

ORDINANCE NO. 1062 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING AND UPDATING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE MUNICIPAL CODE AND ADDING NEW CHAPTER 9.38 (UNCLAIMED PROPERTY) TO TITLE 9 (PUBLIC SAFETY) OF THE MUNICIPAL CODE AS PART OF A COMPREHENSIVE UPDATE

WHEREAS, the Municipal Code of the City of El Paso de Robles was published as a comprehensive document in 1963 and since that time has been regularly augmented with new ordinances expanding its volume and complexity; and

WHEREAS, the City requested that its code publisher, Municode, conduct a technical review of the City's Code with the purpose of identifying citation conflicts and inconsistencies with state law as well as obsolete provisions, and recommend amendatory actions; and

WHEREAS, staff has simultaneously undertaken a review of the Code to identify provisions that no longer reflect current practice or needs; and

WHEREAS, in response to the analysis and recommendations of Municode and staff, the City is amending its Code on an iterative basis; and

WHEREAS, the amendments contained in this Ordinance relating to Title 2 (Administration and Personnel) include but are not limited to, updated California Government Code citations, amended titles and job descriptions to comport with current practices, and amending provisions to bring into compliance with law.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated as though set forth in this section.

SECTION 2. Editorial guidance. The following non-substantive editorial style is used. Words that are underlined are additions, words with a ~~line through~~ are deleted; words in [standard square brackets] are editorial direction for the Code publisher and are not to be published in the Code; and words in {fancy brackets, or braces} are advisories to the reader and are meant to be published in the Code. In addition, the Code publisher will insert definitions and other changes alphabetically to conform to the Code's current style and will, as needed, re-order numbering and lettering as caused by these amendments.

SECTION 3. Chapter 2.04 (Council Meetings) of Title 2 (Personnel and Administration) is amended to read, as follows:

Chapter 2.04 - COUNCIL MEETINGS

2.04.010 - Time of regular meetings.

The regular meetings of the city council of the city shall be held on the first and third Tuesdays of each month at the hour of 6:30 p.m. of said days, unless modified pursuant to Sections 2.04.015 and 2.04.030. A regular meeting may be cancelled or rescheduled by the city council or as otherwise provided by law.

Special or emergency meetings may be held in accordance with the procedures set forth in Cal. Government Code sections 54956 and 54956.5.

2.04.015 - Conduct of meetings.

The city council may, by resolution, establish policies, rules and regulations for the conduct of meetings, including but not limited to, the order of business to be conducted, method of voting, and time of adjournment.

2.04.020 - Effect of holiday.

In the event the day set for a regular meeting of the council shall fall on a holiday, or upon any day appointed by the President of the United States or the Governor of the State of California as a public feast or special holiday, then and in that event the regular meeting shall be held on the next succeeding day which is not a holiday, or at the discretion of the city council, to the next regularly scheduled city council meeting or to a date specified by the city council, whichever is earlier.

2.04.030 - Location of meetings.

All regular and special meetings of the city council shall be held in the El Paso de Robles Library/City Hall Conference Center, 1000 Spring Street in the city of El Paso de Robles, California. If such premises shall be determined unsuitable for any reason, the city council may notice a meeting for the Emergency Operations Center, 900 Park Street. The council may also, by resolution, designate any other place in the city of El Paso de Robles, California, for the holding of any regular or special meeting of the city council.

{Editor's note: A meeting may be held outside of the jurisdictional limits of the city only in the limited circumstances established in Cal. Gov't Code Section 54954(b).}

#### 2.04.050 – Council Committees

The city council shall, from time to time, establish such committees among its members as it shall deem advisable for the administration of city business.

SECTION 4. Chapter 2.08 (Council Committees) of Title 2 (Administration and Personnel) is repealed in its entirety.

SECTION 5. Chapter 2.12 (Library Administration) of Title 2 (Administration and Personnel) is amended to read as follows:

#### Chapter 2.12 - LIBRARY ADMINISTRATION

##### 2.12.010 - Library established.

There shall be established in and for the City of El Paso de Robles a free public library.

##### 2.12.020 - Board of trustees—Appointment—Terms.

A board of library trustees, consisting of five members to be appointed by the city council, shall advise the city council and city manager in the management of the public library. Said library trustees shall each hold office ~~for three years~~ serving without compensation for a period and for terms as shall be set forth in the by-laws of the library board of trustees. ~~provided that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current year, two at the end of the year thereafter and the other two, at the end of two years thereafter.~~ The city council shall make all appointments to the board of trustees and the trustees shall serve at the pleasure of the city council. All citizens and residents of the city shall be eligible for such appointment as well as up to two trustees from the county who in the judgment of the city council have special qualifications or experience relevant to services on the library board of trustees. Vacancies shall be filled by appointment for the unexpired term in the same manner as ~~the original~~ full-term appointments are made.

##### 2.12.030 - Board of trustees—Meetings—Records.

The board of library trustees shall meet at least once a month, at such times and places as the city council may fix in the bylaws. Special meetings may be called at any time in conformance with requirements of state law, i.e., the Brown Act. A majority of the board shall constitute a quorum for the transaction of business. The board shall elect one of their number president, who shall serve for one year and until a successor is appointed, and in the president's absence, the board shall elect a president pro tem. The board shall cause a proper record of its proceedings to be kept.

##### 2.12.040 - Board of trustees—Duties and responsibilities.

The duties and responsibilities of the board of library trustees include:

- (a) To advise the city council and city manager on those matters pertaining to the city library ~~as the city council may request.~~
- (b) To know and interpret library services to the community and seek community involvement in and financial support of the library program.
- (c) To assist in the development of a program for the extension and improvement of library services, resources, and facilities.
- (d) To determine and set, with the assistance of the librarian, library rules, regulations and policies not otherwise within the purview of the city council or city manager.
- (e) To annually review the proposed library budget ~~before its submittal submitted~~ to the city council with the aim of assisting the City in providing the community with constantly improving library services.
- (f) To keep abreast of library trends and standards by participating in trustees meetings and workshops in affiliation with the state and national associations.
- (g) To encourage the giving of bequests and gifts to, or for the benefit of, the library.
- (h) To be familiar with and be able to interpret local and state laws and actively support library legislation.

(i) To do and perform any and all other acts and things necessary and proper to carry out the provisions of California Education Code Section 18900 and following, as may be requested by the city council.

[The remainder of Chapter 2.12 is unchanged.]

SECTION 6. Chapter 2.20 (Planning Commission) of the El Paso de Robles Municipal Code is amended to read, as follows:

#### Chapter 2.20 -- PLANNING COMMISSION

##### 2.20.010 - Established

There is ~~reestablished, recreated and reorganized~~ established a planning commission, which shall ~~succeed unbrokenly the commission previously existing under the provisions of this section, pursuant to the provision of Chapter 3, Title 7 of the Government Code of the State of California, and said planning commission will~~ have the powers and duties described herein.

~~Planning commissioners shall serve for overlapping three-year terms that expire on February 28. The three terms that expire on December 31, 2013 shall expire on February 28, 2014, the two terms that expire on December 31, 2014 shall expire on February 28, 2015, and the two terms that expire on December 31, 2015 shall expire on February 28, 2016.~~

##### 2.20.020 - Membership and qualifications.

The planning commission shall consist of seven members and they shall be either qualified electors ~~or having~~ have a vested interest in the city.

##### 2.20.030 - Appointments and vacancies.

The members shall be appointed by the ~~mayor with approval of the~~ city council for ~~terms of three years, overlapping three-year terms. The term of three years shall be effective with the three planning commissioners selected December 18, 1996.~~ If vacancies occur, other than by expiration of term, such vacancies shall be filled by appointment for the unexpired portion of the term in the same manner that full-term appointments are made. Members of the planning commission shall serve at the pleasure of the city council.

##### 2.20.040 - Organization.

The planning commission shall elect its ~~chairman~~ chairperson from among its appointed members for a term of one year. In addition, the planning commission may elect a ~~vice-chairman~~ vice-chairperson from among its members for a term of one year and, subject to other provisions of law, may create and fill such other offices as it may determine. ~~The director of community development~~ The community development director shall serve as commission secretary. The ~~chairman~~ chairperson shall preside at meetings, appoint appropriate committees, and direct the affairs of the commission. In the absence of the ~~chairman~~ chairperson, if the planning commission elected to appoint a ~~vice-chairman~~ vice-chairperson, the duties of the chairman shall be performed by the ~~vice-chairman~~ vice-chairperson. In the absence of both the ~~chairman and the vice-chairman~~ chairperson and the vice-chairperson, the remaining members shall ~~choose~~ elect one of their numbers to act as temporary ~~chairman~~ chairperson.

##### 2.20.050 - Regular meetings.

A regular meeting as provided for by law or by rule of the planning commission, or any regularly advertised public hearing, shall be deemed a regular meeting.

##### 2.20.060 - Absence and absence for cause.

An absence due to illness or unavoidable absence from the city and written notice thereof to the planning commission or secretary, on or before the day of any regular meeting, shall be ~~deemed absence for cause, an~~ excused absence. If a member of the planning commission is absent from three consecutive regular meetings without cause, the office of such member shall be deemed to be vacant and the term of such member terminated and the planning commission shall immediately inform the city council of such termination.

2.20.070 - Duties and functions.

The planning commission shall perform the duties and have all of the rights, powers and privileges specified and provided for in the Municipal Code or by state law. The functions of the planning commission, while not inclusive, shall be as follows:

- ~~A.~~ a. To prepare, or cause to be prepared, a general plan and appropriate attachments;
- ~~B.~~ b. To prepare, or cause to be prepared, specific plans as may be necessary to implement the general plan;
- ~~C.~~ c. To formulate and recommend policies and standards for development of land uses;
- ~~D.~~ d. To perform authorized duties related to development review;
- ~~E.~~ e. To annually review the capital improvement program of the city for consistencies with the general plan; and
- ~~F.~~ f. To perform such other functions as the city council may direct.

SECTION 7. Chapter 2.24 (Emergency Organization and Functions) of Title 2 (Administration and Personnel) is deleted in its entirety and new Chapter 2.24 (Emergency Organization and Functions) shall read, as follows:

[Because the whole chapter is replaced, it is not underlined or ~~lined through~~ as that is distracting to the reader.]

Chapter 2.24 – EMERGENCY ORGANIZATION AND FUNCTIONS

2.24.010 – Purposes.

The purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this jurisdiction in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.

2.24.020 – Definition.

As used in this chapter, "emergency" means the extreme peril to the safety of persons and property within the territorial limits of the city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, or cyberterrorism, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

2.24.030 – Disaster council – Membership.

The city's disaster council is hereby created and shall consist of the following:

- a. The mayor, who shall be chair.
- b. The director of emergency services, who shall be vice chair.
- c. Such chiefs of emergency services as are provided for in a current emergency plan of this jurisdiction, adopted pursuant to this ordinance.
- d. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

2.24.040 --Disaster Council – Powers and duties.

It shall be the duty of the disaster council, and it is hereby empowered, to adopt emergency and mutual aid plans and agreements and recommend to the city council such ordinances and resolutions and rules and regulations as are necessary or desired to implement such plans and agreements. The disaster council shall meet at least once per year.

2.24.050 -- Director ~~and assistance director~~ of emergency services.

There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services.

2.24.060 – Powers and duties of the director ~~and assistant director~~ of emergency services.

A. The director is hereby empowered to:

(1) Develop and recommend for adoption the emergency response plan, mutual aid plans and agreements, and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements.

(2) Request the disaster council to proclaim the existence or threatened existence of a “local emergency” if the disaster council is in session, or to issue such proclamation if the disaster council is not in session. Whenever the director proclaims a local emergency, the disaster council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

(3) Request the Governor to proclaim a “state of emergency” when, in the opinion of the director, the locally available resources are beyond the jurisdiction’s capacity to adequately respond to or recover from the emergency.

(4) Request the Governor to proclaim a “state of emergency” when, in the opinion of the director, the circumstances are beyond the jurisdiction’s capacity to adequately respond to or recover from the emergency.

(5) Control and direct the effort of this emergency organization for the accomplishment of the purposes of this ordinance.

(6) Direct cooperation between and coordination of services and staff of this emergency organization; and resolve questions of authority and responsibility that may arise between them.

(7) Represent this jurisdiction in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(8) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the California Emergency Management Agency, a “federal declaration of emergency”, or the existence of a “state of war emergency,” the director is hereby empowered to:

- (a) make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the disaster council;
- (b) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;
- (c) require emergency services of any officer or employee and, in the event of the proclamation of a “state of emergency” in the county in which this city is located or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
- (d) requisition necessary personnel or material of the departments or agencies; and
- (e) execute all ordinary power as city manager, all of the special powers conferred by this ordinance or by resolution or emergency plan pursuant hereto adopted by the disaster council, all powers conferred by any statute, by any agreement approved by the disaster council, and by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession shall be specified in the city's emergency response plan.

2.24.070 – Emergency organization.

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of 2.24.060(6) (c) of this ordinance, be charged with duties incident to the protection of life and property during such emergency, shall constitute the emergency organization of the city of El Paso de Robles. All above-mentioned members of the emergency organization, without exception, will be considered disaster service workers giving them the protection under California Senate Bill 39 – Personal liability immunity.

2.24.080 – Compliance with the California Emergency Services Act.

The disaster council shall comply with the California Emergency Services Act, Cal. Gov't Code §8550, et seq.

2.24.090 – Emergency plan.

The director shall be responsible for the development of the Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the disaster council.

2.24.110 – Expenditures

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city of El Paso de Robles.

2.24.120– Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

- A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

SECTION 8. Chapter 2.28 (City Manager) of Title 2 (Administration and Personnel) is amended to read, as follows:

[Section 2.28.010 is unchanged.]

2.28.020 - Qualifications.

The city manager shall be chosen on the basis of his executive and administrative qualifications, with special reference to that person's actual experience in or knowledge of, accepted practices with respect to the duties of the office as hereinafter set forth. The city manager need not be a resident of the city at the time of appointment or during his or her tenure of office. ~~He need not be a resident of the city or state at the time of his appointment, but during his tenure of office, he shall reside within the city.~~

2.28.030 - Eligibility of ~~councilmen~~ councilmembers.

No member of the city council shall, during the term for which he was elected or appointed, or for one year thereafter, be eligible to hold the position of city manager.

[Section 2.28.040 is unchanged.]

2.28.050 -- Powers and duties.

The city manager shall be the administrative head of the government of the city. The council shall instruct the city manager in matters of policy. As set forth in the California Government Code, actions, determinations, or omissions of the city manager ~~shall~~ may be subject to review by the council. ~~The council may not overrule, change, or modify any such action, determination or omission except by the affirmative vote of at least three members of the council.~~ The city manager shall be responsible for the efficient administration of all affairs of the city that are under his or her control. In addition to the general powers as city manager, and not as a limitation thereon, it shall be the city manager's duty, and the city manager shall have the powers as follows:

(A) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the city except elective officers and those appointed by the city council such as the city attorney, the city attorney and department heads which he must recommend to the city council for confirmation. Further, subject to confirmation of the city council, the city manager shall organize and re-organize departments and department functions, as well as appoint department heads, including but not limited to the following:

1. Administrative services director, which position includes the functions typically associated with that of a finance director, and pursuant to California Gov't Code Section 37209, those certain duties imposed upon the city clerk and transferred to the director of finance pursuant to Cal. Government Code Section 37209, and are hereby assigned to the administrative services director, who is required to execute the necessary bonds of a finance director;

2. Community development director;

3. Public works director;

4. Police chief;

5. Fire chief; and

6. Community services director.

(B) Prepare and submit the annual budget to the council and be responsible for its administration after its adoption and prepare such estimates and reports as may be required by the city council;

(C) Prepare rules and regulations governing the contracting for, the purchasing, storing, inventory, distribution or disposal of all supplies, materials, and equipment required by any office, department or agency of the city government and recommend them to the council for its adoption;

(D) See that all the laws of the state pertaining to the city, and the ordinances, franchises, and rights of the city are enforced;

(E) Keep the council advised of the financial conditions and future needs of the city and make such recommendations on any matter as may to him seem desirable;

(F) Act as purchasing agent for all departments of the city; provided, however, that he may designate some officer or employee of the city to act as assistant purchasing agent, and to perform the duties of the purchasing agent. All purchases shall be made by purchase order signed by the city manager or the assistant purchasing agent;

(G) Act as and be custodian of all city property, custody of which has not been otherwise provided for;

(H) Exercise general supervision over all privately owned public utilities operated within the city so far as the same are subject to municipal control;

(I) See that all provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fully observed, and report to the council any violation thereof;

(J) Act as personnel officer of the city;

(K) Maintain contact with and provide staff support as requested by the city council to all boards and commissions appointed by the city council and ~~report~~ ensure that all actions and programs of such boards and commissions are reported to the council;

(L) Act as director of civil defense and disaster for the city;

(M) Perform such other duties as may be directed by resolution or order by the city council from time to time, and, in addition, perform the duties of the city administrator that may be enumerated in this code.

[Note to Municode publisher: Please ensure the alpha listing of these duties is in a form consistent with the rest of the title and the code – these probably should be (a) instead of A and so forth.]

2.28.060 – Delegation. The city manager may delegate duties enumerated in 2.28.50 to subordinate employees in order to achieve greater organizational effectiveness or efficiency. Regardless, the city manager shall retain overall responsibility for the performance of those duties.

SECTION 9. Chapter 2.30 (Finance Director) of Title 2 (Administration and Personnel) is repealed in its entirety.

SECTION 10. Chapter 2.32 (Director of Planning, Programming, and Community Development) of Title 2 (Administration and Personnel) is hereby repealed in its entirety.

SECTION 11. Chapter 2.34 (City Engineer) to Title 2 (Personnel and Administration) is hereby repealed in its entirety.

SECTION 12. Chapter 2.36 (Director of Municipal Services) of Title 2 (Personnel and Administration) is hereby repealed in its entirety.

SECTION 13. Chapter 2.40 (Bonds and Salaries of Officers) of Title 2 (Administration and Personnel) is amended to read, as follow:

Chapter 2.40 -- Bonds and Salaries of Officers

2.40.010 - Bonds—Amounts—Required.

The officers named herein shall, before entering upon the discharge of the duties of their respective offices, give a corporate surety bond to the city of El Paso de Robles, signed by the principal and a corporate surety authorized to do business in the state of California and conditioned according to law, as follows:

~~The city clerk and~~ As required by Cal. Government Code Section 36518, before entering upon the duties of their offices, the city clerk and city treasurer, and any other offices or positions designated by the city council, shall each execute a bond to the city. Except as otherwise provided, the bonds shall conform to the provisions of the Cal. Government Code relating to bonds of public officers. The penal sum of the bond shall be in a reasonable amount recommended by the city attorney and fixed by the city council, by resolution, and may be changed during their terms of office.

The city council finds that bonds provided by the city's risk insurer in amounts approved by the city council satisfies the requirements of Cal. Government Code 36518.

~~The tax and license collector, in the sum of five thousand dollars.~~

2.40.020 - Bond—Additional—Authority to require.

If, in the opinion of the city council ~~of this city~~, the bond of any officer shall become insufficient for any cause, the ~~said~~ city council may, by resolution, require another or an additional bond to be given.

2.40.030 - Salary—Amounts.

Each officer hereinafter specified shall receive, as salary or compensation for the duties of the office held by him, the following:

~~A. Upon effective date of the ordinance codified in this subsection, the city clerk and ex-officio assessor shall receive a stipend of three hundred dollars per month and thereafter as fixed by resolution of the city council.~~

~~B. The city treasurer shall receive one dollar per year.~~

~~C. All appointive city officers and employees shall receive such compensation as may be fixed by resolution of the city council.~~



A. Each officer hereinafter specified shall receive, as salary or compensation for the duties of the office or position held by that person in an amount as established by resolution of the city council from time to time: the elected city clerk, the elected city treasurer, and all appointive city officers and employees.

B. City council members shall receive six hundred dollars per month and the mayor shall receive eight hundred dollars per month or as otherwise established pursuant to the processes provided in the California Government Code.

{Editor's note: See Cal. Gov't Code §36516, §36516.1, §36516.5.}

2.40.040 - ~~Salary—Payable monthly—~~Payment Schedule.

The salaries set out in Section 2.40.030B for the mayor and members of the city council shall be paid monthly, unless the council, by resolution, otherwise directs and all employees shall be paid biweekly.

SECTION 14. Chapter 2.48 (Retirement Program) of Title 2 (Administration and Personnel) is hereby repealed in its entirety

SECTION 15. Existing Chapter 2.56 (Unclaimed Property) of Title 2 (Administration and Personnel) is repealed in its entirety.

SECTION 16. Section 2.58.010 (Authorization to deputize or appoint qualified persons as reserve officers) of Title 2 (Administration and Personnel) is amended to read, as follows:

2.58.010 - Authorization to deputize or appoint qualified persons as reserve officers.

A police reserve force is established in the city. The ~~chief of police, or his or her designee,~~ city manager is hereby empowered to deputize or appoint qualified persons as reserve city police officers pursuant to Sections 830.6 and 832.6 of the Penal Code. Qualifying persons may be appointed to the position of reserve police officer in the following categories pursuant to California Penal Code Section 832.6: Level I Reserve Police Officer, Level II Reserve Police Officer or Level III Reserve Police Officer.

Those persons deputized or appointed by the ~~chief of police, or his or her designee,~~ city manager as a "designated" Level I Reserve Police Officer as provided by California Penal Code Section 830.6(a)(2), shall have the full powers and duties of a peace officer as provided in Section 830.1 of the Penal Code. Any reserve police officer within the Level I Reserve Police Officer job classification not appointed as "designated" is a "nondesigned" Level I Reserve Police Officer as provided by California Penal Code Section 830.6(a)(1). The authority of "nondesigned" Level I Reserve Police Officers shall extend only for the duration of assignment to specific police functions, as determined by the chief of police.

SECTION 17. Section 2.60.020 (Adherence to state standards) of Chapter 2.60 (Police Training) of Title 2 (Administration and Personnel) is hereby amended to read as follows:

2.60.020 - Adherence to state standards.

Pursuant to Cal. Penal Code Section 13522 of said Chapter 1, the city while receiving aid from the state of California pursuant to said Chapter 1 of the Penal Code will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

SECTION 18. Section 2.62.020 (Adherence to state standards) of Chapter 2.62 (Training Standards of Public Safety Dispatchers) of Title 2 (Personnel and Administration) is hereby amended to read, as follows:

2.62.020 - Adherence to state standards.

Pursuant to Cal. Penal Code Section 13510(c), Chapter 1, the El Paso de Robles police department will adhere to standards of recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

SECTION 19. Chapter 2.65 (Elections) is amended to read, as follows:

## Chapter 2.65 Elections

### 2.65.010 - Elections.

Pursuant to Section ~~36503.5~~ 36503 of the Government Code of the state of California, the city of El Paso de Robles shall hold its general municipal election on the same day as the statewide general election. The date for said election is the first Tuesday after the first Monday in November of even-numbered years, unless otherwise designated by the state.

### 2.65.020 - Filing fee.

The city council determines that a filing fee ~~in the amount of twenty-five dollars~~ shall be collected and that is proportionate to the costs of processing a candidate's nomination papers for ~~the~~ municipal elective offices ~~(in the event the office of mayor is determined by the voters to be a separately elected position. A~~ The filing fee, ~~in the amount of twenty-five dollars, is~~ shall be established from time to time in the city's master fee schedule established and shall be imposed upon and paid by candidates upon the filing of nomination papers for ~~the~~ municipal elective offices ~~of city council, and mayor.~~

SECTION 20. New Chapter 9.38 (Unclaimed Property) is added to Title 9 (Public Safety) to read, as follows:

### Chapter 9.38--UNCLAIMED PROPERTY

#### 9.38.010 - Definitions.

For the purpose of this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them by this section:

The words ABANDONED PROPERTY shall mean all property ~~which~~ that the former owner has voluntarily and intentionally given up possession.

The words UNCLAIMED PROPERTY shall mean all personal property that is lost, found, abandoned, stolen, embezzled or deposited with the police department.

#### 9.38.020 - Destruction of unsafe property.

The chief of police may destroy any unclaimed property deemed by him to be inimical to the health, safety or welfare of the city.

#### 9.38.030 - Police to store—Restoration to owner.

All unclaimed personal property coming into possession of the police department shall be stored in a safe place by the chief of police. If the owner appears within ninety (90) days, the chief of police shall restore such property to its legal owner, upon proof of such ownership satisfactory to him and upon the payment of all reasonably necessary costs in the care and protection thereof, unless such property is held by the police for evidence in a pending case in which event it shall be disposed of only upon order of the proper court or for reasons stated in 9.38.070 (Exceptions to Chapter.)

#### 9.38.040 – Notice of auction of unclaimed property.

(A) Unclaimed property shall be held by the police department for a period of at least three months, and thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the city department responsible for purchasing for sale to the public at public auction.

(B) If such property is transferred to a county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession. If the city department responsible for

purchasing determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

{Editor's Note: See Cal. Civil Code 2080.4, wherein the legislative body of a city may provide for the care and disposition of unclaimed property provided it meets the requirements of that section.}

9.38.050 Expenses of sale—Disposition of sale receipts.

The expenses connected with the sale authorized by the preceding section shall be a proper charge against the funds of the police department and the receipts and proceeds received from the sale shall be delivered to the city treasurer for deposit in the general fund of this city.

9.38.060 - Unsold items.

Any property remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of by the chief of police or retained by the city if the police chief determines that such property has a public use.

9.38.070 - Exceptions to chapter.

This chapter does not supersede the provisions of other statutes that govern the disposal of specific items of property, for example, abandoned motor vehicles or to property subject to confiscation or special disposition under the law of the state or of the United States of America.

SECTION 21. California Environmental Quality Act (CEQA). This ordinance is not a “project” pursuant to Section 21065 of the Public Resource Code because it does not change the existing regulatory scheme.

SECTION 22. Severability. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter ~~which~~ that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

SECTION 23. Effective Date. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

INTRODUCED on the 2nd day of October, 2018, and PASSED AND ADOPTED by the City Council of the City of El Paso de Robles on this 16th day of October, 2018, by the following vote:

AYES: Gregory, Hamon, Strong, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
Steven W. Martin, Mayor

ATTEST:  
  
\_\_\_\_\_  
Kristen L. Buxkemper, Deputy City Clerk