

**ORDINANCE NO. 3669 C.S.**

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

**UPDATING PROVISIONS, PROCESSES, AND PROCEDURES RELATING TO THE CITY'S  
BOARDS, COMMISSIONS, AND COMMITTEES**

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

SECTION 1:

WHEREAS, the City's boards, commissions, and committees provide a valuable service to the community through their volunteer work, which includes providing advice and guidance in their various spheres, receiving, and acting on the input of the public, and advising the City Council;

WHEREAS, from time to time it is appropriate to review and update the Monterey City Code for consistency with current laws, administrative needs, and best practices;

WHEREAS, it would be beneficial and appropriate to clarify and update certain provisions, processes, and procedures relating to the City's boards, commissions, and committees;

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 2, Article 3, Section 2-3.04 is hereby amended as follows:

The title is hereby amended to read: "Qualification, terms, vacancies, meetings, attendance, and removal."

Section 2-3.04(a) through (f) are hereby reorganized as 2-3.04(b) through (g).

Section 2-3.04(a) and (h) are hereby added, in the appropriate alphabetical order with existing subsections reorganized above, to read as follows:

- a. City employees are not eligible to serve as City commissioners, board members, or committee members.
- h. Cause for removal of an appointed member pursuant to Charter section 4.5(b) (1) includes, but is not limited to, three consecutive absences from a regularly scheduled meeting and the failure to complete required trainings specified under Section 2-3.10.

SECTION 3: Monterey City Code, Chapter 2, Article 3, Section 2-3.09 is hereby amended as follows:

The title is hereby amended to read: "Compensation."

Section 2-3.09(d) and (e) are hereby deleted.

SECTION 4: Monterey City Code, Chapter 2, Article 3, Section 2-3.10 is hereby added to read as follows:

"Statutorily Required Trainings.

"a. Each member shall receive ethics and sexual harassment prevention training and education as required by State law.

b. The City Clerk shall report a member's noncompliance with required trainings within five working days after the compliance deadline to the Finance Department and the member's identified staff liaison. During a period of noncompliance, 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 noncompliance.

SECTION 5: Monterey City Code, Chapter 2, Article 7, Section 2-7.00 is hereby amended to read as follows:

"Historic Preservation Commission.

- a. The Historic Preservation Commission shall be composed of seven members.
- b. *Special Eligibility Requirement.*  
The membership of the Historic Preservation Commission shall reflect the membership requirements of the multijurisdictional Certified Local Government Program (CLG), as may be amended. The Community Development Director, or their designee, shall review whether the qualifications of a member or applicant

meet the eligibility requirements and make a recommendation on eligibility to the City Council.”

SECTION 6: Monterey City Code, Chapter 2, Article 7, Section 2-7.01(e) is hereby added to read as follows:

“e. Perform the responsibilities required by the multijurisdictional Certified Local Government Program (CLG), as may be amended.”

SECTION 7: Monterey City Code, Chapter 2, Article 7, Section 2-7.02 is hereby added to read as follows:

“Attendance of members at conferences, hearings, etc.

Each member of the Historic Preservation Commission is required to meet the annual educational requirements of the multijurisdictional Certified Local Government Program (CLG), as may be amended, and the reasonable traveling expenses incidental to such attendance shall be charges upon the funds allocated to the Commission.”

SECTION 8: Monterey City Code, Chapter 2, Article 10, Section 2-10.00(b)(1) is hereby amended to read as follows:

“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. The Building Official, or their designee, shall review whether the qualifications of a member, alternate, or applicant, meet the experience and training requirements and make a recommendation on eligibility to the City Council.”

SECTION 9: Monterey City Code, Chapter 2, Article 10, Section 2-10.00(b)(2) is hereby deleted.

SECTION 10: Monterey City Code Chapter 2, Article 11, Section 2-11.00(b)(3) is hereby deleted.

SECTION 11: Monterey City Code, Chapter 2, Article 11, Section 2-11.00(b)(1) is hereby amended to read as follows:

“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. The Building Official, or their designee, shall review whether the qualifications of a member or applicant meet the experience and training requirements and make a recommendation on eligibility to the City Council.”

SECTION 12: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 13: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

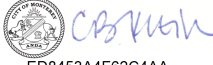
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 19th day of September, 2023, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:  
  
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 Mayor of said City

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 City Clerk thereof