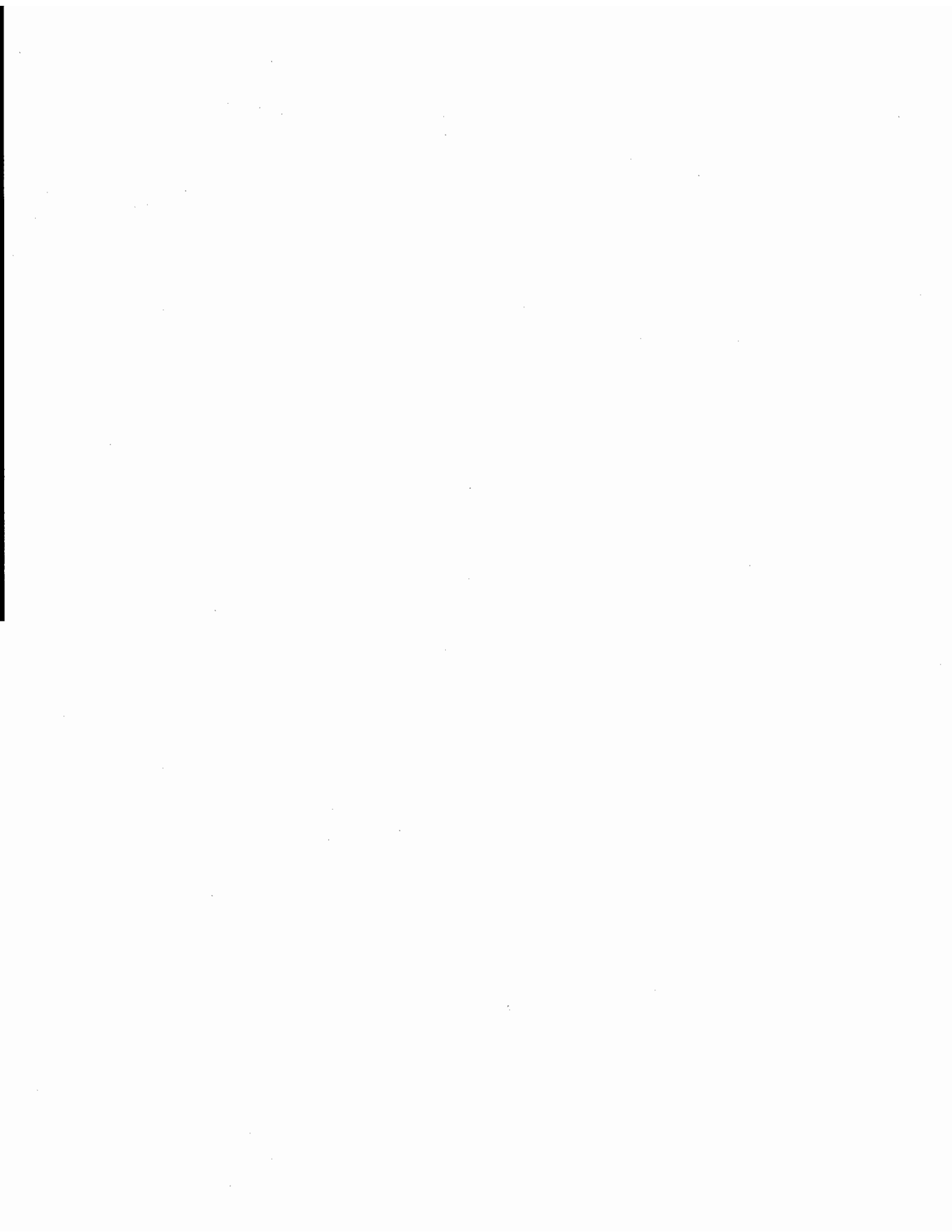


Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council**
- 2.08 City Manager**
- 2.12 City Officers**
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Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.010 Time of meetings.**
- 2.04.020 Location of meetings.**
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- 2.04.040 Special meetings.**
- 2.04.050 Order of business.**
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- 2.04.100 Discussion procedure.**
- 2.04.110 Request for appearance.**
- 2.04.120 Appoint committees.**
- 2.04.130 Suspension of rules.**
- 2.04.140 Procedural irregularities do not invalidate action.**
- 2.04.150 Compensation of council members.**
- 2.04.160 Disorderly conduct.**

2.04.010 Time of meetings.

The city council shall meet twice monthly, on the first and third Tuesday of each and every month, at six-thirty p.m.

Each meeting on the first Tuesday of the month shall be designated the regular monthly meeting. Each meeting on the third Tuesday of the month shall be designated the regular mid-monthly meeting. (Ord. 2009-11 § 1: prior code § 2-1.01)

2.04.020 Location of meetings.

Each meeting shall be held in the City Hall. (Prior code § 2-1.02)

2.04.030 Adjourned meetings.

The council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the council are absent from any regular or adjourned regular meeting the city clerk may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice to be given in the same manner as provided in

Section 2.04.040 for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of the adjournment. When a regular or adjourned meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. (Prior code § 2-1.03)

2.04.040 Special meetings.

Special meetings may be called at any time by the mayor or by three members of the council, by delivering personally or by mail written notice to each member of the council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail and shall be received at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the council. Such written notice may be dispensed with as to any member of the council who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the council may hold a special meeting without complying with the twenty-four (24) hour notice requirement above, provided the emergency situation falls under the meanings listed in Section 54956.5 of the Government Code and the meeting is held in compliance therewith. (Prior code § 2-1.04)

2.04.050 Order of business.

The order of business shall be as delineated by resolution of the city council. The mayor may bring

business before the council in an order other than listed on the agenda if there is no objection from a majority of the council. (Prior code § 2-1.05)

2.04.060 Robert's rules of order.

The city council shall be governed under "Robert's Rules of Order" on all matters pertaining to parliamentary procedure where such rules are not in conflict with this code or any law of the state. (Prior code § 2-1.07)

2.04.070 Appointment and removal of mayor.

On the first Tuesday following any general municipal election at which council members are elected, the city council shall meet and designate its presiding officer, who shall have the title of mayor. The council member who served as mayor pro tempore immediately prior to this meeting shall be designated as mayor. The mayor shall serve in this capacity at the pleasure of the city council. Any council member may decline to serve as mayor.

Should the person who was selected as mayor pro tempore no longer be a council member at the time of the above-referenced meeting, the remaining council members shall select one of their number as mayor by a majority vote.

Duties of Mayor. The mayor shall perform those duties required by law, which, consistent with the office, the mayor voluntarily assumes within the limitations of the law and the limitations imposed by the council. (Ord. 2004-04 § 2 (part): prior code § 2-1.08)

2.04.080 Mayor pro tempore.

At the same meeting at which the mayor is selected, the city council shall also designate one of its members as mayor pro tempore, who shall be that person who received the greatest number of votes in the most recent general municipal election at which council members are elected. The mayor pro tempore shall perform the duties of the mayor during the mayor's absence or disability. The mayor pro tempore shall serve in this capacity at the pleasure of the city council. Any council member may decline to serve as mayor pro tempore. (Ord. 2004-04 § 2 (part): Ord. 2000-01: Ord. 90-05: prior code § 2-1.09)

2.04.090 Duties of clerk.

The city clerk shall be responsible for taking minutes of council meetings. He or she shall prepare and mail a copy of the minutes of any meeting to each council member at least three days before the next regular meeting. At a regular meeting, upon the approval of a majority of the council, minutes of previous meetings may be approved or approved as corrected without being read. (Prior code § 2-1.10)

2.04.100 Discussion procedure.

While discussing any question under consideration by the council or during the course of any public hearing it shall be the duty of the members of the council to remain seated and address their remarks to the presiding officer and their fellow members. Any remarks or orders to the audience shall be addressed by the mayor, or with his or her permission, by members of the council.

Any person desiring to address the council shall, when recognized by the mayor, give his or her name and address to the clerk. The mayor may, in the interests of facilitating the business of the council and the avoidance of repetition, limit the amount of time which a person may use in addressing the council. (Prior code § 2-1.11)

2.04.110 Request for appearance.

A request for appearance concerning any matter to be presented and acted upon by the council at a regular meeting shall be filed in the office of the clerk not later than five p.m. on the Wednesday preceding the regular meeting. Unless a request for appearance is

so filed, a matter will not be considered by the council until the next succeeding regular meeting of the council. Any matter may be considered upon the request of any council member present at the meeting. Requests for appearance shall be on the form provided and shall specifically set forth both the matter to be discussed and the action requested of the council together with sufficient copies of all documentary, informational, or supporting materials. (Prior code § 2-1.12)

2.04.120 Appoint committees.

The council shall appoint standing and special committees as it deems necessary. (Prior code § 2-1.13)

2.04.130 Suspension of rules.

Any of the rules set forth in this chapter not required by law may be suspended by a majority of the council. (Prior code § 2-1.14)

2.04.140 Procedural irregularities do not invalidate action.

No deviation from or failure to follow the procedure set forth in this chapter or in Chapter 2.44 shall invalidate any action or decision of the council unless such deviation or failure shall have effectively prejudiced the rights of any person. (Prior code § 2-1.15)

2.04.150 Compensation of council members.

Each member of the council shall receive a monthly salary of one hundred fifty dollars (\$150.00). (Ord. 2006-05 § 4; prior code § 2-1.16)

2.04.160 Disorderly conduct.

Disorderly conduct at council meetings by members of the council or members of the audience is declared to be a nuisance and may be controlled and abated as permitted in Section 36813 of the Government Code. The members of the council may take actions authorized under Section 54957.9 of the Government Code. (Prior code § 2-1.17)

Chapter 2.08

CITY MANAGER

Sections:

2.08.010 Position created—Powers and duties.

2.08.010 Position created—Powers and duties.

The office of city manager is created. The city manager shall be appointed by and serve at the pleasure of the city council. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications. Subject to direction from the council, and requirement of law, the city manager shall have plenary power over all administrative matters within his or her jurisdiction and shall assure that the work of the city is handled efficiently and effectively. In addition, the city manager shall have the following powers and/or duties:

A. The city manager shall have jurisdiction over all departments and agencies of the city, except the city attorney and any advisory bodies directed by the city council to report to it. The heads of the administrative departments under the city manager shall be directly responsible to him or her for the efficient administration of their respective departments. The city manager may designate acting department heads when necessary to assure the continuity of the city's business; or he or she may personally act as the head of any department.

B. The city manager, with the approval of the city council, shall designate one of the other officers of the city to serve as city manager pro tempore during any absence or disability of the city manager.

C. Except for purpose of inquiry, neither the city council nor any of its members shall deal with any department of the city under the jurisdiction of the city manager by any means except through the city manager.

D. The city manager shall appoint department heads who shall serve at the pleasure of the city manager. Each department head shall be directly respon-

sible to the city manager for the efficient and effective administration of his or her department.

E. The city manager shall have the power and it shall be his or her duty to supervise the administrative affairs of the city, except as otherwise specifically provided herein.

F. The city manager shall have the power and it shall be his or her duty to make such recommendations to the city council concerning the affairs of the city as he or she may deem desirable, including the proposal of ordinances and resolutions he or she finds necessary for effective management or in the public interest.

G. The city manager shall have the power and it shall be his or her duty to keep the city council advised of the financial condition and future needs of the city.

H. The city manager shall have the power and it shall be his or her duty to see that the ordinances of the city and the applicable laws of the state are enforced.

I. The city manager shall have the power and it shall be his or her duty to appoint, discipline and remove all officers and employees of the city under his or her jurisdiction.

J. The city manager shall have the power and it shall be his or her duty to act as purchasing agent for the city and all of its agencies.

K. The city manager shall have the power and it shall be his or her duty to investigate the operations of departments and other agencies of the city, and of all contracts to which the city is a party, and to assure proper performances.

L. The city manager shall have the power and it shall be his or her duty to investigate complaints concerning utility operations and to see that all permits, privileges and franchises granted by the city are faithfully performed.

M. The city manager shall have the power and it shall be his or her duty when directed by the city council, to represent the city in its intergovernmental relations, and to negotiate contracts for joint governmental actions subject to city council approval.

N. The city manager shall have the power and it shall be his or her duty to exercise general supervision over all public property under control of the city.

O. The city manager shall have the power and it shall be his or her duty to perform such other duties as may be prescribed by ordinance or resolution of the city council.

P. The city manager shall have the power and it shall be his or her duty to prescribe such general rules and regulations as he may deem necessary or expedient in the general conduct of the administrative departments under his or her jurisdiction.

Q. The city manager shall have the power and it shall be his or her duty to attend all meetings of the city council unless excused, and such meetings of boards and commissions as he or she chooses, or which he or she is directed to attend by the city council, and participate in discussions at such meetings.

R. The city manager shall have the power and it shall be his or her duty to devote full time to the duties of his or her office and to the interests of the city.

S. The city manager's spending authority shall be twenty thousand dollars (\$20,000.00) for expenditures authorized by the city council in the annual budget or specifically in each case. (Ord. 2001-07 § 2; Ord. 80-03 § 2).

Chapter 2.12**CITY OFFICERS****Sections:**

- 2.12.010 City clerk.**
- 2.12.020 City attorney.**
- 2.12.030 Treasurer.**
- 2.12.040 Assessor and tax collector.**
- 2.12.050 Chief of police.**
- 2.12.060 Health officer.**
- 2.12.070 Superintendent of public works.**
- 2.12.080 City engineer.**
- 2.12.090 City fire chief.**
- 2.12.100 Bonding of officers.**

2.12.010 City clerk.

A. Duties. The duties of the city clerk shall include those given in Section 2.04.090 of this code, and other duties specified by the council, consistent with the office.

The clerk shall give notice of any general or special election in the city by publication of a notice stating the offices to be filled and questions to be submitted to the people. Such notice shall be published twice before the election in a newspaper of general circulation in the city.

The clerk is authorized to sign checks and warrants.

B. Salary. The city clerk shall receive eighty dollars (\$80.00) for the two regular scheduled city council meetings a month and forty dollars (\$40.00) for each additional meeting the city clerk attends. (Ord. 90-01; prior code §§ 2-2.02, 2-2.03)

2.12.020 City attorney.

A. Responsibilities. All proposed ordinances and contracts, before being passed, entered into, or executed by the city, that are not drafted by the city attorney, shall be referred to him or her for his or her review as to form validity and possible ramifications. The city attorney shall report his or her findings to the council.

B. Compensation. In addition to the salary of the city attorney, which shall be set by minute order of the council, he or she shall be allowed all amounts necessary for the handling of litigation, negotiations, bond issues, other improvements, and special

projects undertaken at the direction of the council. (Prior code §§ 2-2.04, 2-2.05)

2.12.030 Treasurer.

The treasurer shall be responsible for all accounts of the city. He or she shall pay warrants signed by any two of the following: city manager, administrative services director or city treasurer. He or she shall be compensated twenty-five dollars (\$25.00) per month. (Ord. 2001-07 § 1; prior code § 2-2.06)

2.12.040 Assessor and tax collector.

A. Duties Transferred to County. The assessment and tax collection duties, and the collection of assessments levied for municipal improvements, now performed by the assessor and the tax collector of the city, are transferred to the assessor and the tax collector of the county for the purpose of assessment and collection of and for ad valorem property taxes that become a lien after the adoption of the ordinance codified in this section, and the collection of assessments for municipal improvements become due and payable on and after July 1, 1966.

B. Offices Abolished. The offices of city assessor and city tax collector are abolished as of the first day of July, 1966, and thereafter all duties performed by the city assessor other than the assessing of property in the city, and all duties performed by the city tax collector other than the collection of ad valorem taxes on property that become a lien after the adoption of said ordinance and the collection of assessments for municipal improvements becoming due and payable on and after July 1, 1966, are transferred to and are to be performed by the city clerk. (Prior code §§ 2-2.07, 2-2.08)

2.12.050 Chief of police.

The principal peace officer of the city is designated the chief of police and shall exercise all of the duties as such. (Prior code § 2-2.09)

2.12.060 Health officer.

Whenever the terms "health officer" or "board of health" is mentioned in this code, it refers to the health officer and department of health of the county.

2.12.070 Superintendent of public works.

The position of superintendent of public works is created. It shall be his or her duty to:

A. Have charge of streets and improvements thereto;

B. Operate, keep in repair, and have charge of the water works;

C. Superintend all connections and mains;

D. Have charge of and keep in repair the sewer system;

E. Ascertain monthly amounts due the city for use of the city services;

F. Be in charge of and supervise the garbage department;

G. Be chief inspector for construction, plumbing, electrical, and ventilation work in the city;

H. Evaluate the need for and supervise the annual abatement of weeds, and to advise the council on this matter;

I. Enforce provisions of this code and ordinances relating to building codes, trees, water, sewage, garbage, and collect fees provided for therein;

J. Supervise the department of public works and the operation of the corporation yard;

K. File an inventory under oath, each year, between the first and fifteenth day of July, of all property of the city under his or her control. (Prior code § 2-2.11)

2.12.080 City engineer.

The office of city engineer is established. He or she shall be appointed by and hold office at the pleasure of, the council. He or she shall perform such civil engineering tasks as are required by the city. (Prior code § 2-2.12)

2.12.090 City fire chief.

The office of fire chief of the city is created and established. He or she shall be appointed by and hold office at the pleasure of the city manager.

A. The fire chief shall, under administrative direction of the city manager, plan, organize and direct the activities of the Winters fire department in preventing and extinguishing fires and in the protection of life and property against fire.

B. The fire chief shall be responsible for the maintenance and care of all property and equipment used by his or her department.

C. The fire chief shall plan, organize, direct and coordinate the activities of the fire department personnel, including volunteer firemen and all fire-fighting and fire prevention apparatus and equip-

ment. The fire chief shall be responsible for the enforcement of all applicable fire ordinances and codes.

D. The fire chief shall formulate departmental rules, procedures and policies in respect to the department; shall interview and, subject to city manager approval, hire prospective fire department employees; and shall supervise a training program of his or her department and do related work as required.

E. The fire chief shall attend meetings, conferences and conventions of fire-fighting and fire prevention personnel, and shall confer with agents of other governmental jurisdictions, with the board of fire underwriters, with fire prevention bureaus and with the office of the State Fire Marshal.

F. The fire chief shall formulate an annual budget and estimate and recommend purchases of equipment and supplies for his or her department.

G. The fire chief shall devote his entire time to the duties of his or her office and the interests of the city of Winters.

H. The fire chief shall perform such other related duties and exercises and such other related powers as may be delegated to him or her from time to time by the city manager, by the provisions of this municipal code or other ordinances, or by resolution of the city council. (Ord. 2010-10 § 2 (part))

2.12.100 Bonding of officers.

The city council shall determine by resolution which officers and employees of the city of Winters shall be bonded, the amounts of such bonds, and any regulations or procedures necessary to facilitate the bonding process and protect the interests of the city of Winters. (Ord. 2010-10 § 2 (part); prior code § 2-2.13. Formerly 2.12.090)

Chapter 2.16

PLANNING COMMISSION

Sections:

- 2.16.010** **Establishment.**
- 2.16.020** **Appointment, term and reappointment.**
- 2.16.030** **Removal.**
- 2.16.040** **Procedure.**
- 2.16.050** **Functions.**
- 2.16.060** **Compensation.**
- 2.16.070** **Special meeting fee.**

2.16.010 **Establishment.**

Pursuant to the provisions of Title 7 of the Government Code of the state, there is created and established a planning commission for the city. This commission shall consist of seven members not officials of the city plus one ex-officio member without vote who shall be a member of the city council. All members shall reside within the city limits. (Ord. 93-05 § 3; prior code § 2-3.201)

2.16.020 **Appointment, term and reappointment.**

The mayor shall establish a rotating list from which council members shall be appointed to serve on a two-member council committee to conduct interviews and recommend among prospective commission candidates. The committee shall submit its recommended candidate to the full council for approval at the next regular council meeting. Commission members shall serve for a four-year term at the end of which they may apply for reappointment by submitting a letter to the council who will consider the reappointment request at their next regular meeting. The council may reappoint or consider other candidates in the same manner as an original appointment. At the end of a second four-year term the mayor shall establish another two-member council committee to conduct interviews and recommend among prospective commission candidates. The commissioner who has served two four-year terms may request consideration for another appointment and shall be evaluated in the same manner as any candidate seeking appointment. If a vacancy occurs other than by expiration, it shall be filled by appoint-

ment for the unexpired term. (Ord. 89-06 (part): prior code § 2-3.202)

2.16.030 **Removal.**

Any appointed member of the planning commission may be removed by the mayor at his or her pleasure, but such removal shall be subject to approval of the council. Also, any appointed member may be removed by a majority vote of the council. (Prior code § 2-3.203)

2.16.040 **Procedure.**

A. The commission shall elect a chairperson and a vice-chairperson from among the appointed members for a term of one year and subject to other provisions of law may create and fill such other offices as it may determine necessary.

B. The commission shall adopt rules for the transaction of business and shall keep a record of its business transactions, findings, and determinations, which record shall be a public record.

C. The commission shall hold at least one regular meeting each month. (Prior code § 2-3.204)

2.16.050 **Functions.**

A. The planning commission shall perform such functions and duties and shall have such powers and duties as are prescribed by law, and in particular as are prescribed in Title 7 of the Government Code, and amendments thereto, and in addition the planning commission shall perform such other functions and duties with respect to zoning and other matters as the city council may determine.

B. It shall be the duty of members of the commission, including advisory members and members of its staff, to inform themselves on matters affecting the functions and duties of the commission, and to that end, when authorized by the commission, may attend planning conferences or meetings of planning executives, hearings on planning legislation or matters affecting the master plan or any part thereof.

C. Review landscape plans and condition new development as appropriate regarding such items as street trees, public parkways and medians, trees in residential front yards, border treatments and parking lots intended for public use, and public streets. (Ord. 97-05 § 2; prior code § 2-3.206)

2.16.060 Compensation.

The members of the planning commission shall receive such compensation as may be fixed by resolution of the Winters city council. When on official business authorized by the Winters city council, members of the planning commission will be reimbursed for expenses in accordance with city policies regarding reimbursement. (Ord. 2008-06 § 3; prior code § 2-3.206)

2.16.070 Special meeting fee.

If any person requests a special meeting of the planning commission, and such a meeting is held, he or she shall pay a fee in the amount set by resolution of the city council. (Ord. 2003-04 § 1; prior code § 2-3.207)

Chapter 2.20

PARKS AND COMMUNITY SERVICES COMMISSION

Sections:

2.20.010	Establishment.
2.20.020	Appointment.
2.20.030	Compensation.
2.20.040	Removal.
2.20.050	Procedure.
2.20.060	Functions.
2.20.070	Meetings.

2.20.010 Establishment.

There is created and established a parks and community services commission for the city. This commission shall consist of seven members, not officials of the city, plus one ex-officio member without vote who shall be a member of the city council, and one ex-officio member without vote who shall be a member of the Winters youth council. A majority of the membership shall reside within the city limits. Any replacement of members to conform with this policy shall be by attrition. (Ord. 93-05 § 2; Ord. 91-05 § 1; Ord. 90-04 (part); Ord. 88-01 (part); prior code § 2-3.301)

2.20.020 Appointment.

The mayor shall establish a rotating list from which council members shall be appointed to serve on a two-member council committee to conduct interviews and recommend among prospective commission candidates. The committee shall submit its recommended candidate to the full council for approval at the next regular council meeting. Commission members shall serve for a four-year term at the end of which they may apply for reappointment by submitting a letter to the council who will consider the reappointment request at their next regular meeting. The council may reappoint or consider other candidates in the same manner as an original appointment. At the end of a second four-year term the mayor shall establish another two-member council committee to conduct interviews and recommend

among prospective commission candidates. The commissioner who has served two four-year terms may request consideration for reappointment and shall be evaluated in the same manner as any candidate seeking appointment. If a vacancy occurs other than by expiration, it shall be filled by appointment for the unexpired term. (Ord. 90-04 (part); Ord. 89-06 (part); Ord. 88-01 (part); prior code § 2-3.302)

2.20.030 Compensation.

The members of the parks and community services commission shall receive no compensation except such expenses as are authorized by law. A mileage expense at the approved city rate for use of private vehicles to attend meetings and incidental costs incurred in carrying out the responsibilities per Section 2.20.060 shall be submitted to the city council for approval pursuant to council approved travel policy. (Prior code § 2-3.303)

2.20.040 Removal.

Any appointed member of the parks and community services commission may be removed at any time by the mayor, but such removal shall be subject to the approval of the council. Also, any appointed member may be removed by a majority vote of the council. Any appointed member who misses three consecutive meetings without city council approval shall be deemed to have automatically resigned, and a new member shall be appointed. (Prior code § 2-3.304)

2.20.050 Procedure.

A. Each year in January, the commission shall elect a chairperson, vice-chairperson, and a secretary from among the appointed members. The members so elected shall take office at that time.

B. Each year in January, the commission shall establish a regular monthly meeting day and time for the upcoming year.

C. Minutes of the commission shall be filed with the city clerk as soon as possible after a meeting. The city clerk shall submit a copy of the minutes to the city council at the next available regularly scheduled council meeting. Recommendations of the

commission involving expenditures of city funds shall have no force and effect until ratified by the city council. (Prior code § 2-3.305)

2.20.060 Functions.

The parks and community services commission shall recommend to the city council and planning commission as follows:

A. To the city council:

1. Yearly recommendation in March of each year on recreational priorities, and capital priorities in the parks and community center;
2. Recommend user fee levels for the community center and recreational programs in April of each year;
3. Park/community center plan which identifies current and long term needs. The plan will be reviewed yearly;
4. Recommend on park construction in the city addressing the type of equipment, theme, structures, plantings, etc. which will be required.

B. To the planning commission:

1. Review all development plans and recommend on whether land and/or funds should be conditions on the particular development;
2. On developments where land dedication is deemed to be a condition, identify the area and location appropriate to city needs.

C. Additional:

1. Oversee the development of the Winters youth council;
2. Recommend youth programs based on input from youth council;
3. Requests for placement or removal of trees in public rights-of-way and the designated control zone shall be administered by the director of public works. Appeals to those decisions shall be to the parks and community service commission. The control zone includes an area:(1) ten (10) feet in depth measured from the rear of the sidewalk (side of sidewalk closest to home), on those streets without a planter strip between curb and sidewalk; and (2) fifteen (15) feet in depth measured from the rear of the curb (side of curb closest to home), on those streets with a planter strip between curb and sidewalk. (Ord. 97-05 § 3;

Ord. 90-04 (part): Ord. 88-01 (part): prior code § 2-3.306)

2.20.070 Meetings.

The members of the parks and community services commission shall meet on the second Wednesday of March, June, September and December, in the Community Center Conference Room, 201 Railroad Avenue at seven-thirty p.m. (Ord. 2000-02: prior code § 2-3.307)

Chapter 2.24

COMMUNITY DEVELOPMENT AGENCY

Sections:

- 2.24.010 Findings.**
- 2.24.020 Establishment of agency.**
- 2.24.030 Name.**
- 2.24.040 Designation of Winters city council as agency.**
- 2.24.050 Salary of agency members.**
- 2.24.060 Executive director of agency.**
- 2.24.070 Agency counsel.**
- 2.24.080 Cooperative agreement.**

2.24.010 Findings.

The city council finds, determines and declares that there is a need for an agency, as such agency is defined in California Health and Safety Code Section 33003, to function in the city of Winters in accordance with the provisions of Part I, commencing with Section 33000, of Division 24 of the Health and Safety Code of the state of California (the "Law"). (Ord. 90-06 § 1 (part): prior code § 8-4.101)

2.24.020 Establishment of agency.

The agency is established pursuant to Section 33101 of the Law. The agency is authorized to transact business and exercise all powers under the Law.

The area in which the Winters community development agency shall function shall be within the corporate city limits of the city as they may exist from time to time. Nothing herein shall prevent the Winters community development agency from entering into a joint exercise of powers agreement to exercise its powers and any other powers granted by law with one or more public agencies. (Ord. 90-06 § 1 (part): prior code § 8-4.102)

2.24.030 Name.

The agency established herein is designated as the "Winters community development agency." (Ord. 90-06 § 1 (part): prior code § 8-4.103)

2.24.040 Designation of Winters city council as agency.

A. The council declares itself to be the Winters community development agency pursuant to the provisions of Section 33200 of the Law.

The council further declares that all of the rights, powers, duties, privileges, and immunities of the Law in the city council in its independent capacity as the Winters community development agency.

B. Designation—Findings. Establishment of the council as the Winters community development agency is based upon the finding that the council presently has the greatest ability to expedite and facilitate the requirements of the Law consistent with the needs, goals, and objectives of the community.

The council further finds and determines that the designation of the council as the Winters community development 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 Law. (Ord. 90-06 § 1 (part): prior code § 8-4.104)

2.24.050 Salary of agency members.

The members of the Winters community development agency shall receive as compensation for the office agency board member the amount of thirty dollars (\$30.00) per member for each meeting of the agency attended by such member. No member shall receive compensation for attending more than four meetings of the agency during any calendar month. Members shall also receive their actual and necessary expenses incurred in the discharge of their duties. (Ord. 90-06 § 1 (part): prior code § 8-4.105)

2.24.060 Executive director of agency.

The executive director of the Winters community development agency shall be the city manager and shall serve for an indefinite term concurrent with his or her service to the city as city manager. The executive director shall have general supervision and management control over the administration of the Winters community development agency's business affairs, financial affairs and personnel matters, subject

to the direction of the agency board. The executive director may designate an assistant director during the executive director's absence or incapacity. (Ord. 90-06 § 1 (part): prior code § 8-4.106)

2.24.070 Agency counsel.

The agency counsel of the Winters community development agency shall be the city attorney and shall serve for an indefinite term concurrent with his or her service to the city as city attorney. The agency counsel shall act as the legal advisor to the Winters community development agency and may appoint or authorize additional legal counsel from time to time. (Ord. 90-06 § 1 (part): prior code § 8-4.107)

2.24.080 Cooperative agreement.

The city and the Winters community development agency may enter into a cooperative agreement to facilitate the exercise of powers and functions of the Winters community development agency in the planning, financing and carrying out of its community activities. (Ord. 90-06 § 1 (part): prior code § 8-4.108)

Chapter 2.28

ECONOMIC DEVELOPMENT COMMISSION

Sections:

2.28.010	Establishment.
2.28.020	Appointment.
2.28.030	Compensation.
2.28.040	Removal.
2.28.050	Procedure.
2.28.060	Functions.
2.28.070	Duties.

2.28.010 Establishment.

There is created and established an economic development commission for the city. This commission shall, initially, consist of nine members, not officials of the city, representing city groups including, but not limited to, retail, financial and banking, real estate and land use planning, agriculture, and manufacturing. After the first four-year term of the commission, the council shall have authority, by resolution, to increase or decrease the number of members on the commission. (Ord. 92-05 § 1; Ord. 91-04 (part): prior code § 2-5.501)

2.28.020 Appointment.

The mayor shall establish a rotating list from which council members shall be appointed to serve on a two-member council committee to conduct interviews and recommend among prospective commission candidates. The committee shall submit its recommended candidate to the full council for approval at the next regular council meeting. Commission members shall serve for a four-year term at the end of which they may apply for reappointment by submitting a letter to the council who will consider the reappointment request at their next regular meeting. The council may reappoint or consider other candidates in the same manner as an original appointment. At the end of a second four-year term the mayor shall establish another two-member council committee to conduct interviews and recommend among prospective commission candidates. Any

commissioner who has served two four-year terms may request consideration for another appointment and shall be evaluated in the same manner as any candidate seeking appointment. If a vacancy occurs other than by expiration, it shall be filled by appointment for the unexpired term. (Ord. 91-04 (part): prior code § 2-5.502)

2.28.030 Compensation.

The members of the economic development commission shall receive no compensation except such expenses as are authorized by law. A mileage expense at the approved city rate for use of private vehicles to attend meetings and incidental costs incurred in carrying out the responsibilities per Section 2.28.060 shall be submitted to the city council for approval pursuant to council-approved travel policy. (Ord. 91-04 (part): prior code § 2-5.503)

2.28.040 Removal.

Members of the economic development commission shall serve, during their respective terms, at the pleasure of the city council. Any appointed member of the economic development commission may be removed at any time by the mayor, but such removal shall be subject to the approval of the council. Also, any appointed member may be removed by a majority vote of the council. Any appointed member who misses three consecutive meetings without city council approval shall be deemed to have automatically resigned, and a new member shall be appointed. (Ord. 91-04 (part): prior code § 2-5.504)

2.28.050 Procedure.

A. Each year in January, the commission shall elect a chairperson and vice-chairperson from among the appointed members. The members so elected shall take office at that time.

B. The commission shall establish a regular monthly meeting day and time.

C. Minutes of the commission shall be filed with the city clerk as soon as possible after a meeting. The city clerk shall submit a copy of the minutes to the city council at the next available regularly scheduled council meeting. Recommendations of the

commission involving expenditures of city funds shall have no force and effect until approved by the city council. (Ord. 91-04 (part): prior code § 2-5.505)

2.28.060 Functions.

The economic development commission shall recommend to the city council and planning commission as follows:

A. To the city council:

1. Yearly recommendation in March of each year on projects which the council may undertake to further economic activities in the community;

2. Recommend fee levels for the business improvement district and evaluate programs and projects recommended by the Chamber of Commerce;

3. Prepare and maintain an economic profile of the community and assist new businesses in locating in appropriate locations in the city and assist existing businesses in maintaining and enhancing markets;

4. Recommend on redevelopment agency projects.

B. To the planning commission:

1. Review all development proposals involving commercial development and recommend on conditions thereof;

2. Assist commercial developers in making presentations to the planning commission. (Ord. 91-04 (part): prior code § 2-5.506)

2.28.070 Duties.

The economic development commission shall advise the city council and planning commission in the following capacity:

A. Promotion of economic development:

1. Focus on advertising the city's overall quality of life and its unique natural and human resources;

2. Recruiting enterprises to the city by recommending to the city council packaging incentives such as tax abatement, site preparation, financing, and favorable regulatory policies to accommodate the targeted enterprise.

B. Targeting economic growth to defined areas of the city:

1. Review and make recommendations on the location of public infrastructure and investment;

2. Assisting enterprises in grant application preparation.

C. Helping the disadvantaged of the community:

1. Assist enterprises, schools, Chamber of Commerce in improving education, work experience, and training programs;

2. Improving transportation access;

3. Developing employee assistance programs, such as child care, and drug and alcohol rehabilitation.

D. Improving job quality: reducing cyclical instability. (Ord. 91-04 (part): prior code § 2-5.507)

Chapter 2.32

HISTORIC PRESERVATION COMMISSION

Sections:

- 2.32.010** **Creation.**
- 2.32.020** **Qualification of members.**
- 2.32.030** **Term of office.**
- 2.32.040** **Removal or vacancy.**
- 2.32.050** **Vacancy caused by absence from meeting.**
- 2.32.060** **Time and place of regular meetings.**
- 2.32.070** **Appointment of officers.**
- 2.32.080** **Adoption of rules.**
- 2.28.090** **Commission records.**
- 2.28.100** **Quorum.**
- 2.32.110** **Duties of officers.**
- 2.32.120** **Powers and duties.**

2.32.010 **Creation.**

There is created a historical preservation commission, hereinafter referred to as the "commission." The commission will consist of the seven members of the Winters planning commission appointed by the mayor with the consent of the city council. (Ord. 88-08 § 3 (part); Ord. 88-03 § 1; Ord. 85-03 § 2 (part); prior code § 2-3.701)

2.32.020 **Qualification of members.**

A. The members of the commission should include members of preservation related organizations such as historical societies, museums, heritage groups and civic clubs, as well as members of professional bodies such as licensed architects, attorneys and urban planners.

B. To the extent commission members with these qualifications are unavailable in the community or are unable to serve on the commission, an advisory committee will be appointed by the historical preservation commission. The advisory committee shall provide professional expertise as required in such disciplines as architecture, history, planning and archeology, as needed. (Ord. 2003-05 § 2; Ord. 88-08

§ 3 (part); Ord. 85-03 § 2 (part); prior code § 2-3.702)

2.32.030 **Term of office.**

The term of office for each member is four years concurrent with the term of the planning commission. Each member serves until his or her successor is appointed and qualifies. (Ord. 88-03 § 1; Ord. 85-03 § 2 (part); prior code § 2-3.703)

2.32.040 **Removal or vacancy.**

A member of the commission may be removed by a majority vote of the city council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term. (Ord. 88-03 § 1; Ord. 85-03 § 2 (part); prior code § 2-3.704)

2.32.050 **Vacancy caused by absence from meeting.**

If a member of the commission is absent without cause from three successive meetings of the commission, the office becomes vacant automatically. The commission shall immediately notify the council of the vacancy. (Ord. 88-03 § 1; Ord. 85-03 § 2 (part); prior code § 2-3.705)

2.32.060 **Time and place of regular meetings.**

The commission shall fix the time and place of its regular meetings. The commission shall meet no less often than four times per year in order to ensure the smooth process of business. Notice of meetings shall be given in conformance with California Government Code Section 54951—54962 (The Ralph M. Brown Act). (Editorially amended during 2003 codification; Ord. 88-08 § 3 (part); Ord. 85-03 § 2 (part); prior code § 2-3.706)

2.32.070 **Appointment of officers.**

The commission shall appoint a chair and vice-chair and secretary from among its members. The chair and vice-chair serve for a term of one year and until the successor of each is appointed and takes

office. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.707)

2.32.080 Adoption of rules.

The commission shall develop and adopt its own operating rules and by laws for the transaction of its business; thereafter having the power and authority to perform all of the duties hereinafter enumerated and provided. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.708)

2.28.090 Commission records.

The commission shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.709)

2.28.100 Quorum.

Four members of the commission constitute a quorum for the transaction of business. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.710)

2.32.110 Duties of officers.

A. Chair. The chair shall preside at all meetings of the commission. He or she shall appoint each committee and shall perform the duties necessary or incidental to the office.

B. Vice-Chair. The vice-chair is chair in the absence of the chair or in a case of inability of the chair to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chair voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.711)

2.32.120 Powers and duties.

The historical preservation commission shall have the following powers and duties:

A. Adopt procedural rules for the conduct of its business in accordance with the provisions of this chapter;

B. Establish criteria and conduct or cause to be conducted a periodic update of the Winters Cultural Resources Inventory completed in 1983. Publicize results of the survey updates;

C. Maintain a local register of cultural resources including historic districts and neighborhoods, landmark sites, and landmarks within the city;

D. Preserve, restore, maintain, and operate historic properties under the ownership or control of the city;

E. To establish various criteria, guidelines and standards to carry out the intent of this chapter;

F. Adopt prescriptive standards to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any cultural resource;

G. To recommend to the city council, in accordance with the criteria set forth in Section 17.108.030 the designation of cultural resources including historical landmarks, landmark sites, and historical districts and neighborhoods;

H. To participate in administering regulations pertaining to cultural resources including historical landmarks and historical districts;

I. Investigate and make recommendations to the city council ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts on the use of various federal, state, local or private funding sources and mechanisms available to promote cultural resource preservation in the city;

J. To recommend to the city council the means to implement the historic preservation element of the general plan and this chapter by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the city. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources;

K. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or mainte-

nance of any cultural resource including landmarks, landmark sites, historic districts, or neighboring properties within public view;

L. Review all applications for permits, environmental assessments, environmental impact statements, and other similar documents as set forth in this chapter, pertaining to designated and potential cultural resources, or related neighboring property within public view. The community development department shall forward all such documents to the commission for review and comment. The commission shall, forward its recommendations to the planning commission or city council as appropriate;

M. Approve or disapprove, in whole or in part, applications for permits pursuant to Sections 17.108.050 through 17.108.080;

N. Consider whether denial of certificates of approval affecting cultural resources results in economic hardship to the property owner according to the procedures outlined in Section 17.108.150;

O. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the city, the county, or state as they relate to the cultural resources of the community;

P. Review the actions and proposed actions and environmental review processes of all city departments and public agencies and advise on the effects of these actions, programs, capital improvements or activities on designated and potential cultural resources;

Q. Hire staff, retain consultants and conduct studies, as the commission deems desirable or necessary, except that all expenditures of city funds are subject to prior approval by the city council;

R. Conduct negotiations on behalf of the city council regarding recommendations for the purchase by the city of fee or less than fee interests in property, transfer of development rights, easements or other mechanisms for purposes of cultural heritage resources preservation;

S. Assume whatever responsibilities and duties may be assigned to it by the state under the Certified

Local Government Provisions of the National Historic Preservation Act of 1966 as amended;

T. Confer recognition upon the owners of landmarks or property or structures within historic districts or neighborhoods, or cultural resource areas by means of certificates, plaques, or markers and from time to time issue commendations to owners of cultural resources who have rehabilitated their property in an exemplary manner;

U. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public record;

V. Publish procedural rules for registering historical properties identified in a local cultural resources survey program or the Nation Register of Historic Places, in accordance with the requirements in the National Historic Preservation Act, Section 101(c) (2);

W. Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to fulfill the objectives of cultural resource preservation;

X. To perform such other duties as the city council may direct;

Y. To integrate preservation planning into the general planning review process. (Ord. 88-03 § 1: Ord. 85-03 § 2 (part): prior code § 2-3.712)

Chapter 2.36

MUNICIPAL ENTERPRISE SERVICE AND RATE REVIEW BOARD

Sections:

- 2.36.010** **Established—Review board defined.**
- 2.36.020** **Organization.**
- 2.36.030** **Authority.**
- 2.36.040** **Purpose and tasks.**

2.36.010 **Established—Review board defined.**

The city council shall establish a municipal enterprise service and rate review board.

“Review board” means the municipal enterprise service and rate review board. This board may adjourn as the sewer service charge review board, water service review board, refuse service review board or under such specialized title as may be deemed appropriate for that enterprise operation being reviewed. (Ord. 80-04 (part))

2.36.020 **Organization.**

The municipal enterprise service and rate review board shall consist of a minimum five members; a city council member designated by the mayor, the public works director, two residents of the city appointed by the mayor for four-year overlapping terms and additional members as appointed by the mayor. A maximum of two additional members seats may be added provided an enabling resolution is enacted by the city council. Additional members five through seven may but need not be appointed to four-year overlapping terms and may but need not be the same members when the board adjourns as sewer, water or refuse review or such other specialized service review board. Appointments by the mayor are subject to review and concurrence by the city council. The appointed council member shall act as chairperson of the board. (Ord. 80-04 § 1)

2.36.030 **Authority.**

The review board is authorized to utilize municipal staff and facilities and such specialized consultant or assistance as determined necessary to accomplish their tasks.

The review board shall make recommendations to the city council at least once per annum concerning each municipal enterprise operation it is empowered to review. Such recommendation may be as to kind of service, level of service, and user fee structures to accomplish that service.

Recommendations requiring adoption of an ordinance or resolution by the city council shall be presented in the form of a resolution. The review committee is authorized to conduct public hearing prior to submitting a resolution to the city council. The resolutions submitted to the city council, adopted by a two thirds vote of the committee membership and adopted after noticed public hearing shall be binding for the city council with the following exceptions:

The city council may refer a resolution back to the board, with comment, for further review; or, the resolution or ordinance adopted by the city council may be revised following public hearing by the city council.

In general, the municipal enterprise service and rate review board shall revise or adjust fees and charges which are not fair and equitable, establish user charges and fees for users not specifically designated by ordinance, and establish other fees and charges as described in this ordinance, as authorized by separate ordinance, or as specifically authorized by resolution of the city council. (Ord. 80-04 § 2)

2.36.040 **Purpose and tasks.**

The review board may make recommendations concerning levels of service, and the related levels of manning, equipment and facilities to provide levels of service.

Cost of operation, maintenance, capital improvements, debt service, equipment replacement, administration, and related overhead costs of the enterprise operation shall be levied against all users thereof in proportion to the quantity and quality of service rendered. Charges shall be calculated according to gen-

erally accepted accounting procedures or as may be prescribed by law.

Where possible, users shall be assigned to a user-class category by the review board based on the users principal activity and typical characteristics of that activity. The purpose of such classification is to facilitate regulation and to establish a system of user charges and fees that insure equitable distribution of costs among all users. The system of charges to be established may, and in some cases must, provide for the following:

A. Sufficient financing for an adequate operation and maintenance program, including competent operating personnel;

B. Funds to be reserved for necessary future replacements, improvements, and expansions of facilities.

The review committee may review and make recommendations for hookup fees for the purpose of capital expansion to include plant and equipment improvements and expansions. Such recommendations are subject to compliance with existing state law and city ordinance. (Ord. 80-04 § 3)

Chapter 2.40

PERSONNEL BOARD

Sections:

- 2.40.010 Council acts as personnel board.**
- 2.40.020 Terms of members.**
- 2.40.030 Vacancies and removal.**
- 2.40.040 Qualifications.**
- 2.40.050 Procedure.**
- 2.40.060 Functions.**
- 2.40.070 Powers.**

2.40.010 Council acts as personnel board.

The city council shall act as a personnel board until, at a future date, the council is of the opinion that it is to the best interests of the city that a separate personnel board be created. (Prior code § 2-3.101)

2.40.020 Terms of members.

Upon being created, the personnel board shall consist of five members appointed by the city council.

The first board to be appointed shall, at its first meeting, so classify its members by lot that one shall serve for a term of one year from the date of creation of the board, one shall serve for a term of two years from the date of creation of the board, one shall serve for a term of three years from the date of the creation of the board, and two shall serve for a term of four years from the date of the creation of the board. At the expiration of each of the terms so provided for, a successor shall be appointed by the city council for a term of four years. (Prior code § 2-3.102)

2.40.030 Vacancies and removal.

Vacancies on the board shall be filled by appointment by the mayor for the unexpired term. Each member shall serve until his or her successor is appointed and qualified. A majority vote of the city council shall be required to affirm appointment of a member of the personnel board, but a four-fifths vote shall be necessary to remove any member of the personnel board from office prior to the expiration of his or her term. (Prior code § 2-3.103)

2.40.040 Qualifications.

Members of the personnel board shall be residents of the city. No person shall be appointed to the board who holds any salaried office or employment of the municipal corporation. (Prior code § 2-3.104)

2.40.050 Procedure.

The personnel board shall adopt rules of procedure and shall select a chairperson from amongst its members who shall act as presiding officer.

The personnel board shall determine the order of business for the conduct of its meetings, and shall meet regularly or on call of the chairperson or a majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business. (Prior code § 2-3.105)

2.40.060 Functions.

The functions of the board shall be:

A. As provided by this chapter and Chapter 2.48, and by any rules of procedure the board may adopt, to hear appeals submitted by any person in the city service relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this code or the personnel rules and to certify its findings and recommendations as provided in the personnel system rules.

B. The personnel board, upon its own motion may, or when requested by the city council shall, investigate and make recommendations on any matter or personnel policy. (Prior code § 2-3.106)

2.40.070 Powers.

In hearing appeals, the personnel board shall have the right to subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. Subpoena shall be issued in the name of the city and attested by the city clerk. Each member of the personnel board shall have the power to administer oaths to witnesses. (Prior code § 2-3.107)

Chapter 2.44

HEARINGS AND APPEALS

Sections:

- 2.44.010 Hearings before advisory bodies.**
- 2.44.020 Right to appeal to council.**
- 2.44.030 Appeal application—Time limit and fee.**
- 2.44.040 Notice of hearing.**
- 2.44.050 Default.**
- 2.44.060 Basic standard.**
- 2.44.070 Disqualification.**
- 2.44.080 Records.**
- 2.44.090 Continuances.**
- 2.44.100 Evidence.**
- 2.44.110 Witnesses.**
- 2.44.120 Objections.**
- 2.44.130 Decisions.**
- 2.44.140 Findings.**
- 2.44.150 Personnel board.**

2.44.010 Hearings before advisory bodies.

In any case where a public hearing is held by a commission of this city, or any body that is advisory to the city council, such hearing shall be conducted in an informal manner. The formal rules of evidence shall not apply, and any person present may speak, to the effect that information and opinions from as many sources as possible may be obtained. (Prior code § 1-4.01)

2.44.020 Right to appeal to council.

Except where an appeals procedure is otherwise specifically provided in this code, any person excepting to the denial, suspension, or revocation of a permit applied for or held by him or her pursuant to any of the provisions of this code, or to any administrative decision made by any official of the city, or to any decision made by an official or commission of the city where the person by law or under this code has standing to appeal, if the denial, suspension, or revocation of a permit applied for or held by him or her pursuant to any of the provisions of this code, or

to any administrative decision made by any official of the city, or to any decision made by an official or commission of the city where the person by law or under this code has standing to appeal, if the denial, suspension, or revocation of such permit or such administrative or official decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of such appeal, setting forth the specific grounds thereof. This action notwithstanding, any matter may be brought before the council on appeal by a member of the council.

No appeal may be taken to any such administrative decision made by an official of the city pursuant to the provisions of this chapter unless such decision to appeal has been first taken up with the department head concerned, and secondly with the city manager.

No right of appeal to the council from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment. The city manager shall determine the character of the decision and hence the eligibility for appeal. (Prior code § 1-4.02)

2.44.030 Appeal application—Time limit and fee.

The appellant shall file a notice of appeal with the city clerk within ten days after the decision concerned. A non-refundable filing fee, to be set by resolution, shall accompany such notice of appeal. Appeals by members of the council shall not be subject to the filing fee. (Editorially amended during 2003 codification; prior code § 1-4.03)

2.44.040 Notice of hearing.

Upon the receipt of a notice of appeal, the clerk shall place the matter for hearing on the agenda of the next regular meeting of the council which is to be held at least five days after the date of the filing of the notice of appeal. The clerk shall also place a notice of such hearing in a newspaper of general circulation within the city. No hearing may take place un-

til four days has elapsed from the date when notice thereof has appeared in an issue of such newspaper of general circulation. The applicant shall be considered notified of the hearing by the publication of the notice in such newspaper. (Prior code § 1-4.04)

2.44.050 Default.

When a notice of hearing has been given in accordance with the provisions of this chapter, a hearing may proceed in the absence of any party, and the council may decide the matter. (Prior code § 1-4.05)

2.44.060 Basic standard.

All hearings shall be full and fair in a substantial sense so that all necessary parties shall be afforded ample opportunity to make a showing fairly adequate to establish the propriety or impropriety from a standpoint of justice and law, of the action proposed to be taken, giving the parties an opportunity to present in a deliberate, regular, and orderly manner issues of law and fact. (Prior code § 1-4.06)

2.44.070 Disqualification.

Unless a quorum is broken thereby, any member of the council who has a personal interest or bias in the matter shall disqualify himself or herself.

Unless a quorum is broken thereby, upon a showing of personal interest or bias, the council shall order the disqualification of a member.

Only members of the council who have heard the whole matter may participate in the decision. (Prior code § 1-4.07)

2.44.080 Records.

The clerk shall cause all testimony to be summarized and shall receive and mark all exhibits.

Any party may provide and pay the compensation for a shorthand reporter. A transcript of the testimony taken by a certified shorthand reporter so provided shall constitute the official record of testimony. The council may order the proceedings to be taped. (Prior code § 1-4.08)

2.44.090 Continuances.

The council may order the hearing continued from time to time. Notice shall be given as provided in the Brown Act. (Prior code § 1-4.09)

2.44.100 Evidence.

All relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

In a contested hearing, incompetent hearsay evidence may be used for the purpose of supplementing or explaining any other evidence but shall not be sufficient in itself to support a finding.

The rules of privilege shall be effective to the same extent as they are now or hereafter may be recognized in civil actions.

The hearing shall be held de novo, with all relevant evidence admissible whether or not presented originally to the board, commission, or staff member from which the appeal is taken.

Rules regarding interferences and presumptions in civil action shall obtain.

Each party shall have the right to rebut evidence against him or her. (Ord. 89-03 § 1: prior code § 1-4.10)

2.44.110 Witnesses.

The council may require any witness to testify under oath. The council shall place a witness under oath when requested to do so by any party.

The council may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the council. (Prior code § 1-4.11)

2.44.120 Objections.

Unless timely objection is made to the council, errors shall be waived. (Prior code § 1-4.12)

2.44.130 Decisions.

The council may postpone its decision in a matter for up to ten (10) days after a hearing is closed. The

2.44.140

decision of the council shall be final. (Prior code § 1-4.13)

2.44.140 Findings.

Any party may request written findings or withdraw such request for written findings at any time before the close of a hearing. Such request shall be in writing and shall be accompanied by a nonrefundable processing fee of one hundred dollars (\$100.00). (Prior code § 1-4.14)

2.44.150 Personnel board.

Section 2.44.050 through 2.44.140, inclusive, shall apply to hearings conducted by the council when the council sits as the personnel board. (Prior code § 1-4.16)

Chapter 2.48

PERSONNEL SYSTEM

Sections:

- 2.48.010 Adoption of personnel system.**
- 2.48.020 Personnel officer.**
- 2.48.030 Exempted positions.**
- 2.48.040 Adoption and amendment of rules.**
- 2.48.050 Appointments.**
- 2.48.060 Probationary period.**
- 2.48.070 Status of present employees.**
- 2.48.080 Applicability of rules to certain exempt positions.**
- 2.48.090 Demotion, dismissal, reduction in pay and suspension.**
- 2.48.100 Right of appeal.**
- 2.48.110 Abolition of position.**
- 2.48.120 Improper political activity.**
- 2.48.130 Discrimination.**
- 2.48.140 Right to contract for special service.**
- 2.48.150 Retirement from city service.**

2.48.010 Adoption of personnel system.

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the following personnel system is adopted. (Prior code § 2-4.01)

2.48.020 Personnel officer.

The city manager shall be the personnel officer. The city manager may delegate any of the powers and duties conferred upon him or her as personnel officer under this section to any other officer or employee of the city or may recommend that such power and duties be performed under contract as provided in Section 2.48.140. The personnel officer shall:

A. Attend all meetings of the personnel board and serve as its secretary;

B. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council or the personnel board;

C. Prepare and recommend to the city council personnel rules and revisions and amendments to such rules. The city attorney shall approve the legality of such rules and amendments prior to their submission to the city council;

D. Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the city council;

E. Prepare or cause to be prepared a plan of compensation, and revisions thereof, covering all classifications in the city service. The plan, and any revisions thereof, shall become effective upon approval by the city council;

F. Provide for the publishing or posting notices of vacancies of positions in the city service; the receiving of applications therefore; the conducting and grading of examinations, the certification to the appointing power of a list of all persons eligible for appointment to the appropriate position in the city service. (Ord. 80-03 § 3: prior code § 2-4.02)

2.48.030 Exempted positions.

The provisions of this chapter shall apply to all offices, positions and employments in the service of the city, except:

A. Elective officers;

B. Members of appointive boards, commissions and committees;

C. Persons engaged under contract to supply expert, professional, technical or other services;

D. Volunteer personnel, such as volunteer firefighters;

E. City attorney;

F. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property;

G. Department heads, including, but not limited to, the chief of police, fire chief, superintendent of public works, and city manager. (Prior code § 2-4.03)

2.48.040 Adoption and amendment of rules.

Personnel rules shall be adopted by resolution of the city council after notice of such action has been publicly posted at least five days prior to city council consideration. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the personnel rules. The rules shall establish regulations governing the personnel system including:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the city service, including employment standards and qualifications for each class;

B. Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;

C. Public announcement of all vacancies, acceptance of applications for employment, and the preparation and conduct of examinations;

D. Making of provisional and emergency appointments;

E. Evaluation of employees during the probationary period;

F. Transfer, promotion, demotion, reinstatement, disciplinary action, separation and layoff of employees in the city service;

G. Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare, and training;

H. The establishment of adequate personnel records;

I. The establishment of grievance and appeal procedures. (Prior code § 2-4.04)

2.48.050 Appointments.

Appointments to vacant positions in the city service shall be made in accordance with personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practi-

cable by appropriate examinations. Examinations shall be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly and qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. Physical and medical tests may be given as a part of any examination.

Appointments shall be made by the city council, or by the officer in whom the power to make appointments is vested.

When appointment is to be made to a vacancy in the city service, the personnel officer shall transmit to the appointing power the names of all persons making application for the vacancy. (Prior code § 2-4.05)

2.48.060 Probationary period.

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing.

An employee rejected during the probationary period from a position to which he or she has been promoted shall be reinstated to a position in the class from which he or she was promoted unless he or she is discharged from the city service as provided in this chapter and the rules. (Prior code § 2-4.06)

2.48.070 Status of present employees.

Any person holding a position included in the city service who, on May 4, 1967, shall have served continuously in such position, or in some other position in the city service, for a period equal to the probationary period prescribed in the rules for his or her class, shall assume regular status in the city service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

Any other person holding positions in the city service shall be regarded as probationers who are serving out the balance of their probationary periods as

prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment. (Prior code § 2-4.07)

2.48.080 Applicability of rules to certain exempt positions.

The provisions of the personal rules relating to attendance, leaves, and retirement shall apply to the incumbents of full-time exempt positions. (Prior code § 2-4.07)

2.48.090 Demotion, dismissal, reduction in pay and suspension.

Any appointing power, (upon the approval of the city council), shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend without pay for thirty calendar days any permanent employee. Notice of such action must be in writing and served personally on such employee, except where an emergency situation exists, in which case the notice shall be served within three working days of the action taken. Such notice shall specify the penalty and contain a statement of the reason or reasons therefor.

An employee in the city service may be discharged for cause at any time by the appointing power. Whenever it is the intention of the appointing power to discharge an employee in the city service, the personnel officer shall be notified. Any employee who is about to be discharged shall be given a written notice of the proposed action, the reasons therefor, a copy of the charges and materials upon which the action is based, the right to respond to the charges, and the right to an appeal hearing before the city council, provided such hearing is requested within seven days after the employee is officially notified of the intended action.

The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions. (Ord. 80-03 § 4; prior code § 2-4.09)

2.48.100 Right of appeal.

Any employee in the city service shall have the right to appeal to the personnel board any discipli-

nary action, interpretation or alleged violation of this chapter or the rules adopted thereunder, except in those instances where the right of appeal is specifically prohibited by this chapter or the rules adopted thereunder.

All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the personnel rules and regulations adopted pursuant to this chapter. When the council acts as the personnel board, the decision of the personnel board in any matter shall be final. (Prior code § 2-4.10)

2.48.110 Abolition of position.

Whenever in the judgment of the city council it becomes necessary, the city council may abolish any position or employment in the city service. Employees transferred, demoted or laid off because of the abolishment of positions, shall not be subject to written charges nor shall they have the right of appeal in such cases.

Seniority shall be observed in effecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in permanent and probationary status in the city service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or permanent employee.

The names of probationary and permanent employees laid off shall be placed upon re-employment lists for classes which, in the opinion of the personnel officer require basically the same qualifications and duties and responsibilities of those of the class of positions from which lay-off was made.

Names of persons laid off shall be placed upon re-employment lists in order of total cumulative time served in probationary and permanent status, and shall remain on such lists for a period of one year unless re-employed sooner. (Prior code § 2-4.11)

2.48.120 Improper political activity.

The political activities of city employees shall conform to pertinent provisions of state law. (Prior code § 2-4.12)

be allowed when in conjunction with the rules and regulations of a city service retirement plan when formally adopted by the city council. (Prior code § 2-4.15)

2.48.130 Discrimination.

No person in the city service or seeking admission thereto shall be employed, promoted, demoted or discharged, or in anyway favored or discriminated against because of political opinions or affiliations or because of race, color, gender, ancestry, national origin, or religious belief. (Ord. 2003-05 § 3; prior code § 2-4.13)

2.48.140 Right to contract for special service.

The city council shall decide regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

- A. The preparation of personnel rules and subsequent revisions and amendments thereof;
- B. The preparation of a position classification plan and subsequent revisions and amendments thereof;
- C. The preparation of a plan of compensation, and subsequent revisions and amendments thereof;
- D. The preparation conduct and grading of competitive tests;
- E. Special and technical services of advisory or informational character on matters relating to personnel administration. (Prior code § 2-4.14)

2.48.150 Retirement from city service.

A mandatory retirement limit of sixty-five (65) years of age for all full-time, part-time, and seasonal employees, including incumbents, but excluding those employees listed in Section 2.48.030 is established. An extension of the limit to seventy (70) years of age may be allowed upon approval of the council. Retirement prior to sixty-five (65) years of age may

Chapter 2.52

POLICE RESERVE*

Sections:

- 2.52.010** **Police force reserve establishment.**
- 2.52.020** **Chief of police to control.**
- 2.52.030** **Membership and oath.**
- 2.52.040** **Duties of the reserve.**
- 2.52.050** **Identification.**
- 2.52.060** **Termination of membership.**
- 2.52.070** **Uniforms and equipment.**
- 2.52.080** **Injury on duty.**

*Editor's note: Please refer to the city's personnel ordinance for provisions regarding the regular police department.

2.52.010 Police force reserve establishment.

A police force reserve, hereinafter called "Reserve" is established in the city as a voluntary organization, the members of which shall serve without remuneration. The reserve shall be composed of persons, men or women, appointed by the chief of police of Winters, hereinafter called "chief". (Prior code § 2-5.01)

2.52.020 Chief of police to control.

Subject to the provisions of this chapter and the rules and regulations of the state, regional and local disaster councils, the chief shall have complete authority and control over the members of the reserve. He or she may appoint as members of the reserve any persons, men or women, who he or she deems to be qualified, and he or she may reject any application for membership, and for further training of members. (Prior code § 2-5.02)

2.52.030 Membership and oath.

No person shall become a member of the reserve until he or she is able to meet all the requirements prescribed by the chief. When so qualified and selected he or she shall then be sworn in by the chief as a member of the reserve, and be registered as a disaster service worker on forms prescribed by the Yolo

County defense director and shall take the oath prescribed therefor. (Prior code § 2-5.03)

2.52.040 Duties of the reserve.

The duties of the reserve, subject at all times to the direction, supervision and control of the chief, and insofar as same are not inconsistent with the rules and regulations of the California State Disaster Council shall be to assist the regular members of the police department in the enforcement of law and the maintenance of peace and order whenever and wherever such services are required. The chief shall, by order, establish rules and regulations to govern the reserve, including the fixing of specific duties of its members and providing for the maintenance of discipline. He or she may change such orders from time to time as he or she may deem necessary. A member of the reserve when on duty as assigned by the chief, shall have the authority given to the officers of the police department to direct traffic, and have the same power of arrest granted a regular member of the police department, subject to any limitations which the chief may impose. (Prior code § 2-5.04)

2.52.050 Identification.

An identification card shall be issued to each member of the reserve, who must carry the card at all times. Each member must surrender all city property issued to him or her as a member of the reserve upon his or her termination of membership. Such property shall include but not be limited to the identification card mentioned in this section. (Prior code § 2-5.05)

2.52.060 Termination of membership.

The membership of any member of the reserve may be terminated by the chief at any time, and such member may resign from the reserve upon notifying the chief in writing not less than two weeks prior to the effective date of such resignation. (Prior code § 2-5.06)

2.52.070 Uniforms and equipment.

The necessary uniforms and equipment for reserve members and the proper care and use of such uni-

2.52.080

forms and equipment, shall be prescribed by the chief. (Prior code § 2-5.07)

2.52.080 Injury on duty.

Reserve members shall be entitled to such compensation for injury and illness sustained while acting under the direction of the chief during a regular assigned tour of duty as is allowed by the provisions of Division 4 of the Labor Code of the state of California regarding disaster service workers. (Prior code § 2-5.08)

Chapter 2.56

DISASTER AND EMERGENCY ORGANIZATION

Sections:

2.56.010	Purposes.
2.56.020	Emergency defined.
2.56.030	Disaster council membership.
2.56.040	Disaster council powers and duties.
2.56.050	Director and assistant director of emergency services.
2.56.060	Powers and duties of the director and assistant director or emergency services.
2.56.070	Emergency organization.
2.56.080	Emergency plan.
2.56.090	Expenditures.
2.56.100	Violations.

2.56.010 Purposes.

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 this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, affected private persons. (Prior code § 5-1.101)

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 this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Prior code § 5-1.102)

2.56.030 Disaster council membership.

The Winters disaster council is hereby created and shall consist of the following:

A. The city council; the mayor, who shall be chairperson.

B. The Winters city manager shall serve as the director of emergency services, and shall be vice-chairperson.

C. The assistant director of emergency services, as designated by the Winters city manager.

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. (Ord. 2010-04 § 2: prior code § 5-1.103)

2.56.040 Disaster council powers and duties.

It shall be the duty of the city disaster 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. The disaster council shall meet upon call of the chairperson or in his or her absence from the city or inability to call such meeting, upon call of the vice-chairperson. (Prior code § 5-1.104)

2.56.050 Director and assistant director of emergency services.

A. There is created the office of director of emergency services. The mayor 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. (Prior code § 5-1.105)

2.56.060 Powers and duties of the director and assistant director or emergency services.

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 proclama-

tion within seven days thereafter or the proclamation shall have no further force or effect;

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 this city for the accomplishment of the purposes of this chapter;

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

5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in Section 2.56.020;

6. In the event of the proclamation of a local emergency as provided in this chapter, 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:

a. To 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,

b. To 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,

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

d. To requisition necessary personnel or material of any city department or agency, and

e. To execute all of his or her ordinary power as mayor, all of the special powers conferred upon him or her by this chapter or by resolution or emergency plan adopted pursuant to this chapter by the city council, all powers conferred upon him or her by any

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

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

C. 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 this city; and shall have such other powers and duties as may be assigned by the director. (Prior code § 5-1.106)

2.56.070 Emergency organization.

All officers and employees of this 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 Section 2.56.060(A)(6)(c) be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Prior code § 5-1.107)

2.56.080 Emergency plan.

The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this 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.

Such plan shall take effect upon adoption by resolution of the city council. (Prior code § 5-1.108)

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. (Prior code § 5-1.109)

2.56.100 Violations.

It is unlawful to:

A. Wilfully obstruct, hinder, or delay any member of the emergency organization in enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her 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. (Prior code § 5-1.110)

Chapter 2.60

SMOKING POLLUTION CONTROLS

Sections:

2.60.010	Findings.
2.60.020	Definitions.
2.60.030	Smoking prohibition in city-owned facilities and vehicles.
2.60.040	Signs.
2.60.050	Enforcement.
2.60.060	No preemption.
2.60.070	Violation—Penalty.
2.60.080	Nuisance—Injunction.

2.60.010 Findings.

The city council recognizes the right and need of those who wish to breathe smoke-free air and finds and declares that the smoke of tobacco, tobacco-related products and tobacco substitutes, fillers and other plants or weeds is a hazard to the health of the general public. Accordingly, it has been determined that the health, safety, and welfare of the residents of the city would be furthered by the regulation of smoking in enclosed places and in places of employment. (Ord. 91-12 § 2 (part))

2.60.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“City” means the city of Winters.

“Smoke or smoking” means the act of burning any tobacco product, weed, filler or plant of any kind in a cigarette, cigar, pipe, hookah or water pipe, or in any other device.

“Smoke polluted air” means air in which the odor caused by smoking is detectable by any person present, or in which there is any visible smoke caused by smoking, or in which a person experiences any of the following as a result of substances in the air caused by smoking: physical discomfort, difficulty in breathing, pain in the eyes or nose, watering eyes, coughing or sneezing. Smoke-polluted air also includes air having sufficient concentrations of mood-

altering substances to alter the mood or perceptions of a person breathing the air. (Ord. 91-12 § 2 (part))

2.60.030 Smoking prohibition in city-owned facilities and vehicles.

No person shall smoke in any of the following places within the city:

A. City facilities, including all of City Hall, all other enclosed buildings owned or leased by the city, and any city meeting held inside facilities owned or leased by others;

B. City vehicles, whether windows opened or closed, and whether or not enclosed;

C. All enclosed areas owned by the city, or leased, and customarily used by the public, including waiting rooms, hallways, and restrooms. (Ord. 91-12 § 2 (part))

2.60.040 Signs.

No smoking signs with letters of not less than one-half inch in height shall be conspicuously posted in every room, building, or other place where smoking is controlled by this chapter, by the city public works department. (Ord. 92-04 § 2: Ord. 91-12 § 2 (part))

2.60.050 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer can enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident. (Ord. 91-12 § 2 (part))

2.60.060 No preemption.

This ordinance shall not be interpreted to permit smoking where it is otherwise restricted by law. (Ord. 91-12 § 2 (part))

2.60.070 Violation—Penalty.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense. A separate offense shall be deemed committed on each day dur-

ing or on which a violation occurs or continues. (Ord. 91-12 § 2 (part))

2.60.080 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may including seeking a temporary restraining order, temporary injunction and permanent injunction. (Ord. 91-12 § 2 (part))

Chapter 2.62

SMOKING IN PARKS AND RECREATIONAL AREAS

Sections:

- 2.62.010 Definitions.**
- 2.62.020 Smoking prohibited in parks and recreational areas.**
- 2.62.030 Enforcement.**

2.62.010 Definitions.

For the purposes of this chapter the following definitions shall govern unless the context clearly requires otherwise:

“Park” includes any public park or portion of a public park, such as picnic areas, found within the city.

“Parking lot” means any portion of a public park permanently designated and used for the parking of vehicles.

“Recreational area” includes any area, public or private, open to the general public for recreational purposes, including, for example, gardens, sporting facilities, skateboard parks and playgrounds.

“Smoke” or “smoking” means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, containing tobacco.

“Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. (Ord. 2004-02 § 2 (part))

2.62.020 Smoking prohibited in parks and recreational areas.

A. No person shall smoke tobacco within the boundaries of a park or recreational area except in a parking lot.

B. No person shall dispose of tobacco smoking waste or tobacco product waste within the boundaries of a park or recreational area, except in a designated waste disposal container located in a parking lot.

C. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this article. (Ord. 2004-02 § 2 (part))

2.62.030 Enforcement.

The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall also constitute a violation.

B. Violations of this chapter shall be prosecuted as infractions and shall be punished, at a minimum, by a fine of one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation.

C. Violations of this chapter are hereby declared to be public nuisances. (Ord. 2004-02 § 2 (part))

Chapter 2.64

tion may be destroyed or otherwise disposed of by the police department. (Prior code § 2-6.05)

UNCLAIMED PROPERTY**Sections:**

- 2.64.010 Purpose.**
- 2.64.020 Unclaimed property held.**
- 2.64.030 Sale.**
- 2.64.040 Reclaiming property.**
- 2.64.050 Unsold property.**

2.64.010 Purpose.

The purpose of this chapter is to provide for the care, restitution, sale, or destruction of unclaimed property in the possession of the city police department. (Prior code § 2-6.01)

2.64.020 Unclaimed property held.

Unclaimed property, including unclaimed bicycles, shall be held by the police department for a period of at least three months. (Ord. 2003-05 § 5: prior code § 2-6.02)

2.64.030 Sale.

Thereafter, such property shall be sold at public auction to the highest bidder and the proceeds therefrom shall be deposited in the city general fund.

Notice of such sale shall be given by the police department at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county.

The receipt for the sale price signed by the police department shall be a valid title to the purchaser of property so sold. (Prior code § 2-6.03)

2.64.040 Reclaiming property.

Upon demand prior to sale, accompanied by such proof of ownership as the police department may require, the police department shall restore such property to the owner. (Prior code § 2-6.04)

2.64.050 Unsold property.

Property remaining unsold in the possession of the police department after being offered at public auc-

Chapter 2.68

**DEPARTMENT OF FINANCIAL
MANAGEMENT**

Sections:

- 2.68.010 Creation of office of director of financial management.**
- 2.68.020 Powers and duties.**
- 2.68.030 Creation of the department of financial management.**

2.68.010 Creation of office of director of financial management.

The office of director of financial management for the city of Winters is created and established. The director of financial management shall be appointed by the city manager and shall serve at the will and pleasure of the city manager in accordance with the provisions of Section 2.08.010 of this title. (Ord. 2005-06 § 1)

2.68.020 Powers and duties.

The director of financial management shall, under the supervision of the city manager, perform the following duties:

- A. Plan, direct and maintain the accounting and auditing activities for the city government, each of its offices, departments and agencies;
- B. Supervise and be responsible for the preparation of all vouchers and warrants for the disbursement of all public moneys and have control over all expenditures to insure that budget appropriations are not exceeded;
- C. Assist the city manager in preparing a proposed budget of the city for the ensuing fiscal year;
- D. Require reports of the receipts and disbursements from each expending agency of the city government be made daily or at such intervals as he or she may require;
- E. Submit to the city manager a monthly statement of all receipts and disbursement in sufficient detail to show the exact financial condition of the city; and submit to the city manager and the city council as of the end of each fiscal year, a complete

financial statement and report for the preceding year; including opening and closing fund balances in the city treasury;

F. Estimate, plan and program the city's financial activities;

G. Supervise the keeping of current inventories of all property of the city;

H. Such other powers and duties as may be imposed by ordinance or resolution of the city council or as the city manager may determine. (Ord. 2005-06 § 2)

2.68.030 Creation of the department of financial management.

A department of financial management is created which shall be under the direction and control of the director of financial management, subject to the general administrative direction of the city manager. The director of financial management, subject to the approval of the city manager, shall organize and maintain such department as, in his or her judgment, the operation may require, and shall be responsible for the general supervision and control of all divisions of said department. (Ord. 2005-06 § 3)

Chapter 2.72**CLAIMS AGAINST THE CITY OF WINTERS****Sections:****2.72.010 Claims.****2.72.010 Claims.**

A. Authority. This chapter is enacted pursuant to Section 935 of the California Government Code.

B. Claims Required. All claims against the city for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this chapter, "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) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

C. 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.

D. 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 section and acted upon by the city 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 subsection B of this section.

E. Suit. Any action brought against the city 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 shall conform with the requirements of Sections 950 through 951 of the California Government Code. (Ord. 2008-12 § 1(a); Ord. 2008-4 § 1)

