or permittee, of any of the insurance policies hereinafter set forth.

b. That the aforesaid hold harmless agreement by contractor and/or permittee shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operation of contractor and/or permittee or any subcontractor, regardless of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

i. Except where for good cause shown the city council shall approve different provisions, all contracts and/or permits awarded by the city shall contain insurance provisions which shall read substantially as follows:

Contractor and/or permittee shall not commence work or activity under any contract or permit until he shall have obtained all insurance required under this section and such insurance shall have been approved by the city as to form, amount and carrier, nor shall contractor and/or permittee allow any subcontractor or agent to commence work on this subcontract until all similar insurance required of the subcontract shall have been so obtained and approved.

B. Compensation Insurance. Contractor and/or permittee shall, to the extent required by law, take out and maintain during the life of this contract, workmen's compensation insurance for all his employees employed at the site of improvements and if any work is sublet, contractor and/or permittee shall require subcontractor similarly to provide workmen's compensation insurance for all of the latter employees, unless such employees are covered by the protection afforded by contractor and/or permittee. If any class of employees engaged in work under this contract at the site of the project is not protected under any workmen's compensation law, contractor and/or permittee shall provide and shall cause each subcontractor to provide, adequate insurance for the protection of employees not otherwise protected. Contractor and/or permittee indemnifies city for any damage resulting to it from failure of either contractor and/or permittee or any subcontractor to take out or maintain such insurance.

C. Public Liability and Property Damage Insurance. Contractor and/or permittee shall take out and maintain during the life of this contract such public liability and property damage insurance as shall protect city, its elective and appointive boards, officers, agents and employees and contractor and/or permittee from any claims for damages for personal injury, including death, as well as from claims for property damages which may arise from contractor's and/or permittee's or any subcontractor's operations under this contract, whether such operations be by contractor and/or permittee or by any subcontractor, or

by anyone directly or indirectly employed by either contractor and/or permittees or subcontractor and the amounts of such insurance are as follows:

Public liability insurance in an amount not less than one million dollars combined single limit per occurrence covering bodily injury, death and aggregate property damage.

No policies of insurance carried by the contractor and/or permittee shall be subject to cancellation except after notice to the city attorney by certified mail at least thirty days prior to the date of cancellation. The city shall be provided certificates of insurance and policy endorsements satisfactory to the city attorney for such insurance prior to the commencement of any activity under any such contract or permit. (Ord. 607 §1, 2000).

Chapter 2.60CLAIMS AGAINST THE CITYSection:

2.60.010 Government Code Section 935 claims.

2.60.010 Government Code Section 935 claims. A. All claims for money or damages against the city which are excepted from the presentation of claim requirement under Government Code Section 905 shall be processed in accordance with this section under the authority of Government Code Section 935.

B. All such excepted claims shall be presented by the claimant within the time prescribed by Government Code Sections 900 and 910 et seq. and shall be acted upon by the city within the time provided by the provisions of this chapter and Government Code Sections 911.2 and 912.4. Claims not presented within the required time shall be processed by the city in accordance with Government Code Section 935(e).

C. This section shall apply, to the following types of claims against the city. This list shall be automatically expanded, by operation of law, to include any other type of claim added to the exemptions set forth in Government Code Section 935.

1. Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of any tax, assessment, fee or charge or any portion thereof, or of any penalties, costs or charges related thereto;

2. Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens;

3. Claims by public employees for fees, salaries, wages, mileage or other expenses and allowances;

4. Claims for which the workmen's compensation authorized by Division 4 (commencing with Section 3201) of the Labor Code is the exclusive remedy;

5. Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions or other assistance rendered for or on behalf of any recipient of any form of public assistance;

6. Applications or claims for money or benefits under any public retirement or pension system;
7. Claims for principal or interest upon any bonds, notes, warrants or other evidences of indebtedness;
8. Claims which relate to a special assessment constituting a specific lien against the property assessed and which are payable from the proceeds of such an assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it;
9. Claims by the state or by a state department or agency or by another local public entity;
10. Claims arising under any provision of the Unemployment Insurance Code, including but not limited to claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed. (Ord. 635 §1, 2003).