

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

DATE: February 7, 2017

FROM: Christopher A. Callihan, City Attorney

SUBJECT: **CITY CODE UPDATE—PART 1**

RECOMMENDATION:

It is recommended that the City Council adopt Ordinances and a Resolution to begin an update to the City Code.

DISCUSSION:

As a result of many amendments to, additions to, and repeals of City Code sections through the years, parts of the City Code are out-of-date, contain obsolete and confusing language, and are confusingly organized. To address these issues and to make the City Code more user-friendly and effective, the City Attorney's Office has begun a comprehensive review and update of the Salinas City Code.

The effort to update the City Code will occur in at least three phases, with the first phase being a comprehensive review of the City Code to identify those parts which can be repealed or reorganized as technical and operational amendments. The second phase will include a review of those parts of the City Code which, if updated, will result in major policy changes. The third phase will include a final, comprehensive review to ensure organizational and internal consistency so that all the parts of the updated City Code work together following the review and update. Various pieces of this update will be brought forward to the City Council throughout the next several months as they become ready for consideration. And, to the extent an update falls within the subject matter purview of one or more of the City's Commissions, Committees, or Boards, the update will be brought to the Commission, Committee, or Board before it is brought to the City Council. And, to the extent an update may affect community constituencies, it will be made available for public review and input before it is brought to the City Council. Several parts of the City Code will not be revised as a part of this effort including the Zoning Code and the Subdivision Ordinance, Accessory Dwelling Unit Ordinance, and Building/Fire Codes as they have recently been updated by the City Council.

The City Code update will be posted on the City Attorney's website so that any member of the public who is interested may follow the update as it develops.

Attached is a Codification Table showing the existing Chapters/Articles/Sections and the Proposed Chapters/Articles/Sections and the various amendments and reorganizations. Nearly all of the currently proposed amendments and reorganizations are technical and operational in nature, with

only a couple of them being substantive in nature. The Codification Table also provides a preview of how the City Code will ultimately be reorganized.

Provided below in this Report is a more-detailed discussion of the amendments and reorganizations of each of the first five chapters of the City Code. The goal is to eliminate outdated or ineffective language and to codify similarly-situated provisions in the same chapters to provide for better organization.

Chapter 1

Existing Chapter 1, titled “General Provisions”, consists of two Articles, Article I (In General) and Article II (Administrative Remedies). Article I includes general provisions for how the City Code operates, including general definitions. Also included in this Article are the provisions related to the City Seal. Article II consists of the City’s Administrative Remedies Ordinance and the procedures for applying liens and special assessments when nuisance abatement charges, administrative penalties, administrative costs, or other debts imposed by the City go unpaid. Also included in this Article (at section 1-12) is the City’s Claims Ordinance which governs how claims for recovery of taxes, fees, and assessments may be pursued.

Proposed Chapter 1 consists of six Articles. Article 1 incorporates all of the general provisions of existing Article 1, which remain unchanged. Article 2 is the new location for the City’s regulations regarding use of the City Seal and City Logo. Article 3 is the City’s Conflict of Interest Cost and Ethics Training requirements, which would be unchanged through this proposed Ordinance, and which is currently codified at Chapter 2A. Chapter 2A would be repealed. Article 4 is the new location for the City’s Claims Ordinance. Article 5 is the new location for the City’s Administrative Remedies Ordinance and Uniform Lien and Special Assessment Procedures, both of which remain unchanged in content. Article 6 is the new location for the authorization provided to Code Enforcement Officers and other City employees. The provisions of Article 6 are unchanged from what is currently provided in Article X of existing Chapter 2. Article 6 will ultimately be recodified into a new chapter dedicated to public safety matters.

Chapter 2

Existing Chapter 2, titled “Administration”, consists of eleven Articles on a range of topics including the City’s administrative positions (City Manager and City Attorney), the City’s commissions, and several random positions and provisions. These eleven Articles are not similarly situated or well-organized.

The proposed Ordinance repeals several unnecessary Articles (Articles III, IV, V, VI, VII, VIII, and VIII-A) and recodifies Article IX and Article XI. Article III and Article IV (Superintendent of Streets and City Engineer, respectively, are not necessary as those powers and duties reside in the Public Works Director and Public Works staff). Article V (Board of Appeals) is currently codified as a part of Chapter 9 and is proposed to be codified in a new Chapter 3. Articles VI and VII (Commissions Generally and Planning Commission, respectively) are codified in a new Chapter 3. Articles VIII and VIII-A for the Affirmative Action Commission and the Youth Advisory Commission, respectively, are proposed for repeal. The City does not have an Affirmative Action Commission and the Youth

Advisory Commission will be reconstituted in a different form as a part of the programming for the Library and Community Services Department. Some of the Chapters repealed from existing Chapter 2 are recodified in other Chapters, including Article XI (Historic Resources Board) which is proposed to be codified in a new Chapter 3. Under the proposed Ordinance, Chapter 2 will remain titled "Administration" and will consist only of those provisions which are administrative in nature, including the City Council Rules and provisions for the City Manager and the City Attorney.

Proposed Chapter 2 also includes a requirement that the City Clerk and the City Treasurer (Finance Director) execute a bond to the City in an amount determined reasonable. Currently, the bond amounts required of these two public officials are five thousand dollars and one hundred thousand dollars, respectively. The amount for the City Clerk is proposed to remain the same, but the amount for the City Treasurer (Finance Director) is proposed to be reduced to twenty-five thousand dollars. The reduction proposed for the City Treasurer is reasonable and comparable to the bond amounts required by other cities. A separate Resolution establishing these amounts is included among the items recommended for the City Council's approval.

Chapter 3

Existing Chapter 3, titled "Advertising and Signs", remains unchanged pending further review and consideration, and is proposed to be recodified at Chapter 21E. The advertising and signs regulations will be reviewed later and considered for additional amendment or recodification.

Proposed Chapter 3 is titled "Commissions, Committees, and Boards" and is a comprehensive update to the City's regulations on commissions, committees, and boards, generally, as well as specific provisions related to the City's four standing commissions (Planning, Library and Community Services, Traffic and Transportation, and Airport). A separate Staff Report has been prepared for this proposed Ordinance, which will be considered separately from this proposed update.

Chapter 4

Existing Chapter 4, titled "Airport", contains the City's regulations on the operation and the management of the Salinas Municipal Airport. It will remain as written pending review by the Airport Manager and the Airport Commission. In the meantime, existing Chapter 4 will be recodified to Article 7 of Chapter 4 and Chapter 4 will be retitled "Public Property".

Chapter 5

Existing Chapter 5, titled "Ambulances", contains regulations on the operation of ambulances and ambulance services in the City. State law governs the operation of ambulances and ambulance services such that the provisions of existing Chapter 5 have been superseded and are no longer effective or enforceable. Proposed Chapter 5 repeals the existing provisions regarding ambulances and ambulance. This proposed repeal has been reviewed with the Fire Chief, who approves of this change. Chapter 5 will be retitled "Public Peace and Morals" and will be reserved for future use.

ISSUES:

Shall the City Council adopt the proposed Ordinances updating parts of the City Code and related Resolution?

FISCAL IMPACT:

There would be no immediate fiscal impact with the City Council's adoption of the proposed Ordinances or the proposed Resolution, except to the extent the new Public Art Ordinance (if adopted) will affect the Capital Improvement Program Budget.

TIME CONSIDERATIONS:

There are no time considerations particular to these proposed actions; however, a significant amount of work has been done to develop the proposed Ordinances.

ALTERNATIVES:

The City Council may choose to not to adopt the proposed Ordinances or the proposed Resolutions and direct staff how otherwise to proceed.

CITY COUNCIL GOALS:

Adopting the proposed Ordinances and proposed Resolution is consistent with the City Council's goal of promoting an effective, sustainable government.

Attachments:

Proposed Ordinances

Proposed Resolution

Recodification Table