

ORDINANCE NO. 3535 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMEND MONTEREY CITY CODE CHAPTER 12, SECTION 2(D) AND ADD CHAPTER 1, SECTION 8.3 REGARDING THE REQUIREMENT FOR THE FINANCE DIRECTOR AND CITY CLERK, RESPECTIVELY, TO FILE EITHER A BOND OR INSURANCE IN FAVOR OF THE CITY

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, Government Code section 36518 requires that before entering upon the duties of their offices, the City Clerk and Finance Director must execute a bond in favor of the City. However, this requirement may be satisfied by the City's crime insurance policy subject to certain requirements;

WHEREAS, the City desires to utilize the insurance policy option to satisfy the bonding requirement as provided in the Government Code and to adopt applicable procedures for doing so; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 12, Section 2(d) is hereby amended to read as follows:

“(d) Before entering upon his/her duties, to take the oath of office provided for in the Constitution of the state and either (i) file an official bond in the amount to be set from time to time by the City Manager for the faithful performance of his/her duties, payable to the City or (ii) be covered by a public employee dishonesty/crime policy of insurance with limits as established by the City Manager. Such bond or insurance shall be to the satisfaction of the City Manager. The premium of such bond or insurance shall be paid by the City. The bond or proof insurance shall be filed with the City Clerk.”

SECTION 3: Monterey City Code, Chapter 1, Section 8.3 is hereby added to read as follows:

"Before entering upon his/her duties, the City Clerk must take the oath of office provided for in the Constitution of the state and either (i) file an official bond in the amount to be set from time to time by the Finance Director for the faithful performance of his/her duties, payable to the City or (ii) be covered by a public employee dishonesty/crime policy of insurance with limits as established by the Finance Director. Such bond or insurance shall be to the satisfaction of the City Manager. The premium of such bond or insurance shall be paid by the City. The bond or proof of insurance shall be filed with the City Manager."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 2nd day of February, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

