

AGENDA
ITEM

19



CITY COUNCIL

AGENDA STAFF REPORT

DATE: February 5, 2025

TO: Mayor and City Council

APPROVED BY: Juan Contreras, Acting City Manager *JRC*

PREPARED BY: Veronica L. Alvarado, City Clerk *VLA*
Best Best & Krieger LLP, City Attorney

SUBJECT: Second Reading and Adoption of Ordinance No. 2025-1240 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.27, 2.28, 2.31, and 2.56 Regarding General Commission Procedures, Community Service Commission, Planning Commission and Community Police Advisory, Traffic and Code Enforcement Commission, and Adding a Community Facilities District Commission.

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Recommendation:

It is recommended that the City Council conduct second reading and adopt Ordinance No. 2025-1240 – An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.27, 2.28, 2.31, and 2.56 Regarding General Commission Procedures, Community Service Commission, Planning Commission and Community Police Advisory, Traffic and Code Enforcement Commission, and Adding a Community Facilities District Commission.

Discussion and Analysis:

The proposed Ordinance amends Chapter 2.19, which includes procedures for all city commissions, committees, and boards and also makes various amendments to certain City commissions and committees and adds a new Community Facilities District Commission.

Proposed Ordinance Revisions:

The proposed Ordinance amends Chapter 2.19 *Eligibility and Procedures for Commissions, Boards and Committees*, Chapter 2.27 *Community Service Commission*, Chapter 2.28 *Planning Commission*, and Chapter 2.56 *Community Police Advisory Commission* and repeals and replaces Chapter 2.31 by adding a Community Facilities District Commission.

1) Chapter 2.19 - Eligibility and Procedures for Commissions, Boards and Committees

Chapter 2.19 provides general guidance for all city commissions, boards, and committees subject to a few exceptions. A summary of the proposed amendments is as follows:

- Provides that all commissioners, board members and committee members will be chosen pursuant to an application, interview, and appointment process set by city council.
- Clarifies that a member of any commission, board or committee appointed by majority vote of the city council, or by the city manager or department director on a seven-member commission, board or committee, may be removed at any time by majority vote of the City Council for any reason.
- Removes the provision providing that commission, board and committee members shall receive a stipend of fifty dollars for each meeting that the member attends.
- Amends this chapter to provide that the meetings of all commissions, boards and committees will occur monthly.

The exact revisions are found in the attached red-line copy of the proposed ordinance.

Also, please note that Chapter 2.19.020C currently provides that “. . . any member of any commission, board or committee (except non-voting ex-officio members) who absents himself or herself from any three regularly scheduled meetings (for any reason) in a twelve-month period shall automatically forfeit his or her position and shall automatically be removed from the membership of the commission, board or committee.”

2) Chapter 2.27 - Community Service Commission

The purpose of the Community Services Commission is to advise the city council regarding park, recreational, cultural, art, historical, beautification, and senior-related programs and services that would be of interest and benefit to city residents. A summary of the proposed amendments is as follows:

- Amends this chapter to provide that the community services commission will meet in accordance with Chapter 2.19 of the city’s code, which under the proposed ordinance, will provide that all commissions, boards and committees will meet monthly.

The exact revisions are found in the attached red-line copy of the proposed ordinance.

3) Chapter 2.28 - Planning Commission

The Planning Commission makes land use decisions that are consistent with the policies and plans formally adopted by the City Council. A summary of the proposed amendments is as follows:

- Amends this chapter to provide that the city council is designated to act the city’s planning commission.

The exact revisions are found in the attached red-line copy of the proposed ordinance.

4) Chapter 2.31 – Reserved - Community Facilities District Commission

Chapter 2.31 is currently reserved under the city’s code for future use. A summary of the proposed amendments is as follows:

- The proposed ordinance repeals and replaces this chapter by adding a new Community Facilities District Commission to Chapter 2.31 that has the following purpose:

“The purpose of the CFD commission is to provide a forum for community input and advise and to make recommendations to the city council on Community Facilities Districts within the City that fund public improvements and services within a identified area and to advise on related matters as directed by the city council.”

The exact revisions are found in the attached red-line copy of the proposed ordinance.

5) Chapter 2.56 - Community Police Advisory Commission

The Community Police Advisory Commission provides a forum for the receipt of citizen complaints brought by individuals against the police department or any of its officers and provides recommendations to the police department designed to improve relations with the community. A summary of the proposed amendments is as follows:

- The proposed amendments expand the Community Police Advisory Commission to also act as the city’s Traffic and Code Enforcement Commission.
- This commission is proposed to be renamed as the “Community-Police Advisory, Traffic and Code Enforcement Commission”.
- The Traffic component of this commission is being established with the following purpose:

“To provide a forum for community input and advise and to make recommendations to the city council on traffic concerns, and work on specific traffic issues as assigned by the city council.

- The Code Enforcement component of this commission is being established with the following purpose:

“to provide a forum for community input and advise and to make recommendations to the city council on code enforcement concerns, and work on specific code enforcement issues as assigned by the city council.

On January 15, 2025 the City Council approved the first reading of the Ordinance.

Coordinated With:

City Attorney

Attachment(s):

1. Ordinance No. 2025-1240 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.27, 2.28, 2.31, and 2.56 Regarding General Commission Procedures, Community Service Commission, Planning Commission and Community Police Advisory, Traffic and Code Enforcement Commission, and Adding a Community Facilities District Commission.

ATTACHMENT NO. 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING CALEXICO MUNICIPAL CODE CHAPTERS 2.19, 2.27, 2.28, 2.31 and 2.56 REGARDING GENERAL COMMISSION PROCEDURES, COMMUNITY SERVICE COMMISSION, PLANNING COMMISSION, AND COMMUNITY POLICE ADVISORY, TRAFFIC AND CODE ENFORCEMENT COMMISSION AND ADDING A COMMUNITY FACILITIES DISTRICT COMMISSION

The City Council of the City of Calexico, California, does hereby ordain as follows:

SECTION 1. Amendment to Calexico Municipal Code. Calexico Municipal Code Chapter 2.19 *Eligibility and Procedures for Commissions, Boards and Committees* is hereby amended as follows (additions are underlined and deletions are shown in ~~strikethrough~~):

“Chapter 2.19 - ELIGIBILITY AND PROCEDURES FOR COMMISSIONS, BOARDS AND COMMITTEES

2.19.010 - Appointments to Commissions, Boards and Committees—Process.

A. Appointments to all city commissions, boards and committees, shall be made by the following process:

1. Five-Member Commissions, Boards or Committees.

...

~~“(b) — This subsection will not apply to the Planning Commission where instead commissioners will be chosen pursuant to an application, interview and appointment process set by City Council resolution.~~

...

2. Seven-Member Commissions, Boards or Committees.

...

c. This subsection will not apply to the community policy advisory, traffic and code enforcement commission where instead each council member will appoint one commissioner, the city manager will appointment one commissioner, and the chief of police will appoint one commissioner.

3. All commissioners, board members and committee members will be chosen pursuant to an application, interview, and appointment process set by city council.

...

2.19.020 – Vacancies and removal of members.

...

C. A member of any commission, board or committee appointed by majority vote of the city council, or by the city manager or department director on a seven-member commission, board or committee, may be removed at any time by majority vote of the City Council for any reason. Such removal must be made at a public meeting.

DC. Notwithstanding any other provision of this chapter, any member of any commission, board or committee (except non-voting ex-officio members) who absents himself or herself from any three regularly scheduled meetings (for any reason) in a twelve-month period shall automatically forfeit his or her position and shall automatically be removed from the membership of the commission, board or committee. Any member so removed shall not be reappointed for a period of one year to any city commission, board or committee. It shall be the responsibility of the assigned department to report attendance at each meeting of the commission, board or committee to the city clerk.

ED. Members will also be automatically removed for violating the Political Reform Act of 1974 as determined by the appropriate agency with authority to render such decisions or failing to comply with mandatory ethics training or conflict-of-interest filings required by the state or the city.

2.19.030 – Eligibility.

...

~~E. With the exception of the planning commission, which shall receive compensation as determined by the city council, commission, board and committee members shall receive a stipend of fifty dollars for each meeting that the member attends. The city manager or city council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.~~

...

2.19.080

A. Except as otherwise provided in this code, each commission, board or committee shall meet monthly~~quarterly (February, April, July, November)~~ at a date and time to be determined by the commission, board or committee. Meetings shall not be held on legal holidays of the city.”

SECTION 2. Amendment to the Calexico Municipal Code. Calexico Municipal Code Chapter 2.27 *Community Service Commission* is hereby amended as follows (additions are underlined and deletions are shown in ~~strikethrough~~):

“Chapter 2.27 – COMMUNITY SERVICE COMMISSION~~Community Service Commission~~

...

2.27.035 – Meetings

The community service commission will meet in accordance with Chapter 2.19 of this code~~monthly (January, March, May, July, September, November)~~ at a date and time to be determined by the commission.”

SECTION 3. Amendment to the Calexico Municipal Code. Calexico Municipal Code Chapter 2.28 *Planning Commission* is hereby amended as follows (additions are underlined and deletions are shown in ~~strike~~through):

“Chapter 2.28 – PLANNING COMMISSION

2.28.010 – Created.

There is created in and for the city a planning commission which may be known and referred to as the "city planning commission" or the "planning commission." Said commission is created and established under and pursuant to the provisions of that certain act of the legislature of the state of California which is designated and referred to as the "Conservation and Planning Act," Statutes of 1947, Chapter 807, as amended to date, and as the same may be amended after the effective date of the ordinance codified in this chapter. ~~The rules and regulations set forth in Chapter 2.19 shall apply to this commission, except as otherwise required by state law. If there is any conflict or inconsistency between the provisions of this chapter and Chapter 2.19, the provisions of this chapter will control.~~

2.28.014 - City Council designated as Planning Agency.

The City Council is designated as the Planning Agency for the City.

2.28.016 – Term “Planning Commission”, “planning commission” and “city planning commission” defined.

Wherever the term “Planning Commission”, “planning commission” or “city planning commission” appears in this code or any regulation of the City, such term means the City Council.

2.28.020 – Organization

The planning commission shall consist of five members.~~The organization of the board shall comply with the provisions set forth in Chapter 2.19.”~~

SECTION 4. Amendment to the Calexico Municipal Code. Calexico Municipal Code Chapter 2.31 *Reserved* is hereby repealed and replaced as follows (additions are underlined and deletions are shown in ~~strikethrough~~):

“Chapter 2.31 – COMMUNITY FACILITIES DISTRICT COMMISSION

2.31.010 – Established.

A commission to be known and designated as the community facilities district commission (“CFD commission”) of the city is created and established. The rules and regulations set forth in Chapter 2.19 shall apply to this commission, except as otherwise required by state law. If there is any conflict or inconsistency between the provisions of this chapter and Chapter 2.19, the provisions of this chapter will control.

2.31.020 - Purpose.

The purpose of the CFD commission is to provide a forum for community input and advise and to make recommendations to the city council on Community Facilities Districts within the City that fund public improvements and services within a identified area and to advise on related matters as directed by the city council.

2.31.030 - Organization.

The CFD commission shall consist of five members.”

SECTION 5. Amendment to the Calexico Municipal Code. Calexico Municipal Code Chapter 2.56 *COMMUNITY-POLICE ADVISORY COMMISSION* is hereby amended as follows (additions are underlined and deletions are shown in ~~strikethrough~~):

“Chapter 2.56 – COMMUNITY-POLICE ADVISORY, ~~TRAFFIC AND CODE ENFORCEMENT~~ COMMISSION

2.56.010 – Established – Name

The community-police advisory, traffic and code enforcement commission is created and established. The term “commission” shall refer to such community-police advisory, traffic and code enforcement commission. The rules and regulations set forth in Chapter 2.19 shall apply to this commission. If there is any conflict or inconsistency between the provisions of this chapter and Chapter 2.19, the provisions of this chapter shall apply.

2.56.020 – Purpose of the commission

The general purpose of the commission is three-fold:

A. To provide a forum for the receipt of citizen complaints brought by individuals against the city police department or any of its officers, and to provide recommendations

to the police department designed to improve police department relations with the community.

"B. To provide a forum for community input and advise and to make recommendations to the city council on traffic concerns, and work on specific traffic issues as assigned by the city council.

C. To provide a forum for community input and advise and to make recommendations to the city council on code enforcement concerns, and work on specific code enforcement issues as assigned by the city council.

...

2.56.070 – Powers and duties

The commission shall have the following duties and powers, related to the three following areas:

A. Community-Police Advisory.

1. To act as a liaison but not necessarily the only liaison, between the community, the police department and the city council.

2B. To receive citizen complaints and transmit said filed complaints to the chief of police for review.

B. Traffic.

To act in an advisory capacity to the city council related to traffic and transportation issues. These functions and duties are as follows:

1. To gather and review information relating to traffic issues.

2. To identify traffic problems and needs of the residents

3. To develop and recommend local and regional transportation needs and proposed solutions to the city council.

4. Work on traffic issues as may be directed by the city council.

C. Code Enforcement.

To act in an advisory capacity to the city council related to code enforcement. These functions and duties are as follows:

1. To educate the public on code issues.

2. To work with citizens, business owners and other community stakeholders to establish a positive relationship with residents and property owners.

3. To interact with the public with the goal of promoting an attractive community, improving the living conditions for everyone and protecting the health, safety and welfare of the city.

4. Work on code enforcement issues as may be directed by the city council.”

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 8. Certification and Publication. The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

SECTION 9. CEQA. The City Council finds that adoption of this Ordinance is not a “project,” as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Calexico, California on the ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DIANA NURICUMBO, MAYOR

ATTEST:

VERONICA A. ALVARADO, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) s.s.
City of Calexico)

I, Veronica A. Alvarado, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. _____, introduced at a regular meeting held on the _____ day of _____ 2025, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the _____ day of _____, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

VERONICA A. ALVARADO, CITY
CLERK