

CHAPTER II
ADMINISTRATION*

Article 1. Meetings

2-1.101 General.

- (a) All meetings of the City Council and any advisory body shall be open to the public and all persons shall be permitted to attend in accordance with the Brown Act. No action shall be taken by secret ballot at such meetings.
- (b) The following terms are defined for the purposes of this article:

Advisory body means a decision-making or advisory body created by formal action of the Council. An ad hoc committee composed solely of two (2) or less uncompensated members is an advisory body only if the committee has continuing jurisdiction or meets pursuant to a schedule fixed by the Council.

Meeting includes any congregation of a quorum of the Council or an advisory body at the same time and place to hear, discuss or deliberate on any ruling within the jurisdiction of the City; and any use of direct communication, personal intermediaries or technological devices by a quorum of the Council or an advisory body to develop a collective concurrence to action by the Council or advisory body.

Meeting does not include: individual contacts between members and any other person; attendance at a conference or similar gathering open to the public involving discussions of issues of interest to the public generally by public agencies specifically, if members do not discuss City business; attendance at open and publicized meetings addressing topics of community concern by someone not associated with the City, if members do not discuss City business; or attendance at social or ceremonial events, if members do not discuss City business.

*Editor's note—Ordinance No. 96-03, adopted Oct. 16, 1996, amended this Chapter to read as herein set out. Formerly, Ch. II pertained to administration. See App. A, Ordinance Disposition Table, for legislative history of former Ch. II.

2-1.101 CITY OF RIDGECREST ORDINANCES

Member means a Councilmember or a member of an advisory body.

- (c) All meetings of the Council and all meetings of advisory bodies shall be held in the City; except: to comply with State or Federal law or court order; to inspect real property or personal property which cannot be moved; to meet with another public agency at the other agency on multi-agency matters; to discuss legislative or regulatory matters with State or Federal officials; to discuss matters relating to a City facility in the facility; and to visit legal counsel if necessary to reduce fees.
- (d) City Clerk shall provide each member a copy of these regulations. (Ord. No. 96-03)

2-1.102 *Regular and Special Meetings.*

- (a) The Council shall hold regular meetings on the first and third Wednesday of each month at the hour of 6:00 o'clock p.m. at City Hall located at 100 West California Avenue, Ridgecrest, California. A regular meeting may be adjourned by the Council or by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five (5) days of the regular meeting. If the adjourned meeting is held more than five (5) days after the regular meeting, a new agenda shall be posted.
- (b) Special meetings may be called by the Mayor, Mayor Pro Tempore or City Clerk upon twenty-four-hour notice to each member.
- (c) An emergency meeting may be called without twenty-four hour-notice or agenda (if necessary) due to disruption or threatened disruption of City facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.
- (d) Each advisory body may establish a time and place for regular meetings and may call special meetings in the same manner as the Council. (Ord. No. 96-03; Ord. No. 01-03; Ord. No. 01-05)

2-1.103 *Record of Proceedings.*

- (a) The City Clerk shall record minutes showing action taken by the Council in open session and by each advisory body. The minutes shall be available for public inspection when approved by the Council. If meetings are recorded on audio tape, the tape shall be available for public review on a tape player provided by the City.
- (b) Any person attending an open meeting of the Council may record the proceeding on audio or video media unless the Council finds the recording cannot continue without noise, illumination or obstruction of view constituting a disruption of proceedings. (Ord. No. 96-03)

2-1.104 *Rules of Conduct.*

- (a) The affirmative vote of at least three (3) Councilmembers is necessary for the Council to approve any ordinance or any resolution or order for the payment of money. The Council shall take action by motion, resolution or ordinance. Motions and resolutions may be adopted on voice vote. Roll call shall be taken if requested by any Councilmember. Ordinances shall be adopted on roll call vote.
- (b) The City may use video teleconferencing to receive public comment or testimony and for deliberations of the Council. If video teleconferencing is used, the agenda shall be posted at all video teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Council.
- (c) Except as otherwise required by law, and unless waived, proceedings of the Council shall be conducted in accordance with Robert's Rules of Order. Advisory bodies shall adopt rules of order appropriate to their work.
- (d) If any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individual(s) who are willfully interrupting the meeting, the Council may order the meeting room cleared and continue in closed session.

2-1.105 CITY OF RIDGECREST ORDINANCES

Only matters appearing on the agenda may be considered in such a session. The Council may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

- (e) The Council shall not prohibit public criticism of the policies, procedures, programs or services of the City or of the acts or decisions of the Council. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law. (Ord. No. 96-03)

2-1.105 *Agenda.*

- (a) At least seventy-two (72) hours before a regular meeting, or at least twenty-four (24) hours prior to a special meeting, the City Clerk shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.
- (b) The agenda for all meetings shall include the opportunity for the public to address the Council prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Council on matters within the jurisdiction of the City but not on the agenda. Individual speakers shall be limited to five (5) minutes and the total time for public comments shall not exceed sixty (60) minutes, unless extended by a majority vote of the Council.
- (c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request clarification; provide a reference to staff or other resources for factual information; request staff to report back to the Council at a subsequent meeting or direct staff to place a matter of business on a future agenda.
- (d) Prior to discussion of any matter on the agenda, the Council may add matters to the agenda upon a majority finding that an emergency exists or upon at least a major-

ity vote finding there is a need to take immediate action and the need for action came to the attention of the City subsequent to the posting of the agenda. If only three (3) Councilmembers are present, the finding of the need for action shall be by unanimous vote.

- (e) The agenda shall describe matters to be discussed in closed session by providing the following information:
- (1) For closed session under Government Code Section 54956.7: "License/Permit Determination" [specify number of applicants];
 - (2) For closed session under Government Code Section 54959.8: "Conference with Real Property Negotiator [identify property, negotiating parties, subject of negotiations]";
 - (3) For closed session under Government Code Section 54956.9: "Conference with Legal Counsel - Existing Litigation [name of case unless disclosure would jeopardize service or settlement]"; or "Conference with Legal Counsel - Anticipated Litigation [potential case name]";
 - (4) For closed session under Government Code Section 54956.95: "Liability Claims [name of claimant]";
 - (5) For closed session under Government Code Section 54957: "Threat to Public Services or Facilities [name of law enforcement agency and title of officer]"; or "Public Employee [specify position]"; or "Public Employee Performance Evaluation [specify position]"; or "Public Employee Discipline/Dismissal/Release";
 - (6) For closed session under Government Code Section 54957.6: "Conference with Labor Negotiator [name of agency representative and employee organization or unrepresented employee]".
- (f) Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five (45) days' notice as specified by law. (Ord. No. 96-03)

2-1.106 CITY OF RIDGECREST ORDINANCES

2-1.106 *Closed Sessions.*

- (a) **The Council may conduct a closed session to:**
- (1) Consider a license or permit application;**
 - (2) Consider property acquisition or disposition by eminent domain or otherwise;**
 - (3) Consider pending or potential claims or litigation;**
 - (4) Consider threats to public services or facilities;**
 - (5) Consider the appointment, promotion or job performance of employees;**
 - (6) Consider charges levied against an employee;**
 - (7) Establish the City's position concerning employee negotiations;**
 - (8) Conduct any City business when public session is not possible due to riot or other interruption.**
- (b) **If possible, the Council shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the City. Action taken in closed session and the vote, abstention or absence of each member shall be publicly reported as follows:**
- (1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:**
 - If the Council's approval renders the agreement final, the Council shall report approval and the substance of the agreement in open session at the public meeting when the closed session was held.**
 - If final approval rests with the other party to the negotiations, the City shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the City of its approval.**
 - (2) Approval given to the city attorney to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting**

when the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify the direction to initiate or intervene in an action which has been given and the action, the defendants, and at the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to serve process on one (1) or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

- (3) Approval given to the city attorney of a settlement of pending litigation, at any stage prior to or during a judicial or quasijudicial proceeding shall be reported after the settlement is final, as follows:
 - If the Council accepts a settlement offer signed by the opposing party, the Council shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.
 - If final approval rests with some other party to the litigation or with the court, the City shall disclose the approval, and identify the substance of the agreement upon inquiry by any person when the settlement becomes final.
- (4) Settlement of claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.
- (5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of nonrenewal of an employ-

ment contract shall be deferred until the first public meeting following the exhaustion of the employees administrative remedies.

- (6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.
- (c) Reports required by this section may be made orally or in writing. The Council shall provide copies of any contracts, settlement agreements, or other documents approved or adopted at the closed session to any person present at the time of the closed session who has submitted a written request to the City Clerk within twenty-four (24) hours of the posting of the agenda or who has made a standing request for all documentation as part of a request for notice of meetings. If the closed session action taken results in substantive amendments to the documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours on the following day. the Mayor, or his designee, shall orally summarize the amendments for the benefit of the person present and requesting the information.
- (d) After completing a closed session, counsel shall prepare a confidential memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed in the office of the City Clerk. (Ord. No. 96-03)

Article 2A. City Council

2-2.101 *Mayor, Vice-Mayor, and Mayor Pro Tempore.*

- (a) The Mayor presides at Council meetings.
- (b) The Mayor Pro Tempore has all the powers and duties of the Mayor when the Mayor is absent or unable to act.

- (c) The Vice Mayor has all the powers and duties of the Mayor when the Mayor or Mayor Pro Tempore are absent or unable to act.
- (d) The Council shall meet as soon as new Council Members take office after a general municipal election to choose one (1) of the members to serve as Mayor, one (1) of its members to serve as Mayor Pro Tempore and one (1) of its members to serve as Vice-Mayor. (Ord. No. 96-03; Ord. No. 01-05)

2-2.102 Compensation and Expense Reimbursement.

(a) Council members shall each receive a monthly salary of six hundred and thirty-eight (\$638.00) dollars.

(b) Council members shall each receive a monthly salary of seven hundred and two dollars (\$702.00) effective February 1, 2007.

(c) Council members shall be reimbursed for actual and necessary expenses incurred in performance of official duties provided that the Council member has been authorized and instructed to perform such duties and incur such expenses by the Council in advance and, provided further, that a written claim for reimbursement is filed by the Council member with the Director of Finance within thirty (30) days after such expenses are incurred.

(Ord. No. 96-03; Ord. No. 01-14, § 2; Ord. No. 06-03, § 2)

2-2.103 General Municipal Elections.

(a) The General Municipal Election shall be conducted in November of even-numbered years. The General Municipal Election shall be consolidated with the statewide general election pursuant to Government Code Section 36503.5.

(b) The period for nominations of candidates shall coincide with the period of nominations for candidates for the statewide general election. (Ord. No. 96-03)

§ 2-2.104 CITY OF RIDGECREST ORDINANCES

2-2.104 *Filing Fee for Processing Nomination Papers.*

- (a) Under Elections Code Section 22843, the City has established and collects a filing fee of twenty-five dollars (\$25.00) for each nomination filed.
- (b) The filing fee shall be paid upon the filing of each nomination paper. Nomination papers for City Council elections shall not be accepted unless accompanied by the filing fee except as specified in (c) below. Filing fees shall be paid into the general fund.
- (c) In lieu of payment of a filing fee, a candidate for member of the City Council may submit a petition containing four (4) qualified signatures for each dollar of the filing fee not paid. As used herein, a qualified signature is the signature of a person who, at the time of providing such signature, was a registered voter within the City. Any petition submitted pursuant to this section in lieu of all or part of the required filing fee shall be submitted to the City Clerk with nomination papers and the amount of the filing fee, if any, remaining to be paid. (Ord. No. 96-03)

Article 3. Agencies, Commissions, Boards and Committees

2-3.101 *General.*

- (a) This Article sets forth provisions which are common to all agencies, commissions, boards and committees.
- (b) Commissions and boards shall consist of five (5) members who shall be registered voters within the City and who shall be appointed on the basis of their qualifications for their duties. Each member of the Council shall nominate one (1) Commissioner or board member. The Council shall confirm or reject the nomination.
- (c) Commission and board members shall serve for two-year terms which expire on the last day of November of even-numbered years. Each Councilmember shall nominate a commissioner who shall be confirmed by a majority of the City Council. Should a vacancy occur, either by

resignation or by Council action, the vacancy shall be filled by a nomination from the Councilmember whose Commissioner position is vacant and confirmed by a majority of the City Council. Commissioners may be removed at any time, without cause, by a four-fifths ($\frac{4}{5}$) vote of the Council.

- (d) The City Administrator shall appoint a secretary for each commission who shall maintain the records of the commission and the minutes of the meetings. The secretary shall receive such compensation as may be fixed from time to time by the Council by resolution.
- (e) At its first meeting in the month of December of each even-numbered year, each commission shall elect one (1) of its members as chair and one (1) of its members as

vice-chair. If the chair is absent or unable to act, the vice-chair shall conduct the meeting of the commission and exercise the powers of the chair.

- (f) Each commission shall provide for the time and place of its regular meetings.
- (g) Each commission shall act only by resolution or motion. A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business; however, no motion or resolution shall be passed and become effective without the affirmative vote of at least a majority of the Commissioners.
- (h) Each commission shall keep written records of its proceedings which shall be open at all times for public inspection. Each commission shall also file its recommendations with the Council.
- (i) The Council shall approve the budget for the work of each commission.
- (j) Upon request by the Commission, the City Administrator shall furnish to each commission within a reasonable time, such information as may be required for the work of the Commission. Each commission shall cooperate with commissions of other agencies charged with similar responsibilities in the formulation of its plans and recommendations to the Council.
- (k) On or before December 31 of each year, the Council shall prepare an appointments list of all regular and ongoing boards, commissions and committees which are appointed by the Council. The list shall identify all appointed terms which will expire during the next calendar year with the name of the incumbent, the date of the appointment, the date the term expires and the necessary qualifications for the position. The list shall also include all boards, commissions and committees whose members serve at the will of the Council.
- (l) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Council has the appointing power, whether due to resignation, death,

2-3.101 CITY OF RIDGECREST ORDINANCES

termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk not earlier than twenty (20) days before nor later than twenty (20) days after the vacancy occurs. Final appointment to the Board, Commission, or Committee shall not be made by the Council for at least ten (10) working days after the posting of the notice unless the Council finds that an emergency exists. A person appointed to fill a vacancy in an emergency shall serve only on an acting basis until the final appointment is made pursuant to this section. (Ord. No. 96-03)

2-3.102 *Redevelopment Agency.* The Redevelopment Agency of the City of Ridgecrest is hereby established. The Council shall act as the governing body of the Redevelopment Agency as defined in the Health and Safety Code section 33200. (Ord. No. 96-03)

2-3.103 *Planning Commission.*

- (a) Pursuant to the provisions of Chapter 3 of Title 7 (commencing with Section 65100) of the Government Code, there is hereby established a planning agency for the City. The planning agency shall be the Planning Commission composed and organized as set forth in this Article.
- (b) **Planning Commission Salary.** Commissioners shall receive monthly compensation in an amount established by resolution of the City Council. Commissioners may also receive traveling and other expenses incurred on City planning business.
- (c) **The Planning Commission shall:**
 - (1) Develop and maintain a general plan, zoning and subdivision ordinances;
 - (2) Develop such specific plans as may be necessary or desirable;
 - (3) Periodically review the capital improvement program of the City;
 - (4) Prepare, review and recommend to the Council plans and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan;

- (5) Act as the agency for the Council in connection with Subdivision Map Act;
 - (6) Investigate and recommend plans to the Council for the improvements and/or beautification of the City, including matters such as the opening, straightening, widening, closing of or parking on streets, improvement and development of public streets, improvement and development of public buildings and works the subdivision of lands and the supplementation or the change of zoning regulations and districts;
 - (7) Act as the zoning board of adjustment;
 - (8) Perform such other functions and duties as may be imposed by law or as the City Council may provide.
- (d) The Planning Commission shall have the powers necessary to enable it to fulfill and carry out its planning functions as provided by law and as set forth herein. In the performance of its functions, Planning Commission personnel may enter upon any land to make examination and surveys provided such entries, examination and surveys do not interfere with the use of land by those persons lawfully entitled to the provisions thereof.
- (e) The Director of Community Development shall assist the Commission with the performance of its duties. (Ord. No. 96-03; Ord. No. 99-01, § 2)

2-3.104 *Personnel Commission.*

- (a) The Personnel Commission is hereby established.
- (b) Commissioners shall receive no compensation, but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.
- (c) The Personnel Commission shall hear appeals by employees in the competitive service concerning appointments, promotions, demotions, suspensions and discharge; and make recommendations to the Council.
- (d) The Personnel Officer shall assist the Personnel Commission in the performance of its duties. (Ord. No. 96-03)

2-3.105 CITY OF RIDGECREST ORDINANCES

2-3.105 *Construction Appeals Board.*

- (a) **The Construction Appeals Board is hereby established. The Board shall be constituted as set forth in the Uniform Building Code as it pertains to the Contractors Appeals Board.**
- (b) **Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.**
- (c) **The Board shall undertake the tasks specified in the Uniform Building Code for the Board of Appeals, in the Uniform Housing Code for the Housing Advisory and Appeals Board and in the Uniform Code for the Abatement of Dangerous Buildings for the Board of Appeals.**
- (d) **The Building Official shall assist the Board in performance of its duties. (Ord. No. 96-03)**

2-3.106 *Handicap Access Appeals Board.*

- (a) **The Handicap Access Appeals Board is hereby established. The Board shall be appointed and constituted as follows: Two (2) members of the Board shall be physically handicapped persons, two (2) members shall be persons experienced in construction and one (1) member shall be a public member.**
- (b) **Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred on City business, provided such expenses are authorized by the Council.**
- (c) **The Board shall conduct hearings on written appeals made under the State Handicapped Access Standards and may approve or disapprove interpretations of these Standards and enforcement actions taken by the Building Official. The Board shall adopt regulations establishing procedural rules and criteria for carrying out its duties.**
- (d) **The Building Official shall assist the Board in the performance of its duties. (Ord. No. 96-03)**

2-3.107 Council Committees. The Council shall establish committees by resolution. Committee members shall be appointed by the Mayor with the advice and consent of the Council. The Committee shall select a chair. If the Committee cannot select a chair within sixty (60) days from the date of appointment, the Mayor shall nominate a chair who shall be confirmed by a majority of the Council. Meetings of standing committees are open to the public. Committees shall make their recommendations to the Council. (Ord. No. 96-03; Ord. No. 99-01, § 3)

2-3.108 Additional Council Appointments. The following additional appointments shall be made by the Council to conduct the business of the City. These are listed below with the appropriate assignments.

- (a) **Kern Council of Governments (KernCOG).** One (1) representative and one (1) alternate from the City Council appointed by a majority of the Council in December of even-numbered years for a two-year appointment.
- (b) **Navy Community Council.** The City has two (2) representatives. The Mayor serves as a permanent member. Additionally, one (1) representative from the City Council, approved by a majority of the Council for a six-month term appointed in December and May.
- (c) **Kern County Air Pollution Control District (KCAPCD).** One (1) representative from the City Council, appointed by a majority of the Council in December for a two-year term.
- (d) **Ridgecrest Area Convention and Visitors Bureau (RACVB).** One (1) representative from the City Council appointed by a majority vote of the Council for a two-year term starting in December of even-numbered years.
- (e) **IWV Groundwater Management Committee.** One (1) representative from the City Council, appointed by a majority of the Council for a two-year term commencing in December of even-numbered years.
- (f) **League of California Cities-Desert Mountain Division.** One (1) representative from the City Council, appointed by the majority of the Council for a one-year term starting in December.

2-3.108 CITY OF RIDGECREST ORDINANCES

- (g) Any Ad Hoc Committee that the City Council may deem necessary. Procedures for appointment and length of term to be determined by the Council at the time of inception. (Ord. No. 96-03)

2-3.109 *Disaster Council.*

- (a) The Disaster Council is hereby established.
- (b) The Disaster Council shall 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.

As used herein "emergency" shall mean 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 likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.

- (c) The Disaster Council shall consist of the following: The Mayor, who is the Chair; the Director of Emergency Services, who is the City Administrator and who shall be Vice-Chair; the Assistant Director of Emergency Services who is the Chief of Police or the person appointed by the Director in the Assistant Director's absence; such chiefs of emergency services as are provided for in a current emergency plan of the City adopted pursuant to this section; and such representatives of civic, business, labor,

veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the Director to fulfill the requirements of the Emergency Operations Plan.

- (d) The 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 the call of the Chair, or in the Chair's absence from the City or inability to call such meeting, upon the call of the Vice Chair.

- (e) The Disaster Council shall be responsible for the development of the City Emergency Operations 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 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.
- (f) As required by the Emergency Operations Plan and State statute, the Chairman shall:
 - (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the Council is in session, or to issue such proclamation if the City Council is not in session. The Council shall take action to ratify the proclamation within seven (7) 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 Chair, the locally available resources are inadequate to cope with the emergency.
- (g) As required by the Emergency Operations Plan and State statute the Director shall:
 - (1) Declare a local emergency, provided, whenever a local emergency is proclaimed, the Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
 - (2) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this section.

2-3.109 CITY OF RIDGECREST ORDINANCES

- (3) 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.
- (4) Represent this City in all dealings with public and private agencies on matters pertaining to emergencies as defined herein.
- (h) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state 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:
 - (1) 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;
 - (2) 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;
 - (3) Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Kern County or the existence of a "state of war emergency," to 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;
 - (4) Requisition necessary personnel or material of any City department or agency; and
 - (5) Execute all ordinary power as City Administrator, all of the special powers conferred by this section or by resolution of emergency plan pursuant hereto adopted by the City Council, all powers conferred by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(i) The Director of Emergency Services shall designate the order of succession to that office to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

(j) 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; and shall have such other powers and duties as may be assigned by the Director.

(k) All officers and employees of this City, together with those volunteer forces enrolled to aid them by agreement or operation of law, including persons impressed into service under the provisions of this Code, shall be 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.

(l) 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.

(m) It shall be a misdemeanor promulgated in the California Emergency Act and the California Penal Code for any person during an emergency to:

- (1) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon him by virtue of this section;
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to this section, 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 his City, or to prevent, hinder, or delay the defense or protection thereof;
- (3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State. (Ord. No. 96-03)

Article 4. City Manager

2-4.101 Appointment.

- (a) The City Manager shall be appointed by the Council and shall hold office at the will of the Council.
- (b) The Council finds and determines the public health, safety and welfare require the City Manager to respond promptly to emergencies and such response is not possible unless the City Manager resides with the City. Residence in the City at the time of the appointment of a City Manager shall not be required as a condition of the appointment. Within one hundred eighty (180) days after reporting for work, the City Manager shall become a resident of the City.
- (c) The City Manager appoints the Acting City Manager unless the City Manager position is vacant. If the City Manager position is vacant the Acting City Manager shall be appointed by the Council.
- (d) The City Manager and Acting City Manager shall be covered by the City's public employees' blanket bond.
- (e) No member of the Council shall be eligible for appointment as City Manager until one year has elapsed after such Council Member shall have ceased to be a member of the Council. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.102 Powers and duties. The City Manager shall be the administrative head of the government of the City under the direction and control of the Council except as otherwise provided in this Article. In addition to general powers as administrative head, and not as a limitation thereon, the City Manager shall have the following powers and authority:

- (a) To enforce the laws and regulations of the City and ascertain that franchises, contracts, permits, and privileges granted by the Council are faithfully observed.
- (b) To control, order, and give directions to heads of departments and to subordinate officers and employees of the City under the City Manager's jurisdiction through their department heads.

- (c) To prepare personnel rules and regulations.
- (d) To prepare position classification plans, including class specifications and revisions thereof.
- (e) To prepare a plan of compensation and revisions thereof, covering all classifications in the competitive service.
- (f) To appoint, remove, discipline, promote and demote any employee of the City, except the City Attorney, subject to applicable personnel ordinances, rules and regulations.
- (g) To conduct studies and effect such administrative reorganizations of offices as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.
- (h) To attend all meetings of the Council unless excused by the Mayor or by the Council, except when removal of City Manager is under consideration.
- (i) To keep the Council fully advised of the financial conditions and needs of the City.
- (j) To prepare and submit the proposed annual budget and salary plan to the Council for its approval.
- (k) To ensure that no expenditures are submitted or recommended to the Council except on approval or the approval of authorized representative.
- (l) To make investigations into the affairs of the City, and any department or division thereof, and any contract or the proper performance of any obligations of the City, and to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the services maintained by public utilities in the City.
- (m) To exercise supervision over public buildings, public parks, and other public property which are under the control and jurisdiction of the City.

2-4.102 CITY OF RIDGECREST ORDINANCES

- (n) To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance, resolution or other action of Council. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.103 *Department Head Relations.*

- (a) All department heads shall report to the City Manager.
- (b) The City Manager shall prepare performance plans for and annually evaluate all department heads and recommend to the City Council maximum annual salary for each department head.
- (c) The City Manager is responsible for the appointment of all department heads subject to the following process:
 - (1) Developing a job brochure and selection criteria for each vacant position for approval by the City Council;
 - (2) Recruiting for qualified candidates as needed;
 - (3) Screening candidates by appropriate means to establish an interview pool of an appropriate number of candidates;
 - (4) Negotiating with the top candidate to determine wages, benefits and conditions of employment;
 - (5) Overseeing the appropriate background and qualification examination. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.104 *Council Relations.* The Council and individual Council Members shall deal with the administrative services of the City only through the City Manager, except for the purposes of inquiry. Council Members shall not give orders or instructions to any subordinate of the City Manager. The City Manager shall take his orders and instructions from the Council only when sitting in a meeting of the Council. No individual Council Member shall give any orders or instructions to the City Manager. The Council is responsible for evaluating the performance of the City Manager. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.105 *Cooperation of Subordinates and Commissions.*

- (a) Subordinates and department heads shall assist the City Manager in conducting the affairs of the City.
- (b) The City Manager may attend any and all meetings of the commissions, boards, or committees created by the Council, be heard by such and inform members as to the status of any matter being considered by the Council. The City Manager shall cooperate with the members of all such commissions, boards, or committees. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.106 *Removal.*

- (a) The City Manager may be removed from office only by a majority vote at a regular meeting of the whole Council as then constituted. In the event of proposed removal, the City Manager shall be furnished with a 30-day prior written notice. Within seven days of receipt of notice of removal, the City Manager may request the Council to provide written reasons for the removal. The Council shall provide reasons for the removal in writing within seven days after a request by the City Manager and at least fifteen days prior to the effective date of such removal. After furnishing the City Manager with a written notice of intended removal from office, the Council may suspend the City Manager from duty. Compensation shall continue until removal is final.
- (b) The City Manager may file a written appeal and request a hearing before the Council. The purpose of such hearing being to allow the City Manager an opportunity to present to the Council grounds of opposition to removal prior to the action of the Council.
- (c) In removing the City Manager the Council's action shall be final and shall not depend upon any particular showing or degree of proof at the hearing.
- (d) Notwithstanding the foregoing, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any election at which a member of the Council

2-4.106 CITY OF RIDGECREST ORDINANCES

is elected or when a new Council Member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the Council or a reorganized Council to observe the actions and ability of the City Manager in the performance of the powers and duties of the office. After the expiration of such 90-day period, the provisions of this Article providing for the removal of the City Manager from office shall apply and be effective.

- (e) On the involuntary termination from service of the City Manager for other than for willful misconduct in office, the City Manager shall receive cash severance pay in a lump sum equal to one months' pay for every year of continuous service, or fraction thereof, as City Manager, up to a total of three months' pay. Such pay shall be computed at the highest salary received by the City Manager during service with the City. For the purposes of this section, "involuntary removal from service" shall include reductions in pay not applicable to all employees of the City. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.107 *Supplemental Employment Agreements.* Nothing contained in this Article shall limit the power of the Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment, and the agreement shall prevail with respect to any matter covered by the both the code and the agreement. (Ord. No. 96-03; Ord. No. 01-07, § 3)

Article 5. Departments Established

2-5.101 *General.* The following departments are hereby created:

Administration, Police, Finance, Public Works, Community and Economic Development, Administrative Services, and Parks and Recreation. (Ord. No. 96-03; Ord. No. 01-01)

2-5.102 *Administration Department.* The office of City Administrator is hereby created. The City Administrator is the administrative head of the city government under the direction and control of the City Council with the powers and duties described in Article 4. (Ord. No. 96-03; Ord. No. 01-01)

2-5.103 *Police Department.* The office of the Chief of Police is hereby created. The Chief of Police is the head of the Police Department. The Chief of Police shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill the work of the office and shall hold the office at will according to Section 2-6.102. The Chief of Police shall control the operation of the Police Department, and shall direct the Department so that it fulfills the duties delegated to it by law and as follows:

- (a) Plan, organize, and direct the activities of the Police Department in law enforcement and crime prevention.
- (b) Execute and return all process issued, and directed the office by legal authority.
- (c) Take charge of prisoners in the City Jail.
- (d) Recommend fees and charges for routine administrative services provided by the Department.
- (e) Keep a record of all fees for service of process or other money collected by the Department.
- (f) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.104 *Finance and Informational Services Department.* The office of the Finance Director is hereby created. The Finance Director is the head of the Finance and Information Services Department. The Finance Director shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill the work of the office and shall hold office at will according to Section 2-6.102. The Finance Director is also the Treasurer.

The Finance Director shall execute a corporate surety bond, conditioned upon the faithful performance of his duties, in a penal sum in a reasonable amount as recommended by the City Attorney and fixed by the Council by resolution, which may be changed during the term of office of the Finance Director.

The Finance Director shall control the operations of the Finance Department and shall direct the Department so that it fulfills the duties delegated to it as follows:

- (a) Review demands prior to payment. The schedule of such payments shall be submitted to the Council for review.

2-5.104 CITY OF RIDGECREST ORDINANCES

- (b) Countersign City warrants.
- (c) Endorse orders or demands which are not approved for want of funds, number the endorsement, register the order or demand in departmental records and deliver it to the claimant, or his order.
- (d) Maintain records reflecting the financial condition of the City.
- (e) Provide a written report to Council members on a monthly basis showing revenues and expenditures versus budget summarized by functional activities.
- (f) Prepare and present to the Council at the end of each fiscal year a summary statement of the receipts and disbursements by departments and funds, including opening and closing fund balances.
- (g) Submit the State Controller required reports in accordance with State Law.
- (h) Scrutinize expenditures and revenues in conformance with the approved budget.
- (i) Establish procedures for receiving revenue.
- (j) Prepare and certify all financial reports to the State and other governmental agencies.
- (k) Annually recommended the City's investment policy in accordance with statute.
- (l) Invest surplus funds in accordance with the investment policy approved by the Council.
- (m) Provide quarterly reports of investments to City Administrator and Council in accordance with statute.
- (n) Coordinate the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment, which cannot be used by the City.
- (o) Recommend rules and procedures governing the purchase of supplies and equipment.
- (p) Manage information systems.

- (q) Act as Tax and Revenue Administrator.
- (r) The duties imposed upon the City Clerk by Sections 37203 through 37205, 37207 and 40802 through 40805 of the Government Code of the State are hereby transferred to the Finance Director as authorized by Section 37209.
- (s) Other duties as assigned by City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.105 *Community and Economic Development Department.* The office of the Community and Economic Development Director is hereby created. The Community and Economic Development Director is the head of the Community and Economic Development Department. The Community and Economic Development Director shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill the work of the office and shall hold office at will according to Section 2-6.102. The Director is the ex officio building official.

The Community and Economic Development Director shall control the operations of the Community and Economic Development Department and direct the Department so that it fulfills the following duties and functions delegate to it, including:

- (a) Planning, land use and zoning.
- (b) Acts as Secretary to the Planning Commission.
- (c) Act as the ex officio building official;
- (d) Inspection of all building construction and improvements;
- (e) Environmental evaluation and review;
- (f) Annexation;
- (g) Economic Development;
- (h) Code enforcement;
- (i) Maintenance of the general plan, zoning, subdivision and building ordinances;
- (j) Administers the Business License Ordinance.
- (k) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.106 CITY OF RIDGECREST ORDINANCES

2-5.106 *Administrative Services Department* The office of the Administrative Services Director is hereby created. The Administrative Director is the head of the Administrative Services Department. The Administrative Services Director shall be appointed according to Section 2-4.102 (f) on the basis of the ability to fulfill the work of the position and shall hold the position at will according to Section 2-6.102.

The Administrative Director shall be responsible for the operation of the Administrative Services Department and shall direct the Department so that it fulfills the duties delegated to it by law as follows:

- (a) Plan, coordinate, and direct the personnel functions of the City; including but not limited to employee recruitment, employee benefits, evaluations, employee records, employee retention, and etc.
- (b) Administer the City's Risk Management functions. These duties are to administer the City's liability insurance, workers' compensation insurance, and property insurance programs, as well as other duties and tasks as may be periodically assigned to the Risk Management Division.
- (c) The Administrative Services Director shall coordinate the duties and functions of the City Clerk, as assigned by the City Administrator, including but not limited to:
 - (1) Keep and maintain all City records;
 - (2) Prepare an accurate record of the proceedings of the Council in books bearing the appropriate titles and devoted exclusively to such purposes;
 - (3) Maintain a comprehensive general index to record proceedings;
 - (4) Keep a book marked "ordinances" and record in it all City Ordinances with a certificate annexed to each stating:
 - (i) It is a true and correct copy of a City ordinance;
 - (ii) The ordinance number; and

- (iii) It has been published or posted pursuant to law;
- (5) Be custodian of the City seal;
- (6) Conduct and administer Elections for the City;
- (7) Administer oaths or affirmations and take and certify affidavits and depositions pertaining to City affairs;
- (8) Provide copies of public records, upon payment of required fees;
- (9) Receive claims and provide notice of action on the claims;
- (10) Perform other acts as required by law;
- (d) Other duties as assigned by the City Administrator. (Ord. No. 01-01)

Editor's note—Ord. No. 01-01, adopted January 17, 2001, repealed § 2-5.106 and enacted new provisions as set out herein. Formerly, § 2-5.106 pertained to the city clerk department and derived from Ord. no. 96-03.

2-5.107 Public Works Department. The office of the Public Works Director is hereby created. The Public Works Director is the head of the Public Works Department. The Director of Public Works shall be appointed according Section 2-4.102 (f) on the basis of the ability to fulfill the work of the positions and shall hold the office at will according to Section 2-6.102.

As required by Business and Professions Code Section 6730 any person who practices or offers to practice, civil engineering in any of its branches, in the employment of the City shall submit evidence of qualification to practice and shall be registered accordingly as a Civil Engineer, by the State Board of Registration for Professional Engineers and Land Surveyors.

The Director of Public Works shall be responsible for the operation of the Department of Public works and shall direct the Department so that it fulfills the duties delegated to it by law including:

- (a) Serve as Superintendent of Streets;
- (b) Serve as City Engineer;

2-5.107 CITY OF RIDGECREST ORDINANCES

- (c) Supervise the operation of the wastewater treatment plant;
- (d) To perform other acts required by law or as directed by the City Administrator;
- (e) Manage the Ridgecrest Area Transit System;
- (f) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.108 *Parks and Recreation Department.* The office of the Parks and Recreation Director is hereby created. The Parks and Recreation Director is the head of the Parks and Recreation Department. The Parks and Recreation Director shall be appointed according to Section 2-4.102 (f) on the basis of the ability to fulfill the work of the position and shall hold the position at will according to Section 2-6.102.

The Parks and Recreation Director shall be responsible for the operation of the Department of Parks and Recreation and shall direct the Department so that it fulfills the duties delegated to it by law as follows:

- (a) Plan, coordinate, and direct the development, use and maintenance of the City parks and park facilities and the maintenance of all other municipal buildings.
- (b) Plan and administer a broad program of municipal recreation.
- (c) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.109 *Reorganization of Duties* The City Administrator may, to the extent allowed by law, transfer duties listed for one department to another as the needs of the organization dictate and in order to improve efficiency and service to the public. Any major change to the structure of the Departments including the addition of, or elimination of a department must be approved by the City Council. (Ord. No. 01-01)

Article 6. Promotion, Discipline and Termination of City Officers and Employees

2-6.101 General. This Article sets forth the rules and regulations governing promotion, discipline and termination of City officers and employees. This Article also sets forth the rules and regulations governing employee relations. (Ord. No. 96-03; Ord. No. 01-07, § 4)

2-6.102 Classification of Employees.

(a) All full time employees of the City who are hired via a competitive examination are members of the Competitive Service.

(b) Department heads are members of the Non-Competitive Service.

(c) Temporary employees are members of the Non-Competitive Service.

(d) The City Attorney serves at the will of the City Council.

(e) The following are confidential officers and employees:

- (1) City Manager, Secretary, Personnel Analyst, and any Assistants;
- (2) City Clerk, Secretary, and any Assistants;
- (3) Finance Department Administrative Aide, Secretary, Accountants, and Account Clerks;
- (4) Police Department Senior Secretary;
- (5) All other management employees are Non-Competitive Service members.

All City Employees serve in accordance with the Personnel Rules and Personnel Policies established by the City Manager and any applicable labor agreements, or Memorandums of Understanding, as approved by the Council.

Actions taken to demote or remove a member of the Competitive Service will be as set forth in the Personnel Rules and Personnel Policies for all other City employees. (Ord. No. 96-03; Ord. No. 01-07)

2-6.103 CITY OF RIDGECREST ORDINANCES

2-6.103 *Personnel Relations.*

(a) After the meet and confer process has taken place with each bargaining unit, the Personnel Officer shall recommend the adoption of rules and regulations covering hiring, promotion, discipline and termination of all officers and employees in the competitive service. If the recommendations of the Personnel Officer are approved by the City Council, said approved rules and regulations shall be adopted by City Council resolution.

(b) The rules and regulations governing the competitive services shall provide for, but are not limited to:

- (1) Appointment and promotion based on merit and fitness ascertained by competitive examination;
- (2) The establishment of a probationary period for appointments and promotional appointments of not less than twelve (12) months for miscellaneous employees and eighteen (18) months for safety members;
- (3) Notices required by law prior to the imposition of disciplinary action and a right of appeal to the Personnel Commission;
- (4) Persons shall not be unlawfully appointed, employed, promoted or disciplined or otherwise favored or disfavored because of political opinions, race, color, creed, national origin, ancestry, religious beliefs, sex, disability, handicap, age, or marital status. (Ord. No. 96-03; Ord. No. 01-07, § 4)

2-6.104 *Employer / Employee Relations.*

(a) After the meet and confer process has taken place with all parties, the Personnel Officer shall recommend the adoption of rules and regulations covering employer/employee relations. If the recommendations of the Personnel Officer are approved by the City Council, said approved rules and regulations shall be adopted by City Council resolution.

(b) The rules and regulations governing employer/employee relations shall, as far as practicable provide for:

- (1) Determination of appropriate representational units;

- (2) Determination of recognized employee organizations;
- (3) Impasse resolution;
- (4) Determination of unfair employee or employer practices;
- (5) Other appropriate matters. (Ord. No. 96-03; Ord. No. 01-07, § 4)

Article 7. Official Records and Notices

2-7.101 General. This Article governs the handling of public records and official matters. (Ord. No. 96-03)

2-7.102 Definitions. The following terms are defined for the purposes of this Article:

- (a) "Public records" shall mean any information, regardless of format containing information relating to the conduct of City business prepared, owned, used or retained by the City regardless of physical form or characteristics. (Ord. No. 96-03)

2-7.201 Records Access. This Section governs the access of City records and implements the provision of Chapter 3.5 (commencing with Section 6250) of Title 1 of the Government Code. (Ord. No. 96-03)

2-7.202 Access. City records are open to public inspection at all times during the office hours of the City and every citizen has a right to inspect any City record except as herein provided. (Ord. No. 96-03)

2-7.203 Exceptions.

- (a) Nothing contained in this section shall be construed to require disclosure of records that are:
 - (1) Preliminary drafts, notes or intra or interagency memoranda which are not retained by the City in the

ordinary course of business, provided, that public interest in withholding such records clearly outweighs the public interest and disclosure;

- (2) Records pertaining to pending litigation to which the City is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been fully adjudicated or otherwise settled;
 - (3) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
 - (4) Geological or geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;
 - (5) Test questions, scoring keys and other examination data used to administer examinations for employment;
 - (6) The content of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the City relative to the acquisition of property, or to prospective supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision.
- (b) Notwithstanding the foregoing, every employment contract between the City and any public official or public employee is a public record which must be disclosed and an itemized statement of the total expenditures or disbursements of the City provided for in Article VI of the California Constitution shall be open for public inspection.
- (c) The City shall justify withholding any records by demonstrating that the record in question is exempt under the express provisions of this section or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Ord. No. 96-03)

2-7.204 CITY OF RIDGECREST ORDINANCES

2-7.204 Copies.

- (a) No person, unless authorized by the City Administrator, City Clerk, or City Attorney, shall remove any original papers or documents from the City Hall.
- (b) A person may receive a copy of any identifiable City record, upon request. An exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the City. A request for a copy of an identifiable public record of information produced therefrom or a certified copy of such record shall be accompanied by payment of a fee in the amount from time to time established by the Council.
- (c) If the applicant is unable to identify the record to be copied, a charge from time to time established by the Council, shall be paid to the City for time spent by City personnel in attempting to locate such record.
- (d) The City Clerk may require any person who desires to obtain a copy of a City record to deposit an amount equal to the estimated fees for copying and, if applicable, charges for searching for the required information. That portion of the deposit which is not required to cover the costs of such fees and charges will be refunded to the person desiring to obtain the information. If such deposit is insufficient to cover the cost of such fees and charges, an additional deposit will be required. (Ord. No. 96-03)

2-7.301 Records Destruction. This Section governs the destruction of City records and implements the provisions of Chapter 7 (commencing with Section 60200) of Division 2, Title 6 of the Government Code Sections 34090, 34090.5, 34090.6, and 34090.7 of the Government Code. (Ord. No. 96-03)

2-7.302 Permanent Records. The following original records shall be maintained in perpetuity in the City's files:

- (a) The certificate of incorporation of the City;
- (b) Any certificate of annexation proceedings;
- (c) Any certificate of the Secretary of State reciting the filing of annexation papers in the City in his office;

- (d) Any certification by the Secretary of State reciting the filing of annexation papers by the City in his office;
- (e) Resolutions and ordinances;
- (f) Minutes of the meetings of the City Council;
- (g) Certificate of assessed valuation prepared by the auditor of Kern County;
- (h) Documents received from the tax assessor detailing City taxes collected;
- (i) Ballot arguments on bond issues;
- (j) Results of bond propositions received from the canvassing bodies;
- (k) Results of elections for the office of member of the City Council received from the canvassing body;
- (l) Records of securities acquired with surplus City monies;
- (m) Receipts for securities from banks;
- (n) Documents received relating to claims brought against the City;
- (o) Documents received pursuant to eminent domain proceedings brought by the City;
- (p) Records that are determined by the City Council to be of significant and lasting historical, administrative, legal, fiscal or research value; and
- (q) Records required by law to be filed and preserved. (Ord. No. 96-03)

2-7.303 *Microfilm Records.* The following original records, or a microfilmed copy of such original record, shall be maintained in perpetuity in the City's files:

- (a) Financial records summarizing the financial status of the City other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code.
- (b) Records affecting title to land or liens thereon.

2-7.304 CITY OF RIDGECREST ORDINANCES

- (c) Oaths of office and related materials depicting the authenticity of the appointment of any director or officer of the City.
- (d) Paid vouchers with attached documents; summary of collections, registers of demands issued and journals of warrant paid, provided, the original thereof has been maintained in the City's files for a period of five (5) years.
- (e) Reports of the City in correspondence not covered in any other portion of this section; and records received pursuant to State statute which are not expressly required by law to be filed and preserved.
- (f) Records received pursuant to State statute which are not expressly required by law to be filed and preserved. (Ord. No. 96-03)

2-7.304 *Temporary Records.*

- (a) With the consent of the Council and City Attorney, the following original records may be destroyed after the passage of time, as indicated, without the maintenance of a microfilm copy thereof:
 - (1) Unaccepted bids or proposals for construction may be destroyed without microfilming after two (2) years.
 - (2) Work orders or in-house records of time spent on various City work assignments may be destroyed without microfilming after two (2) years.
 - (3) Records created for a specific event or action may be destroyed without microfilming after five (5) years following the end of the fiscal year in which the event or action was completed, unless there is pending litigation involving the records.
 - (4) Canceled checks for the payment of bond interest and redemption may be destroyed after ten (10) years.
 - (5) Tapes of City meetings other than those specified in Section 2-7302 may be erased after five (5) years.
 - (6) Any record, paper or document which is more than two (2) years old and which was prepared or received in any manner other than pursuant to State statute.

- (b) The following records may be destroyed at any time without maintenance of a microfilm copy thereof:
- (1) All duplicates, the original or a permanent photostatic records of which is on file.
 - (2) Rough drafts, notes and working papers accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document representing the work of any department of the City, including but not limited to meter books after the contents thereof have been transferred to other records.
 - (3) Cards, listings, nonpermanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters.
 - (4) Cancelled coupon sheets from registered bonds. (Ord. No. 96-03)

2-7.401 Posting.

- (a) All ordinances and notices shall be published in a newspaper of general circulation published and circulated in the City and posted at three (3) places in the City.
- (b) The following places are designated as the public places in the City for the posting of notices:
 - (1) The bulletin board of the City Hall, located at 100 West California Avenue, Ridgecrest, California.
 - (2) The bulletin board in the Ridgecrest Post Office located at 101 East Coso Avenue, Ridgecrest, California.
 - (3) The bulletin board in the Kern County Administration Building, 400 North China Lake Boulevard, Ridgecrest, California. (Ord. No. 96-03)

Article 8. Miscellaneous

2-8.101 *P.O.S.T. Standards.* The City will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. No. 96-03)

2-8.102 CITY OF RIDGECREST ORDINANCES

2-8.102 *Conflicts of Interest.*

- (a) A model Conflicts of Interest Code promulgated by the Fair Political Practices Commission and approved by the code reviewing body is hereby adopted as the City's Conflict of Interest Disclosure Code pursuant to Government Code Section 87300.
- (b) The following employees, hereinafter "designated employees", shall file disclosure statements for all categories of disclosure, provided that income need not be disclosed on the initial disclosure statement:

- Chief of Police
- City Clerk
- Community and Economic Development Director
- Parks and Recreation Director
- Public Works Director
- Engineering Manager
- Lieutenants
- Support Services Manager
- Public Works Supervisor
- Wastewater Treatment Supervisor
- Chief Building Official
- Building Inspector(s)
- Associate Planner
- Assistant Planner
- Planning Technician
- Assistant to City Administrator

and all designated employees appointed on interim or temporary duty for these listed positions.

- (c) Consultants shall file conflict of interest disclosure statements for categories of disclosure affected by the consultant's work as determined by the City Administrator. As used herein, the term "consultants" refers to persons identified as consultants under the regulations of the Fair Political Practices Commission. (Ord. No. 96-03)

2-8.103 *Pension Benefits.* The City has entered into a contract with the Board of Administration, California Public Employees Retirement System (PERS) which provides pension benefits for City employees. The PERS contract may be amended by ordinance. (Ord. No. 96-03)

Editor's note—Amendments to the PERS contract may be found in the office of the City Clerk, per Ord. No. 02-02.