

South Lake Tahoe City Code

Chapter 2

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Article I. In General

§ 2-1. Official city holidays.

Repealed. (Ord. 60 § 1; Ord. 242 § 2; Ord. 323 § 1; Ord. 395 § 1; Ord. 606 § 1)

§ 2-1.1. Enforcement of noncity zoning, building, etc., regulations.

Repealed. (Ord. 505 §§ 1, 2; Ord. 758 § 2)

Article II. City Council*

* For state law as to city council generally, see Gov. C. § 36801 et seq.

§ 2-2. Terms of office of members.

The term of office for a councilmember shall be four years from and after the date of their election. Newly elected councilmembers shall assume office at the next regular council meeting after their election has been certified by the elections department of the county of El Dorado and a copy of that certification has been provided to the city clerk. (Ord. 4 § 1; Ord. 883 § 1)

§ 2-2.1. Election of councilmembers – Filing fee.

Repealed. (Ord. 408 § 1; Ord. 792 § 1)

§ 2-2.2. Same – Printing fee.

The candidate’s filing fee for a candidate statement shall be determined by the El Dorado County registrar of voters. (Ord. 408 § 1; Ord. 883 § 1)

§ 2-2.3. Same – Waiver of fees.

Repealed. (Ord. 428 § 1; Ord. 792 § 2)

§ 2-2.4. Date of municipal election.

The general municipal elections for the offices of city councilmember, city clerk, city treasurer, and such other offices as may be from time to time created as elective offices in the city of South Lake Tahoe shall be held concurrently with and on the same day as statewide general election, as such elections may be from time to time be called under the law of the state of California. The first such election shall be held on November 5, 1996. It is the city of South Lake Tahoe’s intent to consolidate all such municipal elections with the county of El Dorado, unless otherwise called pursuant to a duly adopted resolution of the city council. (Ord. 605 § 1; Ord. 860 § 1)

§ 2-2.5. Mail ballot elections.

The city council of the city of South Lake Tahoe authorizes to conduct elections wholly by mail ballot. The subjects approved for all mail ballot elections may be as follows:

A. Any election to approve a special tax or a general tax as required or authorized by Article XIIC of the California Constitution.

B. Any election to approve a property-related fee or charge as required or authorized by Article XIID of the California Constitution.

C. Any assessment ballot proceeding required or authorized by Article XIID of the California Constitution; provided, that such proceeding shall be denominated an “assessment ballot proceeding” rather than an election.

The city council shall determine whether an election will be conducted by mail at the time the election is called. Actions of the city council pursuant to this section shall be set forth in a resolution approved at a regular or special meeting of the city council. Elections shall not occur on the same date as a statewide direct primary or statewide general election. (Elections Code Sections 4000(c)(9) and 4100 et seq.) (Ord. 942 § 1)

§ 2-3. Attendance of meetings by councilmembers.

Repealed. (Ord. 4 § 1; Ord. 388 § 1; Ord. 758 § 2)

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§ 2-4. Meetings – Time and place of regular meetings.

Repealed. (Ord. 4 § 1; Ord. 51 § 1; Ord. 88 § 1; Ord. 231 § 1; Ord. 234 § 1; Ord. 439 § 1; Ord. 471 § 1; Ord. 486 § 1; Ord. 500 § 1; Ord. 518 § 1; Ord. 526 § 1; Ord. 528 § 1; Ord. 758 § 2)

§ 2-5. Same – Special.

Repealed. (Ord. 4 § 1; Ord. 51 § 1; Ord. 446 § 1; Ord. 758 § 2)

§ 2-5.1. Same – Closed sessions.

Repealed. (Ord. 446 § 2; Ord. 611 § 1; Ord. 758 § 2)

§ 2-6. Same – Rules of procedure – Compelling attendance – Keeping of records.

Repealed. (Ord. 4 § 1; Ord. 51 § 1; Ord. 758 § 1)

Article III. City Officers*

* For state law designating the officers of the city, see Gov. C. § 36501.

§ 2-7. Officers designated.

The government of the city shall be vested in the following officers:

- A. A city council of five members.
- B. A city manager.
- C. A city clerk.
- D. A city treasurer.
- E. Such subordinate officers or employees as

are provided for by law, and deemed necessary by the city council for the proper administration of the municipal government. (Ord. 3 § 1)

§ 2-8. Qualifications and terms of office of elected officials.

The elective officers of the city shall be the five city councilmembers, the city clerk and the city treasurer.

No person shall be eligible to hold office as a city councilmember, as a city clerk or as a city treasurer unless such person is a registered voter of the city at the time nomination papers are issued.

The elected officials shall hold office from the date of election in the statewide general election. The elective officers of the city shall hold office from the date they are elected for a term of four years, and until their successors are elected and

qualified. (Ord. 3 § 1; Ord. 430 § 1; Ord. 493 § 1; Ord. 605 § 1; Ord. 792 § 3; Ord. 883 § 1)

§ 2-9. Filling of vacancies in elective offices.

If a vacancy occurs in an elective office provided for in this article, the city council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. (Ord. 3 § 1; Ord. 1025 § 1 (Exh. A))

§ 2-10. Bonds and oath of office required.

Repealed. (Ord. 3 § 1; Ord. 606 § 1)

§ 2-11. Compensation generally.*

A. Each member of the city council shall receive monthly compensation in an amount established by Section 36516 of the Government Code of the State of California. Beginning January 1, 1986, council may increase that amount by resolution as allowed by Government Code Section 36516 for cities of similar populations.

B. Salaries and benefits of all other elected and appointed officers shall be as set forth by resolution from time to time. (Ord. 3 § 1; Ord. 301 § 1; Ord. 430 § 2; Ord. 564; Ord. 679; Ord. 685; Ord. 792 § 4)

* For state law as to compensation of appointive officers and employees, see Gov. C. § 36506 As to compensation of city councilmembers, see Gov. C. § 36514 et seq. As to compensation of city clerk and treasurer, see Gov. C. § 36517.

§ 2-12. Mayor.

A. The city council shall, at the first meeting in December, choose one of its number as mayor.

B. The mayor shall preside at the meetings of the city council. If he is absent or unable to act, the council shall appoint a mayor pro tempore, who shall serve only until the mayor returns or is able to act. The mayor pro tempore shall have all of the powers and duties of the mayor in his absence.

C. The mayor may make or second any motion and present and discuss any matter as a member of the city council.

D. The mayor shall sign all written contracts and conveyances made or entered into by the city and all instruments requiring the city seal, unless the council otherwise directs.

E. The mayor may administer oaths and affirmations, take affidavits and certify them under his hand.

F. The mayor may acknowledge the execution of all instruments executed by the city and required to be acknowledged. (Ord. 3 § 2; Ord. 152 § 1; Ord. 792 § 5; Ord. 813 § 1; Ord. 883 § 1)

§ 2-13. City clerk.

A. The city clerk shall keep an accurate record of the proceedings of the city council in books bearing appropriate titles and devoted exclusively to such purposes. The books shall have a comprehensive general index.

B. The city clerk shall keep a book marked "Ordinances" and record in it all city ordinances with a certificate annexed to each, stating the following:

1. It is a true and correct copy of a city ordinance.
2. The ordinance number.
3. It has been published or posted pursuant to law.

C. The clerk shall be the custodian of the city seal. When the seal of this city is required in the execution of a public security or instrument of payment, as such terms are defined in Section 5500 of the State Government Code, the clerk may cause the seal to be printed, engraved, stamped or otherwise placed in facsimile thereon.

D. The city clerk may administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state.

E. In addition to the above, the city clerk shall perform those duties shown below:

1. Attend all city council meetings and executive sessions; provided, that only upon the request of the city council shall the city clerk attend

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any executive session held for the purpose of discussing personnel issues, as permitted by law.

2. Maintain an accurate record of city council public proceedings and a comprehensive general index thereto.

3. Prepare official minute orders of city council public proceedings.

4. Greet citizens and accept telephone calls to the city council and, on behalf of the council, schedule appointments and meetings.

5. Receive documents addressed to the city council, log them in and immediately forward a copy of each to the city manager for presentation by the city clerk.

6. Attend each pre-agenda conference, with the city manager and city attorney, for the purpose of advising and being advised of the status of documents addressed to the council.

7. Advise interested parties of action taken by the city council and follow upon items referred by the council for action or report; provided, that it shall be the responsibility of the city manager to direct and control the actions or reports requested of personnel under his authority.

8. Set and publish city council public hearing notices.

9. Coordinate the delivery of council agenda binders to the councilmembers homes before meetings.

10. Act as secretary to various council boards and committees, as requested by the city council or any member thereof.

11. Compose proclamation, tribute or recognition resolutions, as requested by the city council or any member thereof.

12. Prepare the city clerk's budget in accordance with established procedures.

13. Be responsible for the care and custody of the official city records.

14. Maintain the up-to-date city code book and coordinate printing and distribution of codifications as received.

15. Certify copies of official city records or papers.

16. Maintain a follow-up system so as to notify the proper agency or department as to expiration dates of agreements, leases, bonds, insurance policies, franchises and special permits.

17. Index and file the original of all bids, contracts and deeds.

18. Attest, publish, index, distribute and file ordinances.

19. Attest, index, distribute and file resolutions.

20. Administer oaths and affirmations.

21. Conduct elections and annexation proceedings as required by law or as stipulated by the appropriate public entity.

22. Perform required duties in connections with improvement district proceedings.

23. File affidavits of completion on annexation or exclusion of territory from the boundaries of the city.

24. Countersign city bonds.

25. Attest to subpoenas.

26. Accept and certify petitions, council nomination papers and other official documents.

27. Be responsible for registration of voters.

28. File name change instruments for streets.

29. Assist citizens requesting information or help on city matters or direct them to the proper city department.

F. The city clerk shall be a full-time officer of the city and shall maintain a work schedule consistent with city department heads and other "exempted" professional employees of the city. (Ord. 3 § 3; Ord. 67 § 1; Ord. 152 § 3; Ord. 430 § 3; Ord. 444 § 1; Ord. 612 § 1; Ord. 765 § 1)

§ 2-14. City treasurer.

Repealed. (Ord. 3 § 4; Ord. 430 § 4; Ord. 813 § 2)

§ 2-15. Tax collector.

Repealed. (Ord. 5 § 1; Ord. 606 § 1)

§ 2-16. Reserved.

Repealed. (Ord. 349 § 1)

§ 2-17. Director of public works.

Repealed. (Ord. 37 § 2; Ord. 83 § 2; Ord. 630 § 1)

§ 2-18. Clerk and treasurer exempt from merit system.*

The city clerk and city treasurer shall be exempt from the merit system. All employees of the offices of the clerk and treasurer shall be appointed by the clerk and treasurer, respectively, with the approval of the city manager and shall serve at the pleasure

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of said clerk and treasurer. All employees of the offices of the clerk and treasurer shall enjoy those rights, obligations and benefits conferred by the merit system of the city. (Ord. 67 § 2; Ord. 430 § 5)

* For state law as to mayor generally, see Gov. C. § 40801. For state law as to city clerk generally, see Gov. C. § 40601. For state law as to city treasurer generally, see Gov. C. § 41001. As to state law regarding employees of city clerk's department see Gov. C. § 40813.

Article IV. City Manager*

* For state law as to city manager, see Gov. C. §§ 34850 to 34856. As to duty of city manager to serve as personnel officer, see SLTCC 20-2.

§ 2-19. Office established.

The office of the city manager is hereby created and established. (Ord. 14 § 1)

§ 2-20. Appointment – Qualifications – Term of office.

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. 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. (Ord. 14 § 1; Ord. 813 § 3)

§ 2-21. Compensation – Reimbursement of expenses.

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 in accordance with customary reimbursement procedures utilized by the city finance department. (Ord. 14 § 1; Ord. 813 § 4)

§ 2-22. Removal from office.

A. The removal of the city manager shall be only upon a three-member vote of the whole city council in a regular city council meeting, subject to the other provisions of this section. In case of his intended removal by the city council, the city manager shall be furnished with a written notice stating

the city council's intention to remove him and the reason therefor, at least 30 days before the effective date of his removal.

B. Within seven days after the delivery to the city manager of such notice, 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.

C. 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 city council passed subsequent to such hearing.

D. 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.

E. Notwithstanding the provisions of this article, 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 such 90-day period, the provisions of this section as to the removal of the city manager shall apply and be effective.

F. The city manager shall give not less than 30 days' notice prior to the effective date of his resignation; provided, that this 30-day period may be waived by a four-fifths vote of the city council. (Ord. 14 § 1)

§ 2-23. Bond required.

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 such bond shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this article. Any premium for such bond shall be a proper charge against the city. (Ord. 14 § 1)

§ 2-24. Powers and duties generally.

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 article. 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, he shall have the following powers and duties:

A. Law Enforcement. 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 through their department heads.

C. Power of Appointment, Etc. To appoint, remove, promote and demote all officers and employees of the city, except the city attorney, city clerk and city treasurer, subject to the personnel rules and regulations of the city and the provisions of this code.

D. Reorganization of Officers, Etc. To now 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. Ordinances. To recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient.

F. Attendance at City 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. Budget. To prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval.

I. Investigations. 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.

J. 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.

K. Public Property. To exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city council.

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

M. 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. 14 § 1; Ord. 103 § 1; Ord. 305 § 1; Ord. 430 § 6)

§ 2-25. Same – Services as finance director.

The city manager shall perform or cause to have performed the following duties:

A. Maintenance of Financial Records. To maintain all records readily reflecting the financial condition of the city and all of its departments.

B. Report for Fiscal Year. At the end of each fiscal year, to prepare and present to the city council the summary statement of receipts and disbursements, by departments and funds, including opening and closing fund balances of the city treasury.

C. Publication of Financial Statement. To cause the financial statement of the city to be published in accordance with the provisions of Sections 4804 and 4805 of the Government Code of the state.

D. Compilation of Financial Information for Budget. To compile all financial information necessary for the preparation of the city's budget and make such information available to the officer whose responsibility it is to prepare the budget.

E. Monthly Financial Report. To prepare a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the city and each of its departments.

F. Licenses. To supervise and be in charge of licenses, issuance and inspection.

G. Payroll Records. To supervise and be in charge of all payroll records.

H. Insurance Policies. To maintain a record of all insurance policies and their expiration dates.

I. Collection of Taxes and Assessments, Etc. To see that all taxes, assessments and other fees and revenues of the city or for whose collection the city

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is responsible, and all other money received by the city from the county, state or federal government or from any court, office, department or agency of the city are collected, and perform such duties that are from time to time assigned to him by the city council. (Ord. 59 § 1)

§ 2-26. Same – Attendance at meetings of boards, commissions, etc.

The city manager may attend any meetings of the planning commission, joint board of recreation commissioners and any other commissions, boards or committees 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. (Ord. 14 § 1)

§ 2-26.1. Same – Designation of employees to perform functions.

Wherever in this code a function is specified to be performed by a particular officer other than the city attorney, city clerk, or city treasurer, the city manager may designate any legally qualified city employee to perform such functions. (Ord. 306 § 2; Ord. 430 § 7)

§ 2-27. Relations between city manager, city council and other city officials.

The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. 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.

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 harmoni-

ously so far as may be consistent with their duties as prescribed by law and ordinance of the city. (Ord. 14 § 1)

§ 2-28. Temporary city manager.

The city manager shall appoint, subject to the approval of the city council, one of the other officers or department heads of the city to serve as 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 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 this article. (Ord. 14 § 1)

§ 2-28.1. Signature on public securities and instruments – Facsimile signature.

A. Any two of the following persons shall sign all public securities and instruments of payment (as such terms are defined in Government Code Section 5500):

1. City manager;
2. City treasurer;
3. City clerk;
4. Accounting manager;
5. Assistant city manager.

B. After compliance with Government Code Section 5501, the signature of any of the above persons may be placed upon such documents by facsimile signature in lieu of manual signatures; provided, however, at least one signature on all public securities shall be manually subscribed. (Ord. 152 § 2; Ord. 237 § 1; Ord. 430 § 8; Ord. 899 § 1)

§ 2-28.2. Employees exempt from merit system.

The city manager and all professional employees of his or her office shall be exempt from the merit system. All employees of the office of the city manager shall be appointed by the city manager, with the approval of the city council, and shall serve at the pleasure of the city manager. (Ord. 718)

Article V. Building Department

§ 2-29. **Established.**
Repealed. (Ord. 17 § 1; Ord. 606 § 1)

§ 2-30. **Building inspector – Office established – Appointment.**
Repealed. (Ord. 17 § 1; Ord. 606 § 1)

§ 2-31. **Same – Powers and duties.**
Repealed. (Ord. 17 § 1; Ord. 606 § 1)

§ 2-31.1. **Reserved.**
Repealed. (Ord. 435 § 2)

§ 2-31.2. **Reserved.**
Repealed. (Ord. 435 § 2)

Article VI. Housing Department

§ 2-32. **Reserved.**
Repealed. (Ord. 207)

§ 2-33. **Reserved.**
Repealed. (Ord. 207)

Article VII. Planning Commission*

* For state law requiring city to establish a planning agency, see Gov. C. § 65100. As to planning agency and planning commission, see Gov. C. § 65200 et seq.

§ 2-34. **Established.**
This section establishes the planning commission. The functions of the planning commission shall be set forth by resolution of the city council. (Ord. 6 § 1; Ord. 884 § 1)

§ 2-35. **Composition – Appointment of members.**
Repealed. (Ord. 694 § 1; Ord. 884 § 1)

§ 2-36. **Terms of office of members – Filling of vacancies.**
Repealed. (Ord. 884 § 1)

§ 2-37. **Compensation and removal of members.**
Repealed. (Ord. 884 § 1)

§ 2-38. **Officers – Meetings – Bylaws – Records.**
Repealed. (Ord. 6 § 1; Ord. 884 § 1)

§ 2-39. **Powers and duties.**
Repealed. (Ord. 6 § 1; Ord. 884 § 1)

Article VIII. Parks and Recreation Commission

§ 2-40. **Established.**
This section establishes the parks and recreation commission. The functions of the parks and recreation commission shall be set forth by resolution of the city council. (Ord. 527 § 2; Ord. 758 § 2; Ord. 792 § 6; Ord. 884 § 1)

§ 2-41. **Establishment.**
Repealed. (Ord. 436 § 1; Ord. 527 § 3; Ord. 758 § 2; Ord. 884 § 1)

§ 2-42. **Composition – Appointment of members.**
Repealed. (Ord. 527 § 1; Ord. 693 § 1; Ord. 758 § 2; Ord. 884 § 1)

§ 2-43. **Terms of office – Qualifications.**
Repealed. (Ord. 436 § 1; Ord. 530 § 1; Ord. 693 § 1; Ord. 758 § 2; Ord. 792 § 6; Ord. 884 § 1)

§ 2-44. **Filling of vacancies – Removal of members.**
Repealed. (Ord. 436 § 1; Ord. 527 § 6; Ord. 758 § 2; Ord. 884 § 1)

§ 2-45. **Compensation of members.**
Repealed. (Ord. 436 § 1; Ord. 693 § 1; Ord. 758 § 2; Ord. 884 § 1)

§ 2-46. **Officers – Bylaws – Meetings.**
Repealed. (Ord. 436 § 1; Ord. 532 § 1; Ord. 758 § 2; Ord. 792 § 6; Ord. 884 § 1)

§ 2-46.1. **Power and duties.**
Repealed. (Ord. 436 § 1; Ord. 527 § 7; Ord. 573 § 1; Ord. 758 § 2; Ord. 884 § 1)

§ 2-47. **Reserved.**
Repealed. (Ord. 436 § 1; Ord. 527 § 8)

§ 2-47.1. **Reserved.**
Repealed. (Ord. 436 § 1; Ord. 527 § 8)

Article IX. Procedure for Posting and Acceptance of All Bonds, Contracts of Indemnity and Insurance Policies

§ 2-48. Supervision and control.

The city attorney shall, to the extent as hereinafter provided, supervise and control the legal procedure and posting and acceptance of all bonds, contracts of indemnity, and insurance policies in which the city or any officer or board thereof is interested and shall establish the procedures necessary in his judgment to carry out the provisions of this article, and to maintain such bonds, contracts and policies in such manner as to keep them enforceable against the obligors thereon. (Ord. 279 § 1)

§ 2-49. Submission in duplicate – Approval – Exceptions.

All surety bonds, contracts of indemnity and insurance policies required or authorized by statute or by any ordinance of this city, or by any other law, to be posted with or furnished to this city or to any department or officer thereof, or which have been ordered to be posted or furnished by any officer, agent or employee of this city acting within the scope and course of his public duties, shall be furnished to the city or to the officer or board concerned, in duplicate, by the person posting or furnishing the same; and no board, officer or employee of the city shall receive or accept any such surety bond, contract or indemnity or insurance policy unless such bond, contract of indemnity or insurance policy shall be furnished to the city or to the board, officer or employee, in duplicate; and both copies shall forthwith be transmitted to the city attorney for approval before the same shall be accepted on behalf of the city.

The requirements of this section shall not apply to bonds accompanying bids or proposals to enter into any contract with the city or any department, board, officer or employee thereof for the furnishing of supplies, materials or equipment of any kind or nature whatsoever, or to any bond posted solely to guarantee that the bidder will enter into the proposed contract if the same be awarded to him.

Notwithstanding the foregoing exemption, however, bonds of the form and kind known as annual bid bonds shall be subject to all of the provisions of this section. (Ord. 279 § 1)

§ 2-50. Endorsement of approval.

If the surety bond, contract of indemnity or insurance policy is approved by the city attorney, such approval shall be endorsed on the original, with the date thereof, and noted on the duplicate. (Ord. 279 § 1; Ord. 813 § 5)

§ 2-51. Oath and affidavit by personal sureties – Recordation of personal surety bonds – When personal surety bonds not to be accepted – Replacement of lost or destroyed checks.

A. It is the policy of the city to require adequate corporate surety bonds, except where the law may require the acceptance of personal surety. If any such surety bond or contract of indemnity has been executed by personal sureties, its acceptance being so required, the city attorney or a deputy city attorney must administer an oath to such personal sureties, who shall answer questions relating to and make a satisfactory showing of their ability to respond financially in the amount of such bond. Each such personal surety shall disclose the amount of which he has become obligated on all other surety bonds, and all other claims against him, legal or otherwise.

B. Upon acceptance by the city all personal surety bonds shall be acknowledged and recorded by the city clerk with the county recorder.

C. No personal surety bond shall be accepted by the city unless the same is definitely required to be received or accepted by law or ordinance.

D. In the case of lost or misplaced bonds and coupons, or either, issued by the city, no personal surety bonds shall be accepted by any board, officer or employee of the city or by the city. (Ord. 279 § 1; Ord. 813 § 6)

§ 2-52. Notification of default, loss or damage.

The city clerk and each board, officer or employee of any department of this city required or authorized by law to accept, receive or file any bond, contract or policy mentioned in SLTCC 2-49 shall keep an adequate record showing the date of filing of each such instrument, the disposition thereof, the performance thereunder and the occurrence of any loss, damage or default covered thereby. They and each of them shall immediately

notify the city attorney, by a written report upon the discovery of any of the following:

A. Any default in performance on the part of any principal on any surety bond or contract of indemnity;

B. Any loss or damage sustained by the city covered by any policy of insurance or contract of indemnity;

C. Any loss or damage sustained by any person insured or indemnified under the terms of any such bond, contract or policy. (Ord. 279 § 1)

§ 2-53. Recommendations to city council as to additional financial protection.

Whenever it shall come to the attention of the city attorney or the city council's insurance committee that any ordinance of this city requiring or authorizing the posting or furnishing of surety bonds or contracts of indemnity or insurance, or providing for the terms or conditions thereof, does not adequately protect the city from financial loss or does not adequately protect any person for whose benefit the bond, contract of indemnity, or insurance policy is furnished, the city attorney or the city council's insurance committee shall recommend to the city council such changes or amendments as in his or their discretion may be proper. (Ord. 279 § 1)

§ 2-54. Cancellation.

No surety bonds, contracts of indemnity or insurance policies required or authorized by statute or by any ordinance of this city, or by any other law, to be posted with or furnished to this city, or to any department or officer thereof, or which have been ordered to be posted or furnished by any officer, agent or employee of this city acting within the scope and course of his public duties shall be subject to cancellation except after notice to the city attorney by certified mail at least 30 days prior to the date of cancellation; provided, that no bond heretofore or hereafter executed under and in accordance with the provisions of any law or ordinance by the terms of which a particular method of cancellation or termination is prescribed may be cancelled or terminated in any manner than as so prescribed. (Ord. 279 § 1)

§ 2-55. Cash deposit in lieu of bond.

In any case wherein the city or any board, officer or employee thereof, by statute or ordinance, is

granted or has the power or duty to fix the amount of, or to approve, any bond required to be given by any person to the city or any board, officer or employee thereof, the city or any such board, officer or employee may accept as such bond, and in lieu of any other bond, an agreement of indemnity accompanied by a physical deposit of cash in substantially the following form and manner.

A. Any person heretofore or hereafter required by any provision of any statute or any ordinance of such city, or by any other law, to post with or furnish to the city, or to any deputy or officer thereof, any bond or contract of indemnity may deposit and at all times maintain on deposit with the treasurer of the city an amount in cash equivalent to the amount of the bond required as above stated.

B. Such person so required to furnish a bond or contract of indemnity shall, contemporaneously with the making of such deposit, execute and deliver to the city an agreement in writing, subject to the approval of the city attorney, confirming such deposit and conditioned as required in the case of a surety bond.

C. The city treasurer shall have the custody of the cash deposit hereunder.

D. The board, officer or employee requiring such bond or contract of indemnity may determine the fact of default by the person posting or furnishing such cash deposit and the amount of loss or damage sustained by the city, and the amount of the loss or damage sustained by any other person indemnified by the agreement of indemnity provided for herein, and order a reimbursement thereof from the deposit. The board, officer or employee shall transmit its findings and order to the treasurer who may reimburse the city and any other person ordered to be reimbursed by such board, officer or employee for the loss and damage found by such board, officer or employee to have been sustained.

E. The agreement of indemnity herein provided for may set forth such additional terms and conditions as may be necessary or convenient to carry out the purposes and intent of this section.

F. None of the provisions of this section shall apply in any case wherein cash deposits or cash bonds are otherwise specifically authorized or provided for by any other ordinance of the city now in effect or hereafter adopted. (Ord. 279 § 1)

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§ 2-56. Exceptions.

The provisions of this article shall not be deemed to, nor shall they apply to policies, certificates or other instruments of title insurance or title guaranty. (Ord. 279 § 1)

§ 2-56.1. Requirements for insurance coverage and hold harmless agreements in city contracts.

The following provisions shall govern all contracts awarded by the city:

A. All contracts awarded by the city shall contain a “hold harmless” provision which shall read substantially as follows:

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

1. That city does not, and shall not, waive any rights against contractor which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by city, or the deposit with city by contractor, of any of the insurance policies hereinafter set forth.

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

to be applicable to any of such damages or claims for damages.

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

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

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

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

tions under this contract, whether such operation be by contractor or by any subcontractor, or by anyone directly or indirectly employed by either contractor or any subcontractor, and the amounts of such insurance shall be as follows:

Public liability insurance, in an amount not less than \$500,000 per person, \$1,000,000 per occurrence, bodily injury and death; and \$250,000 per occurrence, \$500,000 aggregate property damage.

No policies of insurance carried by the contractor shall be subject to cancellation except after notice to the city attorney by certified mail at least 30 days prior to the date of cancellation.

(Ord. 313 § 1; Ord. 772 § 1)

Article X. Investment of City Funds

§ 2-57. Delegation of authority to invest, reinvest, sell, exchange and deposit funds and securities.

Repealed. (Ord. 282 § 1; Ord. 758 § 2)

§ 2-58. Securities – Purchase – Reinvestment of proceeds from sale.

Repealed. (Ord. 282 § 1; Ord. 758 § 2)

§ 2-59. Same – Purchase – Reinvestment of proceeds from sale.

From time to time the city treasurer shall sell the securities in which city funds have been invested pursuant to SLTCC 2-58 so that the proceeds may be applied to the purposes for which the original purchase money was designated or placed in the city treasury. (Ord. 282 § 1)

§ 2-60. City bonds purchased by city.

Bonds issued by the city and purchased pursuant to SLTCC 2-58 may be cancelled either in satisfaction of sinking fund obligations or otherwise; provided, however, that the bonds may be held uncanceled and while so held may be resold. (Ord. 282 § 1)

§ 2-61. Reports of investment activities by city treasurer.

The city treasurer shall make a monthly report of all such investment transactions to the city council. (Ord. 282 § 1)

§ 2-62. Deposit of securities purchased by city.

The city treasurer is hereby authorized to deposit for safekeeping with a trust company or a state or national bank located within this state or with the Federal Reserve Bank of San Francisco or any branch thereof located within this state or with any Federal Reserve Bank or with any state or national bank located in any city designated as a reserve city by the board of Governors of the Federal Reserve System the securities in which the city funds have been invested pursuant to SLTCC 2-58; provided, however, that the city treasurer shall take from such trust company or bank a receipt for the securities so deposited and shall not be responsible for such securities delivered to and receipted for by such trust company or bank until they are withdrawn therefrom by the city treasurer. (Ord. 282 § 1)

Article XI. City Attorney*

* As to state law regarding city attorney, see Gov. C. § 41801 et seq.

§ 2-63. Office of the city attorney.

The office of city attorney is hereby created. (Ord. 349 § 2; Ord. 864 § 1)

§ 2-64. Appointment – Qualifications.

The city attorney shall be appointed by the city council wholly on the basis of his legal ability and experience, particularly in the municipal law field. Admission to the State Bar of California shall be a prerequisite to appointment as city attorney.

No person elected or appointed as a councilmember of the city shall, subsequent to such election or appointment, be eligible for appointment as city attorney until one year has elapsed after such councilmember shall have ceased to be a member of the city council. (Ord. 349 § 2)

§ 2-65. Compensation – Reimbursement of expenses.

The city attorney shall receive such compensation and expense allowances as the city council shall from time to time determine and fix by resolution, and such compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate.

The city attorney 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 be made in accordance with customary reimbursement procedures utilized by the city finance department. (Ord. 349 § 2; Ord. 813 § 7)

§ 2-66. Removal from office.

A. The removal of the city attorney shall be only upon a three-member vote of the whole city council in a regular city council meeting, subject to the other provisions of this section. In case of his intended removal by the city council, the city attorney shall be furnished with a written notice stating the city council's intention to remove him and the reason therefor, at least 30 days before the effective date of his removal.

B. Within seven days after the delivery to the city attorney of such notice, 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 attorney shall appear and be heard, with or without counsel.

C. After furnishing the city attorney 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 city council passed subsequent to such hearing.

D. In removing the city attorney, 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 attorney to present to the city council his grounds of opposition to his removal prior to its action.

E. Notwithstanding the provisions of this article, the city attorney shall not be removed from office during or within a period of 90 days next succeeding the taking of office by any member of

the city council. The purpose of this provision is to allow any new member of the city council or a reorganized city council to observe the actions and ability of the city attorney in the performance of the powers and duties of his office. After the expiration of such 90-day period, the provisions of this section as to the removal of the city attorney shall apply and be effective.

F. The city attorney shall give not less than 30 days' notice prior to the effective date of his resignation; provided, that this 30-day period may be waived by a four-fifths vote of the city council. (Ord. 349 § 2)

§ 2-67. Limitation upon private practice.

The city attorney shall not engage in the private practice of law without the consent of the city council, and then only upon such conditions as the city council may impose. (Ord. 349 § 2)

§ 2-68. Powers and duties.

The city attorney shall be the chief legal officer of the city under the direction and control of the city council, except as otherwise provided in this article, and shall have the following powers and duties:

A. Advise the city council, its committees, its various boards and commissions or any city officer, when requested, upon all legal questions arising in the conduct of city business.

B. Prepare or revise ordinances or resolutions when so requested by the city council or by the city manager.

C. Make recommendations for ordinances, resolutions or other documents or procedures affecting the legal position of the city.

D. Give his opinion upon any legal matter or question submitted to him by the city council, any member thereof, any board or commission of the city, the city manager or any other city officer.

E. Attend all city council meetings in their entirety unless excused by the council, for the purpose of giving the city council any legal advice requested by its members.

F. Attend such meetings of other boards and commissions of the city as he shall deem necessary and proper or as the city council may direct.

G. Prepare for execution, or approve as to form, all contracts and instruments to which the city is a party and approve as to form and for filing all bonds and insurance policies submitted to the city.

H. Have the power to approve, deny, adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes or matters in favor of or against the city, or in which the city is concerned as a debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed \$5,000, so long as the approval of the risk manager is first obtained and monies have been appropriated for such purpose and are available therefor. In all other such matters, the city attorney shall submit to the recommendation of the city council for action to be taken.

I. Make the following reports:

1. Immediately report the outcome of any litigation in which the city has an interest to the city manager and the city council.

2. Immediately report to the city council and the city manager all settlements or other actions entered into pursuant to the provisions of subsection (H) of this section.

3. Make an annual report, to the city manager and the city council, as of September 30th of each year of all pending litigation in which the city has an interest and the condition thereof.

J. Provide information and advice to the public concerning city laws and regulations.

K. Enforce city laws and regulations through office hearings and court proceedings, both civil and criminal.

L. Review and analyze all state and federal legislation affecting the city.

M. Appear on behalf of the city before such legislative committees and regulatory agencies as the city council may direct.

N. Represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made.

O. Perform such other duties as may be imposed by statute, by any ordinance of the city or by other action of the city council.

P. Deliver all records, documents and property of every description in his possession, belonging to his office or to the office, who shall give him duplicate receipts therefor, one of which he shall file with the city finance officer. (Ord. 349 § 2; Ord. 482 § 1; Ord. 560 § 1; Ord. 609 § 1; Ord. 691; Ord. 785 § 1; Ord. 792 § 7)

§ 2-69. Employees exempt from merit system.

The city attorney and all professional employees of his office shall be exempt from the merit system. All employees of the office of the city attorney shall be appointed by the city attorney with the approval of the city manager and shall serve at the pleasure of the city attorney. (Ord. 349 § 2)

§ 2-70. Relations between city attorney, city council, city manager, and other city officials.

The city council and its members shall deal with the city attorney only when sitting in a duly held meeting of the city council, except for the purposes of inquiry. The city manager, as the representative of the city council, shall have the right and the power to direct the activities of the city attorney with respect to job priorities and in other respects in the same manner and to the same extent that a private client directs the activities of his private attorney.

Budget control of the city attorney's office shall be with the city manager as the finance officer of the city.

It shall be the duty of all subordinate officers and the city clerk and city manager to assist the city attorney in carrying out his functions so far as may be consistent with their duties as prescribed by law and ordinances of the city. (Ord. 349 § 2)

§ 2-71. Employment of special counsel.

Whenever the city council deems it to be in the best interests of the city, it may employ special counsel to handle particular legal matters of the city, upon such terms as the city council shall deem proper. (Ord. 349 § 2)

§ 2-72. Temporary city attorney.

Whenever the office of city attorney shall be vacant, the city council may appoint a temporary city attorney pending appointment and qualification of a city attorney. Such temporary city attorney need not conflict with his duties as temporary city attorney. (Ord. 349 § 2)

Article XII. Conflict of Interest Code

§ 2-73. Adoption.

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-74

§ 2-74. **Introduction.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-75. **Definitions.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-76. **Designated employees.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-77. **Disclosure categories.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-78. **Statements of economic interests –
Place of filing.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-79. **Statements of economic interests –
Time of filing.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-80. **Contents of and period covered by
statements of economic interests.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-81. **Manner of reporting.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-82. **Disqualification.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-83. **Manner of disqualification.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-84. **Assistance of the commission, clerk,
and counsel.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-85. **Violations.**

Repealed. (Ord. 487 § 1; Ord. 578 § 1; Ord. 758 § 2)

§ 2-86. **Categories of positions subject to
disclosure – Requirements.***

Repealed. (Ord. 578 § 1; Ord. 580 § 1; Ord. 703 § 1; Ord. 758 § 2; Ord. 792 § 8)

* Refer to City Resolution No. 1991-35.

§ 2-87. **Designated positions by department
or commission.**

Repealed. (Ord. 578 § 1; Ord. 580 § 1; Ord. 703 § 1; Ord. 758 § 2)

Article XIII. Appeals

§ 2-88. **Appeals of decisions rendered by city
commissions, boards, administrative
officers and staff.**

A. Any person dissatisfied with the decision of any member of a city commission, board, other administrative official, or city staff except as noted in subsection (B) of this section may file an appeal of such decision to the city council by filing a written notice of appeal with the city clerk, accompanied by the application fee, within five working days after the date the decision was rendered.

B. Decisions relating to planning/zoning matters (not including the residential allocation process):

Any person dissatisfied with the decision of any member of the city planning staff, zoning administrator or other hearing officer which relates to matters of planning and/or zoning shall first file an appeal to be heard by the planning commission through notification to the city clerk, as stated in subsection (A) of this section.

If the appellant is still dissatisfied with the decision rendered by the planning commission, a second appeal may be filed with the city clerk for hearing by the city council, as stated in subsection (A) of this section. (Ord. 767 § 1; Ord. 792 § 9; Ord. 851 § 1)

§ 2-89. **Setting of fees for appeal by city
clerk.**

The city clerk shall notify the applicant after receipt of written notice of appeal regarding the amount of the required fee as set forth in a duly adopted resolution of the city council. (Ord. 767 § 1; Ord. 792 § 10; Ord. 851 § 1)

§ 2-90. Setting of hearing by city clerk.

A. Hearings before the city council which require a public hearing, as set forth in SLTCC 2-91 herein, shall be set by the city clerk within 30 days of the last date upon which a written notice of appeal may be filed. At least 10 days prior to the date fixed for the hearing, the city clerk shall cause written notice of the time and place to be given the appellant, the applicant, any person required to be notified, and to any other person requesting the same as for the commission, board or administrative hearing.

B. Upon the filing of any appeal for which no public hearing is required, the appellant may request that the city clerk waive the 10-day notice period to expedite hearing of the matter. Such requests shall be granted only when the appellant is also the initial applicant concerning the matter, or when the applicant and appellant agree that such 10-day notice period may be waived. (Ord. 767 § 1; Ord. 851 § 1)

§ 2-91. Matters requiring a public hearing notice on appeal.

Those matters which, by their nature, require a public hearing for which notice must be given are defined as follows:

- A. Nuisance abatements requiring demolition of structures;
- B. Variances;
- C. Use permits. (Ord. 767 § 1; Ord. 851 § 1)

§ 2-92. Optional referral of matters to the planning commission.

Repealed. (Ord. 767 § 1; Ord. 851 § 1)

§ 2-93. All decisions of the city council on appeal shall be final.

Upon decision of the city council concerning the matter being appealed, there shall be no further remedies available to the applicant or appellant within the municipal government structure of the city. All decisions made by the city council relating to appeals shall be final, and shall be appealable only through a court of competent jurisdiction. (Ord. 767 § 1; Ord. 851 § 1)

Article XIV. Establishment of a Fee and Service Charge Revenue Comparison/Cost Recovery System

§ 2-94. Findings and intent.

A. Pursuant to Article XIII B of the California Constitution, it is the intent of the city council to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefor in providing the regulation, products or services hereinunder enumerated in this article.

B. The fee and service charge revenue/cost comparison system set forth in this article provides a mechanism for ensuring that fees adopted by the city for services rendered do not exceed the reasonable estimated cost for providing the services for which the fees are charged.

C. The adoption of this article is exempt from the California Environmental Quality Act (Public Resources Code Sections 21080 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of city departments, as set forth in Public Resources Code Section 21080(b)(8)(1). (Ord. 826 § 1)

§ 2-95. Delegation of authority and direction to manager.

A. The city manager is hereby delegated the authority and direction to provide documents to the city council to implement its herein enumerated policy to adjust fees and charges to recover the percentage of costs reasonably borne as established hereby, in providing the regulation, product or service enumerated in this article in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established in this article.

B. The city manager is hereby delegated authority to issue executive orders defining terms, setting out administrative, fee collection, and financial procedures, definitions, and establishing effective dates of all fees set by the city council by resolution. All executive orders shall be originated and signed by the affected department head, shall be signed by the finance officer certifying that the financial requirements of this article are complied with, and shall be signed by the city manager con-

§ 2-96

noting the effective date of the executive order and new or revised rate structure, procedure or definition.

C. "Costs reasonably borne" shall be defined in SLTCC 2-96. In adjusting fees and charges, the city manager shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established by this article, and the procedures set hereby and by applicable state law. All executive orders issued hereunder shall comply in all respects with this article, and the several schedules of fees and rates as set by the city council by resolution. (Ord. 826 § 1)

§ 2-96. **Costs reasonably borne.**

"Costs reasonably borne" as used and ordered to be applied in this article are to consist of the following elements:

A. All applicable direct costs including, but not limited to salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expense, contracted services, special supplies and any other direct expense incurred.

B. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expense, computer costs, printing and reproduction, vehicle expense, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system.

C. Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

D. General overhead, expressed as a percentage, distributing and charging the expenses of the city council, city attorney, city manager, city clerk, city treasurer, general services department, and all other staff and support service provided to the entire city organization. Overhead shall be prorated between tax-financed services and fee-financed

services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.

E. Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections (A), (B), (C) and (F) of this section.

F. Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the city. (Ord. 826 § 1)

§ 2-97. **Schedule of fees and service charge recovery rates.**

A. The city manager, finance officer and each city department head, under the direction of the city manager, shall review annually the fees and service charges resolution, and provide an adjusted fee or charge resolution to the city council for its consideration so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service.

B. Percentage of costs reasonably borne to be recovered will be implemented in phases as described in the fee resolution.

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
<u>Planning Lead Responsibility:</u>	
1 C-001 Preapplication Scoping Conference	100%
2 C-002 Preliminary Plan Scoping Conference	100%
3 C-003 Development Agreement and DDA Review	100%
4 C-004 Conditional Use Permit	100%
5 C-005 Design Review	100%
6 C-006 Variance Review	100%
7 C-007 Time-Share Conversion Review	100%
8 C-008 Zoning Map Amendment	100%
9 C-009 Zoning Text Amendment	100%
10 C-010 Allocation Permit Processing	100%
11 C-011 Lot Consolidation/Adjustment	100%
12 C-012 Annexation	100%

13	C-014 Environmental Assess./Negative Declaration	100%
14	C-015 EIR/EIS Statement (TRPA)	100%
15	C-017 Community Plan Amendment	100%
16	C-018 General Plan Amendment	100%
17	C-019 Community Plan Maintenance	100%
18	C-020 General Plan Maintenance	100%
19	S-007 Plan Revision	100%
20	S-008 Plan Extension	100%
21	S-009 Temporary (72-hour) Use Review	100%
22	S-010 Home Occupation (Administrative Review)	100%
23	S-011 Sign Permit	100%
24	S-012 Banner Review and Inspection	100%
25	S-013 Development Right Transfer	100%
26	S-014 Fence Permits	100%
27	S-015 Zoning Letter	100%
28	S-016 Environmental Categorical Exemption	100%
29	S-017 Planning Surcharge	100%
30	S-018 Dumpster Enforcement	100%

Public Works Lead Responsibility:

31	C-013 Street Vacation	100%
32	C-021 Public Improvement Plan Check	100%
33	C-022 Public Improvement Inspection	100%
34	C-023 Private Improvement Plan Check	100%
35	C-024 Private Improvement Inspection	100%
36	C-025 Encroachment (Street Cut) Permit	100%
37	C-026 TRPA Plan Check/Inspection	70%
38	C-027 Building Code Appeal	40%
39	C-039 Utility Street Usage	100%
40	C-040 Snow Removal	50%
41	S-001 Building Plan Check and Inspection	100%
42	S-002 Collection of School District Fees	100%
43	S-003 Building Plan Revision Checking	100%
44	S-004 Building Construction Time Extension	100%
45	S-005 Reinspection Service	100%
46	S-006 Special Building Inspections	100%
47	S-019 Transportation Permit Review	75%
48	S-119 Street Sweeping	100%
49	S-120 Spilled Load Clean-Up	100%

City Attorney Lead Responsibility:

50	C-045 Joint Powers Authority Service	100%
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Police Lead Responsibility:

51	C-035 DUI Accident Response	100%
52	S-024 Special Business Regulation	100%
53	S-025 ABC One Day Permit	100%
54	S-031 School Resource Officers	100%
55	S-032 Vehicle Code Enforcement	100%
56	S-033 Parking Enforcement	100%
57	S-035 DUI Arrest Procedure	100%
58	S-036 Misdemeanor Booking	100%
59	S-037 Fingerprinting	100%
60	S-038 Records Check/Clearance Letter	100%
61	S-039 Concealed Weapon Background Investigation	100%

62	S-041 Stored Vehicle Release	100%
63	S-042 Vehicle Equipment Correction Inspection	100%
64	S-043 Special Police Service	100%
65	S-044 Special Police Boat Service	100%
66	S-048 Vacation Checks	100%
67	S-049 Police False Alarm Response	100%
68	S-050 Noise Disturbance Response Call-Back	100%
69	S-051 Ski Run Vehicle Control	100%
70	S-056 Police Report Copy	100%
71	S-057 Police Courtesy Report Copy	100%
72	S-058 Tape Duplication Service	100%
73	S-059 Crime Scene/Police Photo Reproduction	100%
74	S-062 Outside Agency ID Services	100%
75	S-066 Dispatch Service	100%

Fire Lead Responsibility:

76	C-033 Emergency Medical Service	25%
77	C-034 Fire Non-Emergency Response	100%
78	C-036 Hazardous Materials Clean-up	100%
79	S-067 County Fire Services	100%
80	S-068 State Mandated Inspections	100%
81	S-069 Commercial Fire Service	50%
82	S-070 Fire Code Enforcement Inspection	100%
83	S-071 Pre-Fire Plan	25%
84	S-072 Sprinkler/Alarm Plan Check and Testing	50%
85	S-074 Burn Permit	100%
86	S-075 Fire Incident Report Copy	100%
87	S-076 Hydrant System Maintenance	10%
88	S-077 Fire Safety Classes	100%

Recreation Lead Responsibility:

89	C-037 Recreation Facility Rental	100%
90	S-079 Adult Sports Programs	75%
91	S-080 Youth Sports Programs	50%
92	S-081 Adult Athletic Field Participation	100%
93	S-082 Youth Athletic Field Participation	100%
94	S-083 Private Adult Ballfield Usage	75%
95	S-084 Co-Sponsored Youth Ballfield Usage	50%
96	S-085 Private Adult Sports Field Lighting Usage	100%
97	S-086 Co-Sponsored Youth Field Lighting	100%
98	S-088 Recreation Classes	50/75%
99	S-089 Weightlifting Room Usage	100%
100	S-090 Kid's Club Programs	50%
101	S-091 Youth and Teen Programs	50%
102	S-092 Summer Camp Activities/Supervision	50%
103	S-093 Family Special Events and Performance Coordination	25%
104	S-094 Tennis Court Usage	100%
105	S-096 Aquatic Classes	100%
106	S-097 Swimming Lessons	100%
107	S-098 Adapted Swimming	25%
108	S-099 Pool Rental	100%
109	S-100 School Swim	50%

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110	S-101 Co-Sponsored Competitive Swim Team Support	100%
111	S-102 Recreational Swimming	100%
112	S-103 Child Care Facility Rental	100%
113	S-104 Senior Citizen Recreation Programs	10%
114	S-105 Picnic Shelter/BBQ Rental	100%

Parks Lead Responsibility:

115	S-087 School District Ballfield Maintenance	50%
116	S-108 Bijou Golf Course	100%
117	S-109 Campground Charges	100%
118	S-110 Beach Maintenance	100%
119	S-111 School District Landscape Maintenance	100%
120	S-112 Redevelopment Contract Maintenance	100%
121	S-113 California Tahoe Conservancy Maintenance	100%

City Manager Lead Responsibility:

122	C-041 Litter Removal	100%
123	C-042 Transit Service	100%
124	C-044 Animal Control	100%

Finance Lead Responsibility:

125	C-046 Redevelopment Agency Services	100%
126	C-047 New/Moved Business License Applications	100%
127	S-021 Address Change Review	100%
128	S-022 New Address Assignment Processing	100%
129	S-123 Business Tax Renewal Processing	100%
130	S-124 Returned Check (NSF) Processing	100%
131	S-125 Geobase Information Service	100%

City Clerk Lead Responsibility:

132	C-048 City Council Appeals	20%
133	C-049 Records Research Service	100%
134	C-050 Document Printing and Copying	100%
135	S-126 City Council Chamber Rental	100%
136	S-127 Agenda Mailing Service	100%
137	S-128 Meeting Tape Duplication	100%
138	S-129 Code Update Service	100%
139	S-130 Verbatim Transcript Service	100%
140	S-131 Document Certification/Acknowledgment	100%

C. The hereinabove services as listed in this section shall be as defined in that certain document entitled “Cost Analysis Study with Appendices for The City of South Lake Tahoe, California” dated April, 1993, as produced by Management Services Institute, Inc., of Anaheim, California.

D. All fees and charges set by resolution pursuant to this article shall take effect 10 days after the city manager signs an executive order stipulating

that all provisions of this article have been complied with, and no written appeal has been filed.

E. The schedule of frequency or rate adjustments may be varied by the city manager to adjust revenues sufficient to meet debt service coverage requirements, of any bond, certificate, or ordinance, resolution, indenture, contract, or action under which securities have been issued by the city which contain any coverage factor requirements.

F. The city manager may vary the review schedule listed in this article if, in the judgment of the city manager and a directly affected and requesting department head, a gross inequity would be perpetrated by not revising the rate schedule. Any such rate revision which deviates from the review schedule as set herein shall be reported to the city council at its next succeeding meeting. (Ord. 826 § 1)

§ 2-98. Statutory public meeting.

Pursuant to California Government Code Section 66016 and 66018, the city clerk shall cause notice to be provided as set out in Government Code Section 6062a, and the city council periodically, at least annually, shall receive at a regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentations, and public meeting shall be provided prior to the city council taking action on any new or increased fees or charges. At least one such public hearing shall be held annually, in conjunction with the city annual budget process and hearing per the requirements of Government Code Section 66018. (Ord. 826 § 1)

§ 2-99. Provision of data.

Pursuant to the California Government Code, at least 10 days prior to the required public hearing set out herein, the city manager shall make available to the public appropriate data indicating the cost, or estimated cost required to support the fees and charges for which changes are proposed to be made or fees or charges imposed. The city manager also shall provide a summary of the present fee and charge schedules and those proposed at such annual public hearing. A general explanation of such changes also shall be provided and published per the requirements of Government Code Sections 6062a and 66016. (Ord. 826 § 1)

§ 2-100. Appeal to city council.

A. Any person who feels that any fee or charge determined and set is in excess of the percentage of costs reasonably borne to be recovered as set out in this article, or that such fee or charge has been reviewed prior to or has not been reviewed within the review schedule as set out herein, may appeal in writing to the city council.

B. No fee or charge for which an appeal has been filed shall take effect until heard by the city council. Such appeal shall be placed on the agenda of the next ensuing council meeting after receipt of such appeal, and heard at the next ensuing council meeting. Such appealed fee or charge shall take effect immediately upon hearing by the city council unless ordered otherwise by the city council by ordinance amending this article. (Ord. 826 § 1)

Article XV. Claims Against the City

§ 2-101. Authority.

This article is enacted pursuant to Section 935 of the California Government Code. (Ord. 944 § 1)

§ 2-102. Claims required.

All claims for money or damages against the city of South Lake Tahoe not otherwise governed by the Government Claims Act (California Government Code Section 900 et seq.) or another state law, or which are excepted from the claim presentation requirement under Government Code Section 905 (hereinafter, in this article, "claims"), shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof). This applies to claims to which Government Code Section 900 et seq. applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this article. (Ord. 944 § 1)

§ 2-103. Form of claim.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 944 § 1)

§ 2-104. Claim prerequisite to suit.

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this article and acted upon by the city council prior to the filing of any action on such claims, and no such action may be maintained by a person who has not complied with the requirements of this article. (Ord. 944 § 1)

§ 2-105. Suit.

Any action brought against the city of South Lake Tahoe upon any claim or demand shall conform to the requirements of Sections 940 through 949 of the California Government Code. Any action brought against any employee of the city of South Lake Tahoe shall conform to the requirements of Sections 950 through 951 of the California Government Code. (Ord. 944 § 1)

§ 2-106. Severability.

In the event any section or portion of this article shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. (Ord. 944 § 1)

