



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: April 7, 2015

ITEM TITLE: INTRODUCE ORDINANCE AMENDING THREE CHAPTERS OF TITLE 1 OF THE MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND EIGHT CHAPTERS OF TITLE 2 RELATING TO ADMINISTRATION AND PERSONNEL

AGENDA CATEGORY:

BUSINESS SESSION: 4

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

- A) Move to take up Ordinance No. ___ by title and number only and waive further reading.
- B) Move to introduce at first reading, Ordinance No. ___ amending Municipal Code Chapters 1.01, 1.04, and 1.09 relating to general provisions and Chapters 2.04, 2.08, 2.10, 2.12, 2.40, 2.44, 2.55, and 2.65 relating to administration and personnel matters.

EXECUTIVE SUMMARY:

- The first comprehensive review of the Municipal Code ("code") is underway. Many sections have existed unchanged since the City's incorporation in 1982.
- Updates to the eleven chapters listed above are necessary to align the code with current best practices, consolidate provisions, remove unnecessary detail, provide for flexibility, and update terms.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

Three of the four chapters of Title 1 of the code are addressed in this report. No update is required to the remaining chapter 1.08. Title 2 of the code contains 19

chapters: eight were reviewed in 2014, eight are addressed in this report, two require no updates and the remaining one, 2.20 Disaster Relief, is under review by the City's Emergency Operations Manager and CalFire.

The following summarizes the substantial changes to each chapter addressed in this report:

CHAPTER 1.01 CODE ADOPTED

1. Section 1.01.003 (contents of code): contains a list of matters adopted by ordinance that are not to be codified. Development agreements were added to this list.
2. Section 1.01.005 (maintenance of code): minor housekeeping matters were addressed, such as the number of hard copies of the code to be kept in the City Clerk's office, how often the City Clerk orders printed updates of the code, and who can request code copies.
3. Section 1.01.170 (definitions): the definition for "Councilmember" was expanded to include persons appointed to fulfill the term of a vacated seat in addition to persons duly elected.
4. Section 1.01.260 (nuisances – recovery of abatement expenses): added to the City's options to recover moneys due, is assigning the debt to a third-party collection agent. The existing two options are (a) civil action, and (b) recording the debt against the property as a special assessment.
5. Section 1.01.300 (notices – service): this section was reworked to provide a method for serving notices that would be appropriate for all circumstances and consistently followed for all cases in which a notice is called for in the code. The numerous notice sections throughout the rest of the code will be deleted and reference to this one section inserted.

CHAPTER 1.04 CITY SEAL

Section 1.04.010 (design): In 1982 when this section was adopted, it called for the City seal design to simply contain the City name and year of incorporation. To update this section, it's been added that the City Council, by resolution, may add text and/or designs to the seal.

CHAPTER 1.09 ADMINISTRATIVE CITATION

1. Section 1.09.010 C. (definitions): As noted above in section 1.01.300, the procedure for issuing notices has been deleted and the one consistent procedure to be used going forward is referred to (section 1.01.300).
2. Section 1.09.030 (failure to pay fines): This section has been renumbered to follow the other fine-related section and the option to recover fines by assigning the debt to a third-party collection agent was add here too.

3. Section 1.09.030 (service procedures): This section has been deleted as it duplicates the method for serving notices already addressed in this chapter.
4. Section 1.09.070 (hearing officer): The reference to a specific department director has been changed to more generic terms given that department names and responsibilities change over time.
5. Section 1.09.080 (hearing procedure): Clarification regarding where fines will be held pending an appeal hearing has been added.

CHAPTER 2.04 COUNCIL

1. Section 2.04.050 (Council compensation and reimbursement): the reference to reimbursement for use of personal mobile phones was expanded to include reimbursement for personal electronic devices in general and for personal data service such as cellular or WiFi service used for City business. The \$25 per month reimbursement amount was deleted and replaced by the statement that Councilmembers' reimbursement will be the same as that provided to employees in accordance with the personnel policy. Under the personnel policy, the current reimbursement amount provided to eligible employees is \$40 per month.
2. Sections 2.01.100 through 2.04.130 (appeals to Council): these sections were reworked to lay out an appeal process that works for every circumstance where such appeals are referred to in the code. Henceforth, the dozens of sections that spell out a process for Council appeal will be deleted and a reference to this chapter inserted. The result will be a code with one consistent process to be followed in all circumstances.

CHAPTER 2.08 CITY MANGER

1. Section 2.05.050 (designation of an Acting City Manager): reference to Assistant City Manager as the officer to serve in the City Manager's temporary absence was deleted (extinct position). Existing language authorizing the City Manager to temporarily designate any qualified administrative officer as acting City Manager will stand as it provides the flexibility and a pool of officers to choose from based on the duration and pending issues during an absence. Added to this section is the statement that should the City Manager position be vacant or the City Manager be removed, the City Council shall designate an Acting/Interim City Manager.
2. Section 2.08.060(H) (powers and duties): expanded to include all the titles and duties assigned to the City Manager throughout the code, in addition to just purchasing activities. In all cases, it is noted that although the City Manager may delegate these duties to subordinates, s/he remains responsible to direct and supervise these activities.
3. Sections 2.08.180 through 2.08.230 have been added to address appeals to the City Manager. Like appeals to Council, dozens of code sections contain differing processes for appeals to the City Manager. One thorough appeal

process that will cover all circumstances has been added to this chapter. The multiple appeal processes sprinkled throughout the code will be deleted as each section is brought up for review, and a reference to this chapter will be inserted.

CHAPTER 2.10 CITY CLERK

The functions of the City Clerk listed in Section 2.10.230 have been broadened to include all those imposed by State law with regard to the Brown Act and the Public Records Act to correctly reflect all responsibilities.

CHAPTER 2.12 DIRECTOR OF FINANCE

The title of the position has been corrected throughout, and redundant duties eliminated.

CHAPTER 2.40 CONSTRUCTION BOARD OF APPEALS

1. The powers and duties section (2.10.050(A)) has been amended to replace the reference to a specific department with the more general term “an official of the city” to take into account the change in department names and duties from time to time.
2. In order for City notices to be issued in a consistent manner, the text delineating how a notice is to be issued was deleted from section 2.40.050(C) and a reference was added to the section in which the comprehensive, consistent notice procedure is explained in detail.
3. In section 2.40.050(D), a reference to the newly-revised Council appeal sections was added.

CHAPTER 2.44 PEACE OFFICER TRAINING STANDARDS

This chapter has been deleted. It was adopted in 1982 as part of Ordinance 2, which contained 23 chapters pulled from codes of various cities to create the first La Quinta Municipal Code. This chapter is only necessary for cities with their own police departments that wish to be eligible to receive State aid for peace officer training. Should La Quinta ever establish its own police department, this chapter can be re-adopted. La Quinta has never applied for this funding, nor does the Riverside County Sheriff’s Department apply for this funding in the City’s name.

CHAPTER 2.55 OFFICIAL HOLIDAYS

This chapter has been modified to remove the list of holidays. Instead, it refers to the personnel policy for the holidays observed by the City. This allows the City Council to easily amend that list by resolution as may be desired from time to time.

CHAPTER 2.65 ART IN PUBLIC PLACES

Section 2.65.110(E) has been amended to increase the time set for committing funds from two to five years. This timeframe aligns the Art in Public Places fee reimbursement requirements with that of similar fees such as developer impact fees. The change provides for a more realistic timeframe in which to use the fees, and allows fees to accumulate in the fund making the purchase of higher quality art

possible. The new timeframe will not be applied retroactively to fees collected prior to adoption of this revision.

Redlined versions of these chapters showing all deletions and additions are attached (Attachment 1).

ALTERNATIVES:

Council may direct staff to make additional/different amendments to these chapters of the code and/or amend only certain sections of these chapters.

Report prepared by: Susan Maysels, City Clerk

Report approved for submission by: Frank J. Spevacek, City Manager

Attachment: 1. Redlined Chapters.

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LA QUINTA, CALIFORNIA, AMENDING SEVERAL
CHAPTERS OF TITLE 1 AND TITLE 2 OF THE MUNICIPAL
CODE**

WHEREAS, Title 1 of the Municipal Code contains the chapters that address general provisions, and;

WHEREAS, Title 2 of the Municipal Code contains the chapters that address city administration and personnel matters, and;

WHEREAS, a comprehensive review of Title 1 and Title 2 was undertaken to examine each chapter for accuracy, relevance, streamlining, straight-forward language, and compliance with State law, and;

WHEREAS, amendments to three chapter of Title 1 and eight chapters of Title 2 are needed as a result of the comprehensive review to update the Municipal Code,

NOW THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. CHAPTER 1.01 CODE ADOPTED, Sections 1.01.003, 1.01.005, 1.01.170, 1.01.200, 1.01.230, 1.01.260, and 1.01.300 shall be amended as written in Exhibit A attached hereto.

SECTION 2. CHAPTER 1.04 CITY SEAL, Section 1.04.020 shall be amended as written in Exhibit A attached hereto.

SECTION 3. CHAPTER 1.09 ADMINISTRATIVE CITATION, Sections 1.09.010, 1.09.020, 1.09.030, 1.09.040, 1.09.050, 1.09.070, 1.09.080, 1.09.090, 1.09.100, and 1.09.110 shall be amended as written in Exhibit A attached hereto.

SECTION 4. CHAPTER 2.04 COUNCIL, Sections 2.04.020, 2.04.040, 2.04.050, 2.04.100, 2.04.110, 2.04.115, 2.04.120, and 2.04.130 shall be amended as written in Exhibit A attached hereto.

SECTION 5. CHAPTER 2.08 CITY MANAGER, Sections 2.08.040, 2.08.050, 2.08.060, 2.08.070, 2.08.090, 2.08.100, 2.08.110, 2.08.120, 2.08.130, 2.08.140, 2.08.150, 2.08.160 and 2.08.170 shall be amended as written in

Exhibit A attached hereto.

Sections 2.08.180 through 2.08.230, regarding appeals to the city manager, shall be added to Chapter 2.08 as written in Exhibit A attached hereto.

SECTION 6. **CHAPTER 2.10 CITY CLERK**, Section 2.10.030 shall be amended as written in Exhibit A attached hereto.

SECTION 7. **CHAPTER 2.12 DIRECTOR OF FINANCE**, all sections shall be amended as written in Exhibit A attached hereto.

SECTION 8. **CHAPTER 2.40 CONSTRUCTION BOARD OF APPEALS**, Section 2.40.050 shall be amended as written in Exhibit A attached hereto.

SECTION 9. **CHAPTER 2.44 PEACE OFFICER TRAINING STANDARDS** shall be deleted in its entirety from the Municipal Code.

SECTION 10. **CHAPTER 2.55 OFFICIAL HOLIDAYS** shall be amended as written in Exhibit A attached hereto.

SECTION 11. **CHAPTER 2.65 ART IN PUBLIC PLACES**, Sections 2.65.010 and 2.65.110 shall be amended as written in Exhibit A attached hereto.

SECTION 12. **SEVERABILITY.** The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 13. **EFFECTIVE DATE.** This Ordinance shall be in full force and effect thirty days after its adoption.

SECTION 14. **POSTING.** The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this ____ day of April 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. ____ which was introduced at a regular meeting on the ____ day of April 2015, and was adopted at a regular meeting held on the ____ day of _____ 2015, not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2014-013.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, 2015 pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

Chapter 1.01 CODE ADOPTED

1.01.001 Declaration of purpose.

The city council finds that it is desirable and in the public interest to establish a municipal code in order to provide a scheme of organization for the classification and grouping of ordinances which the council may adopt. The council intends in adopting ordinances of a general and permanent nature to provide for their placement in accordance with the scheme of the code. This will provide the user with a convenient and logical compilation of the ordinances of the city. (Ord. 2 § 1, 1982)

1.01.002 Establishment of Municipal Code.

This code shall be known as the "La Quinta Municipal Code." It shall be sufficient to refer to this code as the La Quinta Municipal Code in any prosecution for the violation of any provision of this code. It shall also be sufficient to designate any ordinance adding to, amending, or repealing provisions of this code as an addition or amendment to, or a repeal of, the La Quinta Municipal Code, or a portion thereof. (Ord. 2 § 1, 1982)

1.01.003 Contents of code.

The La Quinta Municipal Code shall consist of all ordinances adopted by the city council which are of a general and permanent nature. An ordinance relating to any of the following subject matters is not considered an ordinance of general and permanent nature and need not be included within the municipal code:

- A. The naming of streets or roads;
- B. Granting, altering, or withdrawing franchises;
- C. Levying real property tax;
- D. Calling an election;
- E. Annexation proceedings;
- F. Interim zoning measures;
- G. Zoning or rezoning a particular parcel of property;
- H. Development Agreements;
- I. Such other ordinances of a special or particular subject matter which the council considers are not appropriate to a general compilation of laws of a general and permanent nature. (Ord. 2 § 1, 1982)

1.01.004 Outline of code.

- A. The ordinances of the city which are of a general and permanent nature shall be organized and grouped according to subject matter.

B. Ordinances which are adopted from time to time shall be classified and organized under the following scheme of titles:

1. General Provisions;
2. Administration and Personnel;
3. Revenue and Finance;
4. (Reserved);
5. Business Regulations;
6. Health and Sanitation;
7. Historic Preservation;
8. Buildings and Construction;
9. Planning and Zoning;
10. Animals;
11. Peace, Morals and Safety;
12. Vehicles and Traffic;
13. (Reserved);
14. Streets and Sidewalks;
15. Water and Sewers;
16. Miscellaneous County Ordinances Adopted by Reference.

1.01.005 Maintenance of code.

At least one copy of this code, duly certified by the city clerk, shall be maintained on file in the office of the city clerk as the official copy of this code. Additional copies of this code shall be distributed upon request to the departments of the city. Duly certified copies of each ordinance making a change in this code shall be filed in the office of the city clerk, duly indexed for ready reference.

At least annually the city clerk shall cause the loose-leaf pages of this code in which changes have been made to be reproduced, including a notation as to the ordinance number and the date pursuant to which such change is adopted. The reprinted pages shall be distributed in order that the loose-leaf copies of this code, prepared for the use and convenience of the officers and employees of the city and the general public, may be brought up to date. (Ord. 2 § 1, 1982)

1.01.010 Interpretation of code and other ordinances.

The provisions of this code and all proceedings under it are to be construed to effect its objects and to promote justice.

All the provisions of this code and all other city ordinances shall be interpreted to refer to the appropriate or designated officer or office of the city, and whether an ordinance, uniform code, statute, or other matter which is adopted by reference refers to any department, officer, employee, inspection, police, or other function, unless the context requires otherwise, all references shall be to the appropriate or designated office, officer, department, agency, employee, or function of the city, or to the person or agency performing the function for the city. (Ord. 2 § 1, 1982)

1.01.020 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal by this code of any ordinance previously in effect in the city or within the territory currently comprising the city, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this code, nor be construed as a waiver of any license or penalty on such effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license or penalty or the penal provisions applicable to any violation of such ordinances, nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all vested rights and obligations pertaining to such ordinances shall continue in full force and effect. (Ord. 2 § 1, 1982)

1.01.030 Partial invalidity.

If any chapter, section, sentence, clause or portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions thereof. (Ord. 2 § 1, 1982)

1.01.040 Territorial limitation.

This code shall refer only to the omission or commission of acts within the territorial limits of the city of La Quinta and that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property. (Ord. 2 § 1, 1982)

1.01.050 Local signification.

All references in this code to places, acts, persons or things and all else in relation to this code shall be construed to mean that the same are applicable to this city, whether the city is mentioned in each particular section or not. (Ord. 2 § 1, 1982)

1.01.100 Rules of construction.

Unless the provisions of this code otherwise specifically provide, or the context of this code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in the following sections of this chapter shall govern the construction of this code. (Ord. 2 § 1, 1982)

1.01.110 Effect of headings.

The title, chapter, article, and section headings contained in this code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section of this code. (Ord. 2 § 1, 1982)

1.01.120 Meaning of “section” and “subsection.”

“Section” means a section of this code, unless some other source is specifically set forth. “Subsection” means a subsection of the section in which the term occurs, unless some other section is expressly set forth. (Ord. 2 § 1, 1982)

1.01.130 Acts by deputies.

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of the officer or employee or by a person otherwise duly authorized pursuant to the law or ordinance, unless this code expressly provides otherwise. (Ord. 2 § 1, 1982)

1.01.140 "Writing."

"Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, the notice, report, statement, or record shall be made in writing in the English language, unless this code expressly provides otherwise. (Ord. 2 § 1, 1982)

1.01.150 References to ordinances—Application to amendments.

Whenever any reference in this code is made to an ordinance, the reference shall apply to such ordinance of the city, unless this code expressly provides otherwise. Whenever any reference is made to any portion of this code, or ordinance of this city, the reference shall apply to all amendments and additions to this code. (Ord. 2 § 1, 1982)

1.01.160 Statute of limitations.

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation. (Ord. 2 § 1, 1982)

1.01.170 Definitions.

As used in this code, unless a different meaning is apparent from the context or is specified elsewhere in the code:

1. "Calendar year" means from January 1st through December 31st of any given year.
2. "City" means the city of La Quinta.
3. "City manager" means the appointed official of the city who occupies the position as chief administrative officer of the city.
4. "Council" means the city council of the city of La Quinta.
5. "Councilmember" means a person duly elected or duly appointed to fulfill the term of a vacated seat to the council.
6. "County" means the county of Riverside.
7. "Fiscal year" means from July 1st of any given year through June 30th of the following year.
8. "Gender." The masculine gender includes the feminine and neuter genders.
9. "Goods" means and includes wares and merchandise.
10. "May" is permissive.
11. "Month" means a calendar month, unless otherwise expressed.
12. "Number." The singular number shall include the plural, and the plural number includes the singular.
13. "Oath" includes affirmation.

14. "Official time standard." Wherever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in the city.
15. "Operate" means and includes carrying on, keeping, conducting, or maintaining.
16. "Owner," applied to a building or land, includes any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of the building or land.
17. "Person" includes any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the city of La Quinta), the county of Riverside, any district in the county of Riverside, the state of California, or the United States of America, or any department or agency of any thereof, unless this code expressly provides otherwise.
18. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
19. "Police," "police chief" or "chief of police" means the agency which performs the appropriate law enforcement function for the city, and the head of the agency or division thereof which at the time involved has responsibility for performing the police function for, or within, the city.
20. "Property" includes real and personal property.
21. "Quarterly," where used to designate a period of time, means the first three calendar months of any given year or any succeeding period of three calendar months.
22. "Real property" includes land, tenements, and hereditaments.
23. "Sale" includes any sale, exchange, barter, or offer for sale.
24. "Shall" shall be mandatory.
25. "State" means the state of California.
26. "Street" includes all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.
27. "Tenant or occupant," applied to a building or land, includes any person who occupies the whole or a part of the building or land, whether alone or with others.
28. "Tense." The present tense includes the past and future tense, and the future tense includes the present tense.

Words and phrases not defined in this code are construed according to their plain and ordinary meaning, which may be determined by reference to a nationally recognized and published dictionary, , or, when appropriate, by reference to definitions contained in state or federal law. (Ord. 2 § 1, 1982)

1.01.200 Violation—Infraction.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code or any provision of any ordinance of the city not included within this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code or any code adopted by reference by this code or any other city ordinance shall be guilty of an infraction, unless the violation is specifically designated as constituting a misdemeanor. Each such person shall be guilty of a separate offense and may be punished accordingly for each and every day during any portion of which any violation of any provision of this code, or any provision of any code adopted by reference by this code, or of any other city ordinance, is committed, continued, or permitted by such person.

Any provision or requirement of this code or otherwise as referred to above, the violation of which or the failure to comply with which, is designated as an infraction, shall be prosecutable as a misdemeanor upon a third violation and each violation thereafter of the same provision by the same individual. In addition, any such violation or failure to comply may be prosecuted originally as a misdemeanor in the discretion of the city attorney or any deputy district attorney, upon a showing by the enforcing agency of the seriousness of the particular alleged violation. (Ord. 2 § 1, 1982)

1.01.210 Aiding and abetting.

Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 2 § 1, 1982)

1.01.220 Establishment of offenses as infractions.

Any violation expressly declared to be punishable, in the discretion of the court, by either a fine, or by a fine or imprisonment, or both, shall become an infraction for all purposes under any of the following circumstances:

- A. Where a judgment imposes a punishment of a fine not exceeding one hundred dollars in the case of a first offense; or
- B. When the court grants probation to a defendant without the imposition of a sentence and, at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be an infraction; or
- C. When the city attorney or any deputy district attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is an infraction.

(Ord. 482 § 1, 2010; Ord. 2 § 1, 1982)

1.01.230 Punishments.

- A. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars, or by

imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

- B. Any person convicted of an infraction under the provisions of this code shall be punishable for a first conviction by a fine of not more than one hundred dollars, for a second conviction within a period of one year by a fine of not more than two hundred dollars, and for a third or any subsequent conviction within a period of one year by a fine of not more than five hundred dollars. (Ord. 482 § 1, 2010; Ord. 2 § 1, 1982)

1.01.250 Violations - public nuisances.

- A. In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code, or any such threatened violation, shall be deemed a public nuisance and may be summarily abated as such by the city.
- B. Also, any such violation or threatened violation as referred to in subsection A of this section, or any condition caused or permitted to exist in violation of any of the provisions of any code adopted by reference by this code, or of the provisions of any other city ordinance, shall be deemed a public nuisance which may be abated by the city attorney in a civil judicial action. (Ord. 2 § 1, 1982)

1.01.260 Nuisances – Recovery of abatement expenses.

- A. Whenever any person creating, causing, committing, or maintaining a public nuisance, as referred to in Section 1.01.250, or other public nuisance, as defined under state law or other ordinance or regulation, has been given notice, by or on behalf of the city attorney or by any other city officer, employee or policing agent authorized to give such notice, to abate the nuisance or cease and desist from continuing the nuisance or violation of law, and the person who was given notice fails, refuses, or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonably sufficient to enable such compliance, the noncomplying person shall be liable to the city for any and all costs and expenses to the city involved in thereafter abating the nuisance and in obtaining compliance with or enforcing the law as referred to or encompassed in the notice.
- B. Costs and expenses, as referred to in subsection A of this section, may include, but are not limited to, any and all direct costs and expenses related to such things as personnel salaries and benefits, operational overhead, rent, interest, fees for experts or consultants, legal costs or expenses, including attorneys' fees, claims against the city arising as a consequence of the nuisance or

violation, and procedures associated with collecting moneys due under this section.

- C. The provisions of subsection A of this section shall also apply to any person who received a notice, as specified therein, and thereafter the nuisance or violation was abated, but such person subsequently allowed or was responsible for a recurrence of the nuisance or violation.
- D. The liability of any person for the payment of the costs and expenses provided for in subsection A of this section may be waived in whole or in part by the city attorney in any case wherein s/he determines, in his/her sole discretion, that the failure or refusal of such person to comply with the notice therein involved was based upon a good faith and bona fide issue of law or fact specially involved in the circumstances of the case. Any determination or decision of the city attorney in this regard shall be final and conclusive and shall not be subject to appeal as prescribed in Chapter 2.04 of this code.
- E. Moneys due to the city pursuant to this section may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Section 39574 et seq., of the Government Code of the state relating to weed abatement assessments. (Ord. 2 § 1, 1982)

1.01.270 Violation of administrative provisions.

The violation of, or the failure or omission to perform in accordance with, any administrative provision of this code by any officer or employee of the city shall generally not be considered a criminal act, but may be deemed a failure to perform the duties or to observe the rules or regulations of the department, office, commission or board within the meaning of the rules and regulations of the city, or of the civil service regulations of the city if applicable. (Ord. 2 § 1, 1982)

1.01.300 Notices—Service.

Whenever a notice is required to be given, or may be given, under any provision of this code or any provision of any code adopted by reference by this code or any provision of any ordinance or resolution of the city not included within this code, or any applicable state laws or condition imposed by any entitlement, permit, agreement or environmental documented issued or approved under the provisions of this code or any code adopted by reference, such notice may be given as provided in this section. Unless different or special provisions are otherwise specifically made in this code or in some other applicable enactment, any such notice shall be given by one of the following methods:

- A. Personal Delivery. Delivery thereof to the person to be notified, or if a firm, association, corporation, estate, group or club, by delivery thereof to any partner, officer, agent, employee, director or servant thereof; or
- B. Delivery to Premises. Delivering the notice to and leaving it with any person over eighteen years of age residing in, or in charge of the premises referred to in the matter; or
- C. Posting on Premises. In case no such person is found upon the premises, by affixing the notice to a conspicuous place on the door to an entrance to the premises or at the abutting public right-of-way in addition to delivery by mail; or
- D. Delivery by Mail. Deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at that person's last known residence or business address as the same appears in the public records or other records pertaining to the matters to which the notice is directed. (Ord. 2 § 1, 1982)

Notices shall be deemed issued and served at the time of personal delivery, delivery to premises, posting on premises, and the day that the notice is deposited in the post office or in the official receptacle thereof (exclusive of days in which the U.S. mail is not delivered).

1.01.310 Notices—Proof.

Proof of giving any notice may be made by the certificate of any officer or employee of this city or by the affidavit or declaration under penalty of perjury of any person over the age of eighteen years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned. (Ord. 2 § 1, 1982)

Chapter 1.04 CITY SEAL

1.04.010 Adoption.

A corporate seal for the city is adopted, the design of which seal shall be as follows in Section 1.04.020. (Ord. 2 § 1, 1982)

1.04.020 Design.

The seal adopted in Section 1.04.010 shall be circular in form and shall be not less than two inches in diameter. Around its circumference shall appear the words "City of La Quinta, California" and, within, the words "Incorporated 1982." By city council resolution, additional text and/or graphic designs may be added to the seal and changed from time to time.

Chapter 1.09 ADMINISTRATIVE CITATION

1.09.005 Scope.

The procedures established in this chapter shall supplement and be in addition to any criminal, civil or other remedy established by law or under the provisions of this Code which may be pursued to address any violation addressed in this chapter. Use of the enforcement procedures set forth in this chapter shall be at the sole discretion of the city.

1.09.010 Definitions.

For the purpose of this chapter:

- A. The term "responsible person" means any natural person, the parent or the legal guardian of any natural person under the age of eighteen years, any corporation, association, organization, estate, group, combination acting as a group, or any officer, agent, employee, or servant of any of the foregoing, that cause or maintain a violation(s) of the La Quinta Municipal Code, any code adopted by the city council, applicable state laws or condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code or any adopted code.
- B. The term "Enforcement Officer" means any individual employed or otherwise charged by the city to enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the city.
- C. The term "issued" shall have the same meaning as that set forth in Section 1.01.300

1.09.020 Authority and fines.

- A. Any person or entity violating any provision of the La Quinta Municipal Code or applicable state law may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, all violations of the municipal code or other codes adopted by the city council, or failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code or any adopted code.
- B. Each and every day a violation of the municipal code or applicable state law exists constitutes a separate and distinct offense and shall be subject to citation.
- C. A civil fine shall be assessed by means of an administrative citation issued by an enforcement officer and shall be payable as instructed on the administrative citation.

- D. Fines shall be assessed in the amounts specified by ordinance of the city council, and shall not exceed the following:
1. A fine not exceeding one hundred dollars for a first violation;
 2. A fine not exceeding two hundred dollars for a second violation of the same ordinance or permit within one year from the date of the first violation; and
 3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance or permit within one year from the date of the first violation.

1.09.030 Failure to pay fines.

The failure of any person or entity to pay the civil fines assessed by an administrative citation may result with the city pursuing any and all legal remedies to collect the civil fines. The city may also move to recover its collections costs according to proof.

1.09.040 Contents of notice.

Each administrative citation shall contain the following information:

1. Date and approximate time of the violation(s);
2. Address or definite description of the location where the violation(s) was observed;
3. Name and current residential address and mailing address, if known, of person or entity alleged to have committed the violation(s);
4. The code section(s) or condition(s) violated and a brief description of the violation(s);
5. The amount of the fine for the violation(s);
6. An explanation of how the fine shall be paid and the time period by which it shall be paid;
7. Identification of appeal rights, including the time within which the administrative citation may be contested and how to obtain a request for hearing form to contest the citation; and
8. The name and signature of the enforcement officer and, if possible, the signature of the responsible person.

1.09.050 Satisfaction of administrative citation.

Upon receipt of a citation, the responsible person must pay the fine within fifteen calendar days from the date the administrative citation is issued. Responsible persons shall pay all fines assessed as instructed on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city. If the responsible person fails to correct the violation(s) subsequent to the administrative citation, the city may issue further citations for the same violation(s) or the city may choose to utilize another means of enforcement. The amount of the fine for

failure to correct the violation(s) for each additional occurrence shall increase at a rate specified in this chapter or by ordinance.

1.09.060 Appeal of administrative citation.

Any recipient of an administrative citation may contest that there was a violation(s) of the La Quinta Municipal Code or that he or she is the responsible person by completing a request for hearing form and returning it to the address stated on the form within twenty-one calendar days from the issue date of the administrative citation, together with an advanced deposit of the full amount of the fine. Any administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person or entity charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

1.09.070 Hearing officer.

- A. The director of the department of the city who is overseeing the matter which is the subject of the administrative citation shall appoint a person or contract an agency to provide a person who shall preside at the hearing and hear all facts and testimony presented and deemed appropriate. ("hearing officer").
- B. The employment, performance, evaluation, compensation, and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned on or in any way related to the results or prior decisions issued by said hearing officer.
- C. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified pursuant to Code of Civil Procedure Section 170.1. The responsible person may challenge the hearing officer's impartiality by filing a statement, with either the director of the department of the city who is overseeing the matter which is the subject of the administrative citation or alternative employee designated by the city to handle such challenge ("city's designee"), objecting to the hearing officer and setting forth grounds for disqualification. The question of disqualification shall be heard and determined in writing by the city's designee within ten calendar days following the date which the disqualification statement is filed. (Ord. 379 § 1 (part), 2002)

1.09.080 Hearing procedure.

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless both a request for hearing form has been completed and submitted and the fine for the citation has been deposited in advance. Any deposit shall be held in a separate account, in trust, pending final resolution of the hearing.

- B. A hearing before the hearing officer shall be set for a date that is not less than fifteen calendar days but no more than ninety calendar days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The responsible person requesting the hearing shall be notified of the time and place set for the hearing at least ten calendar days prior to the date of the hearing.
- C. The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the recipient of the administrative citation has caused or maintained the violation(s) of the municipal code or other applicable state law on the date(s) specified on the administrative citation.
- D. The administrative citation and any additional documents submitted by an enforcement officer shall constitute prima facie evidence of the facts contained in those documents.
- E. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report shall also be served by mail on the responsible person requesting the hearing at least ten calendar days prior to the hearing date.
- F. At least ten calendar days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports, and other documents submitted or relied upon by the enforcement officer. Personal information regarding a reporting party, if any, shall not be disclosed. No other discovery is permitted. Formal rules of the California Evidence Code and discovery shall not apply, except that irrelevant and unduly repetitious evidence may be excluded at the hearing officer's discretion.
- G. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.
- H. The failure of a recipient of an administrative citation to appear at the administrative citation hearing shall constitute forfeiture of the fine and a failure to exhaust administrative remedies. (Ord. 379 § 1 (part), 2002)

1.09.090 Administrative order.

- A. Within ten working days of the hearings conclusion, the hearing officer shall issue the responsible person with a notice of decision and decision in writing ("administrative order") in accordance with Section 1.01.300

- B. The administrative order shall contain the hearing officer's findings of fact and conclusions, and a statement regarding the procedure described in Section 1.09.110 for seeking judicial review. The decision of the hearing officer shall be final except as provided for in Section 1.09.110.
- C. If the hearing officer renders a decision in favor of the responsible person, the administrative order shall constitute a dismissal of the municipal ordinance violation(s) and the city shall return any monies paid by the responsible person towards the dismissed administrative citation.
- D. If the hearing officer renders a decision in favor of the city, the responsible person must comply with the administrative order, or seek judicial review of the administrative order pursuant to Section 1.09.110. (Ord. 379 § 1 (part), 2002)

1.09.100 Right to judicial review.

Any person or entity aggrieved by an administrative order of a hearing officer on an administrative citation may obtain review of the administrative order by filing a petition seeking review with the Superior Courts of California, county of Riverside in accordance with the statutes of limitations and provisions set forth in California Government Code Section 53069.4. (Ord. 379 § 1 (part), 2002)

1.09.110 Notices.

- A. The administrative citation and all notices to be given by this chapter shall be served on the responsible person in accordance with the provisions of Section 1.01.300 of the La Quinta Municipal Code.
- B. Failure to receive any notice specified in this chapter shall not affect the validity of any proceeding conducted hereunder. (Ord. 379 § 1 (part), 2002)

Chapter 2.04 COUNCIL

2.04.010 Time of regular meetings.

The regular meetings of the city council shall be held on the first and third Tuesdays of each month at an hour to be established by resolution of the city council. (Ord. 163 § 1, 1990; Ord. 21 § 1 (part), 1982; Ord. 4 § 1 (part), 1982; Ord. 2 § 1, 1982)

2.04.020 Place of regular meetings.

The regular meetings of the city council shall be held at city hall, 78-495 Calle Tampico, La Quinta, California. (Ord. 232 § 1, 1993; Ord. 21 § 1 (part), 1982; Ord. 4 § 1 (part), 1982; Ord. 2 § 1, 1982)

2.04.030 Improper conduct at meeting.

Any member or other person using profane, vulgar, loud or boisterous language at any meeting or otherwise interrupting the proceedings, who refuses to be seated or kept quiet when ordered to do so by the mayor or other presiding officer of the council, is guilty of a misdemeanor. (Ord. 2 § 1, 1982)

2.04.040 Adoption of rules of procedure.

The city council shall, by resolution, adopt rules of procedure to govern the conduct of its meetings, any of its other functions and activities, and regulations pertaining thereto. (Ord. 2 § 1, 1982)

2.04.050 Compensation and reimbursement.

Compensation shall be paid to each member of the city council in the amount of twenty-three hundred dollars per month. The mayor shall receive additional compensation in the amount of five hundred dollars per month. Further, in the event a council member or the mayor wishes to utilize personal electronic devices or personal data service for city-related business communication rather than city-issued devices and/or service, an additional reimbursement pursuant to the city's adopted personnel policy shall be added to the monthly reimbursement amounts set forth herein. In the event that official duties require travel outside the Coachella Valley or overnight, the costs shall be reimbursed according to the city's adopted policy for such expenditures. The compensation amount will be effective from July 1, 2015. (Ord. 442 § 1, 2007; Ord. 430 § 1, 2006; Ord. 419 § 1, 2005; Ord. 386 § 1, 2003; Ord. 335 § 2, 2000; Ord. 322 § 2, 1998; Ord. 231 § 1, 1993; Ord. 100 § 1, 1986; Ord. 83 § 1, 1985; Ord. 36 § 1, 1983; Ord. 11 § 1, 1982; Ord. 2 § 1, 1982)

2.04.060 Commission appointments.

Unless otherwise specifically provided in this code or by state law, all city board and commission appointments, except for ex officio members where applicable, shall be made by the city council. (Ord. 2 § 1, 1982)

2.04.100 Appeals to council.

A. Except when an appeals procedure is otherwise specifically set forth in this code, any person excepting to the denial, suspension, or revocation of a permit or license applied for or held by him/her pursuant to any of the provisions of this code, or to any administrative decision made by any official of the city, if the denial, suspension, or revocation of the permit or license, or the determination of the administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of the appeal.

B. No appeal may be taken to any such administrative decision made by an official of the city pursuant to any of the provisions of this chapter unless the decision to appeal has been first taken up with the permit administrator and with the city manager, and each such official has not adjusted the matter to the appellant's satisfaction.

C. No right of appeal to the council from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when the decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, whether the administrative decision involves the denial, suspension, or revocation of a permit, license, or any other administrative decision. Also, there shall be no such right of appeal with regard to law enforcement activities involving state law. (Ord. 2 § 1, 1982)

2.04.110 Notice of appeal—Time limit—Contents—Fee.

A. Any such notice of appeal shall not be acted upon unless filed within ten days after service of written notice of the action being appealed; provided, that if the notice of action has not been served in writing, the appellant may, within ten days after being apprised of the action, demand service of written notice thereof, and shall have ten days following such service in which to file the notice of appeal.

B. The notice of appeal shall be in writing and shall set forth (1) name(s) of the person(s) filing the appeal ("appellants"), (2) the specific action being appealed; (3) the specific grounds of the appeal; (3) the relief or action sought from the city council; and (4) the signatures of all parties named as appellants and their mailing addresses. The notice of appeal, or certain information contained in the notice of appeal, may be subject to public disclosure.

C. A filing fee for the appeal, established from time to time by city council resolution, must be paid to the city at or prior to the time of the filing of the appeal.

D. Except in those instances where an appeal is filed by the city manager or other public official in pursuance of official duties, the written notice of appeal from the action of an administrative official or from an administrative body of the city, as the case may be, shall be accompanied by such fee as may have been established by resolution of the city council. (Ord. 2 § 1, 1982)

E. Any appeal filed that fails to provide all of the information required by this section, or fails to include the appropriate filing fee, or both, shall be deemed incomplete. The city clerk shall return the incomplete appeal to the appellant with a brief statement explaining the reasons for the deficiency, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

2.04.115 Waiver of appeal fees.

A. The city manager may waive the fee required for filing an appeal as set forth in Section 2.04.110 of this chapter or in any other applicable city code section if the appellant meets the requirements of this section.

B. The party seeking the fee waiver must be the real, and not nominal, party in interest, and shall not be granted a waiver if there are any interested parties financially capable of paying the fee.

C. Subject to the limitations of subsection B of this section, waiver of the fee shall be granted by the city manager if the applicant declares under penalty of perjury and the city clerk determines that the applicant is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 through 12205.2 of the California Welfare and Institutions Code), or the Aid to Families with Dependent Children (AFDC) program (42 United States Code 601 through 644), or the Food Stamp program (7 United States Code 2011 through 2027) or Section 17000 of the California Welfare and Institutions Code or the appellant declares under penalty of perjury that their monthly income is less than the current monthly poverty threshold annually established by the U.S. Community Services Administration pursuant to Section 625 of the U.S. Economic Opportunity Act of 1964, as amended. In order to be considered for the fee waiver, appellant must obtain from the city manager and fully complete and submit an application for waiver of city appeal fees. The city manager may require the appellant to furnish such financial information as the city manager deems necessary to deem the application complete in order to make a decision. The decision of the city manager on the fees waiver shall be final and

conclusive and there shall be no appeal to a city body or official from such decision.

D. An appellant desiring waiver of an appeal fee shall submit a fully completed application for waiver of city appeal fees at the same time as the appeal is filed. Said appellant shall furnish within two working days of the city manager's request, any additional information requested by the city manager to substantiate the waiver request. If the information requested is not furnished within two working days, the city manager may deny the fee waiver request. After an appellant requests waiver of the appeal fee, the applicable dates or time periods for hearing the appeal shall be tolled until the city manager decides the fee waiver request.

E. Any person who willfully provides the city manager with false statements of material facts is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than one thousand dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 412 §§ 1, 2, 2005)

2.04.120 Appeals—Hearings—Notices.

Upon the timely filing of a complete notice of appeal in proper form, along with the filing fee, if applicable, the appeal shall be reviewed by the city manager. Unless an adjustment of the matter is made by the city manager satisfactory to the appellant, the city clerk shall schedule the matter promptly upon the city council agenda at a subsequent regular meeting and shall cause notice thereof to be given the appellant not less than five days prior to the hearing, unless the notice is waived in writing by the appellant. Notice shall be served in accordance with 1.01.300. The city clerk shall also cause a copy of the notice of appeal to be transmitted to the official or body whose action has been appealed. (Ord. 2 § 1, 1982)

2.04.130 Appeals—Hearings.

A. The city council at the hearing may limit participation in the hearing to the directly interested parties, or may allow participation by the public. Such public participation, however, shall only be appropriate when the council deems it necessary and in the public interest. If a hearing is ordered open to public participation, notice thereof shall be given by posting notice of the hearing in accordance with city council rules of procedure for council meetings, in accordance with state law for notice of a public hearing, if applicable, and by such other means as the city council deems necessary.

B. At the time of consideration of the appeal by the city council the appellant shall be limited to a presentation on the specific grounds of appeal and matters set forth in the notice of appeal. The appellant shall have the burden of establishing cause why the action being appealed should be altered, reversed or modified. The

council may continue the matter from time to time, and at the conclusion of its consideration may affirm, reverse or modify the action being appealed and may take any action which might have been legally taken in the first instance by the official or body from whose action the appeal has been taken. In ruling on the appeal the findings and action of the council shall be final and conclusive in the matter. (Ord. 2 § 1, 1982)

Chapter 2.08 CITY MANAGER

2.08.010 Office created—Term.

The office of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of administrative and executive ability and qualifications. The city manager shall hold office for and during the pleasure of the city council. (Ord. 2 § 1, 1982)

2.08.020 Eligibility.

No member of the city council shall be eligible for appointment as city manager until one year has elapsed after the council member has ceased to be a member of the city council. (Ord. 2 § 1, 1982)

2.08.030 Compensation.

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine, and such compensation shall be a proper charge against such funds of the city as the council shall designate. (Ord. 2 § 1, 1982)

2.08.040 Expense reimbursement.

The city manager shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of official duties, including those incurred when traveling on business pertaining to the city. (Ord. 2 § 1, 1982)

2.08.050 Designation of acting city manager.

The city manager, by a letter filed with the city clerk, shall designate a qualified city administrative officer to exercise the powers and perform the duties of manager during his/her temporary absence or disability. The city council may appoint, at any time, an acting city manager. If the city manager is removed from office in accordance with the provisions in this chapter, the city council shall appoint an acting or interim city manager to serve as such until the city council appoints a permanent city manager. (Ord. 2 § 1, 1982)

2.08.060 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 except as otherwise provided in this chapter. The city manager shall be responsible for the efficient administration of all affairs of the city which are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, s/he shall be expected to, and shall have the power to:

- A. 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. Appoint, remove, promote and demote any and all officers and employees of the city except elective officers and the city attorney, subject to all applicable personnel rules and regulations which may be adopted by the city council, or imposed by the state or federal governments;
- C. Control, order and give directions to all department heads who are subject to his/her appointment and removal authority, and to subordinate officers and employees of the city under his/her jurisdiction through their department heads;
- D. Conduct studies and effect such organization and reorganization of offices, positions or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business;
- E. Recommend to the city council for adoption such measures and ordinances as s/he deems necessary;
- F. Attend all meetings of the city council unless excused therefrom by the mayor individually or the city council as a whole, except when his/her removal is under consideration;
- G. Prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval;
- H. To serve as purchasing agent, collector, tax administrator, and fee administrator as defined by this code, or appoint an officer or employee to serve in one or more of these capacities, and thereafter direct and supervise such activities of the city;
- I. Keep the city council at all times fully advised as to the financial condition and needs of the city;
- J. Make investigations into the affairs of the city and any department or division thereof and any contract or the proper performance of any of the obligations of the city; and further, 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;
- K. Exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the city council;
- L. Have the same authority as the mayor (as conveniences to the parties may dictate) to sign documents specified in Section 40602 of the Government Code

whenever such documents have been approved by the city council for execution by resolution, motion, minute order or other appropriate action; and

M. Perform such other responsibilities 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. 334 § 1, 1999; Ord. 196 § 1, 1991; Ord. 2 § 1, 1982)

2.08.070 Relations with council.

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 to any subordinates of the city manager. For purposes of this section, inquiry means any and all communications short of giving orders, directions or instructions to any member of the administrative staff. Such members shall give all information reasonably requested by any councilmember. 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 councilman shall give any orders or instructions to the city manager. The city council shall instruct the city manager in matters of policy. Any action, determination or omission of the city manager shall be subject to review by the city council. The city council may not overrule, change or modify any such action, determination or omission except by the affirmative vote of at least three members of the city council. (Ord. 2 § 1, 1982)

2.08.080 Departmental cooperation.

It shall be the duty of all subordinate officers and the city attorney and city clerk to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously. (Ord. 334 § 2, 1999; Ord. 2 § 1, 1982)

2.08.090 Attendance at commission meetings.

The city manager may attend any and all meetings of the planning commission, and any other commission, board or committee created by the city council, upon his/her own volition or upon direction of the city council. At such meetings which the city manager attends, s/he shall be heard by such commissions, boards or committees as to all matters upon which s/he wishes to address the members thereof. S/He shall inform such members as to the status of any matter being considered by the city council, and s/he shall cooperate to the fullest extent with members of all commissions, boards or committees appointed by the city council. (Ord. 2 § 1, 1982)

2.08.100 Removal—Method—Notice.

The removal of the city manager shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting, subject,

however, to the provisions of Sections 2.08.110 through 2.08.160. In case of his/her removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him/her and the reason therefore at least thirty days before the effective date of his removal. (Ord. 2 § 1, 1982)

2.08.110 Removal—Hearing.

Within seven days after the delivery to the city manager of the notice required in Section 2.08.100, s/he may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty-day period, at which the city manager shall appear and be heard, with or without counsel. (Ord. 2 § 1, 1982)

2.08.120 Removal—Suspension pending hearing.

After furnishing the city manager with written notice of intended removal, the city council may suspend him/her from duty, but his/her compensation shall continue until the latter of (a) the effective date of his/her removal as stated in the written notice of intention to remove him/her, or (b) his/her removal by resolution of the council passed subsequent to the hearing described in Section 2.08.110. (Ord. 2 § 1, 1982)

2.08.130 Removal—Council discretion.

In removing the city manager, except as provided in Section 2.08.150, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the city manager to present to the city council his/her grounds of opposition to his/her removal prior to its action. (Ord. 2 § 1, 1982)

2.08.140 Removal—Limitation.

Notwithstanding the provisions of Sections 2.08.100 through 2.08.130, the city manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety days next succeeding any general municipal election held in the city at which election a member of the city council is elected. The purpose of this provision is to allow any newly-elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his/her office. After the expiration of the ninety-day period aforementioned, the provisions of Sections 2.08.100 through 2.08.130 as to the removal of the city manager shall apply and be effective. (Ord. 2 § 1, 1982)

2.08.150 Willful misconduct—Determination.

In the event the intended removal of the city manager is for willful misconduct in office, written notice to the city manager as provided in Section 2.08.100 shall state that the reason for removal is willful misconduct in office and shall state specific facts which constitute such willful misconduct. The procedure for hearing and for suspension pending hearing shall be followed as stated in Sections 2.08.100 through 2.08.140. A determination of willful misconduct in office shall be evidenced by specific findings of facts constituting such willful misconduct. The determination of what constitutes willful misconduct shall be within the sole discretion of the city council; provided, that it shall relate to the welfare of the city. (Ord. 2 § 1, 1982)

2.08.160 Willful misconduct—Defined.

Willful misconduct includes conduct directly related to conduct in office and/or directly related to the duties of the office. It includes the refusal to follow the lawful directions of the city council. It also includes conduct not directly related to the performance of official duties of the office when such conduct has a direct and harmful effect on the welfare of the city. Evidence of such direct and harmful effect includes, but is not limited to, conviction of a felony. (Ord. 2 § 1, 1982)

2.08.170 Agreement with council.

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into agreement with the city manager delineating terms and conditions of employment. (Ord. 2 § 1, 1982)

2.08.180 Appeals to the city manager.

The city manager shall conduct a hearing when requested by any person aggrieved by an administrative decision made by any city official before the matter may be appealed to council.

In the event no appeal is made within the time period or in the manner prescribed in this Code, the decision of the city official shall become final and conclusive on the expiration of the time fixed for an appeal.

2.08.190 Notice of appeal—Time limit—Contents—Fee.

A Within ten days after the issuance of an administrative decision, an appellant may request a hearing before the city manager to present evidence on his/her behalf.

B. The notice of appeal shall be in writing and shall set forth (1) name(s) of the person(s) filing the appeal (“appellant(s)”); (2) the specific action being appealed; (3) the relief or action sought from the city manager; and (4) the signatures of all parties named as appellants and their mailing address. The notice of appeal may also include any additional information or documentation the appellant(s) wish to

provide on the matter. The notice of appeal, or certain information contained in the notice of appeal, may be subject to public disclosure.

C. Except in those instances where an appeal is filed by a public official in pursuance of official duties, the written notice of appeal from the action of an administrative official shall be accompanied by such fee as may have been established by resolution of the city council. An applicant may request a waiver of a filing fee, which shall be reviewed and decided upon, based on the provisions set forth in Section 2.04.115 of this code.

D. Any appeal filed that fails to provide all of the information required by this section, or fails to include the appropriate filing fee, or both, shall be deemed incomplete. The city clerk shall return the incomplete appeal to the appellant with a brief statement the reasons for the deficiency, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

2.08.200 Appeal initiated by the city manager.

At the discretion of the city manager, or as required in this code, the city manager may initiate and conduct a hearing prior to the issuance of an administrative decision to afford an applicant an opportunity to present evidence on the applicant's behalf when an application denial, or existing permit suspension or revocation is about to be issued. Notice shall be serviced as prescribed in Section 1.01.300 and the city manager may include in the notice a requirement for the applicant to provide additional information or documentation at the time of the hearing.

2.08.210 Appeals—Hearings—Notices.

Upon the timely filing of a notice of appeal in proper form, the city manager shall set the time and place for such hearing and shall serve notice to the appellant pursuant to Section 1.01.300 as soon as practical thereafter but in no event, shall the notice be served less than five days prior to the date of the hearing thereon. Where applicable, the notice shall state the grounds for the administrative decision at issue.

2.08.220 Failure to Appeal.

In the event no appeal is made within the time period or in the manner prescribed in this Code, the decision of the city manager shall become final and conclusive on the expiration of the time fixed for an appeal.

2.08.230 Appeals to the city council.

Any person aggrieved by any decision of the city manager may appeal to the city council pursuant to sections 2.04.100 through 2.04.130 of this code.

Chapter 2.10 CITY CLERK

2.10.010 Authority for office.

The office of the city clerk is established pursuant to Section 36501 of the Government Code. (Ord. 2 § 1, 1982)

2.10.020 Compensation.

The city clerk shall receive such compensation and expense allowance as the city manager from time to time determines, and such compensation shall be a proper charge against such funds of the city as the city manager designates. (Ord. 496 § 1, 2012; Ord. 2 § 1, 1982)

2.10.030 Functions.

- A. The city clerk shall have all of the powers, duties and responsibilities granted to and imposed upon the office of the city clerk by the provisions of Chapter 2 of Part 3 of Division 3 of Title 4 of the Government Code of the state, other general laws of the state, the provisions of this code, and the ordinances and resolutions of the city council; provided, however, pursuant to the provisions of Section 40805.5 of the Government Code, the financial and accounting duties imposed upon the city clerk by Sections 40802 through 40805 of the Government Code shall be performed by the director of finance.
- B. The principal functions of the city clerk shall be to:
1. Attend all meetings of the city council and be responsible for the recording and maintaining of a record of all the actions of the council;
 2. Keep all ordinances and resolutions of the council in such a manner that the information contained therein will be readily accessible and open to the public. The city clerk shall attach to the original copy of each ordinance a certificate which shall state the date the ordinance was adopted and, as to an ordinance requiring publication, that the ordinance has been published or posted in accordance with law;
 3. Keep all records of the council and of the office of the city clerk in such manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or reproduced and the original destroyed, in accordance with state law;
 4. Serve as the official custodian of all city records;
 5. Be the custodian of the seal of the city;
 6. Prepare the council agenda;
 7. Perform the duties prescribed by the California Elections Code in conducting municipal elections;
 8. Perform the duties imposed upon city clerks by the California Political Reform Act;

9. Perform the duties imposed upon city clerks by the California Ralph M. Brown Act;
10. Perform the duties imposed upon city clerks by the California Public Records Act;
11. Be responsible for the maintenance and distribution of the municipal code;
12. Process all claims filed against the city and its officers, agents, or employees, pursuant to the provisions of Chapter 1 of Part 3 of Division 3 of Title 1 of the Government Code of the state and Chapter 3.16 of this code; and
13. Perform such other duties consistent with this code as may be required of the city clerk, by the city manager. (Ord. 334 §§ 3–5, 1999; Ord. 196 § 2, 1991; Ord. 2 § 1, 1982)

Chapter 2.12 DIRECTOR OF FINANCE

2.12.010 Office created.

The office of the director of finance is created and established. The director of finance shall be the chief fiscal officer and city treasurer of the city. (Ord. 2 § 1, 1982)

2.12.020 Appointment.

The city manager shall appoint the director of finance, and s/he shall serve at and during the pleasure of the city manager. The director of finance shall be qualified by sufficient technical accounting training, skill and experience to be proficient in the office and shall show evidence of executive ability. (Ord. 2 § 1, 1982)

2.12.030 Duties.

The duties of the director of finance shall be as follows:

- A. To serve as chief fiscal officer of the city;
- B. To serve as city treasurer as established pursuant to California Government Code Section 36501;
- C. To perform all financial and accounting duties imposed upon the city treasurer by California Government Code Sections 41001 through 41007;
- D. To assist and advise the administration and the city council in all matters pertaining to city finances;
- E. To perform all financial and accounting duties imposed upon the city clerk by California Government Code Sections 40802 through 40805;
- F. To develop and maintain, in accordance with the state laws and city ordinances and the best accepted procedures, adequate financial records, reports and budgetary control of all receipts, disbursements and reserves of the city;
- G. To supervise the keeping of current inventories of all property of the city departments, offices and agencies;
- H. To prescribe and develop accounting forms, reports and procedures in conjunction with administrative needs and requests, and as required by law;
- I. To audit all demands in accordance with Sections 3.16.020 through 3.16.050 and 3.16.080 of this code;
- J. To prepare annually for budget purposes an estimate of revenues for the city manager, and assist the city manager in compiling the annual budget in accordance with the prescribed chart of accounts and accepted procedures;
- K. To assist the city council and the city manager in formulating a long-range financial plan and program;
- L. To perform such other duties related to administrative and general services for the municipal government and business operations as may be delegated to the director of finance by the city manager. (Ord. 103 § 1, 1987; Ord. 2 § 1, 1982)

2.12.040 Independent audit.

The council shall require annually an independent audit of the accounts and records of the treasurer and department of finance. This auditor shall be selected by council and shall be qualified as a certified public accountant. (Ord. 2 § 1, 1982)

Chapter 2.55 OFFICIAL HOLIDAYS

2.55.010 Official holidays.

- A. Excluding those offices which must remain open for the continuation of essential public services such as police and fire protection, the public offices of the city shall be closed on Saturdays and Sundays, and holidays as established in the most recent personnel policy adopted by resolution of the city council.
- B. Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday shall be observed on the preceding Friday unless otherwise provided in the most recent personnel policy.
- C. Other holidays may be designated by resolution or ordinance of the city council.
- D. Notwithstanding the foregoing provisions of this section, the city manager shall be authorized, by administrative regulation or otherwise, to direct that all or a portion of the public offices of the city shall remain open for business, on a full or reduced staff basis, on any of the days or holidays prescribed above, when he determines it to be necessary in the public interest to do so. (Ord. 102 § 1, 1987; Ord. 20 § 1, 1982; Ord. 2 § 1, 1982)

Chapter 2.65 ART IN PUBLIC PLACES

2.65.010 Intent and purpose.

- A. This chapter may be known and cited as the La Quinta Art in Public Places Program. The city of La Quinta has developed a nationwide reputation through the annual La Quinta Arts Festival and other artistic events, and attracts thousands of visitors every year to view and purchase fine art and crafts in the city. The public health, safety and welfare, the preservation and enhancement of property values and economic vitality, as well as the popularity and prosperity of the community, are dependent upon and enhanced by visually pleasing and high quality public art.
- B. The stated goal of the Cultural Resources Element of the general plan is to provide enrichment of the community by adequate cultural and recreational facilities and activities. To implement this goal, the general plan further states that the cultural resources of a city encompass those facilities and programs which refresh, enhance or recreate people's bodies and spirits. Community parks, recreational activities, historic resources, library and museum facilities and art festivals are included in this classification. The art in public places program is intended to achieve this purpose by providing visual art throughout the city.
- C. Residential and commercial development throughout the city will benefit from public art, both financially and visually. All property within the city will prosper through the enhancement and preservation of property values that will result from the location of visual art throughout the city. As such, the cost of providing public art should be shared. This program is a means of achieving a balanced responsibility of providing a cultural enhancement.
- D. Therefore, the city council declares that artwork in its various physical forms displayed in public venues in the city constitute public facilities of benefit to the citizens and visitors to the city and in the interest of the public health, safety and welfare, it is the policy of the city to require acquisition and installation of public artworks as provided in this chapter. (Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.020 Findings.

The city council makes the following findings in connection with the adoption of the ordinance codified in this chapter:

- A. There is a reasonable relationship between the acquisition of artworks through the art in public places program and the projects on which the fees provided by this chapter shall be imposed because:
 - 1. Artworks will enhance the real property values within the city generally, including the developments on which the fees will be imposed, and
 - 2. Artworks will, by enhancing the aesthetic values of the city as a whole, make the city an attractive place to live and work, thereby making the city more vital; and

- B. There is a reasonable relationship between the need for cultural amenities such as art and the developments upon which the fees provided for herein shall be imposed because the development of real property generally necessitates that additional costs be incurred and amenities be provided to provide for harmonious and aesthetically pleasing environments created by the development; and

- C. The amount of the fee is reasonably related to the artworks to be acquired because the amount of the fee increases as the value of the development upon which the fee is imposed rises, so there will be a direct and proportionate relationship between the size of the development and the quantity or quality of artwork which can be purchased from the fees generated by the development upon which the fees shall be imposed. (Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.030 Definitions.

As used in this chapter:

- A. Arts application means the application to be submitted by a project applicant pursuant to Section 2.65.070.

- B. Art in public places fund means the fund established by Section 2.65.110.

- C. Art site means any site, upon which the artwork is to be located, on public or private property within the city which is accessible and visible to the general public.

- D. Artwork means original creations of art including, but not limited to, the following categories: sculpture, murals, mosaics, fountains, and paving designs. These categories may be realized through such media as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.

- E. Commission means the community services commission as appointed in Section 2.95 of this Charter and municipal code.

- F. Fee or fees means the fees imposed by this chapter.
- G. Projects mean all construction or rehabilitation in the city covered by a single building permit.
- H. Project costs means the value of the improvements for a project based upon the building permit valuation submitted. (Ord. 317 § 1, 1998; Ord. 277 § 1 (Exh. A), 1995; Ord. 203 §§ 1, 2, 1992; Ord. 173 § 1 (part), 1990)

2.65.050 Requirement to provide artwork or pay development fee.

When a project is subject to the requirements of this chapter pursuant to Section 2.65.060, the project applicant shall pay a development fee, as described in subsection A of this section, or shall comply with the provisions of subsection B of this section. Project applicants shall indicate on their art in public places application whether the project applicant will comply with subsection A or B of this section.

- A. Development Fees. The project applicants shall pay a fee to be deposited in the art in public places fund established pursuant to Section 2.65.110 equal to the amount provided in Section 2.65.090 of this chapter for the project.
- B. Provision of Artwork. In lieu of paying the development fee as required by subsection A of this section, the project applicant may acquire and install an artwork on an art site on or in the vicinity of the project site pursuant to Section 2.65.100 of this chapter. As a guide, the cost or value of such artwork should approximate the amount of the fee that would be paid under subsection A of this section. The project applicant shall receive credit for the fee required by subsection A of this section only in the actual amount of the cost of value of artwork acquired and installed, plus costs of installation. Only project applicants liable for a fee pursuant to subsection A of this section that is in excess of five thousand dollars shall be permitted to elect to provide an artwork pursuant to this subsection unless such project applicant proposes to furnish artwork in excess of the amount of such fee and in a minimum amount of five thousand dollars. (Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.060 Projects subject to art in public places program requirements.

- A. Requirements. The requirements of this chapter shall apply to all works of construction or rehabilitation for which a building permit is applied for within the city which constitutes or includes the following activities and which are not subject to the exceptions set forth in subsection B of this section:
 - 1. New commercial and industrial construction;

2. Remodeling, repair or reconstruction of existing commercial or industrial property having project costs which exceed one hundred thousand dollars in expenditures;
3. Residential subdivision or development of two units or more, whether by detached single-family residential structures, condominiums, apartments, townhouses or other dwelling units, including the repair, remodeling or renovation of same, having project costs exceeding one hundred thousand dollars;
4. Individual residential units (defined as not more than one single-family dwelling which is to be constructed on an individual lot or parcel) having project costs of more than one hundred thousand dollars.

B. Exceptions. The requirements of this chapter shall not apply to the following activities:

1. Public projects;
2. Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
3. Nonprofit social service or cultural institution projects;
4. Low to moderate housing projects as defined by household income in Health and Safety Code Section 50093. (Ord. 277 § 1 (Exh. A), 1995; Ord. 203 §§ 3, 4, 1992; Ord. 173 § 1 (part), 1990)

2.65.070 Processing of arts application.

- A. Upon submission of a project application for a project subject to the requirements of this chapter, the city shall provide to the project applicant a copy of the ordinance codified in this chapter and an arts application form.
- B. The project applicant shall submit to the city a completed arts application form, describing the manner in which the project applicant intends to establish compliance with this chapter. The arts application shall include, for project applicants intending to meet the requirements of Section 2.65.050(B), a complete description of the artwork, if any, the cost or estimated cost of the artwork and installation, the agreement or means by which the project applicant will meet the requirements of Section 2.65.100 of this chapter, and a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement the artwork.
- C. The city shall, upon receipt of the arts application, submit the arts application to the community services commission.
- D. The community services commission shall, within thirty days from the date of submittal of the application by the city, submit to the city council comments

and a recommendation on the proposed arts application, based upon the guidelines set forth in Section 2.65.080.

- E. The arts application shall then be submitted to the city council, which may ratify the application based upon the guidelines set forth in Section 2.65.080. (Ord. 317 § 3, 1998; Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.080 Regulations for artwork.

A. Guidelines. Guidelines for the approval of artwork shall include, but are not limited to, the following criteria:

1. The artwork shall be easily visible and accessible to the public;
2. The composition of the artwork shall be of appropriate materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance. The review may consider the proposed location of the artwork;
3. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the art site and surrounding environment;
4. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
5. The artwork shall be appropriately affixed to its site or display.

B. Limitations. The following items are not to be considered as artworks:

1. Art objects which are mass produced from a standard design;
2. Decorative, ornamental or functional elements which are designed by a building architect as opposed to an artist commissioned for the purpose of creating the artwork;
3. Services or utilities necessary to operate or maintain the artwork.

C. Use and Maintenance of Art Work. Artwork acquired by expenditures from the art in public places fund shall be the property of and maintained by the city. The city may dispose of such artwork at its discretion, subject to any agreement with artists or otherwise relating to any specific artwork. The artworks acquired and installed by a project applicant for which credit for the fee required by Section 2.65.050 is given pursuant to Section 2.65.100 of this chapter shall be the property of and maintained by the project applicant, except to the extent the city has rights in or to the artwork or the display thereof pursuant to the agreement with the project applicant entered into pursuant to Section 2.65.100. Alternatively, artwork acquired by the project applicant in lieu of the fee may be donated to the city to be maintained by the city. (Ord. 317 § 4, 1998; Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.090 Development fee.

There will be, and there is established, an art in public places fee (referred to occasionally in this chapter as the fee or fees) to be collected as follows:

- A. Fees are to be collected with respect to all projects prior to or at the time of issuance of a building permit, except in the case of residential development of more than one dwelling unit, where the fee shall be collected on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first. The city manager, or other such person appointed by him/her, is appointed as the authorized individual to collect the fees.
- B. All residential structures whose project costs is in excess of two hundred thousand dollars will be charged a fee hereunder equal to the greater of:
 - 1. One-fourth of one percent for that portion of project cost in excess of two hundred thousand dollars; or
 - 2. Twenty dollars.
- C. All commercial developments, industrial developments and nonresidential development within the city will be charged a fee hereunder equal to the greater of:
 - 1. One-half of one percent of the project costs; or
 - 2. Twenty dollars.
- D. The fees will be collected prior to the issuance of any building permit commencing on the date the ordinance codified in this chapter becomes effective. (Ord. 339 § 1, 2000; Ord. 317 § 5, 1998; Ord. 277 § 1 (Exh. A), 1995; Ord. 203 § 5, 1992; Ord. 173 § 1 (part), 1990)

2.65.100 Credits—Agreements as to particular projects.

- A. A project applicant may apply for a credit against the fee otherwise required to be paid by the project applicant under Section 2.65.050 of this chapter, of one hundred percent of the cost of an artwork and costs of installation for including an artwork in an art site subject to this chapter, provided that such work shall be approved by the commission, and the project shall enter into a written agreement with the city providing that the artwork shall be installed, maintained and open to public view at reasonable hours for a minimum period of twenty-five years after installation. The written agreement may be extended by the city for ten-year increments.
- B. Nothing herein shall restrict the city council from waiving the requirements of this chapter, in whole or in part, with respect to any project otherwise subject to the provisions of this chapter; provided, that the city council determines that the project applicant has entered into an agreement with the city making

provision for the acquisition and installation of artworks in connection with the development of the project which addresses the goals and aims of this chapter in a manner equally favorable to or on a basis more favorable to the city than would be achieved by strict compliance with this chapter. (Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.110 Art in public places fund.

- A. Accounting. The fees imposed pursuant to Section 2.65.090 of this chapter and any other moneys collected in accordance with provisions of this chapter shall be deposited in a separate account, entitled the art in public places fund. The city manager or his/her designee shall establish accounting records sufficient to identify and control these funds. The amounts held in the art in public places fund shall otherwise be accounted for, deposited, invested and expensed as provided by law and the practices and policies of the city. The account containing these funds may be invested along with other moneys of the city and the investment earnings thereon shall be used for and be subject to the same restrictions established in subsection B of this section.
- B. Use of Fund. Expenditures of the fees collected in the art in public places fund may include the following:
1. The cost of artwork and its installation;
 2. The cost of purchase or lease of art sites;
 3. Waterworks, landscaping, lighting and other objects which are an integral part of the artwork;
 4. Frames, mats, pedestals and other objects necessary for the proper presentation of the artwork;
 5. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the artwork;
 6. Expenditures for maintenance and repair of artwork;
 7. Administrative expenses to otherwise implement any provision of this chapter, however, in no event shall said administrative expenses exceed five percent of the total funds in the account on July 1st of any year nor twenty-five thousand dollars in any fiscal year.
- C. Endowments. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in subsection B of this section and for art exhibitions or displays as approved by the city council.
- D. Replacement. For those artworks that have been purchased with moneys from the art in public places fund or donated to the city, the city may determine to sell or exchange existing artworks for replacement artworks. Any funds

obtained from the sale of artwork shall be credited to the art in public places fund. Artwork owned privately and on display by in-lieu agreement may be exchanged with city council approval or the original fee paid to the art in public places fund.

- E. Reimbursement. In the event fees have not been committed for a use as specified in subsection B of this section within five years of their collection, the fees in the art in public places fund shall be distributed by the city to the person or entity who has paid the fees or in any other manner permitted by law. (Ord. 317 § 6, 1998; Ord. 277 § 1 (Exh. A), 1995; Ord. 173 § 1 (part), 1990)

2.65.120 Implementation and administration of this chapter.

The city may enter into agreements, upon recommendation of the community services commission or otherwise, for the purchase or commissioning of artworks on art sites not owned by the city, for installation of artwork or the repair, maintenance of servicing thereof and for or relating to all other matters necessary or appropriate to implement the art in public places program. (Ord. 317 § 7, 1998; Ord. 277 § 1 (Exh. A), 1996)

Chapter 1.01 CODE ADOPTED

1.01.003 Contents of code.

The La Quinta Municipal Code shall consist of all ordinances adopted by the city council which are of a general and permanent nature. An ordinance relating to any of the following subject matters is not considered an ordinance of general and permanent nature and need not be included within the municipal code:

- A. The naming of streets or roads;
- B. Granting, altering, or withdrawing franchises;
- C. Levying real property tax;
- D. Calling an election;
- E. Annexation proceedings;
- F. Interim zoning measures;
- G. Zoning or rezoning a particular parcel of property;

H Development Agreements;

H. Such other ordinances of a special or particular subject matter which the council considers are not appropriate to a general compilation of laws of a general and permanent nature. (Ord. 2 § 1, 1982)

1.01.005 Maintenance of code.

At least ~~three~~ one copyies of this code, duly certified by the city clerk, shall be maintained on file in the office of the city clerk as the official copyies of this code. Additional copies of this code shall be distributed upon request to the departments of the city ~~as shall be prescribed by the city manager.~~

Duly certified copies of each ordinance making a change in this code shall be filed in the office of the city clerk ~~in the books for such purpose~~, duly indexed for ready reference. At least ~~semi~~annually the city clerk shall cause the loose-leaf pages of this code in which changes have been made to be reproduced, including a notation as to the ordinance number and the date pursuant to which such change is adopted. The reprinted pages shall be distributed in order that the loose-leaf copies of this code, prepared for the use and convenience of the officers and employees of the city and the general public, may be brought up to date. (Ord. 2 § 1, 1982)

1.01.170 Definitions.

As used in this code, unless a different meaning is apparent from the context or is specified elsewhere in the code:

1. "Calendar year" means from January 1st through December 31st of any given year.
2. "City" means the city of La Quinta.

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3. "City manager" means the appointed official of the city who occupies the position as chief administrative officer of the city.
4. "Council" means the city council of the city of La Quinta.
5. "Councilmember" means a person duly elected or duly appointed to fulfill the term of a vacated seat to the council.
6. "County" means the county of Riverside.

Words and phrases not defined in this code are construed according to their plain and ordinary meaning, which may be determined by reference to a nationally recognized and published dictionary, approved usage of the language , or, when appropriate, by reference to definitions contained in state or federal law. (Ord. 2 § 1, 1982)

1.01.230 Punishments.

- A. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars, or by imprisonment ~~in the county jail~~ for a period not exceeding six months, or by both such fine and imprisonment.
- B. Any person convicted of an infraction under the provisions of this code shall be punishable for a first conviction by a fine of not more than one hundred dollars, for a second conviction within a period of one year by a fine of not more than two hundred dollars, and for a third or any subsequent conviction within a period of one year by a fine of not more than five hundred dollars. (Ord. 482 § 1, 2010; Ord. 2 § 1, 1982)

1.01.260 Nuisances—Recovery of abatement expenses.

- E. Moneys due to the city pursuant to this section may be recovered (a) in an appropriate civil action, (b) ~~Alternatively, such liability may be enforced~~ by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Section 39574 et seq., of the Government Code of the state relating to weed abatement assessments, or (c) where permitted by law, by assigning the debt to a third party contractor to aid in the collection of delinquent debt, moneys, fees, penalties and liabilities. - In connection with any assignment of debt, the city may sell the debt to the third party contractor. Any sale or assignment by the city to a third party contractor may provide the third party contractor with the ability to collect the debt in its own right under its own procedures and other applicable laws.(Ord. 2 § 1, 1982)

1.01.300 Notices—Service.

Whenever a notice is required to be given, or may be given, under any provision of this code or any provision of any code adopted by reference by this code or any

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provision of any ordinance or resolution of the city not included within this code, or any applicable state laws or condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code or any code adopted by reference, such notice may be given as provided in this section. Unless different or special provisions are otherwise specifically made in this code or in some other applicable enactment, any such notice ~~shall~~ may be given by one of the following methods:

- A. Personal Delivery. Delivery thereof to the person to be notified, or if a firm, association, corporation, estate, group or club, by delivery thereof to any partner, officer, agent, employee, director or servant thereof; or
- B. Delivery to Premises. Delivering the notice to and leaving it with any person over eighteen years of age residing in, or in charge of the premises referred to in the matter; or
- C. Posting on Premises. In case no such person is found upon the premises, by affixing the notice to a conspicuous place on the door to an entrance to the premises or at the abutting public right-of-way in addition to delivery by mail; or
- D. Delivery by Mail. Deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at that person's last known residence or business address as the same appears in the public records or other records pertaining to the matters to which the notice is directed. ~~Service by mail shall be deemed to have been completed at the time of deposit in the post office or in the official receptacle thereof.~~ (Ord. 2 § 1, 1982)

Notices shall be deemed issued and served at the time of personal delivery, delivery to premises, posting on premises, and the day that the notice is deposited in the post office or in the official receptacle thereof (exclusive of days in which the U.S. mail is not delivered).

Chapter 1.04 CITY SEAL

1.04.010 Adoption.

A corporate seal for the city is adopted, the design of which seal shall be as follows in Section 1.04.020. (Ord. 2 § 1, 1982)

1.04.020 Design.

The seal adopted in Section 1.04.010 shall be circular in form; ~~and~~ shall be not less than two inches in diameter. Around its circumference shall appear the words "City of La Quinta, California" and, within, the words "Incorporated 1982." (Ord. 2 § 1, 1982) By city council resolution, additional text and/or graphic designs may be added to the seal and changed from time to time.

Chapter 1.09 ADMINISTRATIVE CITATION

1.09.010 Definitions.

For the purpose of this chapter:

- A. The term “responsible person” means any natural person, the parent or the legal guardian of any natural person under the age of eighteen years, any corporation, association, organization, estate, group, combination acting as a group, or any officer, agent, employee, or servant of any of the foregoing, that cause or maintain a violation(s) of the La Quinta Municipal Code, any code adopted by the city council, applicable state laws or condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code or any adopted code.
- B. The term “Enforcement Officer” means any individual employed or otherwise charged by the city to enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the city.
- C. The term “issued” ~~shall have the same meaning as that set forth in Section 1.01.300. means giving, mailing or posting a Notice of Administrative Citation to a responsible person. A Notice of Administrative Citation is deemed “issued” on the date when the notice is personally serviced on the responsible person, the date of mailing or the date of posting.~~

~~1.09.030~~ **1.09.030 Failure to pay fines. (section moved)**

The failure of any person or entity to pay the civil fines assessed by an administrative citation may result with the city pursuing any and all legal remedies to collect the civil fines, including where permitted by law, assigning the debt to a third party contractor to aid in the collection of delinquent debt, moneys, fees, penalties and liabilities. In connection with any assignment of debt, the city may sell the debt to the third party contractor. Any sale or assignment by the city to a third party contractor may provide the third party contractor with the ability to collect the debt in its own right under its own procedures and other applicable laws. The city may also move to recover its collections costs according to proof. (Ord. 379 § 1 (part), 2002)

~~1.09.030 Service procedures. (section deleted – duplicates notices in 1.09.110)~~

1.09.070 Hearing officer.

- A. The director ~~building and safety of the department of the city who is overseeing the matter which is the subject of the administrative citation~~ shall appoint a person or contract an agency to provide a person who shall preside at the

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hearing and hear all facts and testimony presented and deemed appropriate. ("hearing officer").

- B. The employment, performance, evaluation, compensation, and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned on or in any way related to the results or prior decisions issued by said hearing officer.
- C. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified pursuant to Code of Civil Procedure Section 170.1. The responsible person may challenge the hearing officer's impartiality by filing a statement, with either the director of building and safety the department of the city who is overseeing the matter which is the subject of the administrative citation or an alternative employee designated by the city to handle such challenge ("city's designee"), ~~the city's designee~~ objecting to the hearing officer and setting forth grounds for disqualification. The question of disqualification shall be heard and determined in writing by the city's designee within ten calendar days following the date which the disqualification statement is filed. (Ord. 379 § 1 (part), 2002)

1.09.080 Hearing procedure.

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless both a request for hearing form has been completed and submitted and the fine for the citation has been deposited in advance. Any deposit shall be held in a separate account, in trust, pending final resolution of the hearing.

1.09.090 Administrative order.

- A. Within ten working days of the hearings conclusion, the hearing officer shall ~~provide~~ issue the responsible person with a notice of decision ~~decision~~ in writing ("administrative order") in accordance with Section 1.01.300. ~~The hearing officer shall provide the responsible person with the administrative order by personal service or registered or certified mail to the responsible persons last known address.~~
- B. The ~~hearing~~ administrative order shall contain the hearing officer's findings of fact and conclusions, and a statement regarding the procedure described in Section 1.09.110 for seeking judicial review. The decision of the hearing officer shall be final except as provided for in Section 1.09.110.
- C. If the hearing officer renders a A decision in favor of the responsible person, the administrative order shall constitute a dismissal of the municipal ordinance violation(s) ~~and If the hearing order renders a decision in favor of the responsible person~~, the city shall return any monies paid by the responsible person towards the dismissed administrative citation.

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Chapter 2.04

COUNCIL

2.04.020 Place of regular meetings.

The regular meetings of the city council shall be held at city hall~~the Civic Center~~, 78-495 Calle Tampico, La Quinta, California.

2.04.040 Adoption of rules of procedures.

The city council shall, by resolution, adopt rules of procedure to govern the conduct of its meetings, any of its other functions and activities, and regulations pertaining thereto.

2.04.050 Compensation and reimbursement.

Compensation shall be paid to each member of the city council in the amount of twenty-three hundred dollars per month. The mayor shall receive additional compensation in the amount of five hundred dollars per month. Further, in the event a council member or the mayor wishes to utilize a personal electronic devices or personal data service, ~~for city-related business communication—mobile phone~~ rather than a city-issued devices and/or service ~~mobile phone~~, an additional reimbursement pursuant to the city's adopted personnel policy ~~amount of twenty-five dollars~~ shall be added to the monthly reimbursement amounts set forth herein. In the event that official duties require travel outside the Coachella Valley or overnight, and the costs shall be reimbursed according to the city's adopted policy for such expenditures. The compensation amount will be effective from July 1, 2015~~07~~.

2.04.100 Appeals to council.

A. Except when an appeals procedure is otherwise specifically set forth in this code, any person excepting to the denial, suspension, or revocation of a permit or license applied for or held by him/her pursuant to any of the provisions of this code, or to any administrative decision made by any official of the city, if the denial, suspension, or revocation of the permit or license, or the determination of the administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of the appeal.

B. No appeal may be taken to any such administrative decision made by an official of the city pursuant to any of the provisions of this chapter unless the decision to appeal has been first taken up with the permit administrator ~~department head concerned~~ and with the city manager, and each such official has not adjusted the matter to the appellant's satisfaction.

C. No right of appeal to the council from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when the decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, whether the administrative decision involves the denial, suspension, or revocation of a permit, license, or any other administrative decision. Also, there shall be no such right of appeal with regard to law enforcement activities involving state law. (Ord. 2 § 1, 1982)

2.04.110 Notice of appeal – Time limit – Contents - Fee.

A. Any such notice of appeal shall not be acted upon unless filed within ten days after service of written notice of the action being appealed ~~from~~; provided, that if the notice of action has not been served in writing, the appellant may, within ten days after being apprised of the action, demand service of written notice thereof, and shall have ten days following such service in which to file the notice of appeal.

B. The notice of appeal shall be in writing and shall set forth (1) name(s) of the person(s) filing the appeal ("appellants"), (2) the specific action being appealed ~~from~~; ~~(23)~~ the specific grounds of the appeal; ~~and~~ (3) the relief or action sought from the city council; and (4) the signatures of all parties named as appellants and their mailing addresses. The notice of appeal, or certain information contained in the notice of appeal, may be subject to public disclosure. ~~In the event any notice of appeal fails to set forth any information required by this section, the city clerk shall return it to the appellant with a statement of the respects in which it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.~~

C. A filing fee for the appeal, established from time to time by city council resolution, must be paid to the city at or prior to the time of the filing of the appeal.

CD. Except in those instances where an appeal is filed by the city manager or other public official in pursuance of official duties, the written notice of appeal from the action of an administrative official or from an administrative body of the city, as the case may be, shall be accompanied by such fee as may have been established by resolution of the city council. (Ord. 2 § 1, 1982)

E. Any appeal filed that fails to provide all of the information required by this section, or fails to include the appropriate filing fee, or both, shall be deemed incomplete. The city clerk shall return the incomplete appeal to the appellant with a brief statement explaining the reasons for the deficiency, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

2.04.115 Waiver of appeal fees.

A. The city manager may waive the fee required for filing an appeal as set forth in Section 2.04.110 of this chapter or in any other applicable city code section if the appellant meets the requirements of this section.

B. The party seeking the fee waiver must be the real, and not nominal, party in interest, and shall not be granted a waiver if there are any interested parties financially capable of paying the fee.

C. Subject to the limitations of subsection B of this section, waiver of the fee shall be granted by the city manager if the applicant declares under penalty of perjury and the city clerk determines that the applicant is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 through 12205.2 of the [California](#) Welfare and Institutions Code), or the Aid to Families with Dependent Children (AFDC) program (42 United States Code 601 through 644), or the Food Stamp program (7 United States Code 2011 through 2027) or Section 17000 of the [California](#) Welfare and Institutions Code or the appellant declares under penalty of perjury that their monthly income is less than the current monthly poverty threshold annually established by the [U.S.](#) Community Services Administration pursuant to Section 625 of the [U.S.](#) Economic Opportunity Act of 1964, as amended. In order to be considered for the fee waiver, appellant must obtain from the city manager and fully complete and submit an application for waiver of city appeal fees. The city manager may require the appellant to furnish such financial information as the city manager deems necessary to deem the application complete in order to make a decision. The decision of the city manager on the fees waiver shall be final and conclusive and there shall be no appeal to a city body or official from such decision.

D. An appellant desiring waiver of an appeal fee shall submit a fully completed application for waiver of city appeal fees at the same time as the appeal is filed. Said appellant shall furnish within two working days [of the city manager's request](#), any additional information requested by the city manager to substantiate the waiver request. If the information requested is not furnished within two working days, the city manager may deny the fee waiver request. After an appellant requests waiver of the appeal fee, the applicable dates or time periods for hearing the appeal shall be tolled until the city manager decides the fee waiver request.

E. Any person who willfully provides the city manager with false statements of material facts is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than one thousand dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

2.04.120 Appeals—Hearings—Notices.

Upon the timely filing of a complete notice of appeal in proper form, along with the filing fee, if applicable, the appeal shall be reviewed by the city manager. Unless an adjustment of the matter is made by the city manager satisfactory to the appellant,
~~Upon the timely filing of a notice of appeal in proper form,~~ the city clerk shall schedule the matter promptly upon the city council agenda at a subsequent regular meeting and shall cause notice thereof to be given the appellant not less than five days prior to the hearing, unless the notice is waived in writing by the appellant. Notice shall be served in accordance with 1.01.300. The city clerk shall also cause a copy of the notice of appeal to be transmitted to the official or body whose action has been appealed ~~from~~.

2.04.130 Appeals – Hearings.

A. The city council at the hearing may limit participation in the hearing to the directly interested parties, or may allow participation by the public. Such public participation, however, shall only be appropriate when the council deems it necessary and in the public interest. If a hearing is ordered open to public participation, notice thereof shall be given by posting publishing notice of the hearing ~~in a newspaper of general circulation in the city not less than five days in accordance with city council rules of procedure for council meetings prior to the date of the hearing, in accordance with state law for notice of a public hearing, if applicable,~~ and by such other means as the city council deems necessary.

B. At the time of consideration of the appeal by the city council the appellant shall be limited to a presentation on the specific grounds of appeal and matters set forth in ~~his~~the notice of appeal. The appellant ~~and~~ shall have the burden of establishing cause why the action being appealed ~~from~~ should be altered, reversed or modified. The council may continue the matter from time to time, and at the conclusion of its consideration may affirm, reverse or modify the action being appealed ~~from~~ and may take any action which might have been legally taken in the first instance by the official or body from whose action the appeal has been taken. In ruling on the appeal the findings and action of the council shall be final and conclusive in the matter.

Chapter 2.08 CITY MANAGER

2.08.040 Expense reimbursement.

The city manager shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of his official duties, including those incurred when traveling on business pertaining to the city.

2.08.050 Designation of acting city manager.

~~The assistant city manager shall serve as manager pro tempore during any temporary absence or disability of the city manager. In the event there is no assistant city manager to so act, t~~ The city manager, by a letter filed with the city clerk, shall designate a qualified city administrative officer to exercise the powers and perform the duties of manager during his/her temporary absence or disability. The city council may appoint, at any time, an acting city manager. If the city manager position is vacant or the city manager is removed from office in accordance with the provisions in this chapter, the city council shall appoint an acting or interim city manager to serve as such until the city council appoints a permanent city manager.

2.08.060 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 except as otherwise provided in this chapter. The city manager shall be responsible for the efficient administration of all affairs of the city which are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, s/he shall be expected to, and shall have the power to:

- A. 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. Appoint, remove, promote and demote any and all officers and employees of the city except elective officers and the city attorney, subject to all applicable personnel rules and regulations which may be adopted by the city council, or imposed by the state or federal governments;
- C. Control, order and give directions to all department heads who are subject to his/her appointment and removal authority, and to subordinate officers and employees of the city under his/her jurisdiction through their department heads;

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- D. Conduct studies and effect such organization and reorganization of offices, positions or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business;
- E. Recommend to the city council for adoption such measures and ordinances as s/he deems necessary;
- F. Attend all meetings of the city council unless excused therefrom by the mayor individually or the city council as a whole, except when his/her removal is under consideration;
- G. Prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval;
- H. To serve as purchasing agent, collector, tax administrator, and fee administrator as defined by this Code, or appoint an officer or employee to serve in one or more of these capacities, and thereafter direct and supervise such ~~all the~~ purchasing activities of the city;
- I. Keep the city council at all times s fully advised as to the financial condition and needs of the city;
- J. Make investigations into the affairs of the city and any department or division thereof and any contract or the proper performance of any of the obligations of the city; and further, 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;
- K. Exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the city council;
- L. Have the same authority as the mayor (as conveniences to the parties may dictate) to sign documents specified in Section 40602 of the Government Code whenever such documents have been approved by the city council for execution by resolution, motion, minute order or other appropriate action; and
- M. Perform such other responsibilities 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.)

2.08.090 Attendance at commission meetings.

The city manager may attend any and all meetings of the planning commission, and any other commission, board or committee created by the city council, upon his/her

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own volition or upon direction of the city council. At such meetings which the city manager attends, s/he shall be heard by such commissions, boards or committees as to all matters upon which s/he wishes to address the members thereof. S/He shall inform such members as to the status of any matter being considered by the city council, and s/he shall cooperate to the fullest extent with members of all commissions, boards or committees appointed by the city council.

2.08.100 Removal—Method—Notice.

The removal of the city manager shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting, subject, however, to the provisions of Sections 2.08.110 through 2.08.160. In case of his/~~her~~ ~~intended~~ removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him/~~her~~ and the reason therefore at least thirty days before the effective date of his/~~her~~ removal.

2.08.120 Removal—Suspension pending hearing.

After furnishing the city manager with written notice of intended removal, the city council may suspend him/~~her~~ from duty, but his/~~her~~ compensation shall continue until the latter of (a) the effective date of his/her removal as stated in the written notice of intention to remove him/her, or (b) his/her removal by resolution of the council passed subsequent to the hearing described in Section 2.08.110.

2.08.170 Agreement with council.

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into ~~any supplemental~~ agreement with the city manager delineating ~~additional~~ terms and conditions of employment.

2.08.180 Appeals to the city manager.

The city manager shall conduct a hearing when requested by any person aggrieved by an administrative decision made by any city official before the matter may be appealed to council.

In the event no appeal is made within the time period or in the manner prescribed in this Code, the decision of the city official shall become final and conclusive on the expiration of the time fixed for an appeal.

2.08.190 Notice of appeal – time limit, contents and fee.

A Within ten days after the issuance of an administrative decision, an appellant may request a hearing before the city manager to present evidence on his/her behalf.

B. The notice of appeal shall be in writing and shall set forth (1) name(s) of the person(s) filing the appeal (“appellant(s)”); (2) the specific action being appealed; (3) the relief or action sought from the city manager; and (4) the signatures of all parties named as appellants and their mailing address. The notice of appeal may also include any additional information or documentation the appellant(s) wish to provide on the matter. The notice of appeal, or certain information contained in the notice of appeal, may be subject to public disclosure.

C. Except in those instances where an appeal is filed by a public official in pursuance of official duties, the written notice of appeal from the action of an

administrative official shall be accompanied by such fee as may have been established by resolution of the city council. An applicant may request a waiver of a filing fee, which shall be reviewed and decided upon, based on the provisions set forth in Section 2.04.115 of this code.

D. Any appeal filed that fails to provide all of the information required by this section, or fails to include the appropriate filing fee, or both, shall be deemed incomplete. The city clerk shall return the incomplete appeal to the appellant with a brief statement the reasons for the deficiency, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

2.08.200 Appeal initiated by the city manager.

At the discretion of the city manager, or as required in this code, the city manager may initiate and conduct a hearing prior to the issuance of an administrative decision to afford an applicant an opportunity to present evidence on the applicant's behalf when an application denial, or existing permit suspension or revocation is about to be issued. Notice shall be serviced as prescribed in Section 1.01.300 and the city manager may include in the notice a requirement for the applicant to provide additional information or documentation at the time of the hearing.

2.08.210 Appeals—Hearings—Notices.

Upon the timely filing of a notice of appeal in proper form, the city manager shall set the time and place for such hearing and shall serve notice to the appellant pursuant to Section 1.01.300 as soon as practical thereafter but in no event, shall the notice be served less than five days prior to the date of the hearing thereon. Where applicable, the notice shall state the grounds for the administrative decision at issue.

2.08.220 Failure to Appeal.

In the event no appeal is made within the time period or in the manner prescribed in this Code, the decision of the city manager shall become final and conclusive on the expiration of the time fixed for an appeal.

2.08.230 Appeals to the city council.

Any person aggrieved by any decision of the city manager may appeal to the city council pursuant to section 2.04.100 through 2.04.130 of this code.

2.10 CITY CLERK

2.10.030 Functions.

- A. The city clerk shall have all of the powers, duties and responsibilities granted to and imposed upon the office of the city clerk by the provisions of Chapter 2 of Part 3 of Division 3 of Title 4 of the Government Code of the state, other general laws of the state, the provisions of this code, and the ordinances and resolutions of the city council; provided, however, pursuant to the provisions of Section 40805.5 of the Government Code, the financial and accounting duties imposed upon the city clerk by Sections 40802 through 40805 of the Government Code shall be performed by the director of finance ~~and general services~~.
- B. The principal functions of the city clerk shall be to:
1. Attend all meetings of the city council and be responsible for the recording and maintaining of a record of all the actions of the council;
 2. Keep all ordinances and resolutions of the council in such a manner that the information contained therein will be readily accessible and open to the public. The city clerk shall attach to the original copy of each ordinance a certificate which shall state the date the ordinance was adopted and, as to an ordinance requiring publication, that the ordinance has been published or posted in accordance with law;
 3. Keep all records of the council and of the office of the city clerk in such manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or reproduced and the original destroyed, in accordance with state law;
 4. Serve as the official custodian of all city records;
 5. Be the custodian of the seal of the city;
 6. Prepare the council agenda;
 7. Perform the duties prescribed by the [California](#) Elections Code ~~of the state~~ in conducting municipal elections;
 8. Perform the duties imposed upon city clerks by the California Political Reform Act;
 - ~~9. Be responsible for the publication of all the official noticing of the city;~~
 - ~~9. Perform the duties imposed upon city clerks by the California Ralph M. Brown Act;~~
 - ~~10. Perform the duties imposed upon city clerks by the California Public Records Act;~~
 - ~~10~~1. Be responsible for the maintenance and distribution of the municipal code;
 - ~~14~~2. Process all claims filed against the city and its officers, agents, or employees, pursuant to the provisions of Chapter 1 of Part 3 of Division 3 of

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Title 1 of the Government Code of the state and Chapter 3.16 of this code;
and

| 1~~2~~3. Perform such other duties consistent with this code as may be
required of the city clerk, by the city manager.

Chapter 2.12

DIRECTOR OF FINANCE ~~AND GENERAL SERVICES~~

2.12.010 Office created.

The office of the director of finance ~~and general services~~ is created and established. The director of finance ~~and general services~~ shall be the chief fiscal officer and city treasurer of the city.

2.12.020 Appointment.

The city manager shall appoint ~~the director of finance and general services shall be appointed by the city manager~~, and s/he shall serve at and during the pleasure of the city manager. The director of finance ~~and general services~~ shall be qualified by sufficient technical accounting training, skill and experience to be proficient in the office and shall show evidence of executive ability.

2.12.030 Duties.

The duties of the director of finance ~~and general services~~ shall be as follows:

- A. To serve as chief fiscal officer of the city;
- B. To serve as city treasurer as established pursuant to California Government Code Section 36501 ~~of the Government Code of the state~~;
- C. To perform all financial and accounting duties imposed upon the city treasurer by California Government Code Sections 41001~~0~~ through 41007 ~~of the Government Code~~;
- D. To assist and advise the administration and the city council in all matters pertaining to city finances;
- E. To perform all financial and accounting duties imposed upon the city clerk by California Government Code Sections 40802 through 40805 ~~of the Government Code~~;
- F. To develop and maintain, in accordance with the state laws and city ordinances and the best accepted procedures, adequate financial records, reports and budgetary control of all receipts, disbursements and reserves of the city;
- G. To supervise the keeping of current inventories of all property of the city departments, offices and agencies;
- H. To prescribe and develop accounting forms, reports and procedures in conjunction with administrative needs and requests, and as required by law;
- I. To audit all demands in accordance with Sections 3.16.020 through 3.16.050 and 3.16.080 of this code;
- J. To prepare annually for budget purposes an estimate of revenues for the city manager, and assist the city manager in compiling the annual budget in accordance with the prescribed chart of accounts and accepted procedures;
- K. To assist the city council and the city manager in formulating a long-range financial plan and program;

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- ~~L. To perform such purchasing duties as delegated to the director of finance and general services by the city manager; and~~
- LM. To perform such other duties related to administrative and general services for the municipal government and business operations as may be delegated to the director of finance ~~and general services~~ by the city manager.

2.12.040 Independent audit.

The council shall require annually an independent audit of the accounts and records of the treasurer and department of finance ~~and general services~~. This auditor shall be selected by council and shall be qualified as a certified public accountant.

2.40 CONSTRUCTION BOARD OF APPEALS

2.40.050 Powers and duties.

A. Any person aggrieved by a decision of ~~an official of the city the building and safety department~~ related to any matter within the purview of Chapter 8.01 of this code, shall have the right to appeal the decision to the CBA.

B. The appeal shall be filed with the building official within ten days after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing.

C. The secretary of the CBA, assigned pursuant to Section 2.06.100, shall set the time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant ~~in accordance with 1.01.300 by mailing it to him or her, postage prepaid, at his or her last known address, at least five calendar days prior to the date set for the hearing.~~

D. The decision of the CBA shall not become final until ten days after the CBA has made its determination in order to allow time for an appeal of the CBA's decision to be made to the city council. Any appeal to the city council shall follow procedures set forth in sections 2.04.100 through 2.04.130 of this code.

~~Chapter 2.44~~
~~PEACE OFFICER TRAINING STANDARDS~~

~~2.44.010 Declaration of intent.~~

~~The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4, of the California Penal Code. (Ord. 2 § 1, 1982)~~

~~2.44.020 Adherence to state standards.~~

~~Pursuant to Section 13522 of the Chapter 1 referred to in Section 2.44.010, the city while receiving aid from the state pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 2 § 1, 1982)~~

2.55

OFFICIAL HOLIDAYS ~~OBSERVED BY THE CITY~~**2.55.010 ~~Holidays observed by the city~~ Official holidays.**

A. Excluding those offices which must remain open for the continuation of essential public services such as police and fire protection, the public offices of the city shall be closed on Saturdays and Sundays, and ~~on the following~~ holidays: as established in the most recent personnel policy adopted by resolution of the city council.

- ~~1. New Year's Day (January 1st)~~
- ~~2. Martin Luther King's Birthday (Third Monday in January)~~
- ~~3. Washington's birthday (Third Monday in February)~~
- ~~4. Memorial Day (Last Monday in May)~~
- ~~5. Independence Day (July 4th)~~
- ~~6. Labor Day (First Monday in September)~~
- ~~7. Veterans' Day (First Monday in September)~~
- ~~8. Thanksgiving Day (Fourth Thursday in November)~~
- ~~9. Friday following Thanksgiving Day~~
- ~~10. ——— Christmas Day (December 25th)~~
- ~~11. ——— Any day declared to be a holiday by proclamation of the mayor~~

B. Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday shall be observed on the preceding Friday unless otherwise provided in the most recent personnel policy.

C. Other holidays may be designated by resolution or ordinance of the city council.

D. Notwithstanding the foregoing provisions of this section, the city manager shall be authorized, by administrative regulation or otherwise, to direct that all or a portion of the public offices of the city shall remain open for business, on a full or reduced staff basis, on any of the days or holidays prescribed above, when he determines it to be necessary in the public interest to do so.

Chapter 2.65 ART IN PUBLIC PLACES

2.65.010 Intent and purpose.

A. This chapter may be known and cited as the La Quinta Art in Public Places Program. The city of La Quinta has developed a nationwide reputation through the annual La Quinta Arts Festival and other artistic events, and attracts thousands of visitors every year to view and purchase fine art and crafts in the city. The public health, safety and welfare, the preservation and enhancement of property values and economic vitality, as well as the popularity and prosperity of the community, are dependent upon and enhanced by visually pleasing and high quality public art.

B. The stated goal of the Cultural Resources Element of the general plan is to provide enrichment of the community by adequate cultural and recreational facilities and activities. To implement this goal, the general plan further states that the cultural resources of a city encompass those facilities and programs which refresh, enhance or recreate people's bodies and spirits. Community parks, recreational activities, historic resources, library and museum facilities and art festivals are included in this classification. The art in public places program is intended to achieve this purpose by providing visual art throughout the city.

2.65.110 Art in public places fund.

A. Accounting. The fees imposed pursuant to Section 2.65.090 of this chapter and any other moneys collected in accordance with provisions of this chapter shall be deposited in a separate account, entitled the art in public places fund. The city manager or his/her designee shall establish accounting records sufficient to identify and control these funds. The amounts held in the art in public places fund shall otherwise be accounted for, deposited, invested and expensed as provided by law and the practices and policies of the city. The account containing these funds may be invested along with other moneys of the city and the investment earnings thereon shall be used for and be subject to the same restrictions established in subsection B of this section.

B. Use of Fund. Expenditures of the fees collected in the art in public places fund may include the following:

1. The cost of artwork and its installation;
2. The cost of purchase or lease of art sites;
3. Waterworks, landscaping, lighting and other objects which are an integral part of the artwork;
4. Frames, mats, pedestals and other objects necessary for the proper presentation of the artwork;

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5. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the artwork;
6. Expenditures for maintenance and repair of artwork;
7. Administrative expenses to otherwise implement any provision of this chapter, however, in no event shall said administrative expenses exceed five percent of the total funds in the account on July 1st of any year nor twenty-five thousand dollars in any fiscal year.

C. Endowments. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in subsection B of this section and for art exhibitions or displays as approved by the city council.

D. Replacement. For those artworks that have been purchased with moneys from the art in public places fund or donated to the city, the city may determine to sell or exchange existing artworks for replacement artworks. Any funds obtained from the sale of artwork shall be credited to the art in public places fund. Artwork owned privately and on display by in-lieu agreement may be exchanged with city council approval or the original fee paid to the art in public places fund.

E. Reimbursement. In the event fees have not been committed for a use as specified in subsection B of this section within five ~~two~~ years of their collection, the fees in the art in public places fund shall be distributed by the city to the person or entity who has paid the fees or in any other manner permitted by law.

