

## Title 2

### ADMINISTRATION AND PERSONNEL

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## Chapter 2.04

### CITY COUNCIL

#### Sections:

- 2.04.010 Elective mayor – Term of office.
- 2.04.020 Elective mayor – Powers and duties.
- 2.04.030 Salaries for councilmembers and mayor elect.
- 2.04.040 Term limits.

#### **2.04.010 Elective mayor – Term of office.**

Pursuant to the results of the municipal election held in March of 1978, the office of the mayor shall be an elective office, and the term thereof shall be two years. (1960 code § 2.1.2)

#### **2.04.020 Elective mayor – Powers and duties.**

A. The mayor shall be a member of the city council and have all the powers and duties of a member of the city council.

B. Additionally, the mayor shall have all the powers and duties of elective mayor as provided by statute, including, but not limited to:

1. Presiding at meetings of the city council;
2. Appointing all members of committees of the city council. (Ord. 1328 § 1, 1990; 1960 code § 2.1.3)

#### **2.04.030 Salaries for councilmembers and mayor elect.**

A. Pursuant to Government Code Sections 36516 and 36516.5, each member of the Livermore city council, except the mayor, shall receive the salary of \$980.00 per month. This salary is effective as of the first day after any of the councilmembers begin a new term of office, or beginning December 2, 2007, whichever occurs later.

B. Pursuant to Government Code Section 36516.1, the elective mayor shall receive a salary of \$1,400 per month. This salary is effective as of the first day after any of the councilmembers begin a new term of office, or beginning December 2, 2007, whichever occurs later.

C. The salaries set forth herein shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred in the performance of official duties for the city.

D. The salary level set herein shall supersede the provision of any and all ordinances or resolutions heretofore adopted or in effect. (Ord. 1831 § 1, 2007; Ord. 1527 §§ 1, 2, 1998; Ord. 1210 § 1, 1986; 1960 code § 2.1.1)

#### **2.04.040 Term limits.**

A. No person who has served terms totaling eight consecutive years as mayor shall be qualified for further service in that office until he or she has a break in service in that office of at least two years.

B. No person who has served terms totaling eight consecutive years as a councilmember shall be qualified for further service in that office until he or she has a break in service in that office of at least two years.

C. The disqualifications imposed by this section shall not prevent a person who is disqualified from serving as mayor from serving as councilmember or a person who is disqualified from serving as a councilmember from serving as mayor. However, any person who has served terms totaling 16 consecutive years in the offices of mayor and councilmember shall be disqualified from further service in either office until he or she has a break in service from both offices of at least two years.

D. As used in this section, a person shall be considered to have served a “term” of office if such person has served one-half of a full term of office plus one day.

E. Time spent in office prior to the enactment of this section shall not be counted in computing consecutive terms in office. (Ord. 1701-1 § 1, 2003)

**Chapter 2.06**

**CITY COUNCIL MEETINGS**

Sections:

- 2.06.010 Regular meetings – When and where held.
- 2.06.020 Regular meetings – Time.
- 2.06.030 When meeting day falls on a holiday.
- 2.06.040 Special meetings.

**2.06.010 Regular meetings – When and where held.**

All regular meetings of the city council shall be held on the second and fourth Mondays of every month in the city council chambers located at 3575 Pacific Avenue, Livermore, California. (Ord. 1427 § 1, 1994; 1960 code § 2.1)

**2.06.020 Regular meetings – Time.**

The time for the holding of all regular meetings of the city council shall be as hereafter fixed by resolution of the city council. (1960 code § 2.2)

**2.06.030 When meeting day falls on a holiday.**

Should any of the days so fixed for a regular meeting of the city council fall upon a legal holiday, the city council shall meet at the same hour upon the next day thereafter which is not a legal holiday. (1960 code § 2.3)

**2.06.040 Special meetings.**

Special meetings of the city council shall be held as provided for by the provisions of California Government Code Sections 36807 and 54956. (Ord. 1427 § 1, 1994; 1960 code § 2.4)

**Chapter 2.08**

**CITY MANAGER**

Sections:

- 2.08.010 Office created – Qualifications – Appointment and term of office.
- 2.08.020 Residency requirements.
- 2.08.030 Eligibility of councilmembers.
- 2.08.040 Bond.
- 2.08.050 Absence or disability – Temporary city manager.
- 2.08.060 Powers and duties.
- 2.08.070 Relations between council and city manager.
- 2.08.080 Attendance at other commission and board meetings.
- 2.08.090 Departmental cooperation.
- 2.08.100 Compensation and expense allowance.
- 2.08.110 Traveling expense reimbursement.
- 2.08.120 Removal from office – Council vote and notice required.
- 2.08.130 Removal from office – Hearing requirements.
- 2.08.140 Removal from office – Suspension pending hearing.
- 2.08.150 Removal from office – Council discretion.
- 2.08.160 Removal from office – Limitations before municipal elections.

**2.08.010 Office created – Qualifications – Appointment and term of office.**

The office of city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications, and shall hold office for and during the pleasure of the city council. (1960 code § 2.17)

**2.08.020 Residency requirements.**

Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within 180 days thereafter the city manager must become a resident of the city, or the city council shall declare the office of the city manager to be vacant. (1960 code § 2.18)

**2.08.030 Eligibility of councilmembers.**

No person elected as a councilman of the city shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed after such councilmember shall have

ceased to be a member of the city council. (1960 code § 2.19)

**2.08.040 Bond.**

The city manager shall furnish a corporate surety bond to be approved by the city council, in such sum as may be determined by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed by this chapter. Any premium for such bond shall be a proper charge against the city. (1960 code § 2.20)

**2.08.050 Absence or disability – Temporary city manager.**

The city manager shall appoint, subject to the approval of the city council, one of the officers or department heads of the city to serve as city manager pro tempore during any temporary absence or disability of the city manager. In case of the absence or disability of the city manager, and his failure to so appoint a city manager pro tempore, the city council may designate some qualified city employee to perform the duties of the city manager during the period of absence or disability of the city manager, subject, however, to such person furnishing a corporate surety bond conditioned upon faithful performance of the duties required to be performed as set forth in LMC 2.08.040. (1960 code § 2.21)

**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 code. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the power:

A. Enforcement of Laws. To enforce all laws and ordinances of the city, and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed;

B. Authority Over Employees. To control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his jurisdiction, except the city attorney and city treasurer, through their department heads;

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C. Appointment and Removal of Officers and Employees. To appoint and, when necessary for the good of the service, remove any employee of the city, except the city attorney, the city attorney's staff and the city treasurer;

D. Reorganization of Offices. To recommend to the city council such reorganization of offices, positions, departments or units under his direction, as may be indicated in the interest of efficient, effective and economical conduct of the city's business;

E. Recommend Ordinances. To recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient;

F. Attendance at Council Meetings. To attend all meetings of the city council unless excused therefrom, except when his removal is under consideration;

G. Financial Reports. To keep the city council at all times fully advised as to the financial conditions and needs of the city;

H. Preparation of Budget. To prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval;

I. Purchase of Supplies. To purchase all supplies for all of the departments or divisions of the city. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager;

J. Investigation of City Affairs. To make investigations into the affairs of the city and any department or division thereof, and any contract, or the proper performance of any obligations of the city;

K. Investigate Complaints Concerning Public Utilities, Franchises. 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, and to see that all franchises and permits granted by the city are faithfully performed and observed;

L. Supervision of Public Buildings and Parks. To exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the city council;

M. Hours of Employment. To devote his entire time to the duties of his office in the interests of the city;

N. Additional Duties. To perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the city council. (Ord. 1728 § 3, 2004; 1960 code § 2.24)

**2.08.070 Relations between council and city manager.**

The city council and its members shall deal with the administrative services of the city manager 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. The city manager shall take his orders and instructions from the city council only when sitting in a duly held meeting of the city council, and no individual councilman shall give any orders or instructions to the city manager. (1960 code § 2.25)

**2.08.080 Attendance at other commission and board meetings.**

The city manager may attend any and all meetings of the planning commission, park commission, and any other commissions, boards or committees hereafter created by the city council, upon his own volition or upon direction of the city council. At such meetings which the city manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform such members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (1960 code § 2.27)

**2.08.090 Departmental cooperation.**

It shall be the duty of all subordinate officers, and the city clerk, city treasurer and city attorney, to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously, so far as may be consistent with their duties as prescribed by law and ordinances of the city. (1960 code § 2.26)

**2.08.100 Compensation and expense allowance.**

The city manager shall receive such compensation and expense allowance as the city council shall

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from time to time determine and fix by resolution, and such compensation and expense shall be a charge against such funds of the city as the city council shall designate. (1960 code § 2.22)

### **2.08.110 Traveling expense reimbursement.**

The city manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties, or incurred when traveling on business pertaining to the city under direction of the city council. Reimbursement shall only be made, however, when a verified, itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the city council for approval. (1960 code § 2.23)

### **2.08.120 Removal from office – Council vote and notice required.**

The removal of the city manager shall be only upon a three-member vote of the whole council of the city in regular council meeting, subject, however, to the provisions of LMC 2.08.130 through 2.08.160. In case of his intended removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him and the reason therefor, at least 30 days before the effective date of his removal. (1960 code § 2.28)

### **2.08.130 Removal from office – Hearing requirements.**

Within seven days after the delivery to the city manager of the notice referred to in LMC 2.08.120 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 30-day period, at which the city manager shall appear and be heard, with or without counsel. (1960 code § 2.29)

### **2.08.140 Removal from office – Suspension pending hearing.**

After furnishing the city manager with written notice of intended removal, the city council may suspend him from duty, but his compensation shall continue until his removal by resolution of the council, passed subsequent to the aforesaid hearing. (1960 code § 2.30)

### **2.08.150 Removal from office – Council discretion.**

In removing the city manager, 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 grounds of opposition to his removal prior to its action. (1960 code § 2.31)

### **2.08.160 Removal from office – Limitations before municipal elections.**

Notwithstanding the provisions of LMC 2.08.120 through 2.08.150, the city manager shall not be removed from office during or within a period of 90 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 office. After the expiration of the 90-day period, the provisions of the preceding section as to the removal of the city manager shall apply and be effective. (1960 code § 2.32)

**Chapter 2.09**

**CITY DEPARTMENTS**

Sections:

2.09.010 Established.

**2.09.010 Established.**

The following city departments are established:

- A. City attorney’s office;
- B. City clerk’s office;
- C. City manager’s office;
- D. Community development department;
- E. Economic development department;
- F. Finance department;
- G. Fire department;
- H. Human resources department;
- I. Police department;
- J. Public library;
- K. Public works department. (Ord. 1780 § 1, 2005; Ord. 1701 § 1, 2003; added at 1997 recodification)

**Chapter 2.12**

**CITY ATTORNEY**

Sections:

- 2.12.010 Office established.
- 2.12.020 Appointment and duties.
- 2.12.030 Specific powers and duties.
- 2.12.040 Appointment and removal of other employees.
- 2.12.050 Attendance at commission and other meetings.
- 2.12.060 Compensation and expense allowance.
- 2.12.070 Traveling expense reimbursement.
- 2.12.080 *Repealed.*
- 2.12.085 *Repealed.*
- 2.12.090 *Repealed.*

**2.12.010 Office established.**

The office of the city attorney is established as a separate office of the city, and shall be responsible directly to the city council. (1960 code § 2.60)

**2.12.020 Appointment and duties.**

The city attorney shall be appointed by the city council and shall have such duties as are prescribed by the general laws of the state and the regulations of the city, and shall be chief legal advisor of and attorney for the city and all departments and offices thereof. (1960 code § 2.61)

**2.12.030 Specific powers and duties.**

- A. 1. The city attorney shall:
  - a. Perform all services incident to his or her office;
  - b. Give advice in writing when so requested by council, its committees, the manager, the commissions or department heads; but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions;
  - c. Prosecute or defend, as the case may be, all suits or cases to which the city may be a party;
  - d. Prepare or approve in writing all ordinances, resolutions, contracts, bonds or other instruments in which the city is concerned, and endorse on each his or her approval of the form or correctness thereof;
  - e. Preserve in his or her office a transcript of all cases in which the city is interested in

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any of the courts, and keep a record of all proceedings of said cases;

f. Preserve in his or her office copies of all written opinions furnished by him or her to the council, manager, commission, or any officer; and

g. Administer the city's risk management program.

2. Such documents, copies and papers shall be the property of the city, and the city attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers and necessary information, to his or her successor in office.

B. The city attorney shall have charge and custody of all legal papers, books and documents belonging to the city pertaining to his or her office, and may demand and receive from any officer of the city any book, paper, document or evidence necessary to be used in any suit or required for the purpose of his or her office.

C. The city attorney shall perform such other duties of a legal nature as the council may by ordinance or resolution require, or as are provided by the Constitution or general laws of the state. The city attorney shall prepare and submit to council a proposed annual budget and the proposed annual salary plan for his or her assistants and employees. This budget shall also be submitted to the city manager for his review and comments. (Ord. 1432 § 1, 1994; 1960 code § 2.62)

### 2.12.040 Appointment and removal of employees.

The city attorney shall have the authority to appoint and remove those employees of the city attorney's department allocated by the city council through the annual city budget as necessary and appropriate to properly serve the city attorney in performance of the duties and responsibilities of the office. (Ord. 1728 § 4, 2004; Ord. 1320 § 1, 1989; 1960 code § 2.65)

### 2.12.050 Attendance at commission and other meetings.

The city attorney may attend, or send his or her representative to, any and all meetings of the planning commission, and any other commissions, boards or committees hereafter created by the city council, upon his or her own volition, or upon direction of the city council. At such meetings

which the city attorney attends, he or she shall be heard by such commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof, and he or she shall inform such members as to the status of any matter, insofar as its legality is concerned, and he or she shall cooperate to the fullest extent with the members of such commissions, boards or committees appointed by the city council. (1960 code § 2.68)

### 2.12.060 Compensation and expense allowance.

The city attorney shall receive such compensation and expense allowance as the city council shall from time to time determine and fix by resolution, and such compensation and expenses shall be charged against the city as the city council shall designate. (1960 code § 2.66)

### 2.12.070 Traveling expense reimbursement.

The city attorney shall be reimbursed for all sums necessarily incurred or paid by him or her in the performance of duties, or incurred when traveling on business pertaining to the city under direction of the city council. Reimbursement shall only be made, however, when a verified, itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the city council for approval. (1960 code § 2.67)

### 2.12.080 Assistant city attorney.

*Repealed by Ord. 1728. (1960 code § 2.63)*

### 2.12.085 Deputy city attorney.

*Repealed by Ord. 1728. (Ord. 1432 § 2, 1994)*

### 2.12.090 Risk manager.

*Repealed by Ord. 1728. (Ord. 1320 § 2, 1989; 1960 code § 2.64)*

**Chapter 2.13**

**CITY TREASURER**

Sections:

2.13.010 Office established.

**2.13.010 Office established.**

The office of city treasurer is established as a separate office of the city, and shall be responsible directly to, and appointed by, the city council. (Ord. 1577 § 1, 2000)

**Chapter 2.14**

**ELECTIONS**

Sections:

Article I. Date of General Municipal Elections

2.14.010 Date of general municipal elections.

Article II. Election Campaign Contributions

2.14.020 Findings and purpose – Statutory authority.

2.14.030 Definitions.

2.14.040 Contributions – Restrictions generally.

2.14.050 Anonymous contributions.

2.14.060 Filing of verified campaign expenditures statement.

2.14.070 Enforcement.

**Article I. Date of General Municipal Elections**

**2.14.010 Date of general municipal elections.**

Under the authority of Chapter 1013 Statutes of 1981, the general municipal elections of the city shall be held on the first Tuesday after the first Monday in November in each odd numbered year. (Ord. 1105A, 1982)

**Article II. Election Campaign Contributions**

**2.14.020 Findings and purpose – Statutory authority.**

Pursuant to the authority granted to the city council in Government Code Section 81013 permitting the imposition of additional local requirements to the Political Reform Act of 1974, the city council hereby finds that it is in the public interest to place realistic and enforceable limits on the amounts which may be contributed to political campaigns in municipal elections, and that candidates and treasurers of committees aiding such candidates make a full and fair declaration containing a disclosure of the persons making contributions, the amounts of such contributions, the persons to whom expenditures are made, and the amounts of such expenditures. (Ord. 1219 § 2, 1986)

**2.14.030 Definitions.**

For the purpose of this chapter, definitions codified in the Political Reform Act, beginning at Sec-

## 2.14.040

tion 82000 et seq., shall apply to this chapter, with the additions of subsection C of this section and the following additional requirements to subsections A and B of this section:

A. "Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of each committee, showing, in addition to matters required by law, the following information:

1. The name, complete mailing address, occupation and place of employment, and business address if self employed, of any person who paid, loaned, contributed or otherwise furnished \$25.00 or more, or its equivalent, to the candidate or treasurer for the candidate, or to each committee as defined in subsection B of this section, for the use of such candidate or such treasurer, directly or indirectly, in aid of the candidate's election, or for qualification, passage or defeat of any measure, and the amount, in detail, of such money or its equivalent each such person paid, loaned, contributed or otherwise furnished;

2. The purchase of any tickets cumulatively totaling \$25.00, or more, for any fundraising event, regardless of number purchased, value of each ticket, or frequency of purchase, is subject to the provisions of subsection (A)(1) of this section;

3. The donation of \$25.00 or more to any "kitty" at any campaign event is subject to the provisions of subsection (A)(1) of this section;

4. All expenditures of \$25.00 or more shall be itemized in detail, with the amount and names of persons and/or concerns where the moneys were expended;

5. This definition also modifies "Contents of a Campaign Statement," codified at Government Code Section 84210 with regard to additional city requirements.

B. "Committee" means:

1. A committee, person or group of persons organized for the purpose or charged with the duty of conducting or aiding the election campaign, including fundraising events, or any candidate for municipal office of the city, or for the support or defeat of a measure under consideration in the city;

2. Any committee, person or group of persons aiding, directly or indirectly, any candidate, measure or committee, as defined in subsection (B)(1) of this section, whether or not originally organized for election purposes.

C. "Election period" means that period of time commencing on the fifty-eighth day following a general, municipal or special municipal election in which there were municipal candidates or measures, and extending to 12:00 noon of the fifth day (Thursday) before the next general, municipal or special municipal election in which there are municipal candidates or measures. The "election period" for the offices of mayor and councilperson is the term related to the specific office involved such that the election period for an office involving the election of municipal candidate shall be from the fifty-eighth day following a general election for that office until the next election at which that specific office is subject to election. (Ord. 1731 § 1, 2004; Ord. 1219 § 2, 1986)

## 2.14.040 Contributions – Restrictions generally.

A. No contribution shall be accepted by any candidate or committee except during an election period.

B. No person or committee shall make any contribution or contributions (including loans and non-monetary) which exceed the aggregate amount of \$250.00 during any election period.

C. Return of Excess Contributions. If the contribution limitation set forth in subsection B of this section is exceeded, the candidate must, within 15 days after receipt, return to the contributor the excess amount in monetary value form.

D. Limits Applied Separately. The candidate contribution limit of subsection B of this section applies to each person. Therefore, a husband and wife may each make contributions up to the specified limit, including contributions made from shared or community property. When a husband or wife makes a contribution to a candidate or committee, using a joint checking account or other instrument, the contribution will apply to the spouse signing the check.

E. Nothing in this section shall limit the amount which a candidate may contribute to his or her campaign for an elected city office.

F. The prohibitions stated in subsection B of this section shall not apply to contributions made or received in support of, or in opposition to, a ballot measure. (Ord. 1731 § 2, 2004; Ord. 1219 § 2, 1986)

**2.14.050 Anonymous contributions.**

A. Any committee, person or group of persons other than the official election organization of a candidate who expends funds on behalf of a candidate shall, prior to the expenditure, receive authorization in writing from the treasurer of the candidate's election organization. All contributions or expenditures by such committees, persons or groups of persons shall be deemed to be on behalf of the candidate for purposes of this chapter.

B. Notwithstanding the provisions of LMC 2.14.030(A)(1), a candidate shall be permitted to accept and retain anonymous contributions up to an aggregate limit of \$50.00 per reporting period. The total amount of such contributions shall be stated on the campaign statement. If the total of anonymous contributions exceeds \$50.00 in any one reporting period, the excess shall be paid to the finance director of the city within one business day after the next reporting date. (Ord. 1731 § 3, 2004; Ord. 1219 § 2, 1986)

**2.14.060 Filing of verified campaign expenditures statement.**

A. To ensure full disclosure, each committee or its treasurer shall disclose all expenditures on behalf of the candidate to the candidate or his or her treasurer not later than one business day after the expenditure.

B. Cumulative preliminary campaign statements shall be filed by the following dates by the candidate and each committee:

1. No later than 40 days prior to the election; this report closes 45 days prior to the election;

2. No later than 12 days prior to the election; this report closes 17 days prior to the election;

3. An additional final contributions disclosure statement shall be filed with the city clerk during regular business hours on the Thursday preceding the election; this report closes at 12:00 noon on the date of filing. This report is in addition to the reports required to be filed under state law in Government Code Section 84200;

4. The final post-election campaign statement will be filed not later than January 31st of the year following the election in accordance with the provisions of the Political Reform Act. In the event that the date of the city election changes, the final post-election report shall be filed on a semi-annual

basis in accordance with the provisions of the Political Reform Act;

5. Filing must be received by the city clerk, by 5:00 p.m., and is not accomplished by depositing in the mail;

6. Each committee supporting or opposing a measure shall file its expenditure reports in accordance with the provisions of the Political Reform Act. (Ord. 1731 § 4, 2004; Ord. 1219 § 2, 1986)

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**2.14.070 Enforcement.**

A violation of any provision of this chapter shall be considered an infraction under the provisions of LMC 1.16.010 of this code. To provide additional enforcement of this chapter:

- A. The city attorney is authorized to sue for injunctive relief to enjoin violations or compel compliance with the provisions of this chapter; and
- B. The city clerk is authorized to apply the provisions of Government Code Section 91013 to violations of this chapter regarding late filings. (Ord. 1219 § 2, 1986)

**Chapter 2.20**

**OFFICERS' BONDS**

Sections:

2.20.010 Bonds required for certain officers – Amounts.

**2.20.010 Bonds required for certain officers – Amounts.**

The clerk and the treasurer of the city shall, before entering upon the duties of their respective office, each execute a bond to the city in the following respective penal sums:

- A. The clerk, \$2,000;
- B. The treasurer, \$8,250. (Ord. 1272 § 1, 1988; 1960 code § 2.16)

Chapter 2.24

CITY HOLIDAYS

Sections:

2.24.010 City holidays and work assignment.

**2.24.010 City holidays and work assignment.**

The public offices of the city shall be closed on official city holidays, which shall be those days as hereinafter fixed by resolution of the city council. The city manager shall establish such regulations as are necessary for special working shift assignments on those days and times on which city offices are closed. (1960 code § 2.3.1)

Chapter 2.28

FINANCE DEPARTMENT

Sections:

- 2.28.010 Established – Purpose.
- 2.28.020 Powers and duties.
- 2.28.030 Director of finance – Powers and duties.
- 2.28.040 Surety bond.
- 2.28.050 Director of finance – Duties transferred from city clerk.
- 2.28.060 Financial reports required.
- 2.28.070 Additional duties.

**2.28.010 Established – Purpose.**

In order to establish a central program for the uniform processing and development of all fiscal and budgetary functions, there is established a finance department. (Ord. 1505 § 1, 1997)

**2.28.020 Powers and duties.**

The finance department shall be vested and charged with the following duties and responsibilities:

A. Operate Accounting System. Maintain and operate the general accounting system of the city and of each of the respective departments, divisions and services thereof;

B. Accounting Procedures. Perform such accounting functions and duties in accordance with the latest and most modern accounting practices;

C. Maintain Inventory. Keep and maintain, or prescribe and require the keeping and maintaining of, inventory records of municipal properties necessary in accordance with modern municipal accounting practices;

D. Administration of Taxes. Assume, maintain and perform all functions and duties relating to the administration of property taxes, sales taxes, and license taxes levied by the city and of the collection thereof;

E. Cash Management.

1. Revenue. Assume, maintain, and perform all functions and duties relating to the collection, receipt, and deposit of money;

2. Disbursements. Assume and perform all municipal functions and duties relating to the preparation, auditing and disbursements of claims and demands against the city, including payrolls; and

3. Investments. Assume and perform all municipal functions relating to investment of sur-

## Chapter 2.28

### ADMINISTRATIVE SERVICES DEPARTMENT

#### Sections:

- 2.28.010 Established – Purpose.
- 2.28.020 Powers and duties.
- 2.28.030 Director of administrative services – Powers and duties.
- 2.28.040 Surety bond.
- 2.28.050 Administrative services director – Duties transferred from city clerk.
- 2.28.060 Financial reports.
- 2.28.070 Additional duties.

#### **2.28.010 Established – Purpose.**

In order to establish a central program for the uniform processing and development of all fiscal and budgetary functions, there is established an administrative services department. (Ord. 1908 § 2, 2010; Ord. 1505 § 1, 1997)

#### **2.28.020 Powers and duties.**

The administrative services department shall be vested and charged with the following duties and responsibilities:

A. Operate Accounting System. Maintain and operate the general accounting system of the city and of each of the respective departments, divisions and services thereof;

B. Accounting Procedures. Perform such accounting functions and duties in accordance with the latest and most modern accounting practices;

C. Maintain Inventory. Keep and maintain, or prescribe and require the keeping and maintaining of, inventory records of municipal properties necessary in accordance with modern municipal accounting practices;

D. Administration of Taxes. Assume, maintain and perform all functions and duties relating to the administration of property taxes, sales taxes, and license taxes levied by the city and of the collection thereof;

E. Cash Management.

1. Revenue. Assume, maintain, and perform all functions and duties relating to the collection, receipt, and deposit of money;

2. Disbursements. Assume and perform all municipal functions and duties relating to the preparation, auditing and disbursements of claims and demands against the city, including payrolls; and

3. Investments. Assume and perform all municipal functions relating to investment of surplus money not required for immediate expenses in accordance with state law and city investment policy;

F. Preparation of Budget. Assist in the preparation of the biennial city budget, and in the administration thereof;

G. Annual Audit. Provide for preparation of a comprehensive annual financial report utilizing independent auditors;

H. Purchasing.

1. Negotiate contracts for equipment, supplies (other than library books and periodicals) and general services, in accordance with the purchasing procedures prescribed in Chapter 2.68 LMC;

2. Act to procure for the city the needed quality in equipment, supplies, and general services at the least expense to the city;

3. Discourage uniform bidding, and endeavor to obtain as full and open competition as possible on all purchases;

4. Prepare and recommend to the city manager and city council rules governing the purchase of supplies, equipment and services for the city;

5. Keep informed of current developments in the field of purchasing prices, market conditions and new products;

6. Prescribe and maintain forms necessary to operation of Chapter 2.68 LMC and other rules and regulations; and

7. Maintain a bidders' list, vendors' catalog file, and records needed for the efficient operation of the purchasing system. (Ord. 1895 § 4, 2010; Ord. 1556 § 1, 1999; Ord. 1505 § 1, 1997)

#### **2.28.030 Director of administrative services – Powers and duties.**

The administrative services department shall be supervised by a director of administrative services, who shall be responsible to the city manager. The appointment or removal of the director of administrative services shall be made by the city manager, subject to the approval of the city council. The director of administrative services shall:

A. Recommend the appointment of such subordinate employees as may be necessary in the conduct of this department;

**2.28.040**

B. Establish and maintain sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments, divisions and services of the city, in accordance with modern municipal accounting practice;

C. Act as the purchasing agent for the city for the purchase of supplies, equipment and general services pursuant to Chapter 2.68 LMC. The administrative services director may delegate routine administrative purchasing responsibilities under Chapter 2.68 LMC to another staff person, and may establish a centralized purchasing division. (Ord. 1908 § 3, 2010; Ord. 1895 § 4, 2010; Ord. 1556 § 2, 1999; Ord. 1505 § 1, 1997)

**2.28.040 Surety bond.**

Prior to entering upon the duties and pursuant to the requirements of the laws of the state (Government Code Sections 36518 and 37209), surety protection shall be provided for the administrative services director in the amount of \$25,000. (Ord. 1895 § 4, 2010; Ord. 1505 § 1, 1997)

**2.28.050 Administrative services director – Duties transferred from city clerk.**

In accordance with the provisions of Government Code Section 40805.5, the financial and accounting duties imposed upon the city clerk under Government Code Sections 40802 through 40805 are hereby transferred to the administrative services director. (Ord. 1895 § 4, 2010; Ord. 1505 § 1, 1997)

**2.28.060 Financial reports.**

The administrative services department shall prepare and present to the city council, in sufficient detail to show the financial condition:

A. A quarterly statement of all receipts, disbursements and balances of the city;

B. Such other financial reports as may be required. (Ord. 1895 § 4, 2010; Ord. 1505 § 1, 1997)

**2.28.070 Additional duties.**

The administrative services department shall perform such additional duties and functions as may be hereafter prescribed or required by the city council or the city manager. (Ord. 1895 § 4, 2010; Ord. 1505 § 1, 1997)

**Chapter 2.32**

**FIRE DEPARTMENT**

**(Reserved)**

## Chapter 2.36

POLICE DEPARTMENT AND  
POLICE RESERVE

## Sections:

2.36.190 Adherence to state standards.

**2.36.190 Adherence to state standards.**

Pursuant to Sections 13510(c), 13512 and 13522 of Chapter 1, Title 4, Part 4 of the Penal Code, 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 State Commission on Peace Officer Standards and Training (Commission). (Ord. 1291 § 2, 1988)

## Chapter 2.40

## ADVISORY BODIES

## Sections:

2.40.010 Purpose.  
 2.40.020 City of Livermore advisory bodies.  
 2.40.030 Eligibility.  
 2.40.040 Term of office.  
 2.40.050 Appointments.  
 2.40.060 Vacancies and reappointments.  
 2.40.070 Attendance.  
 2.40.080 Meeting times and locations.  
 2.40.090 Officers.  
 2.40.100 Rules of procedure.  
 2.40.110 Support staff.  
 2.40.120 Compensation.  
 2.40.130 Statement of economic interest.

**2.40.010 Purpose.**

Boards, committees and commissions (hereinafter referred to as “advisory bodies”) play an important role in city government by obtaining community input, developing recommendations and providing information to the city council consistent with the goals and policies of the city council. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

**2.40.020 City of Livermore advisory bodies.**

The city council of the city of Livermore finds that the following advisory bodies are established and shall have the following duties and responsibilities:

- A. Airport commission;
- B. Beautification committee;
- C. Commission for the arts;
- D. *Repealed by Ord. 1860;*
- E. Environment and energy committee;
- F. *Repealed by Ord. 1918;*
- G. Historic preservation commission;
- H. Human services commission;
- I. Library board of trustees;
- J. Livermore housing authority;
- K. Livermore area youth advisory commission;
- L. Planning commission;
- M. *Repealed by Ord. 1806.* (Ord. 1918 § 1, 2010; Ord. 1916 § 1(2), 2010; Ord. 1860 § 1, 2009; Ord. 1806 § 1, 2007; Ord. 1786 § 2, 2006)

## **2.40.030**

### **2.40.030 Eligibility.**

All advisory body members must be residents of the city of Livermore unless otherwise noted. The city council or state or federal law may establish additional requirements. (Ord. 1786 § 2, 2006)

### **2.40.040 Term of office.**

The term of office for members of an advisory body is four years, unless otherwise noted. Members shall serve no more than two consecutive terms or a total of eight years unless the member was selected to complete an unexpired term or unless otherwise noted.

Time served in an unexpired term shall not count against the eight-year maximum limit. Advisory body members who have already completed eight years of service or other specified maximum terms are not eligible for appointment to an unexpired term.

The following term limits are exceptions to the limits specified above:

A. Library Board of Trustees. The term of office for members of the library board of trustees is three years. No member shall serve more than three consecutive terms or a total of nine years, unless the member was selected to complete an unexpired term. Time served in an unexpired term shall not count against the nine-year maximum limit.

B. Livermore Area Youth Advisory Commission. The term of office for members of the Livermore area youth advisory commission is two years. No member shall serve more than four consecutive terms of a total of eight years, unless the member was selected to complete an unexpired term. Time served in an unexpired term shall not count against the eight-year maximum limit. (Ord. 1786 § 2, 2006)

### **2.40.050 Appointments.**

All advisory body appointments shall be made by the city council, unless otherwise noted.

A. Appointments to the Livermore area youth advisory commission shall be made by a committee consisting of one member of the Livermore city council, one member of the Livermore area recreation and park district board of directors, and one member of the Livermore area youth advisory

commission. Recommendations of the appointing committee shall be approved by the Livermore city council. (Ord. 1786 § 2, 2006)

### **2.40.060 Vacancies and reappointments.**

Whenever a vacancy occurs within an advisory body, the vacancy shall be filled in accordance with the city council's rules and procedures. Reappointments of eligible advisory body members shall be made in accordance with the city council's rules and procedures. (Ord. 1786 § 2, 2006)

### **2.40.070 Attendance.**

All members must be active participants in order for an advisory body to function effectively and accomplish its goals. This means all members must be present unless excused from attending a meeting by the chair. Any member who is absent more than the number of excused or unexcused absences allowed by the applicable rules of procedure of a particular advisory body may forfeit advisory body membership. The chair may, with concurrence of a majority of the advisory body, recommend to the city council removal of any member who is absent more than the allowable number of absences. (Ord. 1786 § 2, 2006)

### **2.40.080 Meeting times and locations.**

Advisory bodies will meet on a regular basis. The meeting schedule and the time and location of advisory body meetings shall be established by the rules of procedure of the advisory body.

A written agenda must be posted at the location where the meeting will be held no less than 72 hours prior to the commencement of any meeting. Posted agendas must be readily accessible for viewing by the public.

All meetings must be held, noticed and conducted in compliance with the Brown Act, city council procedures and Robert's Rules of Order. (Ord. 1786 § 2, 2006)

### **2.40.090 Officers.**

At the first meeting after January 1st of each year, each advisory body will elect from its members a chairperson and a vice chairperson to serve at the pleasure of the advisory body.

At the first meeting of September of each year, the Livermore area youth advisory commission will elect from its members officers as prescribed in the commission's rules of procedure. (Ord. 1786 § 2, 2006)

**2.40.100 Rules of procedure.**

Each advisory body must maintain rules of procedure as established and approved by the city council. Any amendments to the rules of procedure must be approved by the city council. (Ord. 1786 § 2, 2006)

**2.40.110 Support staff.**

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over city employees. While working closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the city manager and council.

The city council has the right to vote to appoint members of the council, city officials or city employees it deems advisable to assist any advisory body. Such appointees shall have no vote on the commission. (Ord. 1786 § 2, 2006)

**2.40.120 Compensation.**

Each member of the planning commission shall receive a monthly salary of one-half the amount of salary paid to members of the city council. This salary is exclusive of any amounts payable as reimbursement for actual and necessary expenses incurred in the performance of official duties for the city.

No other advisory bodies shall receive compensation. (Ord. 1786 § 2, 2006)

**2.40.130 Statement of economic interest.**

Certain advisory body members may be required to file statements of economic interest (also known as conflict of interest forms) upon taking office. Determination of the need to file such forms shall be made by city staff in consultation with the city attorney. (Ord. 1786 § 2, 2006)

**Chapter 2.41**

**AIRPORT COMMISSION**

Sections:

2.41.010 Members.

2.41.020 Duties and responsibilities.

**2.41.010 Members.**

The airport commission shall consist of five members, all of whom must be residents of the city of Livermore. Three members must be certificated pilots and no more than two members shall be tenants. (Ord. 1916 § 1(3), 2010; Ord. 1786 § 2, 2006)

**2.41.020 Duties and responsibilities.**

The city council declares that the individuals appointed to the office of airport commissioner are intended to represent and further the interest of the aviation industry, and that such representation and furtherance will ultimately serve the public interest. Accordingly, the city council finds that for purposes of persons who hold such office, the aviation industry is tantamount to and constitutes the public generally within the meaning of Section 87103 of the Government Code.

The airport commission shall have the following duties and responsibilities:

A. Serve as an advisory body to the city council on matters related to airport growth and development, and on such other matters as may be requested by the council. The commission is empowered to implement policies and regulations consistent with the goals and policies of the city council that govern the day-to-day operation and the conduct of business of the airport, subject to appeal to the city council.

B. Promote public interest in airport planning and encourage citizen participation in planning matters at the airport.

C. Engage in a program of acquainting the public with the performance of and alternate solutions relating to aviation transportation, and ensure that the public and private facilities and services will be provided by an orderly and balanced growth of the airport and airport activity.

D. Conduct appeal hearings pursuant to LMC 11.08.190.

E. Stay apprised of and recommend on all matters concerning the Livermore municipal airport properties and adjacent areas affecting the airport

**2.42.010**

properties, with the exception of hangar rates, which are set by action of the city council. (Ord. 1918 § 1, 2010; Ord. 1916 § 1(4), 2010; Ord. 1906 § 1, 2010; Ord. 1815 § 1, 2007; Ord. 1786 § 2, 2006)

**Chapter 2.42**

**BEAUTIFICATION COMMITTEE**

Sections:

2.42.010 Members.

2.42.020 Duties and responsibilities.

**2.42.010 Members.**

No later than June 1, 2011, the beautification committee shall consist of seven members, all of whom must be residents of the city of Livermore. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

**2.42.020 Duties and responsibilities.**

The beautification committee shall have the following duties and responsibilities:

A. Designate and plan specific sites and extended areas, primarily under governmental ownership or control, for the beautification of major roadway systems, median islands and entranceways throughout the city.

B. Review the designs for establishment of small parks or rest areas at street intersections.

C. In cooperation with the city neighborhood preservation division, analyze and recommend property rehabilitation of singular or group areas under private ownership within the city.

D. Recommend revisions of the street tree ordinance, specifying tree types, installation standards, spacing dimensions, and other related matters for the implantation of decorative trees in all areas to be developed within the city in both residential and commercial areas.

E. Recommend an annual program by the city for the placement of street trees in all areas deficient in such improvements.

F. Recommend landscaping standards for publicly controlled landscaping associated with commercial and industrial development.

G. Recommend replacement landscaping, planting and maintenance standards for all of the landscape maintenance districts within the city of Livermore.

H. Review proposals for the installation of street furnishing and accessories, lights, ornamental fixtures, monuments, fountains, or other forms of furnishing of an aesthetic nature as to location, design and cost.

I. Analyze and recommend the utilization of federal, state and/or county programs wherein financial grants or personal services may be applicable and available to support the beautification effort of the city.

J. As requested by council, propose and recommend a master plan for Livermore beautification with detailed standards for aspects of city beautification.

K. Organize, publicize and participate in annual citywide activities and events, such as Earth Day, Make a Difference Day, and Arbor Day, and present beautification awards to enhance city aesthetics. (Ord. 1786 § 2, 2006)

## Chapter 2.43

### COMMISSION FOR THE ARTS

Sections:

2.43.010 Members.

2.43.020 Duties and responsibilities.

#### **2.43.010 Members.**

No later than January 1, 2013, the commission for the arts shall consist of nine members. Each member shall be appointed by the city council and must be a Livermore resident. All members of the commission must have a demonstrated knowledge of the arts. In making appointments to the commission, the council shall also consider members with organizational, business or financial skills and members with an understanding of marketing techniques. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

#### **2.43.020 Duties and responsibilities.**

The commission for the arts shall have the following duties and responsibilities:

A. Encourage programs for the cultural enrichment of the city.

B. Make recommendations to the city council regarding local cultural needs, activities, facilities and programs. These include needs for visual and performing arts facilities.

C. Receive input from the community on issues relevant to arts policies.

D. Develop and recommend to the council a five- to 10-year cultural arts plan for the city, including goals, implementation strategies and financing methods. The commission shall review the plan every five years and update it as necessary.

E. Review and approve or make recommendations regarding public art, in accordance with established procedures. (Ord. 1786 § 2, 2006)

**Chapter 2.44**

**DESIGN REVIEW COMMITTEE**

(Repealed by Ord. 1860)

**Chapter 2.45**

**ENVIRONMENT AND ENERGY  
COMMITTEE**

Sections:

2.45.010 Members.

2.45.020 Duties and responsibilities.

**2.45.010 Members.**

The environment and energy committee shall consist of five members, all of whom must be residents of the city of Livermore. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

**2.45.020 Duties and responsibilities.**

The environment and energy committee shall have the following duties and responsibilities:

A. Provide advice to the city council and planning commission regarding environmental, energy management and regulatory issues that affect natural resources or the quality of life within or near the city of Livermore.

B. Promote and recommend policies towards preservation, enhancement, and conscientious utilization of resources for use by residents of the city to sustain economic, social, recreational or aesthetic purposes.

C. Identify and give special consideration to issues that may adversely affect those natural resources within the city of Livermore or surrounding lands that are unique or rare.

D. Promote and recommend policies geared towards meeting the intent of the energy element of the city's general plan.

E. Research and recommend energy conservation programs that may be fundable as demonstration projects. (Ord. 1786 § 2, 2006)

**Chapter 2.46****GOLF COURSE GREENS COMMITTEE**

(Repealed by Ord. 1918)

**Chapter 2.47****HISTORIC PRESERVATION COMMITTEE**

Sections:

2.47.010 Members.

2.47.020 Duties and responsibilities.

**2.47.010 Members.**

The historic preservation commission shall consist of five members, all of whom must be residents of the city of Livermore. Commission members shall be appointed from among professionals in the disciplines of architecture, history, planning, archaeology, or other historic preservation-related disciplines to the extent that such professionals are available in the community. Commission membership shall also include lay members who have demonstrated special interest, competence, experience or knowledge in historic preservation. (Ord. 1786 § 2, 2006)

**2.47.020 Duties and responsibilities.**

The historic preservation commission shall have the following duties and responsibilities:

A. Maintain a continuing survey of all heritage resources within the city;

B. Recommend action for the preservation of buildings, structures, sites, natural features, works of art, or similar objects which have a significant historic, cultural, architectural, archaeological, community or aesthetic value;

C. Maintain and publish a register of all designated landmarks;

D. Encourage public awareness of involvement in the architectural and environmental heritage of the city through education and interpretive programs;

E. Explore and recommend means for protection, retention and use of any designated or potential heritage resources through either governmental or private action;

F. Coordinate activities with the planning commission in order to integrate heritage resource consideration into the planning process;

G. Recommend and encourage the protection, appreciation and use of structures of historic, architectural or aesthetic value which have not been officially designated through private efforts;

## 2.48.010

H. When requested by any heritage resource owner, provide advice and guidance for the preservation of such heritage resource;

I. Encourage and participate in the development of a cultural heritage element in the general plan; and

J. Cooperate with and encourage the formation of private cultural heritage groups in the city, county, state and federal government. (Ord. 1786 § 2, 2006)

## Chapter 2.48

### HUMAN SERVICES COMMISSION

Services:

2.48.010 Members.

2.48.020 Duties and responsibilities.

#### **2.48.010 Members.**

No later than November 1, 2011, the human services commission shall consist of nine members, all of whom must be residents of the city of Livermore. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

#### **2.48.020 Duties and responsibilities.**

The human services commission shall have the following duties and responsibilities:

A. Provide advice to the council regarding community needs that the multiservice center should address, the types of services the multiservice center should or should not provide, and tenant agencies that might be allocated space in the multiservice center.

B. Advise the council and/or the director of the multiservice center regarding building policies, including but not limited to priorities of needs to be served and activities to be instituted or terminated. Recommend to the city council policies governing the multiservice center consistent with city policies. Assist in informing the citizenry of the multiservice center's existence and the services it provides.

C. Assure compliance with the citizen participation requirements of the Housing and Community Development Act of 1974 and with Title II of the Cranston-Gonzales National Affordable Housing Act of 1990. This includes providing opportunities to the public to comment on all documentation relating to the implementation of these acts; informing the citizens of the amount of funds available for disbursement, eligible activities that may be financed by these acts, and appropriate regulations under which funds can be disbursed, and procedures and criteria to apply for and potentially receive funding from the city; reviewing and commenting on activities funded under these acts; articulating the needs of the low-income community; and acting as the vehicle for citizen input in the development of the application or any major amendments.

D. Serve as the primary advisory body to the city council on social conditions in the community, particularly for those residents who are of low and moderate income, communicating community reactions to proposed council actions, making recommendations to the city council on legislation perceived to affect human needs and social conditions and, to the degree possible, achieving consensus within the community regarding goals and priorities.

E. Promote and provide a forum for citizens to discuss social conditions and human needs within the community, including airing concerns, collecting pertinent information, evaluating appropriate action steps, and furnishing the city council with appropriate reports and recommendations.

F. Support the city and nonprofit agencies in their efforts to procure grants from public and private sources for meeting social needs in the community.

G. Advise the city council of social needs within the community that will affect the delivery of human services and unaddressed needs.

H. Advise the city council regarding expenditure of funding from the U.S. Department of Housing and Community and Urban Development. This will include but is not limited to entitlements received within the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Program (HOME). (Ord. 1786 § 2, 2006)

## Chapter 2.49

### LIBRARY BOARD OF TRUSTEES

#### Sections:

2.49.010 Members.

2.49.020 Duties and responsibilities.

#### **2.49.010 Members.**

The library board of trustees shall consist of five members, all of whom must be residents of the city of Livermore. (Ord. 1786 § 2, 2006)

#### **2.49.020 Duties and responsibilities.**

The library board of trustees shall have the following duties and responsibilities:

A. Carry out all duties, including preparation of an annual report, as required by the California Education Code.

B. Serve as advocates for the library, within the community and the state.

C. Know the programs and needs of the library in relation to the community and keep abreast of standards and library trends, assist the librarian in planning the library program, and support the librarian and staff in carrying out said programs.

D. Assist in establishing financial support for library programs.

E. Assist in the preparation of the annual budget.

F. Know local and state laws and actively support library legislation in the state and nation.

G. Assist in establishing library policies dealing with the library collection. (Ord. 1786 § 2, 2006)

**Chapter 2.50**

**LIVERMORE HOUSING AUTHORITY**

Sections:

- 2.50.010 Members.
- 2.50.020 Duties and responsibilities.

**2.50.010 Members.**

The Livermore housing authority shall consist of seven members, all of whom must be residents of the city of Livermore. Two of the members must be current housing authority tenants. (Ord. 1786 § 2, 2006)

**2.50.020 Duties and responsibilities.**

The Livermore housing authority shall have the following duties and responsibilities:

A. The Livermore housing authority administers and oversees the low-income housing units at Leahy Square. Additionally, the housing authority oversees the Section Eight Voucher Program for subsidized housing. The housing authority may also contract with the city of Livermore and other governmental agencies to oversee transitional housing or affordable housing programs. (Ord. 1786 § 2, 2006)

**Chapter 2.51**

**LIVERMORE AREA YOUTH  
ADVISORY COMMISSION**

Sections:

- 2.51.010 Members.
- 2.51.020 Duties and responsibilities.

**2.51.010 Members.**

The Livermore area youth advisory commission shall consist of 18 members. Fifteen members shall be youths, ages 12 through 20, preferably attending Livermore schools. Youth members who attend Livermore schools are not required to be residents of the city. Three members shall be nonvoting adult members; adult members shall be residents of the city. (Ord. 1786 § 2, 2006)

**2.51.020 Duties and responsibilities.**

The youth advisory commission shall have the following duties and responsibilities:

A. Promote youth involvement in the Livermore community and support communication between the elected officials and the young people in the area.

B. Create a forum for ideas and concerns and provide a vehicle for the interests and needs of youth, to be communicated to the city council and to the Livermore area recreation and park district.

C. Establish a forum for the youth of Livermore to participate in alerting the community to the needs of youth in Livermore and in finding solutions to address those needs.

D. Establish a clearinghouse of information regarding resources for youth by collecting such information, keeping it up-to-date, and publicizing it in the various media (flyers, newspapers, community television, radio, the Internet, etc.).

E. Promote tolerance and appreciation of diversity in Livermore youth through organizing and supporting events. (Ord. 1786 § 2, 2006)

## Chapter 2.52

## REDEVELOPMENT AGENCY\*

## Sections:

- 2.52.010 Declaration of need.
- 2.52.020 Findings – Purpose.
- 2.52.030 Establishment – Statutory authority – Powers.
- 2.52.040 City council to act as redevelopment agency.

\*Code reviser’s note: Ord. 1786 adopts a new Ch. 2.52, Planning Commission, which numerically conflicts with the preexisting Ch. 2.52, Redevelopment Agency. The new chapter has therefore been renumbered as Ch. 2.55.

**2.52.010 Declaration of need.**

It is found, determined and declared that there is a need for a redevelopment agency to function in the city in accordance with the provisions of the Community Redevelopment Law. (1960 code § 2.81)

**2.52.020 Findings – Purpose.**

The city council finds and determines that the designation of the city council as the redevelopment agency will serve the public interest and promote the public health, safety and welfare in an effective manner, in that this public body is best able to serve the needs of the community to implement the purposes of the community redevelopment law. (1960 code § 2.84)

**2.52.030 Establishment – Statutory authority – Powers.**

The redevelopment agency is established pursuant to Section 33101 of the Community Redevelopment Law, to be known as “the redevelopment agency of the city of Livermore.” The redevelopment agency is hereby authorized to transact business and exercise its powers under provisions of the Community Redevelopment Law. (1960 code § 2.82)

**2.52.040 City council to act as redevelopment agency.**

Pursuant to the provisions of Section 33200 of the Community Redevelopment Law, the city council hereby declares itself to be the redevelopment agency of the city. (1960 code § 2.83)

## Chapter 2.53

## RELOCATION APPEALS BOARD

## Sections:

- 2.53.010 Members.
- 2.53.020 Duties and responsibilities.

**2.53.010 Members.**

The relocation appeals board shall consist of five members. The members shall be comprised of one member from each of the following commissions or committees: historic preservation commission, beautification committee and the human services commission; and two members from the planning commission. The mayor shall select the member from each commission or committee and the composition of the board shall be approved by the city council. (Ord. 1868 § 1, 2009; Ord. 1850 § 1, 2008)

**2.53.020 Duties and responsibilities.**

The relocation appeals board shall have the following duties and responsibilities:

A. Promptly hear all complaints relating to relocation brought by displaced persons (residents and businesses) within redevelopment project areas and to determine if the redevelopment agency has complied with the provisions of the community redevelopment law, specifically Health and Safety Code Sections 33300 et seq. and federal regulations.

B. Following a public hearing on the appeal, the board shall transmit its findings and recommendations to the redevelopment agency, which shall confirm, condition or reject the recommendations of the board. (Ord. 1868 § 1, 2009; Ord. 1850 § 1, 2008)

**Chapter 2.55**

**PLANNING COMMISSION\***

Sections:

2.55.010 Members.

2.55.020 Duties and responsibilities.

\*Code reviser’s note: Ord. 1786 adopts a new Ch. 2.52, Planning Commission, which numerically conflicts with the preexisting Ch. 2.52, Redevelopment Agency. The new chapter has therefore been renumbered as Ch. 2.55.

**2.55.010 Members.\***

The planning commission shall consist of five members, all of whom must be residents of the city of Livermore. Preference is for at least two members to have demonstrated ability in the area of design by virtue of avocation, vocation, talent, and interest in design, architecture, landscape architecture, or a related field. (Ord. 1860 § 3, 2009; Ord. 1786 § 2, 2006)

\*At the time of the initial consolidation of the design review committee with the planning commission, all members currently serving on the design review committee shall become members of the planning commission along with the currently appointed members of the planning commission. Temporarily, the maximum number of members of the planning commission shall be eight. Members shall serve until they voluntarily resign or are not re-appointed by city council after their initial new term or reach the new term limits set forth in Exhibit B, attached to Ordinance 1860. As maximum terms expire, no appointments or re-appointments will be made until the planning commission consists of five members, at which time the maximum number of members will remain at five.

**2.55.020 Duties and responsibilities.**

The planning commission shall have the powers imposed upon city planning commissions by Section 65000 et seq., incorporated by reference, of the Government Code of the State of California. In addition, the planning commission shall have the following duties and responsibilities:

A. Advise the city council in the adoption and maintenance of a comprehensive general plan for the physical growth and development of the city. Such plan shall reflect the future goals of the city and, after its adoption by the city council, shall represent the city’s policy on matters of physical growth. It shall also serve to guide the general location of future public facilities and improvements, and to aid in the encouragement and regulation of private development;

B. Serve as an advisory body to the city council on matters related to city growth and development and on such matters as may be requested by the council;

C. Promote public interest in planning and encourage citizen participation in the formulation of the general plan;

D. Engage in a program of acquainting the public with the problems and alternate solutions relating to the local physical environment;

E. Interpret and implement the development code as approved by the city council and as required by the development code; and

F. Interpret and implement the design standards and guidelines as approved by the city council and as required by the development code. (Ord. 1901 § 3 (Exh. A § 4), 2010; Ord. 1860 § 4, 2009; Ord. 1786 § 2, 2006)

**Chapter 2.56****EMERGENCY ORGANIZATION**

## Sections:

- 2.56.010 Purpose of provisions.
- 2.56.020 Emergency defined.
- 2.56.030 Emergency services council – Created – Membership.
- 2.56.040 Emergency services council – Powers and duties – Meetings.
- 2.56.050 Director and assistant director of emergency services – Offices created.
- 2.56.060 Director and assistant director of emergency services – Powers and duties.
- 2.56.070 Emergency organization.
- 2.56.080 Emergency plan.
- 2.56.090 Expenditures.
- 2.56.100 Unlawful acts designated – Penalty.

**2.56.010 Purpose of provisions.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of the city with all other public agencies, corporations, organizations and affected private persons. (1960 code § 7.1)

**2.56.020 Emergency defined.**

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city, requiring the combined forces of other political subdivisions to combat. (1960 code § 7.2)

**2.56.030 Emergency services council – Created – Membership.**

The Livermore emergency services council membership is created, and shall consist of the following:

- A. The mayor, who shall be chairman;

- B. The director of emergency services, who shall be vice-chairman;

- C. The assistant director of emergency services;

- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;

- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. (1960 code § 7.3)

**2.56.040 Emergency services council – Powers and duties – Meetings.**

- A. It shall be the duty of the emergency services council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual-aid plans and agreements, and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

- B. The emergency services council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (1960 code § 7.4)

**2.56.050 Director and assistant director of emergency services – Offices created.**

- A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.

- B. There is created the office of assistant director of emergency services, who shall be appointed by the director. (1960 code § 7.5)

**2.56.060 Director and assistant director of emergency services – Powers and duties.**

- A. The director is empowered to:

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

**2.56.070**

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

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

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

5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies, as defined in LMC 2.56.020.

B. In the event of the proclamation of a “local emergency,” as provided herein, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the director is empowered to:

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

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

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

4. Requisition necessary personnel or material of any city department or agency; and

5. Execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by

any agreement approved by the city council, and by any other lawful authority.

C. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council.

D. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the city, and shall have such other powers and duties as may be assigned by the director. (1960 code § 7.6)

**2.56.070 Emergency organization.**

All officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of LMC 2.56.060(B)(3), be charged with duties incident to the protection of life and property in the city during such emergency, shall constitute the emergency organization of the city. (1960 code § 7.7)

**2.56.080 Emergency plan.**

The Livermore emergency services shall be responsible for the development of the city’s emergency plan, which plan shall provide for the effective mobilization of all of the resources of the city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. (1960 code § 7.8)

**2.56.090 Expenditures.**

Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (1960 code § 7.9)

**2.56.100 Unlawful acts designated – Penalty.**

It is a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

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

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

C. Wear, carry or display, without authority, any means of identification specified by the Emergency Agency of the state. (1960 code § 7.10)

**Chapter 2.60**

**PUBLIC LIBRARY**

Sections:

2.60.010 Established.

**2.60.010 Established.**

A public library is established in and for the city. (1960 code § 2.15)

Chapter 2.68

CONTRACTS AND PURCHASING\*

Sections:

Article I. General

- 2.68.010 Purpose.
- 2.68.020 City council approval required.
- 2.68.030 General procedural requirements.
- 2.68.040 Definitions.

Article II. Contract Authority

- 2.68.060 City manager authority.
- 2.68.070 City attorney authority.
- 2.68.075 Assistant city manager authority.
- 2.68.080 Administrative services director authority.
- 2.68.090 Public works director and community development director authority.
- 2.68.100 City librarian authority.

Article III. Supplies, Equipment and General Services

- 2.68.340 Purchases of general services or supplies and equipment for \$5,000 or less.
- 2.68.350 Purchases of general services or supplies and equipment for between \$5,000 and \$50,000.
- 2.68.360 Purchases of general services or supplies and equipment for more than \$50,000.
- 2.68.370 Negotiated purchases.
- 2.68.380 Purchases of supplies and equipment through cooperative purchasing arrangements.
- 2.68.390 Equipment leasing.
- 2.68.400 Inspection and testing.
- 2.68.410 *Repealed.*
- 2.68.420 Surplus supplies and equipment.

Article IV. Public Projects

- 2.68.500 Bidding requirement.
- 2.68.520 Exceptions.
- 2.68.530 Modification of public project contracts.

\*Prior legislation: Ord. 1450.

Article I. General

2.68.010 Purpose.

The purpose of this chapter is to:

- A. Provide for the authority of city officers to enter into contracts and to set forth procedural requirements; and
- B. Establish efficient procedures for the purchase of supplies, equipment and general services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases. (Reference: Government Code Sections 54201 through 54205.) (Ord. 1556 § 3, 1999)

2.68.020 City council approval required.

City council approval is required for all contracts unless otherwise specified in this chapter or code, or in another provision of federal or state law. (Ord. 1556 § 3, 1999)

2.68.030 General procedural requirements.

All contracts shall conform with the procedural requirements set forth in this section unless otherwise specified in this chapter or code, or in another provision of federal or state law.

- A. All contracts must be in writing and be signed in the name of the city.
- B. All contracts must include appropriate insurance and indemnification provisions and be reviewed by the city’s risk manager.
- C. All contracts must be approved as to form by the city attorney.
- D. A signed original of each contract entered into must be filed with the city clerk’s office, except for a contract for the purchase of supplies, equipment or general services which must be filed in the office of the administrative services director. (Ord. 1908 § 4, 2010; Ord. 1556 § 3, 1999)

2.68.040 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. “Best value” means the best value to the city based on all factors, including, but not limited to, the following:
  - 1. Cost;

2. The ability, capacity, and skill of the contractor to perform the contract or provide the supplies, services or equipment required;

3. The ability of the contractor to provide the supplies, services, or equipment promptly or within the time specified without delay or interference;

4. The character, integrity, reputation, judgment, experience, and efficiency of the contractor;

5. The quality of the contractor's performance on previous purchases or contracts with the city; and

6. The ability of the contractor to provide future maintenance, repair, parts, and services for the use of the supplies purchased.

B. "Change order" means a change or addendum to an executed contract.

C. "Consultant or professional services" means the services of an attorney, engineer, doctor, financial consultant, planning or environmental consultant, investment advisor, bank or trustee officer, or other professional.

D. "Contract" means any agreement to do or not do a certain thing. "Contract" and "agreement" are synonymous. The term "contract" includes, but is not limited to, a purchase order, a contract for services, an addendum or change order, a letter agreement or a memorandum of understanding.

E. "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

F. "Administrative services director" means the administrative services director of the city or his or her designee.

G. "General services" means and includes any work performed or services rendered by an independent contractor, with or without the furnishing of materials, including, but not limited to, the following:

1. Maintenance or nonstructural repair of city buildings, structures or improvements which does not require engineering plans, specifications or design, including, but not limited to, unscheduled replacement of broken window panes, fire extinguisher maintenance, minor roof repairs, plumbing, elevator maintenance, custodial services and pest control;

2. Repair, modification and maintenance of city equipment and software;

3. Cleaning, analysis, testing, moving, removal or disposal (other than by sale) of city supplies and equipment;

4. Repainting, care or maintenance of public grounds, including, but not limited to, trees, shrubbery, flowers, lawns;

5. Providing temporary personnel services;

6. Providing other miscellaneous services to facilitate city operations;

7. Performing repair, demolition or other work required to abate nuisances under this code;

8. Licensing software;

9. Leasing or rental of equipment (personal property) for use by the city;

10. A maintenance agreement for equipment owned or leased by the city.

"General services" does not include work defined as a public project.

H. "Public project" means:

1. A project for the erection, improvement, painting or repair of public buildings and works;

2. Work in or about streams, bays, waterfronts, embankments or other work for protection against overflow;

3. Street or sewer work except maintenance or repair;

4. Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers. (Reference: Public Contract Code Section 20161.)

I. "Supplies and equipment" means and includes all such items purchased on behalf of the city except for supplies or materials finished for a public project.

J. "Technology product" means hardware, software, or communications equipment; or related equipment or goods which incorporate any such items. (Ord. 1908 § 5, 2010; Ord. 1637 § 1, 2001; Ord. 1556 § 3, 1999)

## Article II. Contract Authority

### 2.68.060 City manager authority.

A. The city manager is authorized to enter into and sign for and on behalf of the city, without the prior approval of the city council, contracts:

1. Which contain maximum compensation up to \$100,000. As to a change order or amend-

## 2.68.070

ment, the limit of authority may not exceed an additional \$100,000. Cumulative additional orders exceeding \$100,000 must be approved by the city council.

2. For which moneys have been appropriated or will be appropriated at the earliest practicable time.

3. Which are for consultant or professional services, general services or supplies and equipment.

B. In addition to the authority in subsection A of this section, the city manager is authorized to enter into and execute, for and on behalf of the city, the following contracts:

1. Contracts with public agencies or public utility companies regarding construction or use of public improvements or utility facilities, which require no payment of money by the city or which provide for payment of money to the city in an amount not in excess of \$100,000 under each contract.

2. Contracts for community social or recreational services, or for the use of city property or facilities, in accordance with established administrative guidelines, which require no payment of money by the city or which provide for payment of money to the city in an amount not in excess of \$100,000 under each contract.

3. Contracts for professional services in an amount up to \$150,000 if:

a. A developer has deposited the full amount of the contract into a trust fund account.

b. The funds are to be used for a city-managed professional services contract, such as an environmental impact report.

C. In an emergency endangering the lives, property or welfare of the people of the city or the property of the city, the city manager may authorize the expenditure of any unencumbered moneys in the emergency reserve fund, notwithstanding the fact that such moneys may not have been appropriated for such purpose, to the extent that other moneys have not been appropriated or are otherwise unavailable therefor.

D. In addition to the authority in subsection A of this section, alterations, deviations, additions or deletions from the original scope of work for a professional services contract, which are determined by the city to be necessary during the progress of work, shall be documented by a supplemental agreement. The city manager is authorized to enter

into and execute, for and on behalf of the city, supplemental agreements for professional service contracts in the amount up to \$50,000 or 10 percent of the overall contract price, whichever is greater. (Ord. 1895 § 4, 2010; Ord. 1746 § 1, 2004; Ord. 1642 § 1, 2001; Ord. 1556 § 3, 1999)

### 2.68.070 City attorney authority.

A. The city attorney is authorized to enter into and execute for and on behalf of the city, without the prior approval of the city council, contracts:

1. Which contain a maximum compensation up to \$50,000 or less. As to a change order or amendment, the limit of authority may not exceed an additional \$50,000.

2. The object or purpose of which is related to the activities or functions of the office of the city attorney.

3. For which moneys have been appropriated and for which there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract.

4. Which is for consultant or professional services, or for books, periodicals or other legal reference materials.

B. Additionally, the city attorney is authorized to enter into and execute for and on behalf of the city, without the prior approval of the city council, contracts:

1. Which appoint and retain outside legal counsel to prosecute lawsuits for the city or defend lawsuits against the city.

2. Agree to the settlement of litigation against the city for an amount not to exceed \$50,000, without prior approval of the city council. A legal settlement in excess of \$10,000 requires the concurrence of the city manager.

C. The city attorney may delegate in writing any senior assistant city attorney or assistant city attorney to purchase or contract for specified supplies, services and equipment as long as such purchases or contracts are made in conformity with the procedures established by this chapter. (Ord. 1931 § 1, 2011; Ord. 1895 § 4, 2010; Ord. 1556 § 3, 1999)

**2.68.075 Assistant city manager authority.**

A. The city assistant city manager is authorized to enter into and execute for and on behalf of the city, without the prior approval of the city manager or city council, a contract for the purchase of general services or supplies and equipment:

1. Which contains a maximum compensation amount of \$50,000. As to a change order, the limit of authority is 100 percent of the original contract, not to exceed a cumulative additional amount of \$50,000; and

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2. For which moneys have been appropriated and for which there is unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract.

B. The assistant city manager, with approval of the city manager, may delegate in writing any city department head to purchase or contract for specified supplies, services and equipment as long as such purchases or contracts are made in conformity with the procedures established by this chapter. (Ord. 1746 § 3, 2004)

**2.68.080 Administrative services director authority.**

A. The city administrative services director is authorized to enter into and execute for and on behalf of the city, without the prior approval of the city manager or city council, a contract for the purchase of general services or supplies and equipment:

1. Which contains a maximum compensation amount of \$25,000. As to a change order, the limit of authority is 100 percent of the original contract, not to exceed a cumulative additional amount of \$25,000; and

2. For which moneys have been appropriated and for which there is unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract.

B. The administrative services director, with approval of the city manager, may delegate in writing any city department head to purchase or contract for specified supplies, services and equipment as long as such purchases or contracts are made in conformity with the procedures established by this chapter. (Ord. 1895 § 4, 2010; Ord. 1556 § 3, 1999)

**2.68.090 Public works director and community development director authority.**

A. The public works director and the community development director are authorized to enter into and sign for and on behalf of the city, without the prior approval of the city council or the city manager, a contract:

1. Which does not exceed \$25,000. As to a change order, the limit of authority is 100 percent of the original contract, not to exceed a cumulative additional amount of \$25,000; and

2. For which moneys have been appropriated and for which there is an unexpended and unen-

cumbered balance of such appropriation sufficient to pay the expense of the contract; and

3. Which is for consultant or professional services; or

4. Which is any one of the following:

a. Is required as a condition of approval by the city council or the planning commission; or

b. The consideration to be paid by the city is to be reimbursed in full by an applicant for a land use permit; or

c. Is between the city and a public utility for work to be done for the city on property that is the direct concern to both the city and the public utility and, in addition, in the director's opinion, can be best or better performed, or more efficiently or expeditiously performed, or performed with less inconvenience to the public, or be more inexpensively performed, or be more safely performed, by the public utility than by others.

B. In addition to the authority in subsection A of this section, the public works director and community development director are authorized to enter into and execute, for and on behalf of the city, a contract for a public project which does not exceed \$5,000.

C. In addition to the authority in subsection A of this section, alterations, deviations, additions or deletions from the original scope of work for a professional services contract, which are determined by the city to be necessary during the progress of work, shall be documented by a supplemental agreement. The community development director and public works director or their designee may authorize supplemental agreements to the professional services contract not exceeding \$25,000. (Ord. 1780 § 1, 2005; Ord. 1642 § 2, 2001; Ord. 1556 § 3, 1999)

**2.68.100 City librarian authority.**

The city librarian is authorized to enter into and execute for and on behalf of the city contracts to purchase library books, tapes, periodicals, and other information delivery formats (such as microfilm, CD-ROM, online information) in accordance with the budget approved by the city council, as long as sufficient unencumbered funds exist to pay the expense. (Ord. 1556 § 3, 1999)

**Article III. Supplies, Equipment and General Services**

**2.68.340 Purchases of general services or supplies and equipment for \$5,000 or less.**

For purchases of general services or supplies and equipment for \$5,000 or less, additional purchasing procedures shall be established by an administrative regulation of the city manager. (Ord. 1556 § 3, 1999)

**2.68.350 Purchases of general services or supplies and equipment for between \$5,000 and \$50,000.**

A. Quotation Requirement. The purchase of supplies, equipment and general services of a value from \$5,000 to \$50,000 may be made by the administrative services director in the open market, following the procedure prescribed in this article.

1. Minimum Number of Quotations. Open-market purchases shall, whenever possible, be based on at least three quotations.

2. Notice Inviting Quotations. The administrative services director shall solicit quotations by written request (including facsimile or electronic mail) or telephone to prospective vendors.

3. Quotations. Quotations shall be submitted to the administrative services director, who shall keep a record of all open-market orders and quotes for a period of one year after the submission of quotes or placing of orders. This record is open to public inspection. For a purchase of up to \$15,000, the quotations may be verbal or written. For a purchase in an amount over \$15,000 to \$50,000, the quotations shall be written (including facsimile and electronic mail).

4. No Responsive Bid. If no bid, or no responsive bid, is received after inviting bids under this section, the administrative services director or city manager may proceed to hire or have services performed or purchase the supplies in the open market.

5. Award of Contract. The administrative services director is authorized to award a contract for \$25,000 or less when the city council has budgeted funds for the item(s) and the amount of the award is not more than the quoted amount. The city manager is authorized to award a contract for \$50,000 or less when the city council has budgeted

funds for the item(s) and the amount of the award is not more than the quoted amount. Under this section, a contract shall be awarded to the quotation representing the best value as defined in LMC 2.68.040. The basis upon which the award is made shall be in writing.

B. Exceptions. The quotation procedure under this section may be dispensed with:

1. In an emergency as defined in LMC 2.68.040;

2. Where it is determined that supplies and equipment are unique and available only from one source, so that the quotation procedure required by this section would be meaningless. The basis upon which this determination is made shall be in writing;

3. Where supplies and equipment are purchased through a cooperative purchasing arrangement pursuant to LMC 2.68.380;

4. Where supplies and equipment are purchased through competitive or noncompetitive negotiations pursuant to LMC 2.68.370. (Ord. 1908 § 6, 2010; Ord. 1637 § 2, 2001; Ord. 1578 § 1, 2000; Ord. 1556 § 3, 1999)

**2.68.360 Purchases of general services or supplies and equipment for more than \$50,000.**

A. Bidding Requirement. The administrative services director shall purchase supplies, equipment and general services of a value greater than \$50,000 following the formal bid procedure prescribed in this section.

1. Notice Inviting Bids. The notice inviting bids shall include a general description of the articles or general services to be purchased, and shall state where bid forms and specifications may be secured, and the final time and place for submitting bids.

a. Published Notice. The notice inviting bids shall be published at least 10 days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published locally.

b. Bidders' List. The administrative services director shall also solicit sealed bids from responsible prospective suppliers whose names are on the bidders' list.

2. Bidders' Security. When deemed necessary, the administrative services director shall

require bidders' security. Bidders are entitled to the return of bid security upon execution of the contract or upon the readvertisement for bids; provided, that a successful bidder forfeits his bid security upon refusal or failure to execute the contract within 10 days after the notice of award of contract has been mailed, unless the city is responsible for the delay.

3. Bid Opening Procedure. Bidders shall submit sealed bids to the administrative services director, and shall identify them as bids on the envelope. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.

4. Rejection of Bids. In their discretion, the city manager or city council may reject any and all bids presented, and may readvertise for bids.

5. No Responsive Bid. If no bid, or no responsive bid, is received after inviting bids under this section, the administrative services director or city manager may proceed to hire or have services performed or purchase the supplies in the open market.

6. Award of Contract. The city manager shall award a contract for the purchase of supplies, equipment or general services of a value of \$100,000 or less. The city council shall award a contract for the purchase of supplies or equipment or general services of a value greater than \$100,000. Under this section, a contract shall be awarded to the bid representing the best value as defined in LMC 2.68.040. The basis upon which the award is made shall be in writing.

7. Performance Bonds. The administrative services director has the authority to require a performance bond before entering a contract, in such amount as is reasonably necessary to protect the best interests of the city. If the administrative services director requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

B. Exceptions. The bidding procedure under this section may be dispensed with:

1. In an emergency as defined in LMC 2.68.040;

2. Where it is determined that the supplies and equipment are unique and available only from one source, so that the bidding required by this section

would be meaningless. The basis upon which this determination is made shall be in writing;

3. Where supplies and equipment are purchased through a cooperative purchasing arrangement pursuant to LMC 2.68.380;

4. Where supplies and equipment are purchased through competitive or noncompetitive negotiations pursuant to LMC 2.68.370.

C. It is unlawful to split into smaller orders the purchase of supplies, equipment or general services for the purpose of evading the competitive bidding provisions of this section. (Ord. 1908 § 7, 2010; Ord. 1746 § 2, 2004; Ord. 1637 § 3, 2001; Ord. 1578 § 2, 2000; Ord. 1556 § 3, 1999)

### **2.68.370 Negotiated purchases.**

A. Applicability. A purchase may be had by negotiations when the purchase is for:

1. A technology product, as defined in LMC 2.68.040;

2. An addition to, or repair or maintenance of, existing equipment which can be more efficiently added to, repaired or maintained by a particular company or manufacturer;

3. Equipment which must be compatible with existing equipment, by reason of the training of the personnel or an inventory of existing replacement parts kept by the city;

4. Public art (which may or may not also fall within the "sole source" exception);

The affected department head shall state in writing the basis for a determination that this section applies. Before any purchase is made, that determination and the method of negotiation (competitive or noncompetitive) must first be approved by (1) the city manager, when the purchase involves \$25,000 or more, or (2) the administrative services director, when the purchase involves less than \$25,000.

B. Method of Negotiation. When a negotiated purchase is approved under subsection A of this section, the purchase may be made by either (1) competitive negotiation following a request for proposals or (2) noncompetitive negotiation.

C. Competitive Negotiation Following a Request for Proposals.

1. Request for Proposals. Under this method, proposals are requested from a number of sources and the request for proposals is publicized. The request for proposals must identify all the signifi-

## 2.68.380

cant evaluation factors, including price or cost and their relative importance. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition.

2. Receipt of Proposals. Sealed proposals must be submitted by the date and time specified on the prescribed forms and shall be identified by the Request-for-Proposal number.

3. Negotiation. The most qualified and responsive offeror will be selected for contract negotiation. If agreement cannot be reached with the first choice offeror, the second choice offeror (and then the third, and so on) will be contacted, with the first choice offeror (or other offerors, in order) dismissed from further consideration on that particular project. All elements of the negotiation process shall be documented by the negotiating department and submitted to the finance director. Responsible offerors shall be accorded fair and equal treatment with respect to opportunity for discussion and revision of proposals. Any revisions are permitted after submission in writing and prior to the award of a contract.

4. Award and Notification. An award may be made to the responsible offeror whose proposal will be the best value to the city, as defined in LMC 2.68.040. All offerors participating in the process shall be notified in writing on the terms and conditions of the successful award.

D. Noncompetitive Negotiations. When there is only one source, purchase can be made through solicitation and negotiation directly with that source. The affected department head shall state in writing the basis for the determination that this subsection applies, and before any purchase is made, that determination must be approved in writing by the city manager (for \$25,000 or more) or the finance director (for less than \$25,000). (Ord. 1908 § 8, 2010; Ord. 1637 § 4, 2001)

### **2.68.380 Purchases of supplies and equipment through cooperative purchasing arrangements.**

The administrative services director may purchase supplies and equipment without complying with the quotation or bidding requirements of this chapter, if such purchases are based on an agreement or cooperative purchasing program entered into by any of the following public agencies, regardless of whether the city is a named party to

the agreement or an actual participant in such a program:

A. Any public agency situated within the state, if the underlying purchase was made using quotation or bid procedure at least as restrictive as the city's;

B. The California Multiple Award Schedules (CMAS), the California Communities Purchasing Program, the County of Los Angeles, the County of Alameda, the County of Contra Costa;

C. The U.S. Communities Government Purchasing Alliance or the Federal GSA Contracts.

In all such cases, the supplies and equipment purchased must be the same and be offered at the same price as the supplies and equipment subject to the agreement or program, except that (1) up to 10 percent variation is allowed for customizing the order or for desirable options, and (2) in addition, a cost of living adjustment (using San Francisco-Oakland-San Jose Consumer Price Index – Urban, All Items) can be added for up to three years. (Ord. 1908 § 9, 2010; Ord. 1637 § 5, 2001; Ord. 1556 § 3, 1999. Formerly 2.68.410.)

### **2.68.390 Equipment leasing.**

A. Leasing of purchasable or nonpurchasable equipment shall be in accordance with LMC 2.68.340, 2.68.350 or 2.68.360, depending upon the cost of an annual lease.

B. Each contract for the leasing or rental of equipment for the city shall contain a provision permitting the city to terminate the contract at the end of any fiscal year during the term of the contract upon not less than 30 days' written notice to the other party. (Ord. 1556 § 3, 1999)

### **2.68.400 Inspection and testing.**

The administrative services director may inspect supplies, equipment and general services delivered, and determine their conformance with the specifications set forth in the order or contract. The administrative services director has the authority to require chemical and physical tests of samples submitted with bids, and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 1908 § 10, 2010; Ord. 1556 § 3, 1999)

**2.68.410 Purchases of supplies and equipment through cooperative purchasing arrangements.**

*Repealed by Ord. 1637. (Ord. 1556 § 3, 1999)*

**2.68.420 Surplus supplies and equipment.**

Each department shall submit to the administrative services director, at such times and in such forms as the director prescribes, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The administrative services director has the authority to sell or otherwise dispose of all supplies and equipment which cannot be used by any department or which have become unsuitable for city use, or to exchange the same for or trade the same in on new supplies and equipment.

Disposition may include abandonment, destruction or donation to public bodies, charitable, civic or nonprofit organizations and may include city property which has no commercial value or for which the estimated cost of continued care, handling, maintenance or storage would exceed the estimated proceeds of sale. Sales procedures may include negotiated sales, acceptance of sealed bids or public auction. Services of a paid auctioneer may be used, as appropriate. City manager approval is needed for disposition of supplies and/or equipment when the total estimated value exceeds \$5,000. The administrative services director also has the authority to make transfers between departments of any usable surplus supplies or equipment. (Ord. 1908 § 11, 2010; Ord. 1556 § 3, 1999)

**Article IV. Public Projects**

**2.68.500 Bidding requirement.**

When the expenditure required for a public project exceeds \$5,000, it shall be contracted for and let to the lowest responsible bidder after notice. Each public project which exceeds \$5,000 is subject to the procedural requirements of the California Public Contract Code. Bids for public projects shall be opened in public at the time and place stated in the public notices. It is unlawful to split or separate a public project into smaller work orders to evade the Public Contract Code requirements. (Ord. 1578 § 3, 2000; Ord. 1556 § 3, 1999)

**2.68.520 Exceptions.**

Bidding required by LMC 2.68.500 may be dispensed with:

A. In an emergency as defined in LMC 2.68.040, pursuant to the procedures contained in the Public Contract Code; or

B. Where it is determined that the supplies and equipment are unique and available only from one source, so that the bidding requirement required by this section would be meaningless. The basis upon which this determination is made shall be in writing. (Ord. 1556 § 3, 1999)

**2.68.530 Modification of public project contracts.**

Alterations, deviations, additions or deletions from the original scope of work for public works projects, which are determined by the city to be necessary during the progress of work, shall be documented by written change orders.

A. The community development director and public works director or their designee may authorize change orders not exceeding \$25,000.

B. The city manager may authorize change orders not exceeding \$50,000 or 10 percent of the overall contract price, whichever is greater.

C. The cost of each change order shall be determined by a fair and reasonable valuation, agreed to in writing by the community development director or public works director or their designees, and an authorized representative of the contractor, and shall be added to or deducted from the contract price.

D. In the event the city and the contractor are unable to agree upon the cost of a change order, the contractor will be paid the actual costs for labor, materials and equipment used in performing the work plus a mark-up as set forth in the contract. (Ord. 1780 § 1, 2005; Ord. 1642 § 3, 2001)

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**Chapter 2.72**

**REAL PROPERTY**

Sections:

- 2.72.010 Conformity with general plan.
- 2.72.020 Maximum lease term.
- 2.72.030 Surplus land.
- 2.72.040 Environmental considerations.
- 2.72.050 Recording.
- 2.72.060 Right of entry agreements.
- 2.72.070 Leasing of city property at the airport.

**2.72.010 Conformity with general plan.**

The city may not acquire or dispose of real property until the location, purpose and extent of the acquisition or disposition have been reported upon by the planning commission as to conformity with the general plan. (Reference: Government Code Section 65402.) (Ord. 1556 § 4, 1999)

**2.72.020 Maximum lease term.**

The city may not lease its property for a term exceeding 55 years, unless the lease conforms to the limited exceptions set forth in Government Code Sections 37380 (general), 37392 (military or armory), 37392.1 (sewage treatment), 37392.2 (reservoirs), or 37393 (recreation). (Reference: Civil Code 718.)

The city may not lease its property for certain purposes for a term longer than that set forth:

| <b>Purpose</b>                 | <b>Maximum Term</b> |
|--------------------------------|---------------------|
| Airport, aircraft-related      | 50 years            |
| Fairs, expositions             | 50 years            |
| Agricultural, horticultural    | 25 years            |
| Mineral, oil or gas production | 35 years            |

(Reference: Government Code Sections 37382, 37383, 37389, 37391.) (Ord. 1556 § 4, 1999)

**2.72.030 Surplus land.**

A. Before disposing of surplus real property, the city shall send written offers to sell or lease the property, in conformance with Government Code Section 54220 et seq., as follows:

1. For developing low- and moderate-income housing, to any local agencies, including housing authorities and any public agency authorized to engage in or assist in the development or

operation of housing, within whose jurisdiction the land is located;

2. For park and recreational purposes or open-space purposes, to the Livermore area recreation and park district, the East Bay regional park district and to the State Resources Agency;

3. For enterprise zone purposes (under Government Code Section 7073), to the nonprofit neighborhood enterprise association corporation in that zone; and

4. In a designated program in the State Employment and Economic Incentive Program under Government Code Section 7082(I), to the program area agent.

B. Such offers to sell or lease whether or not accepted shall not affect the permitted land use.

C. The requirements of this section do not apply to redevelopment agency property. (Reference: Health and Safety Code Section 33430.) (Ord. 1556 § 4, 1999)

**2.72.040 Environmental considerations.**

A. California Environmental Quality Act (CEQA). The city's decision to purchase or sell real property may be subject to CEQA. The city staff shall evaluate each proposed such action and conduct any necessary environmental review.

B. Contamination. Before the city acquires any real property through dedication, purchase or lease, the public works or planning department shall conduct or have prepared an environmental assessment to determine the possible existence of soil and groundwater contamination. (Ord. 1556 § 4, 1999)

**2.72.050 Recording.**

Deeds or grants conveying any interest in or easement upon real property to the city requires evidence of the city's acceptance, either by certificate or resolution of acceptance, before it is recorded. (Reference: Government Code Section 27281.)

Each lease of city property for a term of one year or more shall be recorded in the office of the county recorder. (Reference: Government Code Section 37393.) (Ord. 1556 § 4, 1999)

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**2.72.060 Right of entry agreements.**

The city manager is authorized to enter into and sign right of entry agreements for and on behalf of the city, without prior approval of the city council. (Ord. 1556 § 4, 1999)

**2.72.070 Leasing of city property at the airport.**

The public works director is authorized to enter into and sign month-to-month aircraft tie-down and hangar lease agreements and five-year medium-term lease agreements with one five-year option for large hangars for and on behalf of the city, without prior approval of the city council. The authority contained in this section may be delegated by the public works director to the airport manager. (Ord. 1917 § 1, 2010; Ord. 1780 § 1, 2005; Ord. 1556 § 4, 1999)

**Chapter 2.74**

**REDEVELOPMENT AREA COMMISSION**

(Repealed by Ord. 1786)

