



City of La Quinta

CITY / SA / HA / FA MEETING DATE: May 5, 2015

ITEM TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 524 AMENDING MULTIPLE CHAPTERS OF TITLE 1 AND TITLE 2 OF THE MUNICIPAL CODE

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 14

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Adopt Ordinance No. 524 on second reading.

EXECUTIVE SUMMARY:

- At the April 7, 2015 City Council meeting, Council unanimously approved a motion to take up and introduce Ordinance No. 524 on first reading, amending several chapters of Title 1 and Title 2 of the Municipal Code.
- By law, a second reading of an ordinance must occur, followed by adoption and a 30-day posting period, before an ordinance may take effect.
- The attached Ordinance reflects the amended chapters reviewed in detail at the April 7 meeting including the Council's change to Chapter 1.04 regarding the City seal.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

A comprehensive review of the Municipal Code is in process. Many sections require changes necessary to: 1) align them with current best practices, 2) consolidate provisions, 3) remove unnecessary detail, 4) provide for flexibility, and 5) update terms.

Three of the four chapters of Title 1 were addressed in the initial staff report, dated April 7, 2015 (no update was required for the remaining chapter). Title 2 contains 19 chapters: eight were reviewed in 2014, eight were addressed in the April 7 staff report, and two did not require updates.

The amendment to Chapter 1.04 CITY SEAL requires the size, shape, design and additional text of the seal to be adopted by resolution. The City seal as it exists today was designed by Fred Rice and adopted by Council Resolution No. 1982-15 on May 1, 1982. No additional resolution is required at this time.

Ordinance No. 524 incorporates all changes addressed at the April 7, 2015 meeting into each chapter.

ALTERNATIVES:

As Council approved this ordinance at first reading, staff does not recommend an alternative.

Report prepared by: Pam Nieto, Administrative Technician

Report approved for submission by: Susan Maysels, City Clerk

ORDINANCE NO. 524__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING MULTIPLE 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 chapters 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 May 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

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| Chapter 1.01 CODE ADOPTED |
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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.

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.

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.

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.

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.

1.01.260 Nuisances—Recovery of abatement expenses.

- 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 (a) in an appropriate civil action, (b) 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.

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 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 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.

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

1.04.020 Design.

The seal adopted in Section 1.04.010 shall have the words "City of La Quinta, California" and "Incorporated 1982" within its design borders. The size and shape of such seal shall be set by city council resolution, and additional text and/or graphic designs may be added to the seal and changed from time to time by city council resolution.

Chapter 1.09 ADMINISTRATIVE CITATION

1.09.010 Definitions.

For the purpose of this chapter:

- C. The term "issued" shall have the same meaning as that set forth in Section 1.01.300.

1.09.020 Authority and fines.

[heading changed to clearly indicate content of section, no text changes]

1.09.030 Failure to pay fines. [moved from .100 to .030, no text changes]

1.09.030 Service procedures. [DELETED]

1.09.040 Contents of notice. [format correction, no text changes]

1.09.050 Satisfaction of administrative citation. [format correction, no text changes]

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").

- 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 an 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.

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 hearing's 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 1.09.100 for seeking judicial review. The decision of the hearing officer shall be final except as provided for in Section 1.09.100.

- 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.

1.09.100 Right to judicial review. [renumbered]

1.09.110 Notices. [renumbered]

- 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 this code.

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| Chapter 2.04 COUNCIL |
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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.

2.04.040 Adoption of rules of procedure. [section title change only]

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.

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.

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; (4) the relief or action sought from the city council; and (5) 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.

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.

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.

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 section 1.01.300 of this code. 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.

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.

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 official duties, including those incurred when traveling on business pertaining to the city.

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 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:

- 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;
- 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;

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.

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.

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.

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.

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.

2.08.130 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.

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.

2.08.150 Willful misconduct—Determination. [spelling corrections, no text changes]

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.

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.

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.

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| <p style="text-align: center;">Chapter 2.10 CITY CLERK</p> |
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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.

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.

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.

2.12.030 Duties.

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

- 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;
- E. To perform all financial and accounting duties imposed upon the city clerk by California Government Code Sections 40802 through 40805;
- 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.

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.

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| Chapter 2.40 CONSTRUCTION BOARD OF APPEALS |
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2.40.050 Powers and duties.

A. Any person aggrieved by a decision of an official of the city 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.

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.

E. 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.

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| Chapter 2.44 PEACE OFFICER TRAINING STANDARDS |
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Chapter 2.44 shall be deleted in its entirety.

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.

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.

- F. 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.

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. 524 which was introduced at a regular meeting on the 7th day of April 2015, and was adopted at a regular meeting held on the 5th day of May 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