

ORDINANCE NO. 08-02

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF WILDOMAR, CALIFORNIA, ESTABLISHING
THE WILDOMAR MUNICIPAL CODE, AND ENACTING
TITLES 1 AND 2 THEREOF RELATING TO GENERAL
PROVISIONS, ADMINISTRATION AND PERSONNEL**

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS
FOLLOWS:

SECTION 1. Municipal Code Established. A Municipal Code is established for the City of Wildomar and Titles 1 and 2 of the Municipal Code are enacted as set forth in Exhibit "A" to this ordinance.

SECTION 2. Intent to Supersede County Ordinances. The provisions of this ordinance shall supersede the County ordinances codified in Titles 1, 2 and 3 of the Riverside County Code, as those County ordinances were adopted by City Ordinance No. 08-01.

SECTION 3. Declaration of Facts Constituting Urgency. The City of Wildomar is newly incorporated and it is comprised of formerly unincorporated territory. It is necessary that this ordinance take effect immediately in order to provide a Municipal Code that classifies and organizes City ordinances as they are adopted. Furthermore, Titles 1 and 2 provide a framework of rules and regulations under which the fundamental operations of the newly established municipal government can be conducted. As such, it is necessary for those titles to take effect immediately. Therefore, the City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and declares that it shall take effect immediately upon its adoption as an urgency ordinance.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall take immediate effect upon its passage by the City Council.

SECTION 6. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of July, 2008.



Bob Cashman, Mayor

ATTEST:



John Danielson, Interim City Clerk

APPROVED AS TO FORM:



Julie Hayward Biggs, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, John Danielson, Interim City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 08-02 was duly adopted by the City Council of the City of Wildomar at a special first meeting, held on the 1st day of July, 2008, by the following vote of the Council:

AYES: Cashman; Swanson; Moore; Farnam; Ade

NOES: None

ABSTAIN: None

ABSENT: None



John Danielson, Interim City Clerk

EXHIBIT “A”

**TITLES 1 & 2 OF THE WILDOMAR MUNICIPAL
CODE**

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adopted
- 1.02 General Provisions
- 1.03 Code Violations

Chapter 1.01

CODE ADOPTED

Sections:

- 1.01.010 Establishment of Municipal Code.
- 1.01.020 Contents of Code.
- 1.01.030 Outline of Code.
- 1.01.040 Maintenance of Code.

1.01.010 Establishment of Municipal Code. The ordinances embraced in the following titles, chapters and sections shall constitute and be designated as the "Wildomar Municipal Code." It shall be sufficient to refer to this Code as the Wildomar 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 Wildomar Municipal Code, or any title, chapter, section or subsection thereof.

1.01.020 Contents of Code. The Wildomar 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 taxes;
- (d) Calling an election;
- (e) Annexation proceedings;
- (f) Interim zoning measures;
- (g) Zoning or rezoning a particular parcel of property; and
- (h) Such other ordinances of a special or particular subject matter which the

Council deems inappropriate for inclusion in the Wildomar Municipal Code.

1.01.030 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) Miscellaneous Regulations
- (5) Business Regulations
- (6) Health and Sanitation
- (7) Subdivisions
- (8) Buildings and Construction
- (9) Planning and Zoning
- (10) Animals
- (11) Peace, Morals, and Safety
- (12) Vehicles and Traffic
- (13) Parks and Recreational Facilities
- (14) Streets and Sidewalks
- (15) Water and Sewers
- (16) RESERVED

1.01.040 Maintenance of Code. At least three (3) copies of this Code, duly certified by the City Clerk, shall be maintained on file in the office of the City Clerk as official copies of this Code. Additional copies of this Code shall be distributed to the departments of the City as 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 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 on which such change was adopted. Such 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.

Chapter 1.02

GENERAL PROVISIONS

Sections:

- 1.02.010 Construction of Code.
- 1.02.020 Effect of Code on Past Actions and Obligations.
- 1.02.030 Provisions considered continuation of existing ordinances.
- 1.02.040 Partial Invalidity.
- 1.02.050 Territorial Limitation.
- 1.02.060 Local Signification.
- 1.02.070 Rules of Construction.
- 1.02.080 Effect of Headings.
- 1.02.090 Acts by Deputies.
- 1.02.100 Reference to Ordinances: Application to Amendments.
- 1.02.110 Statute of Limitations.
- 1.02.120 Definitions.
- 1.02.130 Grammatical interpretation.

1.02.010 Construction of Code. The provisions of this Code and all proceedings under it are to be construed to achieve the purposes of this Code and to promote justice.

1.02.020 Effect of Code on Past Actions and Obligations. The adoption of this Code does not affect prosecutions for ordinance violations committed prior to the effective date of this Code, does not waive any fee or penalty due and unpaid on the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

1.02.030 Provisions considered continuation of existing ordinances. The provisions of this Code, insofar as they are substantially the same as the provisions of existing ordinances applicable within the City of Wildomar at the time of the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.

1.02.040 Partial Invalidity. If any title, chapter, section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

1.02.050 Territorial Limitation. This Code shall refer only to the omission or commission of acts within the territorial limits of the City of Wildomar and that territory outside of the City over which the City has jurisdiction or control by virtue of the California Constitution, or any law, or by reason of ownership or control of property.

1.02.060 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.

1.02.070 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.

1.02.080 Effect of Headings. The title, chapter, section and subsection 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, section or subsection of this Code.

1.02.090 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 such officer or employee or by a person otherwise duly authorized by law, unless this Code expressly provides otherwise.

1.02.100 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 to any ordinances of this City, the reference shall apply to all amendments and additions to this Code.

1.02.110 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.

1.02.120 Definitions. As used in this Code, unless a different meaning is apparent from the context or is specified elsewhere in the Code:

- (a) "Calendar year" shall mean from January 1 through December 31 of any given year.
- (b) "City" shall mean the City of Wildomar.
- (c) "City Manager" shall mean the appointed official of the City who occupies the position of chief administrative officer of the City.
- (d) "Council" shall mean the City Council of the City of Wildomar.
- (e) "Councilmember" shall mean a person duly elected to the Council.
- (f) "County" shall mean the County of Riverside.
- (g) "Fiscal year" shall mean from July 1 of any given calendar year through June 30 of the following calendar year.
- (h) "Goods" shall mean and include wares and merchandise.
- (i) "May" shall be permissive.

- (j) "Month" shall mean a calendar month, unless otherwise specially expressed.
- (k) "Oath" shall include affirmation.
- (l) "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.
- (m) "Operate" shall mean and include carrying on, keeping, conducting, or maintaining.
- (n) "Owner" applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.
- (o) "Person" shall include any person, firm, company, corporation, partnership, association, public corporation, city (except the City of Wildomar), the County of Riverside, any district in the County of Riverside, the State of California, or the United States of America, or any department, agency, or political subdivision of the above, unless this Code expressly provides otherwise.
- (p) "Personal property" shall include money, goods, chattels, things in action, and evidences of debts.
- (q) "Police" shall mean the agency which performs the appropriate law enforcement function for the City. "Police Chief," "Chief of Police," or "Chief of Police Services," shall mean the head of the agency or division which at the time involved has responsibility for performing the police function for, or within, the City.
- (r) "Property" shall include real and personal property.
- (s) "Quarterly" where used to designate a period of time, shall mean the first three calendar months of any given year or succeeding period of three calendar months.
- (t) "Real property" shall include land, tenements, and hereditaments.
- (u) "Sale" shall include any sale, exchange, barter, or offer for sale.
- (v) "Section" shall mean a section of this Code, unless some other source is specifically set forth.
- (w) "State" shall mean the State of California.
- (x) "Street" shall include 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 State law.
- (y) "Subsection" shall mean a subsection of the section in which the term occurs, unless some other section is expressly set forth.
- (z) "Shall" shall be mandatory.
- (aa) "Tenant or occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- (bb) "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, such notice, report, statement, or record shall be made in writing in the English language, unless this Code expressly provides otherwise.

Words and phrases not defined in this Code shall be construed according to the common and approved usage of the language, or, when appropriate, by reference to definitions contained in State or Federal law.

1.02.130 Grammatical interpretation. The following grammatical rules shall apply to this Code, unless it is apparent from the context that a different construction is intended.

- (a) *Gender.* Each gender includes the masculine, feminine and neuter genders.
- (b) *Singular and Plural.* The singular number includes the plural and vice versa.
- (c) *Tenses.* Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

Chapter 1.03

CODE VIOLATIONS

Sections:

- 1.03.010 Violation of Municipal Code -- Misdemeanor.
- 1.03.020 Aiding and Abetting.
- 1.03.030 Punishments.
- 1.03.040 Imprisonment in County Jail.
- 1.03.050 Violations Public Nuisances.
- 1.03.060 Nuisances: Recovery of Abatement Expenses.
- 1.03.070 Violations of Administrative Provisions.

1.03.010 Violation of Municipal Code -- Misdemeanor. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code. Any person violating any such provision or failing to comply with any such requirements shall be guilty of a misdemeanor, unless the violation is specifically designated as an infraction.

Each person convicted of a misdemeanor or infraction under the provisions of this Code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision or failure to comply with any of the requirements of this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code is committed, continued or permitted by such person, and may be punished accordingly.

1.03.020 Aiding and Abetting. Whenever any act or omission is made unlawful by this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code, it shall include causing, permitting, aiding, abetting,

suffering, or concealing the fact of such act or omission.

1.03.030 Punishments.

(a) Any conviction of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both fine and imprisonment.

(b) Any conviction 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 (\$100), for a second conviction within a twelve (12) month period by a fine of not more than two hundred dollars (\$200), and for a third or any subsequent conviction within a twelve (12) month period by a fine of not more than five hundred dollars (\$500).

Any provision or requirement of this Code or of any Code adopted by reference by this Code or of any ordinance of the City not included within this Code, the violation of which or the failure to comply with which is designated as an infraction, shall be prosecutable as a misdemeanor upon a fourth violation within a twelve (12) month period and upon each violation thereafter of the same provision by the same individual within a twelve (12) month period.

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

(1) Where a judgment imposes a punishment of a fine not exceeding one hundred dollars (\$100) in the case of a first offense; or

(2) 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

(3) When the City Attorney or the District Attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is an infraction.

1.03.040 Imprisonment in County Jail. Imprisonment for violation of any City ordinance shall be in the County Jail.

1.03.050 Violations Public Nuisances. In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this Code, any code adopted by reference by this Code, or any ordinance of the City not included within this Code, or any such threatened violation, shall be deemed a public nuisance and may be summarily abated as such by the City or may be abated by the City

Attorney in a civil judicial action.

1.03.060 Nuisances: Recovery of Abatement Expenses.

(a) Whenever any person creating, causing, committing, or maintaining a public nuisance, as defined in Section 1.03.050 of this Code, State law or other ordinances or regulations, 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 such nuisance or cease and desist from continuing such nuisance, and such person 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, such person shall be liable to the City for any and all costs and expenses to the City involved in abating the nuisance.

(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, abated the nuisance, but subsequently allowed or was responsible for a recurrence of the nuisance.

(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 the City Attorney determines, in the City Attorney's sole discretion, that the failure or refusal of such persons to comply with a notice to abate a nuisance or cease and desist from continuing a nuisance 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.

(e) Money 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 Sections 39574 et seq. of the California Government Code relating to weed abatement assessments.

1.03.070 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 civil service

ordinances and rules and regulations of the City, if applicable.

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.01 Council
- 2.02 City Manager
- 2.03 City Clerk
- 2.04 City Treasurer
- 2.05 City Attorney

Chapter 2.01

COUNCIL

Sections:

- 2.01.010 Time and Place of Regular Meetings.
- 2.01.020 Council Meetings -- Rules of Order and Debate.
- 2.01.030 Approved Minutes as Official Record of Proceedings.
- 2.01.040 Compensation.

2.01.010 Time and Place of Regular Meetings. The regular meetings of the City Council shall be held at a location and times to be designated by resolution of the City Council.

2.01.020 Council Meetings-Rules of Order and Debate. The City Council may adopt rules of decorum and conduct at public meetings by resolution as deemed necessary or appropriate by the City Council.

2.01.030 Approved Minutes As Official Record of Proceedings.

(a) *Approval of Minutes.* Unless the reading of the minutes of a Council Meeting is requested by a Member of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Member with a copy thereof. Minutes shall be approved by voice or roll call vote.

(b) *Designated as Official Record.* The approved written minutes constitute the official record of City Council proceedings and actions and are superior to any other record, recordation, document, transcript, audiotape, videotape, or other memorial or writing of such proceedings and actions. Any other recordings, tapes, and records of Council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7. The City Council hereby authorizes the City Clerk to store and destroy such duplicate records in accordance with

Government Code Section 34090.7.

(c) *Audio Tape Retention.* Whenever an audio tape of City Council proceedings is made by the City Clerk to assist in the preparation of the minutes, such tape should only be kept until the minutes for that meeting are prepared and approved by the City Council. Thereafter, any tape so made shall be destroyed in accordance with Government Code Section 34090.7.

(d) *Audio Tape Accessibility to the Public.* During the period that an audio tape of a City Council meeting is in the custody of the City Clerk, the City Clerk shall, upon request, make the tape available to interested members of the public during normal business hours.

(e) Subsections (a) through (d) shall apply to the minutes of the meetings of any City board, commission, committee, task force, or agency.

2.01.040 Compensation. Pursuant to Government Code section 36516(a)(1), each member of the City Council shall receive a salary of three hundred dollars (\$300.00) per month. Any amounts paid by the City to reimburse a Councilmember for actual and necessary expenses pursuant to Government Code section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

Chapter 2.02

CITY MANAGER

Sections:

- 2.02.010 Office Created - Term.
- 2.02.020 Residence.
- 2.02.030 Eligibility.
- 2.02.040 Compensation.
- 2.02.050 Designation of Acting City Manager.
- 2.02.060 Powers and Duties.
- 2.02.070 Relations With Council.
- 2.02.080 Departmental Cooperation.
- 2.02.090 Agreements With Council.

2.02.010 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 at the pleasure of the City Council.

2.02.020 Residence. The City Manager need not be a resident of the City at the time of his or her appointment or at any point during his or her term of office.

2.02.030 Eligibility. No member of the City Council shall be eligible for appointment as City Manager until one (1) year has elapsed after such Councilmember has ceased to be a Member of the City Council.

2.02.040 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 City Council shall designate. The City Manager shall be reimbursed for all actual and necessary expenses he or she incurs in the performance of his or her official duties, including those incurred when traveling on business pertaining to the City.

2.02.050 Designation of Acting City Manager. The Assistant City Manager shall serve as the acting City Manager during the temporary absence or disability of the City Manager. If there is no Assistant City Manager, the City Manager shall designate a qualified City employee to exercise the powers and perform the duties of City Manager during his or her temporary absence or disability by filing a written notice with the City Clerk. If the City Manager's absence or disability extends over a two month period, the City Council may appoint an acting City Manager.

2.02.060 Powers and Duties. The City Manager shall be the administrative head of the City government and is 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 or her control. In addition to the general powers as administrative head of the City government, and not as a limitation thereon, the City Manager 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, including the City Clerk and City Treasurer, but not including elected officers and the City Attorney, subject to all applicable personnel rules and regulations which may be adopted by the City Council;
- (c) Control, order, and give directions to all department heads who are subject to his or her appointment and removal authority and to subordinate officers and employees of the City under his or her jurisdiction through their department heads;
- (d) Conduct studies and effect such organization and reorganization of offices, positions, or units under his or 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 he or she deems necessary.

(f) Attend all meetings of the City Council unless excused by the Mayor individually or the City Council as a whole, except when his or her evaluation or 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) Keep the City Council at all times fully advised as to the financial condition and needs of the City;

(i) Make investigations into the affairs of the City, any City department or division, and any contract or other obligation of the City; and further to investigate all complaints in concerning the administration of the City government and concerning the service maintained by public utilities in the City;

(j) Exercise general supervision over all public buildings, public parks, and all other public properties which are under the control and jurisdiction of the City;

(k) Have the same authority as the Mayor, as the convenience of the parties may dictate, to sign documents specified in Section 40602 of the California Government Code whenever such documents have been approved by the City Council for execution by resolution, motion, minute order, or other appropriate action; and,

(l) Perform such other responsibilities and exercise such other powers as may be delegated to the City Manager from time to time by ordinance or resolution or other official action of the City Council.

2.02.070 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 hereof, "inquiry" means any and all communications short of giving orders, directions, or instructions to any member of the administrative staff. Staff members shall provide all information reasonably requested by any Councilmember. The City Manager shall take orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Councilmember 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 the majority of the Members of the City Council.

2.02.080 Departmental Cooperation. It shall be the duty of all subordinate officers and the City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically, and harmoniously.

2.02.090 Agreements 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 not inconsistent with any provisions of this Chapter.

Chapter 2.03

CITY CLERK

Sections:

- 2.03.010 Authority and Appointment of Office.
- 2.03.020 Compensation.
- 2.03.030 Functions.
- 2.03.040 Bond.

2.03.010 Authority and Appointment of Office. The office of the City Clerk is established pursuant to Section 36501 of the California Government Code. The City Clerk shall be appointed by the City Manager.

2.03.020 Compensation. The City Clerk shall receive such compensation and expense allowance 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 City Council shall designate.

2.03.030 Functions. 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 (commencing with Section 40801), other general laws of the State, the provisions of this Code, and the ordinances and resolutions of the City Council.

The principal functions of the City Clerk shall be to:

(a) Attend all meetings of the Council and be responsible for the recording and maintenance of a record of all the actions of the Council;

(b) 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;

(c) 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;

- (d) Serve as the official custodian of all City records;
- (e) Be the custodian of the seal of the City;
- (f) Prepare the Council agendas, in conjunction with and under the direction of the City Manager;
- (g) Perform the duties prescribed by the California Elections Code in conducting municipal elections;
- (h) Perform the duties imposed upon City Clerks by the California Political Reform Act;
- (i) Be responsible for the publication of all official advertising for the City;
- (j) Be responsible for the maintenance and distribution of the Municipal Code;
- (k) Process all claims filed against the City and its officers, agents, or employees, pursuant to Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900) and Chapter 3.04 of Title 3 of this Code;
- (l) Perform the financial and accounting duties imposed upon the City Clerk by Section 40802 through 40805 of the California Government Code; and,
- (m) Perform such other duties consistent with this Code as may be required of the City Clerk by the City Council.

2.03.040 Bond. The City Clerk shall furnish a corporate surety bond approved by the City Council for an amount as required by resolution of the City Council. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Clerk. The premium for the bond is a proper charge against the City.

Chapter 2.04

CITY TREASURER

Sections:

- 2.04.010 Authority and Appointment of Office.
- 2.04.020 Compensation.
- 2.04.030 Functions.

2.04.040 Bond.

2.04.010 Authority and Appointment of Office. The office of the City Treasurer is established pursuant to Section 36501 of the California Government Code. The City Treasurer shall be appointed by the City Manager.

2.04.020 Compensation. The City Treasurer shall receive such compensation and expense allowance 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 City Council shall designate.

2.04.030 Functions. The City Treasurer shall perform such duties as are prescribed by Sections 41001 through 41007 of the California Government Code and by any other provisions of law applicable to deposit, investment, and safekeeping of public funds of the City.

2.04.040 Bond. The City Treasurer shall furnish a corporate surety bond approved by the City Council for an amount as required by resolution of the City Council. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Treasurer. The premium for the bond is a proper charge against the City.

Chapter 2.05

CITY ATTORNEY

Sections:

- 2.05.010 Office Created.
- 2.05.020 Compensation.
- 2.05.030 Functions.

2.05.010 Office Created. The office of the City Attorney is hereby established. It shall consist of the City Attorney and such assistants as may be authorized by the City Council. The City Attorney shall administer the office and be responsible for the successful performance of its functions. The City Attorney shall serve under the direct supervision and control of the Council as its legal advisor.

The Council may retain or employ other attorneys, assistants, or special counsel as may be needed to take charge of any litigation or legal matters or to assist the City Attorney with such matters.

2.05.020 Compensation. The City Attorney shall receive such compensation and expense allowance 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 City

Council shall designate.

2.05.030 Functions. The functions of the office of the City Attorney shall be to:

- (a) Advise the Council and all City officers in all matters of law pertaining to their offices;
- (b) Furnish legal service at all meetings of the Council, except when excused or disabled, and give advice or opinion on the legality of all matters under consideration by the Council or by any of the boards and commissions or officers of the City;
- (c) Prepare and/or approve for consideration all ordinances, resolutions, agreements, contracts, and other legal instruments as shall be required for the proper conduct of the business of the City and approve the form of all contracts, agreements, and bonds given to the City; and,
- (d) Perform such other legal duties as may be required by the Council or as may be necessary to complete the performance of the foregoing functions.