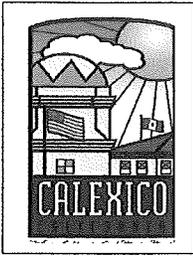


**AGENDA
ITEM**

08



AGENDA STAFF REPORT

DATE: October 3, 2018
TO: Mayor and City Council
APPROVED BY: David B. Dale, City Manager DD
PREPARED BY: David B. Dale, City Manager
SUBJECT: Appointment and Swearing in of City Treasurer

=====

Recommendation:

Council to make the Appointment and Swear in of Karla E. Lobatos as City Treasurer.

Background:

California Government Code section 36501 sets out the governing officers of a general law city, one of which is the City Treasurer. The office of City Treasurer for the City of Calexico was formerly an elective office pursuant to California Government Code section 36503. A special municipal election was held on June 5, 2012, in which a ballot measure to make the office of City Treasurer appointive was submitted to the voters pursuant to California Government Code sections 36508 to 36509. The ballot measure was passed by a majority vote and the measure is to take effect from and after November 6, 2012.

Discussion & Analysis:

According to California Government Code Sections 36510 and 34856, if a proposition to make an elective office into an appointed office passes by a majority vote, the Appointment is to be made by the City Council at the expiration of the term of the officer then in office. The same Government Code sections provide that the City Council may, by ordinance, vest the City Manager with the authority to appoint the officer. Through Ordinance No. 1145, Council amended Municipal Code Section 2.02.110 of the Calexico Municipal Code, to give the City Manager the authority to appoint the City Treasurer. Council also and to the positions of City Treasurer and Finance Director into a single position of Finance Director/City Treasurer, and to clarify the duties and employment status of the dual position, as well as to update provisions of the Municipal Code which refer to the position titles of "City Treasurer" and "Finance Officer."

Fiscal Impact:

Stipend of \$ 75.00 per month.



Coordinated With:

None.

Attachments:

Ordinance No. 1145 – An Ordinance of the Council of the City of Calexico Amending Various Sections of Title One, Title Two, Title Three, Title Five, Title Six, Title Ten, And Title Sixteen And Deleting Section 2.38.050 of the Calexico Municipal Code Regarding the Finance Director/City Treasurer.

ORDINANCE NO. 1145

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CALEXICO AMENDING VARIOUS SECTIONS OF TITLE ONE, TITLE TWO, TITLE THREE, TITLE FIVE, TITLE SIX, TITLE TEN, AND TITLE SIXTEEN AND DELETING SECTION 2.38.050 OF THE CALEXICO MUNICIPAL CODE REGARDING THE FINANCE DIRECTOR/CITY TREASURER

WHEREAS, California Government Code section 36501 sets out the governing officers of a general law city, one of which is the City Treasurer; and

WHEREAS, the office of City Treasurer for the City of Calexico was formerly an elective office pursuant to California Government Code section 36503; and

WHEREAS, a special municipal election was held on June 5, 2012, in which a ballot measure to make the office of City Treasurer appointive was submitted to the voters pursuant to California Government Code sections 36508 to 36509. The ballot measure was passed by a majority vote and the measure is to take effect from and after November 6, 2012; and

WHEREAS, according to California Government Code sections 36510 and 34856, if a proposition to make an elective office into an appointed office passes by a majority vote, the appointment is to be made by the City Council at the expiration of the term of the officer then in office. The same Government Code sections provide that the City Council may, by ordinance, vest the City Manager with the authority to appoint the officer; and

WHEREAS, according to section 2.02.110 of the Calexico Municipal Code, the City Manager does not currently have the authority to appoint the position of City Treasurer; and

WHEREAS, the City Council desires to amend the Calexico Municipal Code to give the City Manager the authority to appoint the City Treasurer; and

WHEREAS, the City Council also desires to combine the positions of City Treasurer and Finance Director into a single position of Finance Director/City Treasurer, and to clarify the duties and employment status of the dual position, as well as to update provisions of the Municipal Code which refer to the position titles of "city treasurer" and "finance officer."

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. The Calexico Municipal Code is hereby amended as follows:

A. Section 1.27.060 is hereby amended as follows:

"1.27.060 Satisfaction of administrative citation. Upon receipt of a citation, the responsible person must do the following:

1. Pay the fine to the city within thirty days from the correction date of the administrative citation. All fines assessed shall be payable to the Calexico city's finance director/city treasurer. Payment of a fine shall not excuse or discharge the

failure to correct the violation(s) nor shall it bar further enforcement action by the city; or

2. Contest the administrative citation and request an administrative hearing within thirty days from the correction date of the administrative citation.

B. Section 2.02.110 is hereby amended as follows:

"2.02.110 Powers of appointment. It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, except the ~~city clerk, city attorney, city treasurer.~~"

C. Section 2.02.200 is hereby amended as follows:

"2.02.200 Departmental cooperation. It shall be the duty of all subordinate officers, city clerk, **finance director**/city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the city."

D. Section 2.08.070 is hereby amended as follows:

"2.08.070 Budget and reports. The fire chief shall be responsible to the city manager, shall submit annually to the **finance director**/city treasurer ~~finance officer~~ a tentative budget for ~~his~~ **the** department, and shall make a complete annual report and such other reports as may be required concerning the fire department in general, giving suggestions and recommendations for major improvements and listing other data so as to maintain a complete record of the activities of the department."

E. Section 2.10.070 is hereby amended as follows:

"2.10.070 Budget and reports. The police chief shall be responsible to the city manager, shall submit annually to the **finance director**/city treasurer ~~city finance officer~~ a tentative budget for ~~his~~ **the** department, and shall make a complete annual report and such other reports as may be required concerning the police department in general, giving suggestions and recommendations for major improvements and listing other data so as to maintain a complete record of the activities of the department."

F. Section 2.14.010 is hereby amended as follows:

"Section 2.14.010 Created – Office of ~~finance officer~~ **finance director/city treasurer**. There is created in the city government a department of finance under the direction of a **finance director/city treasurer** ~~city finance officer~~, which office is also created. The title and duties of a **finance director/city treasurer** ~~city finance officer~~ are synonymous with the title and duties of a director of finance."

G. Section 2.14.020 is hereby amended as follows:

“Section 2.14.020 Organization. The department of finance shall consist of the finance director/city treasurer ~~city finance officer~~ and such other employees with such titles and duties as may be deemed necessary for the effective operation of the department.”

H. Section 2.14.030 is hereby amended as follows:

“Section 2.14.030 Appointment of ~~director of finance~~ finance director/city treasurer. The ~~director of finance~~ finance director/city treasurer shall be the chief executive officer of the department of finance and shall be appointed by the city manager, subject to the approval of the city council to serve at the will and pleasure of the city manager and may be dismissed without cause. Subject to the approval of the city council, the city manager may execute a written contract with the ~~director of finance~~ finance director/city treasurer describing the conditions of this appointment ~~including modification of the at will status.~~

I. Section 2.14.040 is hereby amended as follows:

“Section 2.14.040 Finance ~~director/city treasurer officer~~ – Power of appointment. The finance director/city treasurer ~~city finance officer~~, subject to the direction, control and ultimate discretion of the city manager, shall appoint, suspend or remove all other employees and personnel in said department.”

J. Section 2.14.050 is hereby amended as follows:

“Section 2.14.050 Finance ~~director/city treasurer officer~~ – Powers and duties.

A. The finance director/city treasurer ~~city finance officer~~ is the chief accounting officer of the city who shall have charge of the administration of financial affairs of the city under the direction of the city manager. The finance director/city treasurer ~~city finance officer~~ shall be the ex officio tax collector and license collector of the city.

B. Except as otherwise provided in this code, the finance director/city treasurer shall perform the duties prescribed by the general laws and statutes of the state pertaining to the city treasurer. The finance director/city treasurer ~~city finance officer~~ shall perform the following additional duties:

1. Prepare annually for the city manager a proposed budget of the city for the ensuing fiscal year;
2. Supervise and be responsible for the disbursement of all public moneys, and have control over all expenditures to ensure that budget appropriations are not exceeded;
3. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and, with the advice of

the city attorney, determine the regularity, legality and correctness of such claims, demands or charges;

4. Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his or her office;
5. Maintain a general accounting system for the city government and each of its officers, departments and agencies;
6. Require reports of the receipts and disbursements from each receiving and expending agency of the city government to be made as such intervals as may be required;
7. Submit to the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city, and submit to the city manager at the end of each fiscal year a complete financial statement and report for the preceding year;
8. Collect all taxes, utility charges, license fees, and other revenues of the city, or for whose collection the city is responsible, and receive all taxes or other money receivable by the city;
9. Supervise the keeping of current inventories of all property of the city;
10. Estimate, plan and program the city's financial activities;
11. Perform such other duties as the city manager may direct **not in conflict with his or her mandatory duties as prescribed in a city job description or which the city manager may from time to time assign.**

K. Section 2.14.060(A) is hereby amended as follows:

"Section 2.14.060 Finance director/city treasurer officer – Transfer of duties.

A. Pursuant to the provisions of Section 37209 of the Government Code, there is transferred from the city clerk to the **finance director/city treasurer** ~~city finance officer~~ the duties imposed upon the city clerk by Sections 37200 to 37208, inclusive, of the Government Code. Before entering upon such duties, the **finance director/city treasurer** ~~city finance officer~~ shall execute the bond required by Section 36518 of the Government Code."

L. Section 2.14.070 is hereby amended as follows:

"Section 2.14.070 – Finance director/city treasurer officer – Salary. The salary of the **finance director/city treasurer** ~~city finance officer~~ shall be fixed from time to time by the city council."

M. Section 2.16.060 is hereby amended as follows:

“Section 2.16.060 – Budget and reports. The director of public works shall be responsible to the city manager and shall submit annually to the **finance director/city treasurer** ~~city finance officer~~ a tentative budget for his the department and shall make a complete annual report and such other reports as may be required concerning the department of public works in general, giving suggestions and recommendations for major improvements and listing other data so as to maintain a complete record of the activities of the department.”

N. Section 2.38.030 is hereby amended as follows:

“Section 2.38.030 Finance director/city treasurer officer. The **finance director/city treasurer** ~~city finance officer~~, including his **or her** duties as tax collector, shall file a bond in the penal sum of fifty thousand dollars.”

O. Section 2.38.050 is deleted in its entirety.

P. Section 3.04.010 is hereby amended as follows:

“Section 3.04.010 Form of bonds. Except as otherwise expressly provided, all bonds of the city, issued under the provisions of that act of the legislature of the state of California, entitled, “An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof,” which because a law February 25, 1901, and amendments thereof, shall be substantially in the following form:

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

CITY OF CALEXICO

;rule; Bond

Election 20;yrrule;

Series ;rule;(if any) Class ;yrrule;(if any)

Calexico, California

;rule;, 20yrrule;(date)

On the ;rule; day of ;rule;, A.D.; ;rule;, (year of maturity) the City of Calexico, California will pay to the bearer at the office of the **Finance Director**/City Treasurer of the City of Calexico, in Calexico, California, or at any fiscal agency of the city of Calexico in the City of New York, New York, upon presentation and surrender of this bond, the sum of One Thousand Dollars (1,000) with interest thereon at the rate of ;rule; per centum per annum, payable semiannually, on the ;rule; day of ;rule;, and the ;rule; day of ;rule;, at the office of the **Finance Director**/City Treasurer of the City of Calexico, in Calexico, California or at any fiscal agency of the City of

Calexico in the City of New York, New York, upon presentation and surrender of the interest coupons hereto attached; principal and interest payable in lawful money of the United States. This bond is issued in pursuance of, and in full compliance with the provisions of the Act of the Legislature of the State of California, which became a law February 25, 1901, and amendments thereof, authorizing the incurring of indebtedness by cities for municipal improvements, and the Constitution and laws of the said state.

It is further certified that all requirements of the Constitution and laws of the State of California and of the Ordinances of the City of Calexico have been fully complied with by the proper officers in the issuance of this bond; that this issue of bonds has been authorized by vote of two-thirds of the duly qualified electors of said City voting on the question of such issue at a special election duly and regularly called and held in said City on the ;#rule; day of ;#rule;, 20;yrerule;; that provision has been made for the collection of an annual tax sufficient to pay the interest on said issue of bonds including this bond, as said interest falls due, and also provision to constitute a sinking fund for the payment of the principal thereof; and that the total amount of this issue, together with all other indebtedness of said City, does not exceed the limit prescribed by the Constitution and laws of the State of California.

;daterule;

MAYOR OF THE CITY OF CALEXICO

Countersigned: _____

FINANCE DIRECTOR/CITY TREASURER OF THE
CITY OF CALEXICO

;daterule;

City Clerk of the City of Calexico.”

Q. Section 3.04.020 is hereby amended as follows:

“Section 3.04.020 Form of coupons. Coupons consecutively numbered shall be attached to each of said bonds for the interest accruing thereon, and said coupons shall be substantially in the following form:

‘On the ;#rule; day of ;#rule; (month of maturity) A.D.;yrerule; (year of maturity) the City of Calexico will pay to the bearer at the office of the **Finance Director/City Treasurer** of said City of Calexico, California, or at any fiscal agency of said City in the City of New York, New York, the sum of \$;#rule;, in lawful money of the United States; the interest then due on ;#rule; bond, Election 19;yrerule; No. ;#rule; (No. of bond to which coupon is attached ;#rule; (Class, if any).

Coupon No.;#rule;.

Finance Director/City Treasurer of the City of Calexico

R. Section 3.04.030 is hereby amended as follows:

“Section 3.04.030 Issuance authority and procedures. Whenever the city council has accepted a bid for the sale of bonds and ordered that bonds shall be issued, the following procedures shall be required:

- A. Printing. The **finance director**/city treasurer is authorized and directed to cause the necessary bonds to be engraved or lithographed.
- B. Receipt for Execution. The city clerk is authorized and directed to receive the bonds for the purpose of securing their due execution.
- C. Signing of Bonds. The mayor and **finance director**/city treasurer are authorized and directed to sign all of the bonds with their lithographed or engraved signatures.
- D. Signing of Coupons. The **finance director**/city treasurer is authorized and directed to sign all of the interest coupons of said bonds with his **or her** lithographed or engraved signature.
- E. Countersigning and Seal. The city clerk is authorized and directed to countersign said bonds and affix the corporate seal of the city thereto.
- F. Delivery to Purchasers. The **finance director**/city treasurer is authorized to receive said bonds so signed, countersigned and sealed from the city clerk and to deliver the same to the purchasers or their duly authorized representatives upon receipt of the purchase price therefor.
- G. Receipt of Payment. The **finance director**/city treasurer may receive payment of said purchase price in cash or certified Federal Reserve Bank Funds.

S. Section 3.04.040 is hereby amended as follows:

“Section 3.04.040 Designation of fiscal agencies. The **finance director**/city treasurer from time to time shall designate the fiscal agencies of the city for purposes of bond interest and principal payments from among the banks located in the city of New York, New York, and, upon said designation, shall give public notice thereof in the Daily Bond Buyer and a newspaper of general circulation published and circulated in the city.”

T. Section 3.04.050(A) is hereby amended as follows:

“Section 3.04.050 Expenses.

- A. Printing and Delivery. The necessary expenses of engraving or lithographing and delivery of the bonds shall be incurred by the **finance director**/city treasurer and charged to the bond fund.”

U. Section 3.24.020 is hereby amended as follows:

“Section 3.24.020 Imposed. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient’s ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the **finance director/city treasurer** ~~city finance officer~~ may require that such tax shall be paid directly to the **finance director/city treasurer** ~~city finance officer~~.”

V. Section 3.24.030(B) is hereby amended as follows:

“Section 3.24.030 Exemptions.

B. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the **finance director/city treasurer** ~~city finance officer~~.”

W. Section 3.24.050 is hereby amended as follows:

“Section 3.24.050 Registration.

A. Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the **finance director/city treasurer** ~~city finance officer~~ and obtain from him **or her** a transient occupancy registration certificate which is to be at all times posted in a conspicuous place on the premises.

B. Said certificate shall, among other things state the following:

1. The name of the operator;
2. The address of the hotel;
3. The date upon which the certificate was issued;
4. “This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the **Finance Director/City Treasurer** ~~City Finance Officer~~ for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the **Finance Director/City Treasurer** ~~City Finance Officer~~. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with the all local applicable laws, including but not limited to those

requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit.”

X. Section 3.24.060 is hereby amended as follows:

“Section 3.24.060 Reporting and remitting. Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the **finance director/city treasurer** ~~city finance officer~~, make a return to the **finance director/city treasurer** ~~city finance officer~~, on forms provided by him or her, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the **finance director/city treasurer** ~~city finance officer~~. The **finance director/city treasurer** ~~city finance officer~~ may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to ensure collection of the tax and he or she may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the **finance director/city treasurer** ~~city finance officer~~.”

Y. Section 3.24.070(C) is hereby amended as follows:

“Section 3.24.070 Penalties and interest.

C. Fraud. If the **finance director/city treasurer** ~~city finance officer~~ determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

Z. Section 3.24.080 is hereby amended as follows:

“Section 3.24.080 Failure to collect and report tax.

A. Assessment Procedure. If any operator fails or refuses to collect the tax imposed by this chapter and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the **finance director/city treasurer** ~~city finance officer~~ shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his an estimate of the tax due. As soon as the **finance director/city treasurer** ~~city finance officer~~ procures such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the **finance director/city treasurer** ~~city finance officer~~ shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address.

- B. Hearing. Such operator may, within ten days after the serving or mailing of such notice, make application in writing to the **finance director/city treasurer** ~~city finance officer~~ for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the **finance director/city treasurer** ~~city finance officer~~ shall become final and conclusive and immediately due and payable. If such application is made, the **finance director/city treasurer** ~~city finance officer~~ shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.
- C. Determination. After such hearing, the **finance director/city treasurer** ~~city finance officer~~ shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.04.090."

AA. Section 3.24.090(A) is hereby amended as follows:

"Section 3.24.090 Appeal.

- A. Filing time limit. Any operator aggrieved by any decision of the **finance director/city treasurer** ~~city finance officer~~ with respect to the amount of such tax, interest and penalties imposed by Section 3.24.080, if any, may appeal to the council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due."

BB. Section 3.24.100 is hereby amended as follows:

"Section 3.24.100 Records. It shall be the duty of every operator liable for collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he **or she** may have been liable for the collection of and payment to the city, which records the **finance director/city treasurer** ~~city finance officer~~ shall have the right to inspect at all reasonable times."

CC. Section 3.24.110(B) is hereby amended as follows:

"Section 3.24.110(B). An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the **finance director/city treasurer** ~~city finance officer~~ that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been

refunded to the transient or credited to rent subsequently payable by the transient to the operator.”

DD. Section 3.24.110(C) is hereby amended as follows:

“Section 3.24.110(C). A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the **finance director/city treasurer** ~~city finance officer~~, or when the transient having paid the tax to the operator establishes to the satisfaction of the **finance director/city treasurer** ~~city finance officer~~ that the transient has been unable to obtain a refund from the operator who collected the tax.”

EE. Section 3.24.130(B) is hereby amended as follows:

“Section 3.24.130(B). Any operator or other person who refuses to register as required in this chapter or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the **finance director/city treasurer** ~~city finance officer~~, or who renders a false or fraudulent return or claim is guilty of a misdemeanor and is punishable as stated in this section.”

FF. Section 5.24.070 is hereby amended as follows:

“Section 5.24.070 City license collector duties. The city license collector shall deposit daily with the **finance director/city treasurer** all moneys collected by him **or her** for licenses issued and shall, on or before the seventh day of each month, report the amount thereof together with the amount of delinquent and uncollected licenses for the preceding month to the city council.”

GG. Section 6.12.160(E) is hereby amended as follows:

“Section 6.12.160(E). Disposition of Proceeds of Sale. From the proceeds of such sale, the poundkeeper shall retain the fees and charges allowed by Sections 6.12.090 through 6.12.190 and shall hold the surplus, if any, for the owner of the animal sold for a period of six months; and if before the expiration of such period no demand is made ~~upon him therefor~~ **for the proceeds**, it is to be paid to the **finance director/city treasurer** ~~by him~~.”

HH. Section 10.28.180 is hereby amended as follows:

“Section 10.28.180. Meters – Collection of revenues. The city clerk is authorized and it shall be his **or her** duty, to designate some person or persons to make regular collections of the money deposited in the parking meters established under the provisions of this chapter. It shall be the duty of such person or persons so designated to collect and deliver to the **finance director/city treasurer** of the city all money deposited in the parking meters; and the **finance director/city treasurer** shall keep accurate account of all the parking meter money so delivered ~~to him~~. Money so deposited in the parking meters may be expended to meet the costs and expenditures

involved in the inspection, repair, regulation, installation, operation, control and use of the parking spaces and parking meters described in this chapter, and the costs involved in the regulation and control of the parking of vehicles and the control of traffic which may affect or be affected by the parking of vehicles in the parking meter zones created by this chapter, including the purchase, replacement, installation, repair, servicing and operation of mechanical or electrical traffic signals for the direction of said traffic or said parking, and the cost of painting streets, curbs and sidewalks with appropriate markings, lines and signs, and the purchase, construction, erection, repair and replacement of street and curb signs for the direction of said traffic or said parking, and for the cost of patrolling said parking meter zones and enforcing therein all traffic laws and regulations concerning the parking of vehicles and the movement of traffic which may affect or be affected by such parking of vehicles, or for any of said purposes, and for such other purposes as the city council may by resolution designate.”

II. Section 16.24.170(B)(2) is hereby amended as follows:

“Section 16.24.170(B)(2). Treasurer’s Certificate. The **finance director**/city treasurer shall certify that there are no liens for unpaid taxes or unpaid bonds against the property except taxes not yet payable.”

JJ. Section 16.28.090 is hereby amended as follows:

“Section 16.28.090 Fees. Before accepting any division of land map for filing, or any appeal, the following fees shall be paid to the **finance director**/city treasurer:

- A. For each and every division of land map filed in accordance with this section, a fee of twenty-five dollars shall be paid.
- B. For each and every appeal to the city council from the advisory agency determination, a fee of ten dollars shall be paid.”

KK. Section 16.32.120(C) is hereby amended as follows:

“Section 16.32.120(C). Instrument of Credit. Deposit with the city clerk, and subject to the approval of the **finance director/city treasurer** ~~city finance officer~~, an instrument or instruments of credit from one or more financial institutions, subject to regulation by the state or federal government, pledging that funds in such amount as the city engineer estimates and determines to be necessary to complete all of the improvements required to be installed are on deposit and shall become trust funds for the purposes set forth in the instrument of credit. Whenever the subdivider elects to deposit an instrument or instruments of credit, the city shall be authorized in the event of any default on the part of the subdivider in the performance of any work or improvement for which the instrument or instruments of credit are filed to cause the work to be done and to pay all costs therefor from such funds which are on deposit pursuant to the aforementioned instrument or instruments of credit. “Instrument or instruments of credit” is defined to include the establishment of a construction loan disbursement account which requires the approval and the signature of the city by an

appropriate city official as a condition precedent to any disbursement of funds contained in such construction loan disbursement account.”

Unless otherwise amended pursuant to this Section One, all of the remaining provisions of the Calexico Municipal Code shall remain in full force and effect.

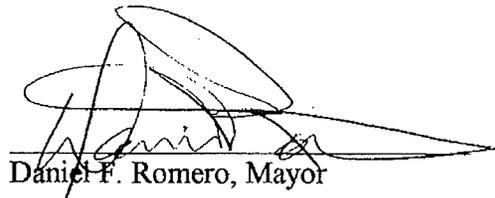
SECTION TWO: This Ordinance was introduced on September 18, 2012 and was adopted on October 2, 2012.

SECTION THREE: Section One of this Ordinance shall become effective thirty days following its passage and adoption.

SECTION FOUR: The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED AND ADOPTED this 2nd day of October, 2012, by the following vote, to wit:

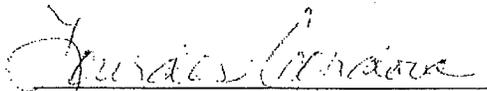
AYES: Romero, Hurtado, Hodge, Moreno, Castro
NOES: None
ABSENT: None
ABSTAIN: None



Daniel F. Romero, Mayor

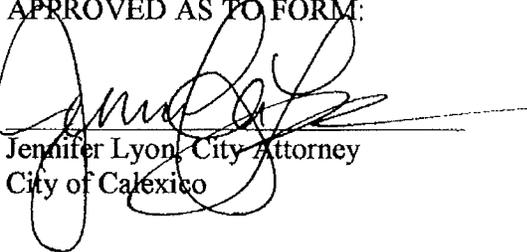
ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 1145, that has been published pursuant to law.



Lourdes Cordova, City Clerk
City of Calexico

APPROVED AS TO FORM:



Jennifer Lyon, City Attorney
City of Calexico