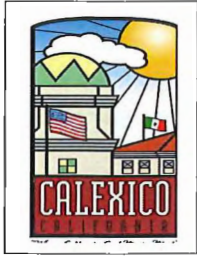


**AGENDA  
ITEM**

**15**



# AGENDA STAFF REPORT

**DATE:** May 18, 2022

**TO:** Mayor and City Council

**PREPARED BY:** Diego Favila, Interim City Manager  
Best Best & Krieger LLP, City Attorney

**APPROVED BY:** Diego Favila, Interim City Manager 

**SUBJECT:** Second Reading and Adoption of Ordinance No 2022-1226 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission

=====

**Recommendation:**

It is recommended that the City Council:

Conduct second reading and adopt Ordinance No. 2022-1226 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission

**Background:**

The City Council conducted a first reading of the proposed Ordinance on May 4, 2022. A motion was made by Councilmember Ureña and approved by the City Council to move the Ordinance forward to second reading with four revisions, as follows:

1. Allow for a \$50 stipend per commission, committee, or board member per meeting;
2. For the quarterly meetings, change the January meeting to February, and the October meeting to November;
3. Insert a requirement that meetings be held at City Hall; and
4. The addition of future agenda items is at the discretion of the Department Director assigned to each committee, commission, and board.

<p><b>AGENDA ITEM</b></p> <p style="font-size: 2em;"><b>15</b></p>
--

The purpose of this staff report is to outline the revisions to the proposed Ordinance.

**Discussion:**

The proposed Ordinance amends Chapter 2.19 *Eligibility and Procedures for Commissions, Boards and Committees*, Chapter 2.20 *Personnel Commission*, Chapter 2.23 *2010 General Tax Citizen Oversight Advisory Committee*, Chapter 2.26 *Library Board of Trustees*, Chapter 2.27 *Arts and Historical Commission*, Chapter 2.28 *Planning Commission*, Chapter 2.32 *Parks, Recreation, Beautification, and Senior Services Commission*, and Chapter 2.56 *Community Police Advisory Commission*. (See Attachment “3” Staff Report from the May 4, 2022 City Council Meeting.)

As noted above, four changes were made to the proposed Ordinance by minute motion at the May 4, 2022 City Council meeting. The four revisions can all be found in Calexico Municipal Code Chapter 2.19 *Eligibility and Procedures for Commissions, Boards and Committees*. These new provisions will apply to all commissions, boards, and committees unless their specific Municipal Code Chapter or bylaws say otherwise.

**1) Compensation**

The City Council has determined that commission, board, and committee members should receive a stipend for each meeting.

The proposed Ordinance includes the following modification to Calexico Municipal Code section 2.19.030 *Eligibility*, subsection (E):

“E. With the exception of the planning commission, which shall receive compensation as determined by the city council, ~~members, commissions, boards and committees~~ members shall receive a stipend of fifty dollars (\$50) for each meeting that the member attends. ~~serve without compensation, provided that~~ The city manager or city council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.”

**2) Quarterly Meeting Schedule**

While keeping the quarterly meeting schedule, the City Council requested that the January meeting be moved to February and that the October meeting be moved to November.

The proposed Ordinance includes the following modification to Calexico Municipal Code section 2.19.080 *Meetings and quorum*, subsection (A):

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

### 3) Meetings at City Hall

The City Council requested that the Municipal Code require all commission, committee, and board meetings to be held at City Hall.

The proposed Ordinance adds subsection (F) to Calexico Municipal Code section 2.19.080 *Meetings and quorum*, as follows:

“F. All meetings shall be held at Calexico City Hall.”

### 4) Department Director Adds Agenda Items

Lastly, it was suggested that the Department Director assigned to the particular committee, commission, or board maintains discretion to add future agenda items.

The proposed Ordinance includes the following modification to Calexico Municipal Code section 2.19.085 *Agenda—Order of business*, subsection (A):

“A. All agenda item requests must be filed with the commission, board, or committee Department Director as provided for in the “Commission, Board and Committee Agenda Policy” as adopted by the city council. The Department Director will add items to future agendas at his or her discretion. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the commission, board, or committee. All material pertaining to and accompanying the agenda shall be made available to the public when made available to the commission, board, or committee.”

### Fiscal Impact:

Estimated fiscal impact of \$8,800.00 from Acct. No. 111-10-110-55501-000.

\*Note: These estimates are based on four meetings a year per commission. Special meetings would generate an additional expense.

### Attachments:

- 1) Ordinance No 2022-1226 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission.
- 2) Redline document showing Municipal Code changes.
- 3) Staff Report from May 4, 2022 City Council Meeting.



## **ATTACHMENT NO. 1**

Ordinance No 2022-1226 - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission.

## ORDINANCE NO. 2022-1226

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING CALEXICO MUNICIPAL CODE CHAPTERS 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 REGARDING GENERAL COMMISSION PROCEDURES, PERSONNEL COMMISSION, 2010 GENERAL TAX CITIZEN OVERSIGHT ADVISORY COMMITTEE, LIBRARY BOARD OF TRUSTEES, ARTS AND HISTORICAL COMMISSION, PLANNING COMMISSION, PARKS, RECREATION, BEATIFICATION, AND SENIOR SERVICES COMMISSION, AND COMMUNITY POLICE ADVISORY 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:

*“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 (5) Member Commissions, Boards or Committees.

(a) Each City Council Member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five (45) days after an election is certified or vacancy otherwise exists), a City Council Member has failed to make an appointment, the appointment will be made by a majority vote of the City Council and the appointee shall continue for the duration of the term of office of the City Council member who failed to make the appointment and shall not be removed from office except by majority vote of the City Council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the City Council expires or the member’s seat becomes vacant, the original Council Member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.

(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 (7) Member Commissions, Boards or Committees.

(a) Each City Council Member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five (45) days after an election is certified or vacancy otherwise exists), a City Council Member has failed to make an appointment, the appointment will be made by a majority vote of the City Council and the appointee shall continue for the duration of the term of office of the City Council member who failed to make the appointment and shall not be removed from office except by majority vote of the City Council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the City Council expires or the member's seat becomes vacant, the original Council Member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.

(b) The remaining two (2) members will be appointed by majority vote of the City Council for a two year term. If the member's seat becomes vacant during the term, a new member will be appointed by a majority vote of the City Council to serve out the remainder of the term.

(c) This subsection will not apply to the Community Police Advisory Commission where instead each City Council Member will appoint one commissioner, the City Manager will appoint one commissioner, and the Chief of Police will appointment one commissioner following an application and interview process as set by City Council resolution.

B. Pursuant to this code and Government Code Section 54974, the following procedures shall be employed in filling vacancies on commissions, boards and committees in the city:

1. The City Clerk shall advise the City Council of the names of those persons whose term of office on a City commission, board or committee will be expiring thirty (30) days prior to such expiration.

2. The City Clerk shall promptly advise the City Council of any unscheduled vacancy whether due to resignation, death, termination or other causes.

a. Whenever an unscheduled vacancy occurs in any commission, board or committee for which the City Council has the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk, and in other places as directed by the City Council not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made by the city council for at least ten (10) working days after the posting of the notice in the city clerk's office.

b. Notwithstanding subsection (C)(2)(a) of this section, the City Council may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. Such emergency appointments shall be made by the Mayor with the approval of the City

Council. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

3. The Department Director of the department assigned to each City commission, board or committee shall notify the City Clerk of any position which should be declared vacant pursuant to the provisions of this code or state law. The City Clerk shall in turn advise the City Council of all such notification.

4. The City Council shall provide by ordinance any additional procedures necessary for appointments to commissions, boards and committees.

2.19.020 - Vacancies and removal of members.

A. Any member of the commission may resign from any commission, board or committee at any time.

B. A member of any commission, board, or committee may be removed at any time by the city council member who appointed such member to the respective commission, board, or committee for any reason and/or if absent from three regularly scheduled meetings in a calendar year. Such removal must be announced at a public meeting of the city council.

C. 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.

D. 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.

A. To be eligible for, and to hold appointment, each appointee shall neither hold public office, or city employment, nor shall he/she be an officer of any local, state or national partisan official group. All members of commissions, boards and committees of the city shall be residents of the city or shall regularly work within the city.

B. Members of the city council may be appointed by the majority of the city council to attend commission, board or committee meetings as liaisons to the city council.

C. Appointee shall be subject to the conflict-of-interest sections of the Political Reform Act of 1974.



D. An individual may serve on only one committee, board or committee at any time.

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 (\$50) 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.

2.19.040 - Disqualifying activity.

In the event that any commissioner, board member, or committee member shall place his/her name as a candidate or permit his/her name to be placed as a candidate for any elective office in the city, the term of said commissioner shall automatically terminate effective on the date that his/her name is received by the public officer charged with the duty of receiving said names as candidates for elective office in the city.

2.19.050 - Terms of office.

A. The term of office of any commissioner, board member, or committee member appointed under this chapter shall commence upon his/her appointment to said office and shall continue for the duration of the term of office of the appointing councilperson, automatically terminating at the day and hour that the city clerk shall certify the results of the election for the office to which the appointing councilperson was elected. If a city council member is elected to serve another term of office, that city council member is entitled to make all new appointments to city commissions, boards, and committees, however, such city council member can choose to re-appoint his/her previous appointees for a new term concurrent with the respective city council member's new term of office. If the appointing councilperson shall die while holding office or be sooner removed from office by recall or resignation, the term of said city council member's appointee on the commission, board or committee shall terminate upon the appointment or election of a new city council member assuming the office of the said deceased or removed city council member.

By way of clarification, therefore, in the event the nominating city council member shall not be a full term city council member then the appointment of said new commissioner, board member or committee member shall be only for the unexpired portion of the term of the commissioner, board member or committee member being replaced by said appointment.

B. The term of office of any commission, board or committee member appointed by the City Manager or Department Director on a seven-member commission, board or committee, shall be for four years or as long as the City Manager or Department Director maintains that particular position of employment with the City. When a new City Manager or Department Director is hired, the newly hired individual may remove or retain the current member appointed by the previous City Manager or Department Director.

C. The term of office of a commissioner, board member, or committee member can also be terminated pursuant to Section 2.19.020.

2.19.060 - Alternates and interim members.

A. Any commissioner, board member, or committee member appointed pursuant to this chapter who is unable to attend a scheduled meeting shall immediately notify the city council member who appointed them of their anticipated absence at the meeting. The city council member who appointed the commissioner, board member, or committee member may serve as an alternate at the meeting.

B. Whenever a vacancy occurs on any commission, board, or committee, the city council member who has the power to appoint a successor pursuant to this chapter may serve as an interim member of the commission, board, or committee until the vacancy has been filled.

C. Any city council member serving as an alternate or interim member of a commission, board, or committee shall be counted for the purposes of reaching a quorum and may vote and otherwise participate in all matters before the commission, board, or committee.

D. This section does not apply to the planning commission, personnel commission, 2010 General Tax Citizen Oversight Committee, or Business Improvement District Advisory Board.

E. No more than two city council members may serve as alternates or interim members of the same commission, board, or committee at any given time.

2.19.070 - Organization.

A. The officers of city commissions, boards and committees shall consist of a chairperson and vice chairperson to be elected by the commission, board, or committee.

B. Each commission, board and committee shall make its own bylaws and fix the procedure for calling, holding and conducting meetings; providing, that such are not in conflict with the Brown Act or with the provisions of any laws of the state or the city. Bylaws shall be submitted to the city council for approval.

2.19.080 - Meetings and quorum.

A. Except as otherwise provided in the Municipal Code, each commission, board or committee shall meet 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.

B. Except as otherwise provided in the Municipal Code, special meetings may be called by the Department Director, or city manager. Notice of special meetings shall

be given each member of the commission, board or committee in compliance with the Brown Act and in a reasonable time in advance of the meeting.

C. For five (5) member commissions, boards, and committees, three voting members shall constitute a quorum for the purpose of transacting business. For seven (7) member commissions, boards, and committees, four voting members shall constitute a quorum for the purpose of transacting business. If there is no majority after 15 minutes, the members may adjourn the meeting.

D. No recommendation for the expenditure of funds shall be taken by the commission, board or committee at any meeting other than a regular meeting by a majority vote, as long as it does not conflict with any State or City laws.

E. Each commission, board or committee shall keep a public record of its transactions, findings, determinations and recommendations.

F. All meetings shall be held at Calexico City Hall.

2.19.085 – Agenda—Order of business.

A. All Agenda item requests must be filed with the commission, board, or committee Department Director as provided for in the “Commission, Board and Committee Agenda Policy” as adopted by the city council. The Department Director will add items to future agendas at his or her discretion. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the commission, board, or committee. All material pertaining to and accompanying the agenda shall be made available to the public when made available to the commission, board, or committee.

B. No matters other than those listed on the agenda shall be finally acted upon by the commission, board, or committee.

C. The business of the commission shall be taken up for consideration and disposition in the following order:

1. Call to order;
2. Pledge of Allegiance;
3. Approval of the agenda;
4. Presentations;
5. Public comments;
6. Consent calendar;
7. Discussion and Potential Action Items;

8. Public hearings (Planning Commission Only);
9. Information items;
10. Commissioner Comments and Reports of Meetings Attended (non-action items);
11. Department Director's Report
12. Adjournment.

The regular order of business may be changed or suspended for any purpose at any particular meeting by the presiding officer with the consent of a majority of the commission members present.

2.19.090 - Commission, board or committee staff support.

The city manager will assign a department to each commission, board or committee.

2.19.100 - Commission, board or committee budget.

Each commission, board and committee may receive funds by an annual appropriation in the city budget or by government corporate or private grants or donations, and from the proceeds of city-approved functions. All such funds shall be held and managed as the city manager or city council may direct.”

**SECTION 2. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.20 *Personnel Commission*, Section 2.20.050 *Election of chairman of commission* is hereby amended as follows:

“Chapter 2.20 – Personnel Commission

2.20.010 - Personnel commission established.

A "personnel commission" for the city of Calexico is 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.

...

2.20.050 – Election of chairman of commission.

Annually, during the month of January, the commission shall elect a chairman and vice chairperson from its duly appointed membership who shall preside at the commission's hearings and meetings.



**SECTION 3. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.23 *2010 General Tax Citizen Oversight Advisory Committee* is hereby amended as follows:

“Chapter 2.23 – 2010 General Tax Citizen Oversight Committee

2.23.010 - Established.

A committee known as the 2010 General Tax Citizen Overnight Advisory Committee was created and established pursuant to Calexico Municipal Code ("CMC") Section 3.27.180. The committee shall last as long as the 2010 general tax is in effect. The rules and regulations set forth in Chapter 2.19 shall apply to this committee, 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.

2.23.020 - Organization.

The committee shall consist of five members. The organization of the committee shall comply with the provisions set forth in Chapter 2.19.

2.23.030 - Appointment; eligibility; removal.

Committee member appointment, eligibility, and removal shall be governed the provisions set forth in Chapter 2.19.

2.23.040 - Compensation.

Member compensation shall be governed by Chapter 2.19.

2.23.050 - Officers.

Committee officers and their election shall be governed by Chapter 2.19.

2.23.060 - Bylaws.

Committee bylaws shall be governed by Chapter 2.19.

2.23.070 - Powers and duties.

The committee shall have the following duties:

A. To oversee expenditure of the proceeds of the tax created by CMC Chapter 3.27 to ensure they are consistent with the expenditure plan set forth in CMC Section 3.27.070.

B. As soon as practicable following the quarterly meeting in April, the committee shall review, make recommendations, and report upon the tax expenditures to the city council.

C. To perform any other functions as directed by the city council from time to time.

2.23.080 - Meetings; time; quorum.

Committee meetings, schedule, and quorum shall be governed by Chapter 2.19.

**SECTION 4. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.26 *Library Board of Trustees* is hereby amended as follows:

“Chapter 2.26 – Library Board of Trustees

2.26.010 - Established.

A board to be known and designated as the Library Board of Trustees (“Board”) of the Camarena Memorial Library (“Library”) is created and established to advise the Library in accordance with Chapter 5 of Title 1 of the California Education Code commencing at Section 18900, as it may be amended (“Municipal Libraries Act”). The rules and regulations set forth in Chapter 2.19 shall apply to this board, 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.

2.26.020 - Organization.

The board will consist of five members. The organization of the board shall comply with the provisions set forth in Chapter 2.19.

2.26.030 - Duties.

The board shall have the following duties and powers:

1. Support the Camarena Memorial Library and other public libraries;
2. Aid in meeting the community's educational, recreational, informational, and cultural needs to encourage lifelong learning and the pursuit of knowledge;
3. Encourage the use of traditional and innovative library services;
4. Promote and encourage public knowledge and use of library services and facilities;
5. Advise the City Council with regard to the Library and its services.

The board shall also have such specific duties and powers as the city council shall from time to time invest in it.

**SECTION 5. Amendment to the Calexico Municipal Code.** Calexico Municipal Code Chapter 2.27 *Arts and Historical Commission* is hereby amended as follows:

“Chapter 2.27 – Arts and Historical Commission

2.27.010 - Established.

A commission to be known and designated as the arts and historical 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.

2.27.020 - Organization.

The board shall be composed of five members. The organization of the commission shall comply with the provisions set forth in Chapter 2.19.

2.27.030 Powers and Duties .

...

B. In addition, the board shall have the following duties and powers:

1. Arts.

a. Encourage individuals and organizations that provide educational experience in the arts for the citizens;

b. Provide support for continued development and presentation of a variety of arts in the city;

c. Recommend a wide range of programs that develop the skills of the participants at all levels of creative expression;

d. Provide a forum whereby the public can provide recommendations and voice concerns regarding arts issues;

e. Encourage citizens to take advantage of the arts programs offered by agencies and institutions in the community;

f. Make recommendations to the City Council regarding public arts program funding for the department during the budget process;

g. Promote school and community cooperation to create artistic and cultural events;

h. Recognize those who have specialized knowledge and skills in the arts;

i. Encourage the planning and development of new or improved arts facilities as may be needed;

- j. Make recommendations regarding art in public places;
- k. Encourage private businesses to display works of art in their public places;
- l. Assist in seeking private funding in all areas of the arts;
- m. Promote cooperative arrangements between the city and other agencies (local, state, and federal) to provide works of fine art for display in public places;
- o. Facilitate the use of free public exhibition spaces;
- p. Review and make recommendations upon all works of art to be acquired by the city, either by purchase, gift or otherwise, and their proposed locations;
- q. Review and make recommendations with reference to any existing works of art in the city's possession regarding the removal, relocation or alteration thereof;
- n. Act as a liaison between the city and other art organizations, such as the Calexico Arts Council.”

**SECTION 6. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.28 *Planning Commission* is hereby amended as follows:

“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.

2.28.020 - 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.

2.28.045 - Powers and duties—Street naming.

A. Changing Existing Street Names and Addresses.



1. Street names, or addresses, may be changed at the request of the city council, or under limited circumstances, at the request of property owner if an error has been made in assigning the original street name or address. Valid reasons to initiate a change include:

- a. To correct past errors in spelling and address;
- b. Duplication of layout as the result of redevelopment or consolidation of properties;
- c. Creation of conflict or confusion.

2. All recommendations for change of existing street names or addresses shall be made only after consultation with the local United States Post Office administration.

3. The city shall pay costs related to changes in municipal signage only. Residents and property owners shall be responsible for all private costs relating to a change in street name and address.

#### 2.28.050 - Powers and duties—Organization, rules and meetings.

Except as otherwise provided by law, the commission shall have power to, and shall, provide for its own organization; shall adopt bylaws for the transaction of business before it; and shall designate the time and place of the meeting of the commission, which shall be submitted to the city council for approval.

#### 2.28.060 Officers and appointments.

The officers of this commission shall consist of a Chairperson and a Vice Chairperson. The Chairperson and Vice Chairperson shall be members of the commission, and shall be elected at the first regular meeting of the commission held on or after the 15th day of January of each year; or at a subsequent meeting, the date of which shall be fixed by the commission at the first regular meeting on or after the 15th day of January each year. They shall hold office for one year or until their successors are elected.

#### 2.28.070 Meetings.

A. Regular meetings of the commission shall be open and public and shall be held twice a month, unless cancelled.

B. Special meetings of the commission shall be open and public and shall be held at such times as the commission may determine. Special meetings may be called by the chairperson for any time, and must be called by the chairperson upon the written request of three members of the commission, filed with development services director.”

**SECTION 7. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.32 *Parks, Recreation, Beautification, and Senior Services Commission* is hereby amended as follows:

“Chapter 2.32 Parks, Recreation, Beautification, and Senior Services Commission

2.32.010 - Established.

A commission to be known and designated as the parks, recreation, beautification, and senior services commission of the city is created and established. 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 will control.

2.32.020 - Organization.

The commission shall consist of seven members. The organization of the commission shall comply with the provisions set forth in Chapter 2.19.

2.32.030 Power and duties

...

B. In addition, the commission shall have the following duties and powers:

1. Parks and Recreation.

a. Be available to staff and the city council to assist as volunteers in implementing the recreation department's goals;

b. Advise the city council and recreation department on policies, procedures, rules and regulations relating to the recreation centers, public parks, facilities, programs and services in the city, including rates or fees to be charged;

c. Provide advice on recreation programs, services and special events administered by the recreation department to meet the needs of the community and recommend review by the city council as needed;

d. Assist in collecting and disseminating information on the parks and recreation facilities and programs available to the city residents;

e. Advise and guide civic groups, youth organizations, senior organizations, and interested individuals who wish to plan community events or engage in community service projects for the benefit of the city and the community as staff resources and time permits;

f. Communicate the value of parks and recreation as an essential service by creating community through people, parks, and programs.

2. Beautification.

a. Make recommendations to city council, for improving the health, sanitation, safety and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards and other similar places in the city;

b. Encourage and promote the planting, placing and/or preservation of trees, flowers, plants, shrubbery and other objects of ornamentation in the city;

c. Advise with and recommend plans to other agencies of the city for the beautification thereof and otherwise promote public interest in the general improvement of the appearance of the city.

3. Senior Citizens.

a. Advise the city council and city manager on matters relating to the senior citizens of the city and assist the city council and city manager in meeting the needs of such citizens as tasked by city council;

b. Recommend funding allocations, programs, projects or activities for the benefit of senior citizens;

c. Encourage senior citizen participation in public recreational activities within the city;

d. Facilitate coordination between existing and proposed programs for senior citizens provided by various levels of government and non-profit agencies and groups;

e. Promote community outreach to senior citizens to determine their needs and provide education and resources to address the issues, concerns and needs of senior citizens;

f. Promote activities and projects approved by the city manager or city council to improve the quality of life for the city's senior citizens.

**SECTION 8. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.32 *Parks, Recreation, Beatification, and Senior Services Commission*, Sections 2.32.040 *Budget*, 2.32.050 *Funds—Collection*, and 2.32.060 *Funds—Expenditures*, 2.32.070 *Bonded employees* are hereby repealed.

**SECTION 9. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.56 *Community Police Advisory Commission* is hereby amended as follows:

“Chapter 2.56 Community Police Advisory Commission

2.56.010 - Established—Name.

The community-police advisory commission is created and established. The term "commission" shall refer to such community-police 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 will control.

...

2.56.030 - Membership and term of office.

The commission shall consist of seven members.

2.56.040 - Organization and officers.

The organization of the commission shall comply with the provisions set forth in Chapter 2.19. No officer shall be eligible to succeed herself/himself in the same office.

2.56.050 - Regular and special meetings—Quorum.

Commission meetings, schedule, and quorum shall be governed by Chapter 2.19.

2.56.060 - Minutes of meetings—Clerical assistance.

The commission shall meet at regularly stated times and places, and meetings shall be open to the public. A copy of the action minutes of each meeting shall be delivered to the city clerk for filing as part of the official records of the city, and copies of the minutes shall be distributed to members of the city council. Such clerical assistance and secretarial assistance as are needed by the commission shall be provided by the Police Department.

2.56.070 - Powers and duties.

The commission shall have the following duties and powers:

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

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

2.56.080 - Repealed.

2.56.090 – Bylaws.

Commission bylaws shall be governed by Chapter 2.19.

**SECTION 10. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.



**SECTION 11. 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 12. 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 13. 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 18<sup>th</sup> day of May, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
JAVIER MORENO, MAYOR

ATTEST:

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CARLOS CAMPOS, CITY ATTORNEY

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

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 2022-1226, introduced at a regular meeting held on the 4th day of May 2022, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the 18<sup>th</sup> day of May, 2022.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK

**ATTACHMENT NO. 2**

Redline document showing Municipal Code changes.

## Attachment 2

The proposed Ordinance includes the following changes. Additions to the Municipal Code are shown in underline and deletions in ~~strikethrough~~:

**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:

*“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 (5) Member Commissions, Boards or Committees.

(a) ~~When the commission, board or committee consists of five (5) members,~~ Each City Council Member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five (45) days after an election is certified or vacancy otherwise exists), a City Council Member has failed to make an appointment, the appointment will be made by a majority vote of the City Council and the appointee shall continue for the duration of the term of office of the City Council member who failed to make the appointment and shall not be removed from office except by majority vote of the City Council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the City Council expires or the member’s seat becomes vacant, the original Council Member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.

(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 (7) Member Commissions, Boards or Committees.

(a) ~~When the commission, board or committee consists of seven (7) members,~~ ~~the first five (5) members will be appointed in the following manner:~~ Each City Council Member will appoint one commissioner, board member or committee member. If after a reasonable amount of time (not to exceed forty-five (45) days after an election is certified or vacancy otherwise exists), a City Council Member has failed to make an appointment, the appointment will be made by a majority vote of the City Council and the appointee shall continue for the duration of the term of office of the City Council member who failed to make the appointment and shall not be removed from office except by majority vote of the City Council. When the term of a commissioner, board member, or committee member appointed by the majority vote of the City Council expires or the member’s seat becomes vacant, the original Council Member who failed to appoint that member shall regain the ability to make an appointment for that particular commission, board, or committee.



## Attachment 2

(b) The remaining two (2) members will be appointed by majority vote of the City Council for a two year term. If the member's seat becomes vacant during the term, a new member will be appointed by a majority vote of the City Council to serve out the remainder of the term.

(c) This subsection will not apply to the Community Police Advisory Commission where instead each City Council Member will appoint one commissioner, the City Manager will appoint one commissioner, and the Chief of Police will appointment one commissioner following an application and interview process as set by City Council resolution.

B. Pursuant to this code and Government Code Section 54974, the following procedures shall be employed in filling vacancies on commissions, boards and committees in the city:

1. The City Clerk shall advise the City Council of the names of those persons whose term of office on a City commission, board or committee will be expiring thirty (30) days prior to such expiration.

2. The City Clerk shall promptly advise the City Council of any unscheduled vacancy whether due to resignation, death, termination or other causes.

a. Whenever an unscheduled vacancy occurs in any commission, board or committee for which the City Council has the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk, and in other places as directed by the City Council not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made by the city council for at least ten (10) working days after the posting of the notice in the city clerk's office.

b. Notwithstanding subsection (C)(2)(a) of this section, the City Council may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. Such emergency appointments shall be made by the Mayor with the approval of the City Council. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

3. ~~The chair of~~ Department Director of the department assigned to each City commission, board or committee shall notify the City Clerk of any position which should be declared vacant pursuant to the provisions of this code or state law. The City Clerk shall in turn advise the City Council of all such notification.

4. The City Council shall provide by ordinance any additional procedures necessary for appointments to commissions, boards and committees.

2.19.020 - Vacancies and removal of members.

## Attachment 2

A. Any member of the commission may resign from any commission, board or committee at any time.

B. A member of any commission, board, or committee may be removed at any time by the city council member who appointed such member to the respective commission, board, or committee for any reason and/or if absent from three regularly scheduled meetings in a calendar year. Such removal must be announced at a public meeting of the city council.

C. 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 ~~chairman, vice chairman or presiding officer~~ assigned department to report attendance at each meeting of the commission, board or committee to the city clerk.

D. 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.

A. To be eligible for, and to hold appointment, each appointee shall neither hold public office, or city employment, nor shall he/she be an officer of any local, state or national partisan official group. All members of commissions, boards and committees of the city shall be residents of the city or shall regularly work within the city.

B. Members of the city council may be appointed by the majority of the city council to attend commission, board or committee meetings as liaisons to the city council.

C. Appointee shall be subject to the conflict-of-interest sections of the Political Reform Act of 1974.

D. An individual may serve on only one committee, board or committee at any time.

E. With the exception of the planning commission, which shall receive compensation as determined by the city council, ~~members, commissions, boards and committees~~ members shall receive a stipend of fifty dollars (\$50) for each meeting that the member attends. ~~serve without compensation, provided that~~ The city manager or city council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.

### 2.19.040 - Disqualifying activity.

## Attachment 2

In the event that any commissioner, board member, or committee member shall place his/her name as a candidate or permit his/her name to be placed as a candidate for any elective office in the city, the term of said commissioner shall automatically terminate effective on the date that his/her name is received by the public officer charged with the duty of receiving said names as candidates for elective office in the city.

### 2.19.050 - Terms of office.

A. The term of office of any commissioner, board member, or committee member appointed under this chapter shall commence upon his/her appointment to said office and shall continue for the duration of the term of office of the appointing councilperson, automatically terminating at the day and hour that the city clerk shall certify the results of the election for the office to which the appointing councilperson was elected. If a city council member is elected to serve another term of office, that city council member is entitled to make all new appointments to city commissions, boards, and committees, however, such city council member can choose to re-appoint his/her previous appointees for a new term concurrent with the respective city council member's new term of office. If the appointing councilperson shall die while holding office or be sooner removed from office by recall or resignation, the term of said city council member's appointee on the commission, board or committee shall terminate upon the appointment or election of a new city council member assuming the office of the said deceased or removed city council member.

By way of clarification, therefore, in the event the nominating city council member shall not be a full term city council member then the appointment of said new commissioner, board member or committee member shall be only for the unexpired portion of the term of the commissioner, board member or committee member being replaced by said appointment.

B. The term of office of any commission, board or committee member appointed by the ~~whole city council~~ City Manager or Department Director on a seven-member commission, board or committee, shall be for four years or as long as the City Manager or Department Director maintains that particular position of employment with the City. When a new City Manager or Department Director is hired, the newly hired individual may remove or retain the current member appointed by the previous City Manager or Department Director.

C. The term of office of a commissioner, board member, or committee member can also be terminated pursuant to Section 2.19.020.

### 2.19.060 - Alternates and interim members.

A. Any commissioner, board member, or committee member appointed pursuant to this chapter who is unable to attend a scheduled meeting shall immediately notify the city council member who appointed them of their anticipated absence at the meeting. The city council member who appointed the commissioner, board member, or committee member may serve as an alternate at the meeting.

## Attachment 2

B. Whenever a vacancy occurs on any commission, board, or committee, the city council member who has the power to appoint a successor pursuant to this chapter may serve as an interim member of the commission, board, or committee until the vacancy has been filled.

C. Any city council member serving as an alternate or interim member of a commission, board, or committee shall be counted for the purposes of reaching a quorum and may vote and otherwise participate in all matters before the commission, board, or committee.

D. This section does not apply to the planning commission, ~~or the personnel commission,~~ 2010 General Tax Citizen Oversight Committee, or Business Improvement District Advisory Board.

E. No more than two city council members may serve as alternates or interim members of the same commission, board, or committee at any given time.

### 2.19.070 - Organization.

A. The officers of city commissions, boards and committees shall consist of a ~~chairman~~ chairperson, ~~and vice chairman~~ chairperson ~~and secretary~~ to be elected by the commission, board, or committee. ~~and such other offices as commission may from time to time designate.~~ The term of said officers shall be fixed by the commission, board or committee.

B. Each commission, board and committee shall make its own ~~rules and regulations~~ bylaws and fix the procedure for calling, holding and conducting meetings; providing, that such ~~rules and regulations~~ bylaws are not in conflict with the Brown Act or with the provisions of any laws of the state or the city. Bylaws shall be submitted to the city council for approval.

### 2.19.080 - Meetings and quorum.

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

B. Except as otherwise provided in the Municipal Code, special meetings of the ~~may be called by the chairman of the commission or the vice chairman in the chairman's absence,~~ majority of the commission, city council, Department Director, or city manager or staff member assigned to work with the commission, board or committee. Notice of special meetings shall be given each member of the commission, board or committee in compliance with the Brown Act and in a reasonable time in advance of the meeting.

C. For five (5) member commissions, boards, and committees, ~~three~~ three voting members of the commission, board or committee shall constitute a quorum of the

## Attachment 2

commission, board or committee for the purpose of transacting business. For seven (7) member commissions, boards, and committees, four voting members shall constitute a quorum for the purpose of transacting business. If there is no majority after 15 minutes, the members may adjourn the meeting.

D. No action-authorizing recommendation for the expenditure of funds shall be taken by the commission, board or committee at any meeting other than a regular meeting by a majority vote, as long as it does not conflict with any State or City laws.

E. Each commission, board or committee shall keep a public record of its transactions, findings, determinations and recommendations.

F. All meetings shall be held at Calexico City Hall.

2.19.085 – Agenda—Order of business.

A. All agenda item requests must be filed with the commission, board, or committee Department Director as provided for in the “Commission, Board and Committee Agenda Policy” as adopted by the city council. The Department Director will add items to future agendas at his or her discretion. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the commission, board, or committee. All material pertaining to and accompanying the agenda shall be made available to the public when made available to the commission, board, or committee.

B. No matters other than those listed on the agenda shall be finally acted upon by the commission, board, or committee.

C. The business of the commission shall be taken up for consideration and disposition in the following order:

1. Call to order;
2. Pledge of Allegiance;
3. Approval of the agenda;
4. Presentations;
5. Public comments;
6. Consent calendar;
7. Discussion and Potential Action Items;
8. Public hearings (Planning Commission Only);
9. Information items;



## Attachment 2

10. Commissioner Comments and Reports of Meetings Attended (non-action items);

11. Department Director's Report

12. Adjournment.

The regular order of business may be changed or suspended for any purpose at any particular meeting by the presiding officer with the consent of a majority of the commission members present.

2.19.090 - Commission, board or committee staff support.

The city manager will assign a ~~staff member~~ department to each commission, board or committee.

2.19.100 - Commission, board or committee budget.

Each commission, board and committee may receive funds by an annual appropriation in the city budget or by government corporate or private grants or donations, and from the proceeds of city-approved functions. All such funds shall be held and managed as the city manager or city council may direct.”

**SECTION 2. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.20 *Personnel Commission*, Section 2.20.050 *Election of chairman of commission* is hereby amended as follows:

“Chapter 2.20 – Personnel Commission

2.20.010 - Personnel commission established.

A "personnel commission" for the city of Calexico is 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.

...

2.20.050 – Election of chairman of commission.

Annually, during the month of January ~~on or before June 15<sup>th</sup>~~, the commission shall elect a chairman and vice chairperson from its duly appointed membership who shall preside at the commission's hearings and meetings.

**SECTION 3. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.23 *2010 General Tax Citizen Oversight Advisory Committee* is hereby amended as follows:

“Chapter 2.23 – 2010 General Tax Citizen Oversight Committee

## Attachment 2

### 2.23.010 - Established.

A committee known as the 2010 General Tax Citizen Overnight Advisory Committee was created and established pursuant to Calexico Municipal Code ("CMC") Section 3.27.0180. The committee shall last as long as the 2010 general tax is in effect. The rules and regulations set forth in Chapter 2.19 shall apply to this committee, 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.

### 2.23.020 - Organization.

The committee shall consist of five members. The organization of the committee shall comply with the provisions set forth in Chapter 2.19.

### 2.23.030 - Appointment; eligibility; removal.

~~A. The appointment of committee members shall be made in the manner established in CMC Section 3.27.080: each member of the city council will appoint one member to the committee for a term to correspond with the appointing councilmember's term of office.~~

~~B. Unless specifically provided otherwise in CMC Section 3.27.080 or this Chapter 2.23, all other procedures set forth in CMC Sections 2.19.010 through 2.19.080 shall apply to this committee. Further, committee members shall comply with the financial disclosure and conflict of interest requirements of the Political Reform Act of 1974.~~

Committee member appointment, eligibility, and removal shall be governed the provisions set forth in Chapter 2.19.

### 2.23.040 - Compensation.

~~Members of the committee shall serve without compensation. Member compensation shall be governed by Chapter 2.19.~~

### 2.23.050 - Officers.

~~The officers of the committee shall consist of a chairperson, vice chairperson, and secretary, to be elected by the committee by a majority vote, and such other officers as the committee may from time to time designate. The term of said officers shall be fixed by the committee. Committee officers and their election shall be governed by Chapter 2.19.~~

### 2.23.060 - Rules and regulations. Bylaws.

~~The committee shall make its own rules and regulations and fix the procedure for calling, holding and conducting meetings; provided that such rules and regulations are not in conflict with the provisions of any laws of the state of California, city of Calexico, or~~

## Attachment 2

~~laws or ordinances of any political subdivision thereof.~~ Committee bylaws shall be governed by Chapter 2.19.

2.23.070 - Powers and duties.

The committee shall have the following duties:

A. To oversee expenditure of the proceeds of the tax created by CMC Chapter 3.27 to ensure they are consistent with the expenditure plan set forth in CMC Section 3.27.070.

B. As soon as practicable following the quarterly meeting in April, the committee shall ~~To~~ review, make recommendations, and report, ~~at least once annually~~ upon the tax expenditures to the city council.

C. To perform any other functions as directed by the city council from time to time.

2.23.080 - Meetings; time; quorum.

~~A. The committee will hold one formal meeting annually, with additional meetings scheduled as needed by the committee.~~

~~B. All committee meetings shall be properly noticed and held in compliance with the Brown Act.~~

~~C. Three members of the committee shall constitute a quorum for the transaction of business.~~

Committee meetings, schedule, and quorum shall be governed by Chapter 2.19.

**SECTION 4. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.26 *Library Board of Trustees* is hereby amended as follows:

"Chapter 2.26 – Library Board of Trustees

2.26.010 - Established.

A board to be known and designated as the of-1 Library Board of t Trustees ("b Board") will advise of the Camarena Memorial Library ("Library") is created and established to advise the Library in accordance with Chapter 5 of Title 1 of the California Education Code commencing at Section 18900, as it may be amended ("Municipal Libraries Act"). The rules and regulations set forth in Chapter 2.19 shall apply to this board, 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.

2.26.020 - Organization.

## Attachment 2

The board will consist of five members, ~~to be appointed by the mayor, with the consent of the city council. Members shall hold office for three years. The organization of the board shall comply with the provisions set forth in Chapter 2.19.~~

### 2.26.030 - Duties.

The board shall have the following duties and powers:

1. Support the Camarena Memorial Library and other public libraries;
2. Aid in meeting the community's educational, recreational, informational, and cultural needs to encourage lifelong learning and the pursuit of knowledge;
3. Encourage the use of traditional and innovative library services;
4. Promote and encourage public knowledge and use of library services and facilities;
5. Advise the City Council with regard to the Library and its services.

The board shall also have such specific duties and powers as the city council shall from time to time invest in it.

**SECTION 5. Amendment to the Calexico Municipal Code.** Calexico Municipal Code Chapter 2.27 *Arts and Historical Commission* is hereby amended as follows:

“Chapter 2.27 – Arts and Historical Commission

### 2.27.010 - Established.

A ~~board~~ commission to be known and designated as the arts and historical commission of the city is created and established. The rules and regulations set forth in Chapter 2.19 shall apply to this ~~board~~ 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.

### 2.27.020 - Organization.

A. ~~The board shall be composed of five members. The organization of the commission shall comply with the provisions set forth in Chapter 2.19.~~

B. ~~The board shall be organized as described in Section 2.19.070.~~

### 2.27.030 Powers and Duties

...

B. In addition, the board shall have the following duties and powers:

## Attachment 2

1. Arts.
  - a. Encourage individuals and organizations that provide educational experience in the arts for the citizens;
  - b. ~~Provide direction and support for continued development and presentation of a variety of arts in the city;~~
  - c. ~~Generate~~ Recommend a wide range of programs that develop the skills of the participants at all levels of creative expression;
  - d. Provide a forum whereby the public can provide recommendations and voice concerns regarding arts issues;
  - e. Encourage citizens to take advantage of the arts programs offered by agencies and institutions in the community;
  - f. Make recommendations to the ~~e~~ City e ~~Council~~ regarding public arts program funding for the department during the budget process;
  - g. Promote school and community cooperation to create artistic and cultural events;
  - h. Recognize ~~and assist~~ those who have specialized knowledge and skills in the arts;
  - i. ~~Assist in developing cooperative arrangements between the city and other agencies, local, state, and federal, to provide needed arts facilities for the city;~~
  - j. i. Encourage the planning and development of new or improved arts facilities as may be needed;
  - k. j. ~~Provide for the~~ Make recommendations regarding selection, installation, and maintenance of art in work within public places facilities;
  - l. k. Encourage private businesses to display works of art in their public places;
  - m. l. ~~Seek~~ Assist in seeking private funding in all areas of the arts;
  - n. m. Promote cooperative arrangements between the city and other agencies (local, state, and federal) to provide works of fine art for display in public places;
  - o. ~~Facilitate the use of free public exhibition spaces;~~
  - p. ~~Review and make recommendations upon all works of art to be acquired by the city, either by purchase, gift or otherwise, and their proposed locations;~~
  - q. ~~Review and make recommendations with reference to any existing works of art in the city's possession regarding the removal, relocation or alteration thereof;~~

## Attachment 2

f. n. Act as a liaison between the city and other art organizations, such as the Imperial County Calexico Arts Council, Inc.”

**SECTION 6. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.28 *Planning Commission* is hereby amended as follows:

“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.

2.28.020 - ~~Designation of members~~ Organization.

~~The planning commission shall consist of five members. The city manager or his/her designee shall have the power to discuss, advise and make recommendations to the commission with reference to any and all matters properly before the commission. The organization of the board shall comply with the provisions set forth in Chapter 2.19.~~

2.28.045 - Powers and duties—~~Street naming.~~

A. ~~—The commission shall study, investigate, and make recommendations to the city council for the naming of new streets in the city of Calexico.~~

B. ~~—Procedure for Selection of New Street Names.~~

1. ~~—All requests for street names are to be forwarded to the planning commission for review and its recommendation which will then be forwarded to the city council for its final approval.~~

2. ~~—The following basic rules shall be followed by the planning commission in selecting names to recommend to the council:~~

a. ~~—Street names shall be selected through a common theme within a particular neighborhood, subdivision, or sub-area;~~

b. ~~—The extension of existing neighborhoods shall use the theme common to existing street names found within a neighborhood;~~



## Attachment 2

c. ~~Where possible, an attempt will be made to locate the name of local pioneers to those areas where they resided.~~

### C. A. Changing Existing Street Names and Addresses.

1. Street names, or addresses, may be changed at the request of the city council, or under limited circumstances, at the request of property owner if an error has been made in assigning the original street name or address. Valid reasons to initiate a change include:

- a. To correct past errors in spelling and address;
- b. Duplication of layout as the result of redevelopment or consolidation of properties;
- c. Creation of conflict or confusion.

2. All recommendations for change of existing street names or addresses shall be made only after consultation with the local United States Post Office administration.

3. The city shall pay costs related to changes in municipal signage only. Residents and property owners shall be responsible for all private costs relating to a change in street name and address.

### 2.28.050 - Powers and duties—Organization, rules and meetings.

Except as otherwise provided by law, the commission shall have power to, and shall, provide for its own organization; shall adopt ~~rules and regulations~~ bylaws for the transaction of business before it; and shall designate the time and place of the meeting of the commission, which shall be submitted to the city council for approval.

### 2.28.060 Officers and appointments.

The officers of this commission shall consist of a Chairperson and a Vice Chairperson. The Chairperson and Vice Chairperson shall be members of the commission, and shall be elected at the first regular meeting of the commission held on or after the 15th day of January of each year; or at a subsequent meeting, the date of which shall be fixed by the commission at the first regular meeting on or after the 15th day of January each year. They shall hold office for one year or until their successors are elected.

### 2.28.070 Meetings.

A. Regular meetings of the commission shall be open and public and shall be held twice a month, unless cancelled.

B. Special meetings of the commission shall be open and public and shall be held at such times as the commission may determine. ~~Special meetings may be called by~~

## Attachment 2

the chairperson for any time, and must be called by the chairperson upon the written request of three members of the commission, filed with development services director."

**SECTION 7. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.32 *Parks, Recreation, Beautification, and Senior Services Commission* is hereby amended as follows:

"Chapter 2.32 Parks, Recreation, Beautification, and Senior Services Commission

2.32.010 - Established.

A commission to be known and designated as the parks, recreation, beautification, and senior services commission of the city is created and established. 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 will control.

2.32.020 - Organization.

The commission shall consist of seven members. The organization of the commission shall comply with the provisions set forth in Chapter 2.19.

2.32.030 Power and duties

...

B. In addition, the commission shall have the following duties and powers:

1. Parks and Recreation.

a. Be available to staff and the city council to assist as volunteers in implementing the recreation department's goals;

b. Advise the city council and recreation department ~~director~~ on policies, procedures, rules and regulations relating to the ~~conduct~~ of recreation centers, public parks, ~~trails and facilities, open space,~~ programs and services in the city, including rates or fees to be charged;

c. Provide advice on recreation programs, services and special events administered by the recreation department to meet the needs of the community and recommend review by the city council as needed;

d. ~~Review, evaluate and recommend to the city council park and recreation facility acquisition, development, maintenance and operation methods that are sustainable and energy efficient;~~

e. d. Assist in collecting and disseminating information on the parks and recreation facilities and programs available to the city residents;

## Attachment 2

f. e. Advise and guide civic groups, youth organizations, senior organizations, and interested individuals who wish to plan community events or engage in community service projects for the benefit of the city and the community as staff resources and time permits;

g. f. Communicate the value of parks and recreation as an essential service by creating community through people, parks, and programs.

### 2. Beautification.

a. ~~Make recommendations to Study, investigate, develop and carry out plans, subject to the approval of the city council, for improving the health, sanitation, safety and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards and other similar places in the city and by removing or causing to be removed unsightly objects, fire hazards, unsanitary articles or matters and unsafe conditions;~~

b. ~~Aid in the prevention of fires, diseases and other casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards and other similar places;~~

e. b. ~~Plant or cause to be planted and to e~~ Encourage and promote the planting, placing and/or preservation of trees, flowers, plants, shrubbery and other objects of ornamentation in the city;

d. c. Advise with and recommend plans to other agencies of the city for the beautification thereof and otherwise promote public interest in the general improvement of the appearance of the city.

### 3. Senior Citizens.

a. Advise the city council and city manager on matters relating to the senior citizens of the city and assist the city council and city manager in meeting the needs of such citizens as tasked by city council;

b. Recommend legislation, policies, funding allocations, and other measures, programs, projects or activities for the benefit of senior citizens;

c. Encourage senior citizen participation in public recreational activities inside and outside the city within the city;

d. ~~Continuously study and evaluate the conditions and needs of elderly persons in the community in relation to housing, employment, health, nutrition, transportation, recreation and other matters;~~

e. ~~Analyze the services for the elderly provided by the community by public and private agencies, and make recommendations to the city council regarding the development, coordination and integration of the activities of public and private agencies and non-profit groups;~~

## Attachment 2

~~f. — Develop and provide information to help senior citizens access resources available to them within the city, county and state;~~

~~g. d. Facilitate coordination between existing and proposed programs for senior citizens provided by various levels of government and non-profit agencies and groups;~~

~~h. e. Engage in Promote community outreach to senior citizens to determine their needs and provide education and resources to address the issues, concerns and needs of senior citizens;~~

~~i. f. Carry out Promote activities and projects approved by the city manager or city council to improve the quality of life for the city's senior citizens.~~

**SECTION 8. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.32 *Parks, Recreation, Beatification, and Senior Services Commission*, Sections 2.32.040 *Budget*, 2.32.050 *Funds—Collection*, and 2.32.060 *Funds—Expenditures*, 2.32.070 *Bonded employees* are hereby repealed.

**SECTION 9. Amendment to Calexico Municipal Code.** Calexico Municipal Code Chapter 2.56 *Community Police Advisory Commission* is hereby amended as follows:

“Chapter 2.56 Community Police Advisory Commission

2.56.010 - Established—Name.

The community-police advisory commission is created and established. The term "commission" shall refer to such community-police 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 will control.

...

2.56.030 - Membership and term of office.

The commission shall consist of ~~five~~ seven members.

2.56.040 - Organization and officers.

~~The commission shall elect one of its members as chairperson, one of its members as vice-chairperson and one of its members as secretary, each of whom shall hold office for one year, or until a successor is elected. The organization of the commission shall comply with the provisions set forth in Chapter 2.19. No officer shall be eligible to succeed herself/himself in the same office.~~

2.56.050 - Regular and special meetings—Quorum.

## Attachment 2

~~The commission shall meet regularly once each month on the date selected by the commission. Special meetings may be called by three members of the commission. A majority of the appointed commissioners shall constitute a quorum for the transaction of business.~~

Commission meetings, schedule, and quorum shall be governed by Chapter 2.19.

2.56.060 - Minutes of meetings—Clerical assistance.

The commission shall meet at regularly stated times and places, and meetings shall be open to the public. A copy of the action minutes of each meeting shall be delivered to the city clerk for filing as part of the official records of the city, and copies of the minutes shall be distributed to members of the city council. Such clerical assistance and secretarial assistance as are needed by the commission shall be provided by the ~~office of the city manager~~ Police Department.

2.56.070 - Powers and duties.

The commission shall have the following duties and powers:

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

B. To receive citizen complaints and transmit said filed complaints to the chief of police for review investigation; ~~upon investigation, resolution and disposition of the complaint by the chief of police, if the complaint disagrees with the disposition of the complaint by the chief of police, the commission may recommend to the city council that the city council direct further investigation. The city council at its discretion, may direct further investigation including investigation by an outside agency.~~

2.56.080 - Cooperation from city departments and offices. Repealed.

~~In carrying out its objectives, the commission shall receive prompt and full cooperation and assistance from all departments and offices of the city.~~

2.56.090 - Bylaws and complaint investigation procedures.

~~The commission shall draw up a set of bylaws for receiving citizen complaints and conducting its business, which shall be submitted to the city council for approval.~~

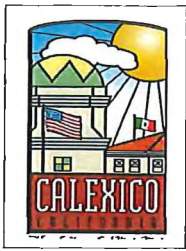
Commission bylaws shall be governed by Chapter 2.19."



**ATTACHMENT NO. 3**

Staff Report from May 4, 2022 City Council Meeting.





# CITY COUNCIL AGENDA STAFF REPORT

**DATE:** May 4, 2022

**TO:** Mayor and City Council

**PREPARED BY:** Diego Favila, Interim City Manager  
Best Best & Krieger LLP, City Attorney

**APPROVED BY:** Diego Favila, Interim City Manager

**SUBJECT:** Introduction and First Reading by Title Only of An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission

=====

**Recommendation:**

It is recommended that the City Council:

Review and conduct first reading by title only of Ordinance No. \_\_\_\_\_ An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission.

**Discussion:**

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 to better define the roles and procedures for commissioners, members, and assists City staff with administration.

**AGENDA  
ITEM  
12**

## **Proposed Ordinance**

The proposed Ordinance amends Chapter 2.19 *Eligibility and Procedures for Commissions, Boards and Committees*, Chapter 2.20 *Personnel Commission*, Chapter 2.23 *2010 General Tax Citizen Oversight Advisory Committee*, Chapter 2.26 *Library Board of Trustees*, Chapter 2.27 *Arts and Historical Commission*, Chapter 2.28 *Planning Commission*, Chapter 2.32 *Parks, Recreation, Beautification, and Senior Services Commission*, and Chapter 2.56 *Community Police Advisory 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:

- If a City Council member fails to appoint a commissioner, the City Council-appointed commissioner's term will continue for the duration of term of office of the City Council member who failed to make the appointment.
- When the term of a commissioner appointed by the majority vote of the City Council expires or the commission's seat becomes vacant, the original Council Member who failed to appoint that commissioner shall regain the ability to make an appointment for that particular commission.
- Planning Commissioners and Community Police Advisory Commissioners will be selected by an application, interview, and appointment process that will be adopted by City Council resolution.
- For five member committees, each Council Member will appoint a commissioner. For seven member committees, each Council Member will appoint a commissioner and the remaining two members will be appointed by majority vote of the City Council for a two year term.
- Department Heads assigned to committees will notify the City Clerk when vacancies arise.
- Department staff will report attendance to the City Clerk.
- Officers will include a chairperson and vice-chair person; no secretary.
- Meetings will occur quarterly (January, April, July, October), except for the Planning Commission, which will meet twice a month.
- Special meetings may be called by the City Manager or Department Head, except the Planning Commission chair may call special meetings of the Planning Commission.

- All Agenda items must be filed with the commission Department Director as provided for in the “Commission, Board and Committee Agenda Policy” that was recently adopted by the City Council.
- The order of each agenda shall include a call to order, pledge of allegiance, approval of agenda, presentations, public comments, consent calendar, discussion and potential action items, public hearings (Planning Commission only), information items, commissioner comments, Department Director’s report, adjournment.

**2) Chapter 2.20 Personnel Commission**

The personnel commission hears appeals of city personnel regarding discipline, demotion or dismissal. The proposed amendment to this chapter would require a commission chairperson and vice chairperson to be elected during the month of January.

**3) Chapter 2.23 2010 General Tax Citizen Oversight Advisory Committee**

The 2010 General Tax Citizen Oversight Advisory Committee oversees, recommends and reports to the City Council on the expenditure of the proceeds of the Measure H General Fund Transactions and Use Tax. The proposed amendments conform to Chapter 2.19 and other commission chapters by establishing two officers— chairperson and vice chairperson, confirm the committee’s ability to create bylaws for conduct of business, and establish quarterly meetings.

**4) Chapter 2.26 Library Board of Trustees**

The Library Board of Trustees was formed to make recommendations to City Council regarding the Camarena Memorial Library and supports the community’s educational, recreational, informational, and cultural needs to encourage lifelong learning and the pursuit of knowledge. The proposed amendments are intended to ensure conformance with Chapter 2.19, better clarify the Board’s role, and define its meeting procedures.

**5) Chapter 2.27 Arts and Historical Commission**

The Arts and Historical Commission was formed to advise staff and the City Council regarding arts and history programs, issues, funding, and events. In its advisory role, the Commission supports arts and history in the City and makes recommendations to the City Council for programing, funding, and other arts/historical-related issues. The proposed amendments are intended to ensure conformance with Chapter 2.19 and better define the responsibilities of the Commission. Some powers and duties have been revised.

**6) 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. The proposed amendments refer to Chapter 2.19 for general commission rules; however, the Planning Commission will meet twice a month and in January of each year will elect a Chairperson and Vice Chairperson. With regards to street naming, the Planning Commission will retain the ability to review street name changes at the request of the City Council. New streets are typically named as part of development projects.

**7) Chapter 2.32 Parks, Recreation, Beautification, and Senior Services Commission**

The Parks, Recreation, Beautification, and Senior Services Commission's purpose is to advise the City Council regarding recreation facilities/programs, City beautification, senior services, and perform community outreach. The proposed amendments clarify the Commission's role as an advisory body that can be tasked with action items by the City Council. The Commission will provide recommendations, but will not perform services that are typically handled by other City departments, such as Code Enforcement. Some powers and duties have been revised.

**8) Chapter 2.56 Community Police Advisory Commission**

This 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. The proposed amendments also bring this chapter in line with Chapter 2.19, establish this commission as a liaison between residents and the police department rather than an investigatory body, require quarterly meetings, and better define commission responsibilities. The proposed amendments also expand the commission from five to seven members.

**Fiscal Impact:**

Adoption of the ordinance is not expected to have a fiscal impact.

**Attachment:**

1. Ordinance No. \_\_\_\_\_ - An Ordinance Amending Calexico Municipal Code Chapters 2.19, 2.20, 2.23, 2.26, 2.27, 2.28, 2.32, and 2.56 Regarding General Commission Procedures, Personnel Commission, 2010 General Tax Citizen Oversight Advisory Committee, Library Board of Trustees, Arts and Historical Commission, Planning Commission, Parks, Recreation, Beautification, and Senior Services Commission, and Community Police Advisory Commission.
2. Redline Municipal Code sections from proposed Ordinance.