

**ORDINANCE NO. 3599 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**RELATED TO THE POWERS, TERMS, AND DUTIES OF BOARDS, COMMISSIONS AND COMMITTEES**

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

**SECTION 1:**

WHEREAS, City of Monterey boards, commissions, and committees are established in order to provide independent recommendations to the City Council, or, in the context of quasi-judicial boards such as the Planning Commission, Architectural Review Committee, and the Appeals Hearing Board, to make independent decisions and take administrative actions;

WHEREAS, this ordinance reorganizes parts of existing Chapters 1, 2 and 26 of the Monterey City Code to re-establish the City's boards, commissions, and committees under Chapter 2, and clarifies their powers and duties;

WHEREAS, this ordinance repeals inconsistent, outdated, repetitive, or unnecessary references in Chapter 2 to the Brown Act, conflicts of interest, judicial review of decisions, and the redevelopment agency, which are governed by State law;

WHEREAS, this ordinance establishes four year terms for members of boards, commissions, and committees;

WHEREAS, this ordinance codifies portions of the Neighborhood and Community Improvement Program manual;

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. Chapter 2, Article 1, is hereby amended to read as follows:

**Sec. 2-1.00 Time and place of City Council meetings.**

Regular meetings of the City Council shall be held on the first and third Tuesday of each month, unless such Tuesday falls on a holiday, in which case the meeting shall be held on the next day immediately thereafter, not a holiday. Regular meetings shall commence at either 4:00 p.m. or 7:00 p.m. as set forth in the posted notice of such meeting, and any adjournment of a regular meeting to a later date shall commence at the same time unless otherwise specified in the motion to adjourn or posted notice of such meeting.

All meetings of the City Council shall be held in an Americans with Disabilities Act accessible public facility. Any meeting not held in Few Memorial Hall of Records shall be adequately noticed on the city's website as to the time, place and general subject matter of the meeting, and said notice shall also be posted on the exterior of the building adjacent to the City Council chambers at the Few Memorial Hall of Records prior to and during the meeting of the Council.

**Sec. 2-1.01 Special Meetings of City Council.**

Special Meetings of the City Council may be held at any time upon the call of the Mayor, or a majority of the City Council, upon notice given in the manner provided by law.

**Section 2-1.02 Regular and Special Meetings of the Neighborhood and Community Improvement Program Committee.**

- (a) Regular meetings: the dates for regular meetings of the Neighborhood and Community Improvement Program Committee are determined by formal action by the committee at its first meeting of the calendar year. Regular meetings typically include: orientation meeting, preliminary project screening meeting, project nomination meetings, field trips, project review meetings, and voting night.
- (b) Special meetings of the Neighborhood and Community Improvement Program Committee may be held at any time upon the call of the Chair, or a majority of the committee, preferably upon 14-days advance notice by email to each committee member, however, this does not preclude a special meeting from being called upon notice given in the manner provided by law.

**Sec. 2-1.03 City Council Ethics Training.**

Members of City Council who are compensated for their service or reimbursed for expenses undertaken in the performance of official duties shall take two hours of training in ethics principles and laws every two years as required by Government Code sections 53234 - 53235. The training shall occur, and a signed certificate of completion filed with the City Clerk, within 30 calendar days of assuming office, and every two years thereafter.

The City Clerk shall report a member's non-compliant status within five working days after the compliance deadline to the Finance Department and the member's identified staff liaison. During a period of non-compliance, all salary and expense reimbursements shall cease. Salary and expense reimbursement shall resume when compliance is obtained, but the member shall not be paid for any service or expense undertaken during the period of non-compliance.

SECTION 3: Monterey City Code, Chapter 2, Article 2 is re-titled to read "Boards, Commissions, and Committees" and shall read as follows:

**Article 2 Boards, Commissions, and Committees.**

**Sec. 2-2.01 Purpose.**

The purpose of this article is to provide for the establishment, organization, and conduct of City boards, commissions, and committees. The general provisions of this article apply to all boards, commissions, and committees, except as otherwise specifically provided in the Charter. In the event of an inconsistency between the general provisions contained in this article and the Charter, the Charter shall control.

**Sec. 2-2.02 Establishment of Boards, Commissions, and Committees.**

The following City Boards, Commissions, and Committees are hereby established:

- (a) Planning Commission
- (b) Architectural Review Committee
- (c) Parks and Recreation Commission
- (d) Historic Preservation Commission
- (e) Museums and Cultural Arts Commission
- (f) Appeals Hearing Board
- (g) Building and Housing Appeals Board
- (h) Disabled Access Appeals Board

**Sec. 2-2.03 General Powers and Duties.**

City boards, commissions, and committees shall have the general power and duty, within each bodies' sphere of interest, to render advice and to make recommendations to the City Council. Special powers and duties in addition to the general powers and duties are ascribed to each body as set forth in this chapter or by resolution of the City Council.

**Sec. 2-2.04 Terms, Vacancies, Meetings, and Attendance.**

- (a) Members of boards, commissions, and committees shall serve for a term of four years, unless otherwise specified in this section. Terms shall commence on the 1<sup>st</sup> day of July and end on the 30th day of June.
- (b) A member may be appointed to serve a term of less, or more, than four years if the City Council determines that it is in the best interest of the board, commission, or committee that a member serve a shorter term in order to provide for appropriate staggered terms to preserve continuity of membership on the board, committee or commission.
- (c) A member who has been appointed to serve unexpired terms due to an unplanned vacancy shall serve to the end of the former incumbent's term.
- (d) Members shall serve until reappointed or until the member's successor has been appointed and seated, unless removed sooner by action of the City Council.
- (e) With the exception of the Appeals Hearing Board, the Disabled Access Board, and the Building and Housing Appeals Board, and the Measures P and S Oversight Committee, no person shall be a member of more than one City board, commission, or committee at a time. In the event that a member of a board, commission, or committee is appointed to a second board, commission, or committee, then that person's membership on the first body shall be automatically vacated.
- (f) Each board, committee, or commission shall meet on a regularly scheduled date that it shall fix, unless a meeting is cancelled, and meetings shall be subject to the Ralph M. Brown Act, set forth in Government Code section 54950 et seq., as may be amended.

**Sec. 2-2.05 Chair and Vice Chair.**

In July, each board, commission, and committee shall appoint one of its members as chair to serve for a term of one year. The chair shall preside at all meetings of the board, commission,

or committee. Each board, commission, and committee shall also appoint a vice chair to serve in the place of the chair during the chair's absence. The chair and vice chair shall be subject to removal at any time, for any or no reason, by a majority vote of the board, commission, or committee.

**Sec. 2-2.06 Procedural Rules and Regulations.**

Unless the City Council determines otherwise through separate action, the City boards, commissions, and committees shall organize and operate in accordance with uniform policies and procedures approved by the City Council.

**Sec. 2-2.07 Quorum.**

A majority of the full statutory membership of each board, commission, or committee shall constitute a quorum. Disqualified members (i.e., when the law requires that a member not participate in a decision) are not counted as part of the quorum. Members who abstain (i.e., members who voluntarily choose not to participate in a decision) are counted as part of the quorum.

**Sec. 2-2.08 Relationship with City Departments and Staff Liaisons.**

So far as is practicable, and subject to approval of the city manager, the services of the various city departments shall be made available by the heads of each department to the board, commission, or committee, to the extent it is necessary to enable it to perform its functions, powers, and duties.

Staff liaisons are generally responsible for accurate meeting notices and record keeping, communicating between the board, commission, or committee and other city staff, assisting the committee in executing the council approved work plan, gathering public input, assisting the board or commission in staying focused on noticed agenda items, and maintaining a positive working relationship with the board or commission.

The liaisons do not work "for" or "at the direction" of the board, commission, or committee. Instead, the liaisons are professionals who work for the city manager and with the boards, commissions, and committees to develop information and recommendations for the city council within the scope of an approved work plan.

This section does not apply to the Board of Library Trustees.

**Sec. 2-2.09 Compensation and Ethics Training.**

- (a) Members of following boards and commissions shall receive \$25 per meeting as compensation for their services, not to exceed \$75 per month: (1) Planning Commission, (2) Architectural Review Committee; (3) Historic Preservation Commission; (4) Parks & Recreation Commission; (5) Board of Library Trustees; and (6) Museums and Cultural Arts Commission.
- (b) Members of the following boards shall receive \$25 per meeting as compensation for their services, not to exceed \$50 per month: (1) Appeals Hearing Board; (2) Building and Housing Appeals Board, and (3) Disabled Access Board.
- (c) Members of the Neighborhood and Community Improvement Program Committee and the Measures P & S Oversight Committee shall serve without compensation.

- (d) Members who are compensated for their service or reimbursed for expenses undertaken in the performance of official duties shall take two hours of training in ethics principles and laws every two years as required by Government Code section 53234 – 53235. The training shall occur, and a signed certificate of completion shall be filed with the City Clerk, within 30 calendar days of assuming office, and every two years thereafter.
- (e) The City Clerk shall report a member's non-compliant status within five working days after the compliance deadline to the Finance Department and the member's identified staff liaison. During a period of non-compliance, all meeting attendance stipends and expense reimbursements shall cease. Meeting stipends and expense reimbursement shall resume when compliance is obtained, but the member shall not be paid for any service or expense undertaken during the period of non-compliance.

**Sec. 2-2.11 Appointment of honorary life members of certain City boards and commissions.**

The City Council may by unanimous vote elect honorary life members of the Planning Commission, Board of Library Trustees, Museums and Cultural Arts Commission, Parks & Recreation Commission, and the Architectural Review Committee.

The person elected shall usually have served at least 10 consecutive years on such board, commission or committee, and demonstrated active participation during such time, provided the City Council may confer such honor on any person who has been duly appointed.

Honorary life members shall receive all notices and minutes of meetings, shall be invited to attend such meetings, but shall not be entitled to vote.

SECTION 4: Monterey City Code, Chapter 2, Article 3 is re-titled to read "Planning Commission" and shall read as follows:

**Article 3 Planning Commission.**

**Sec. 2-3.00 Planning Commission.**

The Planning Commission shall consist of seven members.

**Sec. 2-3.01 Special Powers and Duties.**

The Planning Commission shall be empowered to:

- (a) implement the General Plan.
- (b) implement specific or area plans as may be necessary or desirable to assist in implementing the General Plan.
- (c) annually review the City's Capital Improvement Program and the Neighborhood and Community Improvement Program for consistency with the General Plan.
- (d) develop plans and programs for the allocation of federal community development funds.
- (e) administer the City zoning and subdivision ordinances and recommend revisions to the City Council as may be desirable.
- (f) review and act on applications for development approval where provided in the City zoning and subdivision ordinances.
- (g) hear appeals from decisions of the Community Development Director, Zoning Administrator, Architectural Review Committee, and Development Review Committee.
- (h) perform such other functions as the City Council may direct.

**Sec. 2-3.03 Hearing Procedures.**

Procedures that govern hearings by the Planning Commission on zoning matters shall be adopted by the City Council.

**Sec 2-3.04 Attendance of members at conferences, hearings, etc.**

Members of the Planning Commission may attend planning conferences and the reasonable traveling expenses incidental to such attendance shall be charges upon the funds allocated to the Commission.

SECTION 5: Monterey City Code, Chapter 2, Article 4 is re-titled to read "Architectural Review Committee" and shall read as follows:

**Article 4 Architectural Review Committee.**

**Sec. 2-4.00 Architectural Review Committee.**

The Architectural Review Committee shall consist of seven members. At least one of the members shall be an architect or person professionally competent in a field related to architecture, unless no such person is available for appointment when the vacancy arises.

**Sec 2-4.01 Special Powers and Duties.**

The Architectural Review Committee shall be empowered to:

- (a) review projects to ensure the promotion of orderly development, ensure high quality design that is harmonious with project surroundings, implement the General Plan as well as neighborhood plans, and to preserve and promote the visual character of the City.
- (b) review and oversee minimum submittal requirements for administering Architectural Review.

SECTION 6: Monterey City Code, Chapter 2, Article 5 is added and shall read as follows:

**Article 5 Parks and Recreation Commission.**

**Sec 2-5.00 Parks and Recreation Commission.**

The Parks and Recreation Commission shall be composed of seven members.

**Sec. 2-5.01 Special Powers and Duties.**

The Parks and Recreation Commission shall be empowered to:

- (a) carry out the policies established by the City Council in acting on all matters pertaining to the use, development, and improvement of the City's recreational projects and park facilities.
- (b) make recommendations to the City Council on the acquisition, design, and development of park facilities.
- (c) develop, maintain, and periodically review and update the Parks and Recreation Master Plan and any other specific or focused plans as may be necessary or desirable.
- (d) review those portions of the City's Capital Improvement Program and Neighborhood and Community Improvement Program which pertain to parks and recreation for consistency with the Parks and Recreation Master Plan.
- (e) review and act upon applications for major special event permits regarding recreation and park facilities.

- (f) review and make recommendations on proposals from other public agencies related to parks and recreation.
- (g) recommend to the City Council names or name changes for all park and recreation facilities.
- (h) make recommendations on any matter referred to it by any other board or commission, and make recommendations on its own accord regarding all matters pertaining to parks, park facilities, recreation programs, and recreation facilities.
- (i) perform such other functions as the City Council may direct.

SECTION 7: Monterey City Code, Chapter 2, Article 6 is added and shall read as follows:

**Article 6 Historic Preservation Commission.**

**Sec. 2-6.00 Historic Preservation Commission.**

The Historic Preservation Commission shall be composed of seven members.

**Sec. 2-6.01 Special Powers and Duties.**

The Historic Preservation Commission shall be empowered to:

- (a) increase awareness of the City's rich cultural heritage and to protect and preserve historic structures, sites, and features.
- (b) act on all matters pertaining to promotion, restoration, and protection of City of Monterey historic buildings, sites, artifacts and related items, in accord with City ordinances or instruction from the City Council.
- (c) adopt minimum submittal requirements for administering Historic Preservation review.
- (d) meet, confer, and make recommendations upon any matter referred and may make recommendations on its own accord regarding the promotion, restoration, and protection of historical matters within the City.

SECTION 8: Monterey City Code, Chapter 2, Article 7 is added and shall read as follows:

**Article 7 Museums and Cultural Arts Commission.**

**Sec. 2-7.00 Museums and Cultural Arts Commission.**

- (a) The Museum and Cultural Arts Commission shall be composed of seven (7) members.
- (b) Special eligibility requirements: Members shall represent a variety of history and cultural arts-related disciplines and activities, including, but not limited to:
  - (1) California history; especially as it relates to Monterey;
  - (2) museum administration;
  - (3) performing arts, such as drama, music, and dance; and
  - (4) visual arts, such as painting, sculpture, photography, graphics, and applied art.

**Sec. 2-7.01 Special Powers and Duties.**

The Museums and Cultural Arts Commission shall be empowered to:

- (a) advise and make recommendations to the City Council regarding the development and improvement of the City's museums to increase historic appeal, stewardship, and access.
- (b) advise and make recommendations to the City Council regarding the acquisition, design, and development of City museum facilities.

- (c) advise and make recommendations to the City Council regarding the purchase or deaccession of works of art, in accordance with the collections policy, to increase the aesthetic appeal of, and to promote cultural arts in, public sites and buildings.
- (d) accept or reject works of art. Only works of art that meet the collections policy may be accepted by the Commission.
- (e) create temporary advisory subcommittees composed solely of less than a quorum of the Museums and Cultural Arts to serve a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed. The Commission may utilize nonmember experts as needed to advise and assist the Commission in making informed and appropriate decisions.
- (f) encourage cultural arts, including historically oriented exhibits or events, and performing and visual arts projects and programs.
- (g) work with other civic or community groups to consider partnering with, or jointly sponsoring, events or projects related to history, museums, or the cultural arts.
- (h) perform such other functions as the City Council may direct.

SECTION 9: Monterey City Code, Chapter 2, Article 8 is added and shall read as follows:

### **Article 8 Appeals Hearing Board**

#### **Sec. 2-8.00 Appeals Hearing Board.**

The Board shall consist of three members and one alternate member.

#### **Section 2-8.01 Special Powers and Duties.**

The Board shall be empowered to:

- (a) hear all administrative hearings and appeals required or allowed by the City Code, including but not limited to, appeals of administrative orders; denials, suspensions, or revocations of massage establishment permits; bidder responsibility determinations; and fees, charges, costs, expenses, penalties or other sums of money owed to the City.
- (b) conduct all administrative abatement action hearings authorized by the City Code.
- (c) authorize the imposition of liens, assessments, special collection or other collection process against a responsible party and any affected property, as appropriate.
- (d) perform such other programs or functions related to administrative hearings and appeals that the City Council or the City Manager may, from time to time, authorize or request.

SECTION 10: Monterey City Code, Chapter 2, Article 9 is added and shall read as follows:

### **Article 9 Building and Housing Appeals Board.**

#### **Sec. 2-9.00 Building and Housing Appeals Board.**

The Building and Housing Appeals Board is the designated body delegated with the authority to set, notice, and conduct public hearings required or allowed pursuant to the City Code to decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the California Building, Fire, Plumbing, Mechanical, and Electrical Codes and to allow the imposition of a lien, special assessment, special collection or other collection process against a responsible party and any affected property, as appropriate.

- (a) The Board shall consist of three members and one alternate member.



- (b) Special eligibility requirements:
  - 1. Each member and the alternate of the Board shall be qualified by experience and training to pass on matters pertaining to building construction. Experience in residential or commercial construction projects, the building trades, code enforcement, or building inspection is preferred.
  - 2. Members may not be employees of the jurisdiction.

**Section 2-9.01 Special Powers and Duties.**

The Board shall be empowered to:

- (a) hear all administrative hearings and appeals orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the adopted California Building, Fire, Plumbing, Mechanical, and Electrical Codes.
- (b) authorize the imposition of liens, assessments, special collection or other collection process against a responsible party and any affected property, as appropriate; and The Board shall have no authority to waive requirements of the adopted California Codes.

SECTION 11: Monterey City Code, Chapter 2, Article 10 is added and shall read as follows:

**Article 10 Disabled Access Appeals Board.**

**Section 2-10.00 Disabled Access Appeals Board.**

- (a) The Board shall consist of five members.
- (b) Special eligibility requirements:
  - 1. Three of the Board members shall be qualified by experience and training to pass on matters pertaining to building construction and/or State or Federal disabled access regulations.
  - 2. Two members shall be physically disabled.
  - 3. Members may not be employees of the jurisdiction.

**Section 2-10.02 Special Powers and Duties.**

The Board shall have the following functions, powers, and duties:

- (a) Hear appeals of orders, decisions, or determinations made by the Building Official or the City's Americans with Disabilities Act (ADA) Coordinator relative to the application, interpretation, unreasonable hardship requests, or alternate means of compliance with both State and Federal disabled access regulations.
- (b) Authorize the imposition of liens, assessments, special collection or other collection process against a responsible party and any affected property, as appropriate.
- (c) Hear appeals regarding actions taken by the Plans and Public Works Department regarding enforcement of laws relating to access to public accommodations by physically disabled persons.

SECTION12: Monterey City Code, Chapter 2, Article 11 is added and shall read as follows:

**Article 11 Measure P and S Oversight Committee.**

**Sec. 2-11.00 Measures P and S Oversight Committee.**

The five member Measures P and S Oversight Committee is established by City Code section 35-71, as may be amended, and its powers and duties are set forth therein.

SECTION 13: Monterey City Code, Chapter 2, Article 12 is added and shall read as follows:

**Article 12 Neighborhood and Community Improvement Program Committee.**

**Sec. 2-12.00 Neighborhood and Community Improvement Program Committee.**

(a) Established: The Neighborhood and Community Improvement Program Committee is established by Section 6.6(d) of the Charter.

(b) Committee Representatives: The Neighborhood and Community Improvement Program Committee shall consist of one representative and one alternate from each of the following neighborhoods: Aguajito Oaks, Alta Mesa, Casanova-Oak Knoll, Deer Flats, Del Monte Beach, Del Monte Grove – Laguna Grande, Downtown, Fisherman Flats, Glenwood, Monterey Vista, New Monterey, Oak Grove, Old Town, Skyline, and Villa Del Monte. The neighborhood boundaries (committee representatives' jurisdictions) are set forth in an official map on file in the City Engineer's office. Each committee representative and alternate shall reside within their jurisdiction.

**Sec. 2-12.01 Special Powers.**

The Neighborhood and Community Improvement Program Committee's powers are governed by the Charter. The Charter shall control over any inconsistent provision of this part.

(a) Representation: Committee representatives shall represent the interests of all residents and property owners within their jurisdiction. Committee representatives do not represent the interests of any neighborhood association(s) with their jurisdiction, if any.

(b) Spokesperson: In January, the committee shall appoint one of its members as spokesperson, and an alternate spokesperson, to serve for a term of one year. The spokesperson shall attend City Council meetings and other board and commission meetings as needed. The spokesperson shall clarify committee actions and raise any policy issues as directed by a majority vote of the committee. The spokesperson and alternate spokesperson shall be subject to removal at any time, for any or no reason, by a majority vote of the committee.

(c) Project Support: committee representatives shall determine the extent to which proposed projects have support of residents within their jurisdiction.

SECTION 14: Monterey City Code, Chapter 2, Article 13 is added and shall read as follows:

**Article 13 Board of Library Trustees.**

**Sec. 2-13.00 Board of Library Trustees.**

The Board of Library Trustees is established by Section 7.1 of the Charter, and its powers and duties are set forth therein.

SECTION 15: Monterey City Code, Chapter 12, Article 2, Division 5 is re-titled to read "Neighborhood and Community Improvement Program Fund" and is amended to read as follows:

**Sec. 12-16 Established, accumulation of funds.**

There is hereby established a fund to be known as the "Neighborhood and Community Improvement Program Fund." All money collected pursuant to City Charter section 6.6, as may be amended, shall be deposited in such fund. A pro-rata share of interest will be credited to the Neighborhood and Community Improvement Program Fund.

**Section 12-17 Disposition and use of funds.**

All monies in the Neighborhood and Community Improvement Program Fund shall be spent in accordance with applicable laws and ordinances.

SECTION 16: The following sections of the Monterey City Code are hereby repealed:

Monterey City Code, Chapter 1, Article 2, sections 1-111, 1-11.2, and 1-11.3.

Monterey City Code, Chapter 26, Article 1, in its entirety.

Monterey City Code, Chapter 26, Article 3, in its entirety.

SECTION 17: Monterey City Code, Chapter 26, Article 2, "General Plan" is renumbered as Article 1, and Sections 26-11 through 26-16 are renumbered as Sections 26-1 through 26-16, respectively.

SECTION 18: All ordinances, resolutions, policies, and manuals, and parts of ordinances, resolutions, policies, and manuals, in conflict herewith are hereby repealed.

SECTION 19: 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 3<sup>rd</sup> day of September, 2019, by the following vote:

|          |   |                 |  |
|----------|---|-----------------|--|
| AYES:    | 5 | COUNCILMEMBERS: | Albert, Haffa, Smith, Williamson, Roberson |
| NOES:    | 0 | COUNCILMEMBERS: | None                                       |
| ABSENT:  | 0 | COUNCILMEMBERS: | None                                       |
| ABSTAIN: | 0 | COUNCILMEMBERS: | None                                       |

APPROVED:

ATTEST:



\_\_\_\_\_  
Mayor of said City

  
\_\_\_\_\_  
City Clerk thereof

