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ADMINISTRATION AND PERSONNEL

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# TITLE 2

## ADMINISTRATION AND PERSONNEL

### Chapter 2.04

#### CITY MANAGER

##### Sections:

- 2.04.010 Appointment--Eligibility of councilmen.**
- 2.04.020 Qualifications--Residency requirements.**
- 2.04.030 Term of employment.**
- 2.04.050 Performance of duties during absence or illness.**
- 2.04.060 Powers and duties.**
- 2.04.070 Cooperation of subordinate officers.**
- 2.04.080 Authority--Council interference prohibited.**

##### **2.04.010 Appointment--Eligibility of councilmen.**

The city council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties provided in this chapter. No councilman shall receive such appointment during the term for which he shall have been elected nor within one year after the expiration of his term. (Prior code §2.9)

##### **2.04.020 Qualifications--Residency requirements.**

The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his acknowledgement of, accepted practice in respect to the duties of his office as set forth in this chapter. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. (Prior code § 2.10)

##### **2.04.030 Term of employment.**

The city manager shall serve at the pleasure of the city council, which shall, by majority vote of all members of the city council, appoint or remove him or her. The terms of the manager's employment shall be as established by written contract, adopted by resolution of the city council. (90-13; prior code § 2.15)

##### **2.04.050 Performance of duties during absence or illness.**

To perform his duties during his temporary absence or disability, the city manager may designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of failure of the city manager to make such designation, the city council may, by resolution, appoint an officer of the city to perform the duties of the city manager until he shall return or his disability shall cease. (Prior code § 2.13)

##### **2.04.060 Powers and duties.**

The city manager shall be the administrative head of the city government under the direction and control of the city council. He shall be responsible to the city council for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be the duty of the city manager and he shall have power to:

- A. See that all laws and ordinances are properly enforced within the city;

B. Appoint, on the basis of merit and, when necessary for the good of the service, demote, and remove all officers and employees of the city, except as otherwise in subsection C of this section, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;

C.

1. Persons appointed or promoted to the following department head positions on or after June 10, 1989, shall serve at the will and pleasure of the city manager and may be terminated from city employment by the city manager without proof of cause or other justification and without right of appeal or hearing:

- a. Director of community development,
- b. Director of community services,
- c. Director of human services,
- d. Police chief,
- e. Assistant city manager,

2. Any person appointed or promoted to a new department head classification created by resolution on or after June 10, 1989, shall also serve at the will and pleasure of the city manager and may be terminated from city employment by the city manager without proof of cause or other justification and without right of appeal or hearing,

3. Department heads appointed or promoted to their department head positions prior to June 10, 1989, shall have the right to be terminated only under the provisions of this code as it existed at the time of their appointment to the position, unless they modify the terms of their employment pursuant to a contract as described below,

4. The city manager is empowered to enter into contracts on behalf of the city with department heads establishing terms and conditions of employment. Upon approval by the city council, said employment contracts shall take precedence over and supersede any otherwise applicable ordinance, resolution, rule or regulation, previous or current including, but not limited to, this subsection C of Section 2.04.060,

5. Nothing in this subsection shall be deemed to give the city manager the right to appoint or remove the city treasurer or the city attorney;

D. Transfer employees from one department to another, and to consolidate or combine offices, positions, departments or units under his jurisdiction;

E. The city manager whenever possible, shall consult in advance with the council concerning all matters of major importance, such as, but not limited to major municipal programs, fiscal policies, reorganization or substantive changes in organizational assignments, and administrative acts which affect the formulation or implementation of legislative policy. The purpose of such consultation requirements shall be to fully inform the council and learn of its judgment in the matters being considered;

F. Attend all meetings of the city council, except when his removal is under consideration by the city council;

G. Prepare the budget and salary plans, and to submit to the city council and be responsible for their administration after adoption;

H. Prepare and submit to the city council at the end of the fiscal year a complete report of the finances and administration activities for the preceding year;

I. Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;

J. Recommend to the city council for adoption such measures and ordinances as he may deem necessary or expedient to assist in the performance of the duties of city manager as outlined in this chapter;

K. City manager may attend any and all meetings of the commissions, boards, and committees created by the council, at which meetings he shall be heard by such commissions, boards, and committees as to all matters upon which he wishes to address the members thereof, and he shall inform such members as to the status of the matter being considered by the council and cooperate to the fullest extent with the members of all commissions, boards, and committees appointed by the council;

L. Oversee the purchase of all supplies for all of the departments or divisions of the city in accordance with city regulations. No expenditure shall be submitted or recommended to the city council except upon report or approval of the city manager;

- M. Make investigations of the affairs of the city and any department or division thereof and any contract or the performance of any obligation running to the city;
- N. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to the services maintained by public utilities in the city and to see that all franchises, permits and privileges granted by the city are faithfully observed;
- O. Exercise general supervision over all public buildings, public parks, streets and other public property which are under control and jurisdiction of the city council;
- P. To cooperate, within lawful limits, with all community organizations whose aim and purpose is to advance the cultural and material interests of the city and its people and to provide them within lawful limits, with assistance through the city government;
- Q. To develop and organize necessary public improvement projects and programs authorized by the council and to aid and assist the council departments in carrying the same through to successful conclusion;
- R. Serve in any appointed office or as head of any department within the city government to which he may be qualified when appointed thereto by the city council, and to hold and perform the duties thereof at the pleasure of the city council;
- S. Serve in any appointed office required of him by the city council not inconsistent with this section;
- T. The council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the council nor any of its members shall give orders to any subordinate of the city manager. The city manager shall take his orders and instructions from the council only when sitting in a duly held meeting of the council, and no individual council member shall give any order or instruction to the city manager. The city manager shall act as an agent for the council in the discharge of its administrative functions but shall not exercise any policy-making or legislative function whatsoever, nor attempt to commit or bind the council, or any member thereof, to any action, plan, or program requiring official council action. (89-11 (part); 84-14 (part); prior code § 2.11)

**2.04.070 Cooperation of subordinate officers.**

It shall be the duty of all subordinate officers, including the city clerk, the city treasurer and the city attorney, to cooperate with and assist the city manager in administering the affairs of the city most efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and by this code and other ordinances of the city. (Prior code § 2.12)

**2.04.080 Authority--Council interference prohibited.**

Neither the city council nor any of its members shall direct or request the appointment of any person to, or his removal from office by the city manager, nor shall any member of the city council in any manner take part in the appointment or removal of officers and employees in the administrative service of the city, except as provided in this chapter. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager and neither the city council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (Prior code § 2.16)

## Chapter 2.08

### CITY COUNCIL

#### Sections:

- 2.08.010 Meetings--Time.**
- 2.08.020 Meetings--Place--Exception.**
- 2.08.030 Special meetings--When held--Notice required.**
- 2.08.040 Vacancy filling--Term.**
- 2.08.050 Vacancy filling--Special election required when.**
- 2.08.080 Local Campaign Contribution  
and Disclosure Requirements**

#### **2.08.010 Meetings--Time.**

The regular meetings of the city council shall be held on the second Tuesday and the fourth Tuesday of every month beginning at six-thirty p.m. Whenever the second Tuesday or the fourth Tuesday of the month falls on a holiday, the meeting shall be held on the next succeeding business day at the same hour. (85-11: prior code § 2.1)

#### **2.08.020 Meetings--Place--Exception.**

All regular meetings of the City Council shall be held in the Council Chamber of Claremont City Hall unless the City Council has stated, by motion action that on a specified date the Council shall hold a regular meeting at another location within the City. Special meetings may be held from time to time in this or another location within the City (06-07; Prior code § 2.3)

#### **2.08.030 Special meetings--When held--Notice required.**

Special meetings may be called at any time by the mayor or by three councilmen by giving notice as required by Government Code Section 54956. (77-29; prior code § 2.2)

#### **2.08.040 Vacancy filling--Term.**

Any person appointed to fill a vacancy on the city council shall hold the office only until the next regularly scheduled election for city council members. (75-21)

#### **2.08.050 Vacancy filling--Special election required when.**

In the event that the term of office of a vacated council seat extends beyond the next regularly scheduled election for city council members, a special election shall be held to fill the vacancy for the remainder of the unexpired term. The special election shall be consolidated with the regularly scheduled election. (75-21)

#### **2.08.080 Local campaign contribution and disclosure requirements.**

A. No candidate seeking election to the Claremont city council shall accept more than \$250.00 as a campaign contribution from any individual or single source within one calendar year. (01-01)

B. Each candidate seeking election to the Claremont city council shall file a statement disclosing the receipt of any campaign contribution in excess of Ninety-Nine Dollars (\$99.00) during any calendar year. The disclosure statement shall be filed with the city clerk in accordance with the filing deadlines established for reporting campaign contributions in excess of \$99.00 pursuant to State law. (06-01)

## Chapter 2.12

### POLICE

#### Sections:

- 2.12.010 Chief of police--Construction of term.**
- 2.12.020 Reserve police officers--Appointment.**
- 2.12.030 Reserve police officers--Supervision.**
- 2.12.040 Reserve police officers--Compensation.**
- 2.12.050 Reserve police officers--Authority.**
- 2.12.060 Reserve police officers--Use of police badge.**
- 2.12.070 Reserve police officers--Removal from office.**
- 2.12.080 Additional duties of policemen--Assistance to persons or animals.**
- 2.12.090 Additional duties of policemen--Compensation for injury.**
- 2.12.100 Disposition of unclaimed property in police possession.**

#### **2.12.010 Chief of police--Construction of term.**

Whenever in this chapter the term "chief of police" is used, it shall be deemed to include the term "acting chief of police." (Prior code § 17.3)

#### **2.12.020 Reserve police officers--Appointment.**

The chief of police of the city is authorized from time to time and in his discretion to appoint reserve police officers, who shall have the duties and authorities provided by this chapter. (Prior code § 17.4)

#### **2.12.030 Reserve police officers--Supervision.**

All reserve police officers of the city shall at all times be under the supervision and control of the chief of police and shall be subject to call at any time by the chief of police to serve as reserve police officers. (Prior code § 17.5)

#### **2.12.040 Reserve police officers--Compensation.**

No reserve officer of the city shall receive compensation from the city while on duty unless specifically authorized to receive compensation by the city council; provided, however, that this section shall in no way prejudice the right of a reserve police officer to receive compensation arising out of accident or injury incurred while in the course of duty, if such reserve police officer would be otherwise entitled to receive such compensation. (Prior code § 17.7)

#### **2.12.050 Reserve police officers--Authority.**

A reserve police officer shall have the power and authority of a regular police officer under the following circumstances only:

- A. When accompanied by a regular police officer;
- B. When on duty during a declared emergency;
- C. When on duty during a declared disaster;
- D. When specifically assigned to duty by the chief of police unaccompanied by a regular police officer. (Prior code § 17.6)

#### **2.12.060 Reserve police officers--Use of police badge.**

No reserve police officer shall wear or use in any way his badge, except while on duty with the police department of the city. (Prior code § 17.9)

#### **2.12.070 Reserve police officers--Removal from office.**

Every reserve police officer of the city shall be subject to removal at any time by the chief of police or by the city council. All property issued to any reserve police officer by the city shall remain the property of the city and shall be returned by such reserve police officer at the end of his employment. (Prior code § 17.8)

**2.12.080 Additional duties of policemen--Assistance to persons or animals.**

In addition to the performance of their regular and ordinary duties, it shall be the duty of all policemen, at all times and under all circumstances, to go to the aid of all persons or animals in distress or danger and render them such help and assistance as lies within their power. (Prior code § 2.7)

**2.12.090 Additional duties of policemen--Compensation for injury.**

In case any policeman should be injured while rendering such additional services as provided by Section 2.12.070, he shall be deemed to be injured in the course of his employment and shall be entitled to workmen's compensation therefor as provided by law. (Prior code § 2.8)

**2.12.100 Disposition of unclaimed property in police possession.**

All unclaimed property in the possession of the police department shall be held by the police department for a period of three months before disposition thereof shall be made. Thereafter, such property shall be sold at public auction to the highest bidder. Notice of such public auction sale shall be 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 within the county. The proceeds of such sale shall be deposited in the general fund of the city.

Provided, if the city purchasing officer determines that unclaimed property otherwise eligible for sale at public auction is needed for public use, said property shall not be auctioned, and instead, title to it shall be transferred to the city. (91-8; prior code § 17.2)

## Chapter 2.16

### CITY COMMISSIONS GENERALLY

#### Sections:

- 2.16.010 Membership--Appointment.**
- 2.16.020 Membership--Term.**
- 2.16.050 Meetings--Time and place.**
- 2.16.060 Membership--Appointing and removing commissioners.**
- 2.16.070 Travel expenses.**
- 2.16.080 Advisory function.**
- 2.16.090 City manager--Relationship with commissions.**
- 2.16.100 City manager--Meeting attendance.**
- 2.16.110 Conflict of interest.**

#### **2.16.010 Membership--Appointment.**

City commissions shall consist of seven members. Members of city commissions shall be appointed by the city council. At the time of his or her appointment, and during his or her tenure of office, each commission member shall reside within the city. Provided under exceptional circumstances and at the discretion of the city council, one member of each commission may reside outside of the city limits. (90-5 (part); 82-6 (part); 80-13 (part); 77-30 (part); 76-7 (part); prior code § 2.17)

#### **2.16.020 Membership--Term.**

The terms of members appointed after the effective date of this section shall, at the sole discretion of the City Council, be for up to four years and until their respective successors are appointed and take office. All terms shall expire on August 31<sup>st</sup> of the year established by the City Council when the appointment was made. (99-09)

#### **2.16.050 Meetings--Time and place.**

Meetings of all commissions shall be at a stated time and in a public place. (Prior code §2.17-1)

#### **2.16.060 Membership--Appointing and removing commissioners.**

The city council shall establish policies and procedures for appointing and removing commissioners. Said policies and procedures may be amended from time to time as determined by the city council. (95-06 § 1, 1995: prior code § 2.21)

#### **2.16.070 Travel expenses.**

A commission member may be reimbursed for the costs of attending a conference or meeting in accordance with such policies as may be adopted by the city council. (Prior code § 2.23)

#### **2.16.080 Advisory function.**

City commissions shall be advisory to the city council, except that a commission may make a final decision on a matter delegated to it by law, subject to appeal to the city council. When making recommendations or decisions on matters before a commission, each commission should weigh the environmental ramifications such an action may have. All decisions and/or recommendations shall be predicated upon the goals and policies contained in the city's general plan and address the unique characteristics of the city through the preservation of neighborhood preservation, quality of life and economic vitality. (95-06; prior code § 2.24)

#### **2.16.090 City manager--Relationship with commissions.**

City commissions shall be advisory to the city manager on administrative matters. (Prior code § 2.25)

#### **2.16.100 City manager--Meeting attendance.**

The city manager or his representative shall attend commission meetings but shall serve in an advisory capacity only and shall have no voting rights. (Prior code § 2.25-1)

**2.16.110 Conflict of interest.**

A member is bound by the provisions of the Government Code relating to non-contractual conflicts of interest. In addition to the requirements of such code, a member shall disclose any direct or indirect personal financial interest in any matter coming before the commission on which he serves and the secretary shall record this disclosure. He shall refrain from participating in any discussion of the matter, except that he may temporarily leave his seat as a commission member and present a case on behalf of a client, and he shall abstain from voting on the matter. (Prior code § 2.22)

## Chapter 2.20

### PLANNING COMMISSION

#### Sections:

- 2.20.010 Created--Statutory authority.**
- 2.20.020 Attorney attendance at meetings.**
- 2.20.030 Powers and duties.**

#### **2.20.010 Created--Statutory authority.**

A city planning commission is established and created under and by the authority of the Government Code. (Prior code § 2.26)

#### **2.20.020 Attorney attendance at meetings.**

The city attorney shall attend planning commission meetings from time to time as requested by the director of community development. (95-06 (part); 82-6 (part); prior code § 2.27)

#### **2.20.030 Powers and duties.**

The planning commission enhances the quality of life of the residents of Claremont through its review of and recommendation on land use issues which preserve the residential character of Claremont and the unique identities of Claremont's specific neighborhoods. The commission accomplishes this through: 1) planning for future land uses which will serve the needs of the community, 2) fostering citizen participation, 3), applying and reviewing General Plan goals, policies, and codes, and other regulatory and policy documents. Additional consideration is given to review of environmental impacts associated with development to ensure protection of the environment.

In implementing this charge, the planning commission will:

- A. Be a liaison between the community, applicants for development, and the city government pertaining to planning matters.
- B. Review and act on requests for development by individual residents, developers, and city officials relative to local and regional planning issues.
- C. Biennially review and identify planning issues in order to advise the city council on appropriate work plan items for incorporation into the city budget and review the proposed capital improvement program for general plan conformity.

The planning commission's responsibilities include:

- A. To fulfill the mandate given the commission by state law and the city council by this code, the city's general plan, the land use and development code, and other city ordinances;
- B. To plan land uses with regard to the health, safety, convenience, and general welfare of the residential population;
- C. To encourage the preservation of the historic fabric and distinctive character of the city and ensure that land use decisions have a positive effect on the quality of the city's living environment;
- D. To identify, preserve, enhance and strengthen the city's residential neighborhoods through the development of appropriate land use regulations and the appropriate application of said regulations on discretionary land use matters;
- E. To encourage the preservation of the hillsides and open areas and the enhancement of recreational opportunities through land use decisions;
- F. To anticipate community planning, environmental and development issues, study alternatives and make recommendations to council;
- G. To encourage citizen participation and serve as an independent vehicle for citizen input and discussion of community values on land use and development matters;
- H. To make decisions on land use and development projects which enhance the quality of life by keeping in balance the physical, social and economic elements of the community while respecting the rights and duties of property owners;

- I. To utilize the various standards outlined in the land use and development code when reviewing development proposals to ensure that all new development is of such a quality, design, and type that would meet the goals, policies and actions outlined in the city's general plan and any other regulatory or policy documents;
- J. To foster communication between applicants for development and the community, and when necessary mediate between competing interests;
- K. To identify, consider and mitigate the environmental impacts of projects and proposals;
- L. To ensure that land use decisions preserve the city as an educational and cultural center;
- M. To ensure that no land use decision diminishes the quality of the city's circulation system by requiring any necessary upgrades that would offset a development's transportation/circulation impacts;
- N. To encourage the conservation of natural resources and energy by way of site orientation, enhancements and upgrades to the various local infrastructure components, and compliance with city transportation demand measures through land use decisions;
- O. To encourage economic development which is compatible with surrounding neighborhoods and increases shopping choices in Claremont;
- P. To encourage industrial development which is compatible with surrounding neighborhoods and increases job opportunities in Claremont;
- Q. To recommend housing strategies which provide opportunities for all income groups in Claremont with emphasis on providing housing for citizens of low and moderate incomes;
- R. To monitor and make recommendations on regional plans and projects; and,
- S. To maintain and update the city's general plan and land use and development code as directed by the city council and state law. (97-10; 95-06; prior code § 2.28)

## Chapter 2.26

### COMMUNITY SERVICES COMMISSION

#### Sections:

- 2.26.010 Created.**
- 2.26.020 Powers and duties.**

#### **2.26.010 Created.**

There is established and created a community services commission for the city. (80-13 (part))

#### **2.26.020 Powers and duties.**

The community services commission enhances the quality of life in Claremont through its oversight responsibility for the city's general appearance and the condition of the city's infrastructure. This responsibility includes the maintenance of parklands, cemetery grounds, streets and street lights, sidewalks, public rights-of-way landscaping, city trees, public buildings and facilities, sewers and storm drains; and, clean city services including refuse collection, recycling, graffiti removal, and water quality. The community services commission shall have the following powers and duties:

- A. To make recommendations to the city council and the city manager on any matters pertaining to:
  - 1. The development, improvement, and maintenance of parklands, cemetery grounds, public rights-of-way landscaping, public buildings and facilities, subject only to the restrictions and limitations provided elsewhere in this code;
  - 2. The maintenance of streets, sidewalks, sewers and storm drains subject only to the restrictions and limitations provided elsewhere in this code;
  - 3. The care, protection, and maintenance of city trees;
  - 4. The species of trees to be planted along specific city streets; and
  - 5. The provision of clean city services including refuse collection, recycling, and graffiti removal.
  - 6. The quality of water provided locally and related issues.
- B. To perform all other acts referred to or requested of the community services commission by the city council or city manager. (80-13 § 2 (part);97-10 §2)

## Chapter 2.38

### HUMAN SERVICES COMMISSION

#### Sections:

- 2.38.010**    **Creation.**
- 2.38.020**    **Composition.**
- 2.38.030**    **Powers and duties.**

#### **2.38.010 Creation.**

There is established and created a human services commission for the city. (Ord. 80-13 (part))

#### **2.38.020 Composition.**

The preferred composition of the commission is one including individuals of various ages, including one under the age of twenty-one years and one over the age of sixty-five years, and that includes representation from at least two racial minority groups. (Ord. 80-13 § 2 (part), 1980)

#### **2.38.030 Powers and duties.**

The fundamental nature of human services is to improve and enhance the quality of life throughout the community. This is the primary charge of the Human Services Commission. The human services commission shall have the following power and duties:

- A. To make recommendations to the city council and city manager on matters relating to human problems and needs in the community;
- B. To prepare and periodically update community analyses assessing human needs and reviewing present resources;
- C. To promote understanding and education with regard to human relations among various segments of the community and to recommend measures which will serve to improve human relations within the city;
- D. To act as liaison among the city, public and private social service agencies, and citizens, and to coordinate programs for more effective delivery of services and reduction of duplication;
- E. To plan and recommend human services programs and evaluate community programs and services designed to meet human needs in areas such as youth, recreation, seniors, parks, and disabled;
- F. To make every effort to eliminate discriminatory practices (race, sex, age or otherwise) in such areas as employment and housing and to assist in development of affirmative action programs.
- G. To perform all other acts referred to and requested of the human services commission, by the city council or city manager.
- H. To improve and enhance the quality of life throughout the community. (97-10 (part); 80-13 (part))

## Chapter 2.40

### TRAFFIC AND TRANSPORTATION COMMISSION

#### Sections:

**2.40.010 Created.**

**2.40.020 Powers and duties.**

#### **2.40.010 Created.**

There is established and created a traffic and transportation commission for the city. (88-9 (part); prior code § 2.35-3)

#### **2.40.020 Powers and duties.**

The traffic and transportation commission enhances the quality of life for the residents of Claremont through its review of and recommendation on issues which help to promote a safe environment while traveling within the city. Additional consideration is given to the need to pursue alternative modes of travel, including regional transportation systems. In implementing these responsibilities, the traffic and transportation commission will: be a liaison between the community and the city government pertaining to traffic and transportation matters; review and make recommendations on requests by individual residents, city officials, and other interested parties, relative to local and regional traffic and transportation matters; cooperate and consult with other city commissions/committees and other appropriate agencies; and, annually review and identify traffic and transportation issues, including review of the city's budget, in order to formulate an appropriate work plan. The traffic and transportation commission's responsibilities include review and recommendation on:

- A. Preservation of residential neighborhoods.
- B. Traffic circulation around school sites.
- C. Traffic impacts on city streets resulting from proposed development.
- D. Acceptable levels of traffic on city streets, with special consideration given to historical zones.
- E. Traffic hazard mitigation.
- F. Citywide and regional bicycle facilities.
- G. Education on alternative modes of transportation (apart from single-use automobiles) and pedestrian-oriented development.
- H. Impacts of traffic lanes in proximity to business and residential buildings.
- I. Traffic control devices and regulations not included in the California Department of Transportation Traffic Manual.
- J. The appearance of streetscapes, including landscaping.
- K. Mitigation of traffic noise and maintenance of good air quality.
- L. Regional traffic and transportation matters, including mass transit services (rail and bus systems), freeways (e.g., the proposed Foothill Freeway), and other regional highways (e.g., the upcoming widening of Base Line Road).
- M. City parking management policies.
- N. Long-range traffic circulation plans.
- O. Local and arterial designations for new and existing streets. (97-10 (part); 88-9 (part); prior code § 2.35-4)

## Chapter 2.42

### ARCHITECTURAL COMMISSION

#### Sections:

#### 2.42.010 Powers and duties.

##### 2.42.010 Powers and duties.

The architectural commission strives to enhance the quality of life of the residents of Claremont by guiding the design and redesign of physical elements and ensuring the harmonious composition and preservation of visual aspects of the city. The commission, through its review of development projects and recommendations on design issues, protects the city's character, sense of place and unique physical environment; maintains the image of Claremont as a community of neighborhoods; encourages the preservation of the city's architectural, historic and cultural resources; ensures the beautification of streetscapes and public areas; and promotes the public health, safety and general welfare of the community. In implementing this charge, the architectural commission will:

- A. Be a liaison among the community, the colleges, applicants for development, and the city government pertaining to design matters.
- B. Review and make determinations as necessary on requests from individual residents, developers, and city officials relative to architectural and community design issues.
- C. Biennially review and identify community design issues and beautification programs in order to advise the city council on appropriate work plan items for incorporation into the city budget.

The architectural commission's responsibilities include:

- A. To fulfill the mandate given the commission by the city council by this code, the city's general plan, the city's land use and development code, and other city ordinances.
- B. To encourage the successful intermingling of natural, manmade, and planted features in the community;
- C. To foster the strong sense of place and local identity in the community;
- D. To encourage well designed new construction and other development that builds upon the existing positive physical characteristics of the community;
- E. To make decisions on development proposals that promote and protect the unique identity of residential neighborhoods within the city;
- F. To encourage excellence in architectural and landscaping design, and utilize the review criteria in the land use and development code to ensure that new development is consistent with the integrity and character of the area in which is it located;
- G. To encourage citizen participation in design matters and serve as an independent vehicle for gathering citizen comment;
- H. To identify, consider and mitigate the environmental impacts of any proposals and projects that come before the commission for review;
- I. To foster communication among applicants, the community, and the city, and when necessary mediate among competing interests;
- J. To encourage developers of new projects creating urban impacts to offset them by participating in programs to provide greenbelts, open spaces, street landscaping, utility undergrounding, and public art;
- K. To recognize, through an awards program, outstanding achievement in architectural design, landscaping and building rehabilitation;
- L. To promote public art that enhances the aesthetic and cultural quality of the community;
- M. To invite artistry and innovation in signs that improve the appearance of the buildings and neighborhoods in which they are placed;
- N. To promote the installation and maintenance of landscaping in public and private areas;
- O. To pursue beautification programs that preserve and enhance Claremont's specific neighborhoods;

- P. To encourage the preservation of significant trees in public areas and on private property;
- Q. To encourage the use of drought-resistant plants where appropriate;
- R. To encourage the restoration and re-use of older structures which contribute to Claremont's character and sense of historic and cultural identity;
- S. To ensure the preservation of sites, buildings and objects of historic and architectural significance as physical representation of Claremont's historic and cultural heritage;
- T. To pursue incentives for the protection, retention and preservation of cultural resources;
- U. To encourage Claremont Heritage to continue the survey structures, buildings, sites, neighborhoods, places and objects within the city to be included in the Register of Structures of Historic and Architectural Merit of the City of Claremont;
- V. To promote the continuing education of the citizens of Claremont about the heritage of the City and its cultural resources;
- W. To advise the city council on all matters relating to the development and the architectural suitability of all governmental buildings and site developments;
- X. To hear appeals of architectural review decisions made by staff;
- Y. To act as the board of appeals for appeals of determinations made by the building official regarding unreinforced masonry buildings and necessary structural alterations within the scope of Chapter 58 of the Uniform Building Code as amended by Municipal Code Section 15.04.045; and,
- Z. To perform such other appropriate duties related to design matters as may be requested by the city council. (97-10)

## Chapter 2.43

### POLICE COMMISSION

#### Sections:

#### 2.43.010 Purpose

#### 2.43.020 Powers and Duties

#### 2.43.030 Composition

#### 2.43.040 Orientation/Training

#### 2.43.010 Purpose.

The Commission is designed to be interactive to facilitate dialogue on issues of concern regarding the Police Department. The Commission's overall objective shall be to create a climate of mutual respect and partnership among community members and the Police Department by creating a forum for communication and deliberation of actions that are inclusive of all citizens. (Ord 2000-12)

#### 2.43.020 Powers and Duties.

The Police Commission shall provide a forum for community discussion on police issues; make recommendations to the City Council, City Manager, and Police Chief on police issues; and promote education and communication between citizens and the Police Department. In seeking to accomplish its mission the Police Commission shall have the powers and duties as described below:

- A. To provide a forum to facilitate communication between the community and the Police Department.
- B. To review and comment on Police Department policies, procedures and practices, and to assist in setting goals for the Department that reflect community values.
- C. To provide a forum to address concerns, complaints and commendations regarding the Police Department and to receive reports on the progress or conclusions of investigations, when legally possible.
- D. To review and comment on recruitment and training programs that promote recruitment and retention of qualified police personnel who represent, understand and respect the cultural diversity of Claremont's residential, educational and business communities.
- E. To review customer service programs, community oriented policing programs, crime trends and statistics, and crime prevention programs.
- F. To review and monitor reported data on police stops and police logs to determine any patterns of conduct and request information on remedies; however the commission shall not undertake the investigations of allegations and inquiries related to the actions of individual officers.
- G. To perform all other acts referred to or requested of the Commission by the City Council, City Manager or Police Chief. (00-12)

#### 2.43.30 Composition.

The Commission shall be comprised of seven (7) members appointed by the City Council and the goal in making appointments shall be to ensure sufficient diversity among its membership. (00-12)

#### 2.43.040 Orientation/Training.

All members of the Commission shall be required to complete an orientation/training program to familiarize and acquaint them with police operations, tactics and legal issues. The program will be developed and presented by members of the Police Department under the direction of the Police Chief. Commission members shall be required to complete the training within 90 days of appointment. (00-12)

## Chapter 2.48

### LOCAL EMERGENCY AND DISASTER COUNCIL

#### Sections:

- 2.48.010 Purpose.**
- 2.48.020 Emergency defined.**
- 2.48.030 Disaster council--Created--Membership.**
- 2.48.040 Disaster council--Powers and duties.**
- 2.48.050 Director and assistant director of emergency services--Offices created.**
- 2.48.060 Director and assistant director of emergency services--Powers and duties.**
- 2.48.070 Emergency organization--Duties of city officers and employees.**
- 2.48.080 Emergency plan.**
- 2.48.090 Expenditures for emergency activities.**
- 2.48.100 Violation deemed misdemeanor--Penalty.**

#### **2.48.010 Purpose.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. (Prior code § 8.0)

#### **2.48.020 Emergency defined.**

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the service, personnel, equipment and facilities of this city, and requiring the combined forces of other political subdivisions to combat. (Prior code § 8.1)

#### **2.48.030 Disaster council-- Created-- Membership.**

The Claremont disaster council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of emergency services, who shall be vice-chairman;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city;
- E. Such representative of civil 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. (Prior code § 8.2)

#### **2.48.040 Disaster council--Powers and duties.**

The Claremont disaster council shall develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman, or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (Prior code § 8.3)

#### **2.48.050 Director and assistant director of emergency services--Offices created.**

- A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.
- B. There is created the office of assistant director of emergency services, who shall be appointed by the director with the advice and consent of the city council. (Prior code § 8.4)

**2.48.060 Director and assistant director of emergency services--Powers and duties.**

A. The director shall:

1. Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
2. Request the Governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;
4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;
5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in Section 2.48.020;
6. In the event of the proclamation of a local emergency as provided in this chapter, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the director shall:
  - 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 city 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 city for the fair value thereof and, if required immediately, to commandeer the same for public use,
  - c. Require emergency services of any city 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 in the event of the existence of a state of war emergency, command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,
  - d. Requisition necessary personnel or material of any city department or agency,
  - e. Execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council and by other lawful authority;
7. Designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council.

B. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city. The assistant director shall have such other powers and duties as may be assigned by the director. (Prior code § 8.5)

**2.48.070 Emergency organization--Duties of city officers and employees.**

All officers and employees of this city, 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 Section 2.48.060(A)(6)(c), are charged with duties incident to the protection of life and property in this city during such emergency, and shall constitute the emergency organization of the city. (Prior code § 8.6)

**2.48.080 Emergency plan.**

The Claremont disaster council shall be responsible for the development of the city's emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide insofar as possible for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. (Prior code § 8.7)

**2.48.090 Expenditures for emergency activities.**

Any expenditures 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. (Prior code § 8.8)

**2.48.100 Violation deemed misdemeanor--Penalty.**

It is a misdemeanor, punishable by a fine of not to exceed five hundred dollars, 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 chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. To do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to 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. (Prior code § 8.9)

## Chapter 2.52

### FIRE PROTECTION

#### Sections:

#### **2.52.010 Annexation to Los Angeles County fire protection district.**

#### **2.52.010 Annexation to Los Angeles County fire protection district.**

In accordance with the terms and provisions of the California Health and Safety Code, Section 13948, the city, by its city council, requests the consolidated fire protection district of Los Angeles County to include and annex the entire city and all territory within its established boundaries, as those boundaries exist as of the effective date of the ordinance codified in this chapter to the consolidated fire protection district of Los Angeles County, so that all of the territory within the city shall become a part of the consolidated fire protection district of Los Angeles County. (75-15)

## Chapter 2.56

### TAXPAYER PROTECTION (3/6/01 Election)

#### Sections:

- 2.56.010 Title**
- 2.56.020 Findings and Declarations**
- 2.56.030 Definitions**
- 2.56.040 City Public Official Shall Not Receive Personal or Campaign Advantage From Those To Whom They Allocate Public Benefits**
- 2.56.050 Applicable Public Beneficiaries Section. Responsibilities of City Public Officials and Advantage Recipients**
- 2.56.060 Disclosure of Law**
- 2.56.070 Penalties and Enforcement**
- 2.56.080 Severability**

#### **2.56.010 Title**

This Chapter shall be known as the City of Claremont Taxpayer Protection Amendment of 2000. (3/6/01 Election)

#### **2.56.020 Findings and Declarations**

(a) The people of the City of Claremont ("City") find that the use or disposition of public assets are often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public 'decision makers'. The people further find that the sources of such corruptive influence include gifts and honoraria, future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial beneficiary of such a public decision for a reasonable period, as provided herein. (3/6/01 Election)

#### **Section 2.56.030 Definitions**

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

- (1) provide personal services of a value in excess of \$25,000 over any 12 month period,
- (2) sell or furnish any material, supplies or equipment to the City of a value in excess of \$25,000 over any 12 month period,

- (3) buy or sell any real property to or from the City with a value in excess of \$25,000, or lease any real property to or from the City with a value in excess of \$25,000 over any 12 month period,
  - (4) receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds \$50,000 in any 12 month period,
  - (5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000,
  - (6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of \$5,000 in any 12 month period,
  - (7) receive cash or specie of a net value to the recipient in excess of \$10,000 in any 12 month period.
- (b) Those persons or entities receiving public benefits as defined receiving public benefits as defined in Section 2.56.030(a)(1)-(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,
- (1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity, or
  - (2) who is a trustee, director, partner, or officer of that entity.
- (c) As used herein, the term personal or campaign advantage shall include:
- (1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50;
  - (2) any employment for compensation;
  - (3) any campaign contributions for any elective office said official may pursue.
- (d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity. (3/6/01 Election)

**Section 2.56.040 City Public Official Shall Not Receive Personal or Campaign Advantage From Those To Whom They Allocate Public Benefits**

- (a) No City public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 2.56.030(a) may receive a personal or campaign advantage as defined in Section 2.56.030(c) from a person as defined in Section 2.56.030(b) for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than:
- (1) one year after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;
  - (2) one year after the official's departure from his or her office whether or not there is a pre-established term of office; or
  - (3) five years from the date the official approves or votes to approve the public benefit; whichever is first.
- (b) Section 2.56.040(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or any other public agency, whether within or without the territorial jurisdiction of the City either as a representative or appointee of the City. (3/6/01 Election)

**Section 2.56.050 Applicable Public Beneficiaries Section. Responsibilities of City Public Officials and Advantage Recipients**

- (a) City public officials shall practice due diligence to ascertain whether or not a benefit defined under Section 2.56.030(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section 2.56.030(c) so that any such qualifying advantage received is returned forthwith, and no later than ten days after its receipt.
- (b) City public officials shall provide upon inquiry by any person, the names of all entities and persons known to them who respectively qualify as public benefit recipients under the terms of Sections 2.56.030 and 2.56.040. (3/6/01 Election)

**Section 2.56.060 Disclosure of the law**

The City shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any benefit enumerated in Section 2.56.030(a) with written notice of the provisions of this Chapter and the future limitations it imposes. Said notice shall be incorporated into

requests for 'proposal', bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City. (3/6/01 Election)

**Section 2.56.070 Penalties and Enforcement**

(a) In addition to all other penalties which might apply, any knowing and willful violation of this Chapter by a public official constitutes a criminal misdemeanor offense.

(b) A civil action may be brought under this Chapter against a public official who receives a personal or campaign advantage in violation of Section 2.56.040. A finding of liability shall subject the public official to the following civil remedies:

(1) restitution of the personal or campaign advantage received, which shall accrue to the general fund of the City;

(2) a civil penalty of up to five times the value of the personal or campaign advantage received;

(3) injunctive relief necessary to prevent present and future violations of this Chapter;

(4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

(c) A civil action under subdivision (b) of this section may be brought by any resident of the City. In the event that such an action is brought by a resident of the City and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner, and 90% to the City's general fund. (3/6/01 Election)

**Section 2.56.080 Severability**

If any provision of this Chapter is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications which can be given effect without the invalidated provision, and to this end the provisions of this Chapter are severable. (3/6/01 Election)