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Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

CITY OFFICERS AND EMPLOYEES¹

Section:

- 2.04.010** **Officers enumerated.**
- 2.04.030** **Employees designated.**
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2.04.010 Officers enumerated.

The officers of the city are the following:

- A. Council members;
- B. City manager;
- C. Finance director;
- D. City clerk;
- E. City attorney;
- F. Department heads;
- G. Assistant city manager;
- H. Members of the Bidwell Park and Playground commission;
- I. Members of the airport commission.

(Prior code §2.3 (Ord. 669, Ord. 1192 §1, Ord. 1298 §1, Ord. 1366, Ord. 1628, Ord. 2113 §1, §8))

2.04.030 Employees designated.

All persons rendering services to the city are employees of the city except as follows:

- A. Councilmembers of the city;
- B. All persons providing services to the city only as an appointed member of a city commission, board or committee;
- C. All persons volunteering to provide services to the city without compensation; and
- D. All consultants and other persons providing services to the city as independent contractors.

(Prior code §2.5 (Ord. 669, Ord. 1292 §7, Ord. 1330 §2, Ord. 1927 §1))

2.04.050 Finance director.

The finance director shall have all the powers and duties as prescribed by law, including, but not limited to, the powers and duties of the finance director as prescribed by the city charter and this code. In addition, the finance director shall have such other powers and duties as may be assigned by the city manager.

(Prior code §2.8 (Ord. 669, Ord. 1927 §3, Ord. 1978 (part), Ord. 2113 §1), Ord. 2268)

2.04.060 Human resources director.

The human resources director shall have all the powers and duties as prescribed by law, including, but not limited to, the powers and duties of the human resources director as prescribed by this code. In addition, the human resources director shall have such other powers and duties as may be assigned by the city manager.

(Ord. 1978 (part), Ord. 2113 §3, Ord. 2268, Ord. 2324 §1)

2.04.070 City clerk.

The city clerk has the powers and duties prescribed by law for the office of city clerk, and such other powers and duties as may be assigned by the city manager.

(Prior code §2.10 (Ord. 669), Ord. 2268)

2.04.080 City attorney.

The city attorney shall have the powers and duties as prescribed by law.

(Prior code §2.11 (Ord. 669))

2.04.090 Officers authorized access to state summary criminal history information enumerated.

The following officers of the city are authorized access to state summary criminal history information as provided for in the California Penal Code when such information is required for the processing of an application for employment, certification or license pursuant to the provisions of the city Charter, this code, or any other ordinance, resolution, rule or regulation, or administrative policy and procedure of the city:

- A. City manager;
- B. Assistant city manager;
- C. Chief of police;
- D. City attorney;
- E. Finance director;
- F. Human resources director.

(Ord. 1225 §1, Ord. 2113 §1, §3, §9, Ord. 2364 §54)

2.04.110 Official bonds.

- A. Finance Director. The finance director shall give a bond for the faithful performance of the finance director's duties in the penal sum of not less than \$200,000.
- B. Officers and Employees Generally. All officers, except the finance director, and employees of the city shall give bonds for the faithful performance of their duties in the penal sum of not less than \$100,000. The bonding requirement pertaining to these officers and employees may be complied with by a single public employees' faithful performance blanket position bond.

(Prior code §§2.12, 2.13 (Ord. 669, Ord. 1596 §1, Ord. 2113 §1), Ord. 2268)

Chapter 2.08

CITY COUNCIL³

Section:

- 2.08.010** **Definitions.**
- 2.08.020** **Establishment of councilmanic rules of procedure, committees and fees.**
- 2.08.030** **Regulation of post-election meetings of councilmembers-elect.**
- 2.08.040** **Time and date of regular council meetings.**

2.08.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the construction of the words and phrases used in this chapter:

- A. Councilmember-Elect. The phrase "councilmember-elect" means any person who has been elected as a member of the city council at a general municipal election but who has not yet taken the oath of office.
- B. Post-Election Meeting of Councilmembers-Elect. The phrase "post-election meeting of councilmembers-elect" means any meeting of councilmembers subject to the provisions of The Ralph M. Brown Act (Section 54950 et seq. of the California Government Code), which:
 - 1. Takes place following a general municipal election;
 - 2. Is attended by four or more councilmembers-elect or any combination of four or more councilmembers-elect and incumbent councilmembers who will remain in office after such councilmembers-elect have taken the oath of office; and
 - 3. Includes discussion of a matter which is pending before the city council or which is likely to be presented to the city council in the foreseeable future for a decision.

(Ord. 1751 §2 (part))

2.08.020 Establishment of council rules of procedure, committees, and fees.

Subject to the provisions of the City Charter, the council may determine, as it may deem necessary, the following by resolution:

- A. Its own rules;
- B. Its own order of business;
- C. Its own standing and other committees;
- D. Fees for the rendering of services by itself and its various commissions, departments, and offices and for the use of its property and in doing so it may establish and publish a schedule thereof; and
- E. A fee for the calling and holding of special meetings of itself and its commissions where such special meetings are called at the specific request of any person other than a councilmember, commissioner, officer or employee of the city acting in his or her capacity as such, for a private purpose. The council may require all or a portion of said fee deposited in advance prior to the call for such special meeting. The resolution may provide for prorating of such fee where more than one matter is heard at such special meeting.

(Ord. 1751 §2 (part), Ord. 2268)

2.08.030 Regulation of post-election meetings of councilmembers-elect.

- A. Meetings to be Open and Public. Every post-election meeting of councilmembers-elect shall be open and public and all persons shall be permitted to attend any such meeting.
- B. Notice of Meetings. Any person calling a post-election meeting of councilmembers-elect shall cause a written notice of the meeting to be delivered personally or by mail to the city clerk, to each incumbent member of the council, and to each local newspaper of general circulation, radio station, or television station which has requested notice of special meetings of the council pursuant to the provisions of Section 54956 of the California Government Code. Such notice shall be delivered personally or by mail at least 24 hours prior to the time of such meeting and must specify the time and place of the meeting and the matters to be discussed. At any post-election meeting of councilmembers-elect, no matter shall be discussed which is not specified in the notice of such meeting.
- C. Violations.
 - 1. Any councilmember or councilmember-elect who knowingly or willfully violates any provision of this section is guilty of a misdemeanor notwithstanding the provisions of this code to the contrary.
 - 2. Any councilmember or councilmember-elect who is convicted of a violation of the provisions of this section shall be deemed to have been convicted of a crime involving moral turpitude and shall forfeit the office held on the council in the manner provided for by Section 405 of the city charter.

(Ord. 1751 §2 (part), Ord. 2268)

2.08.040 Time and date of regular council meetings.

- A. The council shall meet in regular session at 6:30 p.m. on the first Tuesday of each month. However, when a closed session is scheduled to be held before commencement of the regular session, the closed session shall begin at 6:00 p.m., unless the agenda for the meeting indicates a different time for the closed session to be held.
- B. As required by Section 602.A. of the City Charter, a regular meeting of the council shall be held on the first Tuesday in December of each even-numbered year, commencing at 7:30 p.m
- C. A regular meeting may be adjourned to a date, time and place specified in the order of adjournment.

(Ord. 2302)

Chapter 2.12

CITY MANAGER⁴

Section:

- 2.12.010 Powers and duties generally.**
2.12.020 Authority to set hearing dates.
2.12.030 Additional Duties

2.12.010 Powers and duties generally.

- A. As chief executive officer and head of the administrative branch of the city government, the city manager, in addition to the duties and authority as set forth in the city charter, is empowered to establish from time to time such administrative organization and to make such rules and regulations (not inconsistent with either the city charter or this code) as deemed necessary in the discharge of the responsibilities of administering the city and the function, conduct, and operation of the several offices, departments, commissions, and boards of the city.
- B. The city manager shall be a deputy city clerk and act as city clerk when the city clerk is temporarily absent from office due to illness, vacation, or other cause with full power and authority to perform all of the duties of the city clerk as prescribed by law.
- C. Whenever the city manager is empowered, by ordinance or resolution, or by this code, to perform some act, including, but not limited to, actions relating to purchasing and personnel, the city manager may delegate the authority to perform such act to a designated city officer or employee. Actions of such persons done pursuant to and within the scope of such delegated authority shall be performed on behalf of and shall be deemed to be the performance of the city manager.

(Prior code §2.2 (Ord. 669, Ord. 719, Ord. 1144 §1), Ord. 2268)

2.12.020 Authority to set hearing dates.

Notwithstanding anything to the contrary in this code, the charter, or any other laws, the city manager may direct the city clerk to publish notices of any hearings to be held before the city council or any board, commission, or committee of the city. Such notices shall be published in advance of such hearings within the time provided in this code or any other laws, or in the absence of such provisions, within the time directed by the city manager.

(Ord. 1491)

2.12.030 Additional duties.

- A. Without additional compensation, the city manager shall also:
1. Serve as manager of the Chico Municipal Airport and, in that capacity, shall operate and manage the airport in compliance with applicable federal and state laws and regulations; maintain and enhance commercial and general aviation services provided at the airport; provide staff support to the airport commission; and attend all meetings of the airport commission; and
 2. Manage and direct the economic development programs of the city, as approved by the council and in coordination with the Chico Redevelopment Agency.
- B. The city manager may delegate one or more of these duties described in this section to an assistant city manager.

(Ord. 2344 § 1)

to an assistant city manager.
(Ord. 2344 § 1)

Chapter 2.20

FIRE DEPARTMENT⁵

Section:

- 2.20.010 Created.**
- 2.20.020 Functions generally.**
- 2.20.030 Organization.**

2.20.010 Created.

There is hereby established the fire department of the city.
(Prior code §2.14 (Ord. 669))

2.20.020 Functions generally.

The functions of the fire department shall include:

- A. Protecting life and property by preventing and eliminating fire hazards and by controlling and extinguishing fires;
- B. Enforce laws and ordinances relating to the preventing and extinguishing of fires and handling of potentially dangerous combustibles and explosives;
- C. Investigate and report to the police department in all cases where there is reason to believe that any fire is the result of a crime or that the crime is committed in connection therewith;
- D. Maintain in efficient operable condition those firefighting and fire prevention systems and facilities assigned to the fire department;
- E. Subject to the prior approval of the city manager, recruit, and train such call firefighters or other volunteer and auxiliary personnel as may reasonably be required to augment regular fire department staff levels; and
- F. Perform such other duties as the city manager may direct.

(Prior code §2.15 (Ord. 669), Ord. 2268)

2.20.030 Organization.

The fire department shall be headed by a fire chief who shall be responsible for the direction and control of all functions assigned to that department. The fire department shall be organized, maintained and operated by the fire chief under the general administrative direction and subject to the approval of the city manager.
(Prior code §2.16 (Ord. 669))

Chapter 2.24

HEALTH DEPARTMENT⁶

Section:

- 2.24.010 Created.**
2.24.020 Functions generally.
2.24.030 Organization.
2.24.040 Health administration by county - Consent of city department.
2.24.050 Health administration by county - Contract.

2.24.010 Created.

There is hereby established the health department of the city.
(Prior code §2.17 (Ord. 669))

2.24.020 Functions generally.

The functions of the health department shall include:

- A. Enforcement of laws, regulations, rules, orders and quarantine relating to public health and sanitation;
- B. Making of all inspections and the performance of all functions in connection therewith; and
- C. Perform such other duties as the city manager may direct.

(Prior code §2.18 (Ord. 669))

2.24.030 Organization.

The health department shall be headed by a health officer who shall be responsible for the direction and control of all functions assigned to that department. The health department shall be organized, maintained, and operated by the health officer under the general administrative direction and subject to the approval of the city manager. The city manager may assume the duties of the health officer and assign and delegate, from time to time, the actual performance and discharge of duties thereof to any departments or officers of the city as the city manager may deem advisable.
(Prior code §2.19 (Ord. 669), Ord. 2268)

2.24.040 Health administration by county - Consent of city department.

The health department shall not be responsible for the performance of its functions to the extent that the city, pursuant to the pertinent provisions of the Health and Safety Code of the state, has consented by council resolution to the county health officer enforcing and observing in the city orders, quarantine regulations and rules prescribed by the Department of Public Health of the state, other rules and regulations issued under the provisions of the Health and Safety Code of the state and statutes relating to the public health.
(Prior code §2.20 (Ord. 669))

2.24.050 Health administration by county - Contract.

The health department shall not be responsible for the performance of its functions to the extent that the city, pursuant to the pertinent provisions of the Health and Safety Code of the state, has contracted with the county for the performance by the health officer or other employees of the county of any or all functions relating to the enforcement in the city of all code provisions thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith.

(Prior code §2.21 (Ord. 669))

Chapter 2.28

POLICE DEPARTMENT⁷

Section:

- 2.28.010 Created.**
- 2.28.020 Functions generally.**
- 2.28.030 Organization.**
- 2.28.040 Adherence to recruitment and training standards while receiving Peace Officer Training Fund allocations.**

2.28.010 Created.

There is hereby established the police department of the city.
(Prior code §2.22 (Ord. 669))

2.28.020 Functions generally.

- The functions of the police department shall include:
- A. Prevent crime and maintain law and order in the city by enforcing the laws of the United States, the state, and the city, except when the enforcement is vested by law in another office or officer;
 - B. Maintain in efficient operable condition those crime prevention and law enforcement systems and facilities assigned to the police department;
 - C. Subject to the prior approval of the city manager, recruit and train such reserve police officers or other such volunteer police personnel as may reasonably be required to augment the regular police department staff levels;
 - D. To serve subpoenas duly and properly issued in the name of the city and attested by the city clerk compelling attendance of witnesses before the council or any commission, board or officer of the city; and
 - E. Perform such other duties as the city manager may direct.
- (Prior code §2.23 (Ord. 669), Ord. 2268)

2.28.030 Organization.

The police department shall be headed by a police chief who shall be responsible for the direction and control of all functions assigned to that department. The police department shall be organized, maintained and operated by the police chief under the general administrative direction and subject to the approval of the city manager.
(Prior code §2.24 (Ord. 669))

2.28.040 Adherence to recruitment and training standards while receiving Peace Officer Training Fund allocations.

At all times while the city is receiving financial aid from the State of California under the provisions of Article 3, Chapter 1, Title 4, Part 4 of the California Penal Code, in the form of allocations from the Peace Officer's Training Fund, the city will, pursuant to Section 13522 of said Article 3, adhere to the standards for recruitment and training of police officers and public

safety dispatchers as established by the California Commission on Peace Officer Standards and Training.
(Ord. 1757 §2)

Chapter 2.30**GENERAL SERVICES DEPARTMENT****Section:****2.30.010 Department established.****2.30.020 General functions.****2.30.030 Organization.****2.30.010 Department established.**

There is in city government the General Services Department, comprised of the Park Division and the Operations and Maintenance Division.

(Ord. 2324 §2)

2.30.020 General functions.

The department shall:

A. Through the Park Division:

1. Administer and manage the city's parks, playgrounds and recreational facilities and enforce therein such rules and regulations as the city council may promulgate for their use; and
2. Provide staff support for the Bidwell Park and Playground Commission in fulfilling the functions and duties assigned to it by the city charter and this code;

B. Through the Operations and Maintenance Division, provide operation and maintenance services for all city property and facilities, including but not limited to city vehicles, city parks, playgrounds, recreational facilities, streets, and buildings; the city airport; the city sanitary sewer system and water pollution control plant; and the city storm water drainage system and facilities.

(Ord. 2324 §2)

2.30.030 Organization.

The department shall be headed by a general services director who shall be responsible for the direction and the control of all functions and duties assigned to the department. The director shall:

- A. Manage the functions and duties assigned to the department by section 2.30.020 and any other provisions of this code;
- B. Recommend revisions to the rules, regulations, or operations of the city concerning the department's functions and duties;
- C. Attend all meetings of the Bidwell Park and Playground Commission or delegate that duty to the director of the Park Division; and
- D. Perform such other duties, not inconsistent with the city charter or this code, as the city manager may direct.

(Ord. 2324 §2)

Chapter 2.31**PLANNING SERVICES DEPARTMENT****Section:****2.31.010 Department established.****2.31.020 General functions.****2.31.030 Organization.****2.31.010 Department established.**

There is in city government the Planning Services Department.
(Ord. 2344 §2)

2.31.020 General functions.

The department shall:

- A. Implement, maintain and administer the city's general plan, specific plans, zoning ordinance, subdivision regulations, and environmental review guidelines, including but not limited to the provisions of Chapter 1.40 and Titles 18 and 19 of this code;
- B. Administer provisions of state law governing municipal annexations and review special district formation and boundary changes affecting the city;
- C. Provide staff support to the planning commission, the airport commission when acting as the planning commission, and the architectural review board;
- D. Provide staff support to the council on all matters that come before the council by way of appeal from the planning commission or the architectural review board and as directed by the council; and
- E. Assist the Building and Development Services Department and the Housing and Neighborhood Services Department with technical support and advice on improvement standards and requirements applicable to private projects and applications for entitlements issued, approved or reviewed by the city.

(Ord. 2344 §2)

2.31.030 Organization.

The department shall be headed by a planning services director who shall be responsible for the direction and control of all functions and duties assigned to the department. The director shall:

- A. Manage the functions and duties assigned to the department by Section 2.31.020 and any other provisions of this code;
- B. Serve as liaison to state and federal agencies with permitting or regulatory authority over natural resources that affects city and private projects within the city's planning area, or delegate this duty to department personnel with the appropriate level of training and experience to substitute for the director;
- C. Attend meetings of the planning commission, the airport commission when acting as the planning commission, and the architectural review board, or delegate those duties to department personnel with the appropriate level of training and experience to substitute for the director;
- D. As needed, attend meetings of the council;
- E. Recommend revisions of or amendments to the rules, regulations or operations of the city concerning the department's functions and duties; and

F. Perform related duties, not inconsistent with the city charter or this code, as the city manager may direct.
(Ord. 2344 §2)

Chapter 2.32

BUILDING AND DEVELOPMENT SERVICES DEPARTMENT

Section:

2.32.010 Department established.

2.32.020 General functions.

2.32.030 Organization.

2.32.010 Department established.

There is in city government the Building and Development Services Department.
(Ord. 2344 §3)

2.32.020 General Functions.

The department shall:

- A. Administer the provisions of this code relating to the placement and maintenance of buildings and structures, including but not limited to the administration and enforcement of Title 16 of this code and those provisions of state law regarding the implementation and enforcement of related codes adopted by the State of California;
- B. Provide engineering services related to the impacts on city facilities, including the city street, drainage and sewer systems, of private projects and applications for entitlements issued, approved or reviewed by the city; and
- C. Assist the Planning Services Department with technical support regarding engineering and surveying services related to and advice on improvement standards and requirements applicable to private projects and applications for entitlements issued, approved or reviewed by the city.

(Ord. 2344 §3)

2.32.030 Organization.

The department shall be headed by a building and development services director who shall be responsible for the direction and control of all functions and duties assigned to the department. The director shall:

- A. Manage the functions and duties assigned to the department by section 2.32.020 and any other provisions of this code;
- B. Attend meetings of the planning commission and the architectural review board or delegate these duties to department personnel with the appropriate level of training and experience to substitute for the director;
- C. Recommend revisions of or amendments to the rules, regulations or operations of the city concerning the department's functions and duties; and
- D. Perform related duties, not inconsistent with the city charter or this code, as the city manager may direct.

(Ord. 2344 §3)

Chapter 2.33

HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT

Section:

2.33.010 Department established.

2.33.020 General functions.

2.33.030 Organization.

2.33.010 Department established.

There is in city government the Housing and Neighborhood Services Department.
(Ord. 2344 §4)

2.33.020 General functions.

The department shall:

- A. Coordinate with the Planning Services Department and the Building and Development Services Department regarding enforcement of city regulations and prohibitions relating to the use of real property, including but not limited to the requirements of Titles 16 and 19 of this code, zoning ordinances, conditions of approval imposed on the permits and other entitlements issued or approved by the city, and those provisions of related codes adopted by the State of California;
- B. Manage the housing programs of the city in compliance with applicable state and federal laws and regulations, including but not limited to the Community Development Law; and
- C. In conjunction with the Planning Services Department and Capital Project Services Department, provide support for the development and implementation of neighborhood and similar localized plans adopted by the council.

(Ord. 2344 §4)

2.33.030 Organization.

The department shall be headed by a housing and neighborhood services director who shall be responsible for the direction and control of all functions and duties assigned to the department. The director shall:

- A. Manage the functions and duties assigned to the department by section 2.33.020 and any other provisions of this code;
- B. As needed, attend meetings of the planning commission and the architectural review board, or delegate those duties to department personnel with the appropriate level of training and experience to substitute for the director;
- C. As needed, attend meetings of the council;
- D. Recommend revisions of or amendments to the rules, regulations or operations of the city concerning the department's functions and duties; and
- E. Perform related duties, not inconsistent with the city charter or this code, as the city manager may direct.

(Ord. 2344 §4)

Chapter 2.34**CAPITAL PROJECT SERVICES DEPARTMENT****Section:****2.34.010 Department established.****2.34.020 General functions.****2.34.030 Organization.****Section 2.34.010 Department established.**

There is in city government the Capital Project Services Department.
(Ord. 2344 §5)

Section 2.34.020 General functions.

The department shall:

- A. Administer the city's capital improvements program;
- B. Provide engineering and related services for city public works and improvement projects, including but not limited to design services, preparation of bid specifications, preparation of requests for proposals and requests for qualifications, award of contracts for public works and improvement projects, administration of those contracts, and acquisition of rights-of-way and other interests in real property necessary for such projects;
- C. Coordinate with and assist the General Services Department, upon request, with construction and improvement of city parks, playgrounds, recreational and other facilities under the jurisdiction of that department; and
- D. Coordinate with the Planning Services Department and Housing and Neighborhood Services Department regarding capital improvements needed for or affected by the implementation of the general plan and any specific plans, neighborhood plans, or similar plans adopted by the council.

(Ord. 2344 §5)

2.34.030 Organization.

The department shall be headed by a capital projects services director who shall be responsible for the direction and control of all functions and duties assigned to the department. The director shall:

- A. Manage the functions and duties assigned to the department by section 2.34.020 and any other provision of this code;
- B. Maintain and recommend revisions to the capital improvements program to reflect changes in project costs and council priorities and to coordinate implementation of the program with implementation of the city's general plan;
- C. As needed, attend meetings of the planning commission and the architectural review Board, or delegate those duties to department personnel with the appropriate level of training and experience to substitute for the director;
- D. As needed, attend meetings of the council;
- E. Recommend revisions of or amendments to the rules, regulations or operations of the city concerning the department's functions and duties; and
- F. Perform related duties, not inconsistent with the city charter or this code, as the city manager may direct.

(Ord. 2344 §5)

Chapter 2.36**AIRPORT COMMISSION⁹****Section:**

- 2.36.010 Composition.**
- 2.36.020 Members' terms of office.**
- 2.36.030 Regular meetings - Time.**
- 2.36.040 Regular meetings - Place.**
- 2.36.050 Appeals of airport commission action on permits to city council - Right of appeal.**
- 2.36.060 Appeals of airport commission action to city council - Filing of notice of appeal.**
- 2.36.070 Appeals of airport commission action to city council - Procedure.**
- 2.36.080 City council review of airport commission action.**
- 2.36.090 Appeals - Subdivisions.**

2.36.010 Composition.

The airport commission shall consist of five (5) members.
(Prior code §2.28 (Ord. 669))

2.36.020 Members' terms of office.

- A. Members of the airport commission shall be appointed to serve for a term of four years and until their successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that three of the four-year terms shall commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth year thereafter, and so that the remaining two four-year terms shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.
- B. Members of the airport commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1987, and members of the airport commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1989.

(Prior code §2.29 (Ord. 669, Ord. 1690 §1))

2.36.030 Regular meetings - Time.

Subsequent to the biennial appointment of new commission members, the airport commission shall set a weekday and a time for regular quarterly meetings. Such regular meetings shall occur during the months of January, April, July, and October and shall begin no earlier than 6:00 p.m.

(Prior code §2.30 (Ord. 669, Ord. 753, Ord. 829 §1, Ord. 2182))

2.36.040 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the airport commission in the council chamber building of the city, or in such other place as may be determined by the commission from time to time. If by reason of fire, flood, earthquake or other emergency it shall be unsafe to meet in the place designated, the meeting may be

held at such place as is designated by the presiding officer of the airport commission and notice thereof given to city manager and to others as may be required by law.
(Prior code §2.31 (Ord. 669, Ord. 824 §1, Ord. 1105, Ord. 1939 §1))

**2.36.050 Appeals of airport commission action on permits to city council -
Right of appeal.**

The action of the airport commission granting or denying an application for a permit within the jurisdiction of the commission may be appealed to the city council by any of the following persons:

- A. The permit applicant or any person who is adversely affected by the action of the commission on the application for such permit in a manner different from the public generally; or
- B. The city manager, or the head of any city department whose departmental functions or responsibilities would be affected by the action of the commission on such permit.
(Ord. 1882 §10)

2.36.060 Appeals of airport commission action to city council - Filing of notice of appeal.

Appeals from an action of the airport commission granting or denying an application for a permit within the jurisdiction of the commission shall be made by filing a written notice of appeal with the city clerk within fifteen (15) days of the date the commission took such action unless the city council, for good cause shown, extends the time for filing the written notice of appeal. Such notice of appeal shall be in the form prescribed by the city clerk, and shall set forth the nature of the action appealed and the applicant's grounds for such appeal and shall be accompanied by an appeal fee in an amount fixed by resolution of the city council.
(Ord. 1882 §11)

2.36.070 Appeals of airport commission action to city council - Procedure.

Appeals from an action of the airport commission granting or denying an application for a permit within the jurisdiction of the commission shall be conducted in accordance with the procedures for the conduct of appeals as set forth in Chapter 2.80 of this title.
(Ord. 1882 §12, Ord. 2004 §1)

2.36.080 City council review of airport commission action.

The city council may, on its own motion, review any action taken by the airport commission.
(Ord. 1882 §13)

2.36.090 Appeals - Subdivisions.

The appeal procedures contained in this chapter shall not apply to any appeal from an action taken by the airport commission pursuant to Title 18, entitled "Subdivisions," of this code and any such appeal shall be brought pursuant to the appeal procedures contained in Chapter 18.52.
(Ord. 1882 §14)

2.36.100 Confirmation of appointment of airport manager.

(Ord. 2344 §7, Repealed)

Chapter 2.40**BIDWELL PARK AND PLAYGROUND COMMISSION¹⁰****Section:**

- 2.40.010 Composition.**
- 2.40.020 Members' terms of office.**
- 2.40.030 Regular meetings - Time.**
- 2.40.040 Regular meetings - Place.**
- 2.40.050 Appeal of Bidwell Park and Playground commission action on permits to city council - Right of appeal.**
- 2.40.060 Appeals of Bidwell Park and Playground commission action to city council - Filing of notice of appeal.**
- 2.40.070 Appeals of Bidwell Park and Playground commission action to city council - Procedure.**
- 2.40.080 City council review of Bidwell Park and Playground commission action.**
- 2.40.090 Confirmation of appointment of Park Director**

2.40.010 Composition.

The Bidwell Park and Playground commission shall consist of seven (7) members.
(Prior code §2.32 (Ord. 669, Ord. 1690 §2 (a)))

2.40.020 Members' terms of office.

- A. Members of the Bidwell Park and Playground commission shall be appointed to serve for a term of four (4) years and until their respective successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that four of the four-year terms shall commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth year thereafter, and so that the remaining three (3) four-year terms shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.

Members of the Bidwell Park and Playground commission who, prior to January 1, 1987 were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless have their terms end at 7:30 p.m. on January 1, 1987, and members of the Bidwell Park and Playground commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1989.

(Prior code §2.33 (Ord. 699, Ord. 1690 §2(b)))

2.40.030 Regular meetings - Time.

Subsequent to the biennial appointment of new commission members, the Bidwell Park and Playground commission shall set a weekday and a time for regular monthly meetings. Such regular meetings shall begin no earlier than 6:00 p.m.

(Prior code §2.34 (Ord. 669, Ord. 721, Ord. 2182))

2.40.040 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the Bidwell Park and Playground commission in the council chamber building of the city, or in such place

to which any such meeting may be adjourned. If by reason of fire, flood, earthquake or other emergency it shall be unsafe to meet in the place designated, the meeting may be held at such place as is designated by the presiding officer of the Bidwell Park and Playground commission and notice thereof given to the city manager and to others as may be required by law.

(Prior code §2.35 (Ord. 699, Ord. 1690 §2(c)))

2.40.050 Appeal of Bidwell Park and Playground commission action on permits to city council - Right of appeal.

The action of the Bidwell park and Playground commission granting or denying an application for a permit within the jurisdiction of the commission may be appealed to the city council by any of the following persons:

- A. The permit applicant or any person who is adversely affected by the action of the commission on the application for such permit in a manner different from the public generally; or
- B. The city manager, or the head of any city department whose departmental functions or responsibilities would be affected by the action of the commission on such permit.

(Ord. 1882 §15)

2.40.060 Appeals of Bidwell Park and Playground commission action to city council - Filing of notice of appeal.

Appeals from an action of the Bidwell Park and Playground commission granting or denying an application for a permit within the jurisdiction of the commission shall be made by filing a written notice of appeal with the city clerk within fifteen (15) days of the date the commission took such action unless the city council, for good cause shown, extends the time for filing the written notice of appeal. Such notice of appeal shall be in the form prescribed by the city clerk, and shall set forth the nature of the action appealed and the applicant's grounds for such appeal and shall be accompanied by an appeal fee in an amount fixed by resolution of the city council.

(Ord. 1882 §16)

2.40.070 Appeals of Bidwell Park and Playground commission action to city council - Procedure.

Appeals from an action of the Bidwell Park and Playground commission granting or denying an application for a permit within the jurisdiction of the commission shall be conducted in accordance with the procedures for the conduct of appeals to the city board of appeals as prescribed by Chapter 2.80 of this title.

(Ord. 1882 §17, Ord. 2151 §3)

2.40.080 City council review of Bidwell Park and Playground commission action.

The city council may, on its own motion, review any action taken by the Bidwell Park and Playground commission.

(Ord. 1882 §18)

2.40.090 Confirmation of appointment of park director.

In exercising its power, pursuant to section 1006.1 of the city charter, to confirm the appointment of the park director made by the city manager, the authority of the commission shall be limited to confirming the appointment of the general services director only with respect to the director's responsibility for management of the city's parks and playgrounds pursuant to Chapter 2.30 of this code.

(Ord. 2324 §6)

Chapter 2.41

INDUSTRIAL DEVELOPMENT AUTHORITY

Section:

2.41.010 Declaration of necessity - Chico industrial development authority.

2.41.020 City council to act as board of directors of authority.

2.41.010 Declaration of necessity - Chico industrial development authority.

It is hereby found, determined, and declared, pursuant to Section 91520 of the California Government Code, that there is a need for an industrial development authority in the city, and said authority is hereby established and authorized to transact business and exercise its powers under the provisions of the California Industrial Development Financing Act. Said authority shall be known as the "Chico industrial development authority."

(Ord. 1469 (part))

2.41.020 City council to act as board of directors of authority.

Pursuant to Section 91523 of the California Government Code, the city council hereby declares itself to be the board of directors of the Chico industrial development authority, and all the rights, powers, privileges, duties, liabilities, disabilities, and immunities vested in a board of directors of an industrial development authority pursuant to the California Industrial Development Financing Act shall be vested in the city council as the board of directors of the Chico industrial development authority.

(Ord. 1469 (part))

Chapter 2.43**REDEVELOPMENT AGENCY****Section:****2.43.010 Declaration of necessity - Chico redevelopment agency authority.****2.43.020 City council to act as agency.****2.43.010 Declaration of necessity - Chico redevelopment agency authority.**

It is hereby found and declared, pursuant to Section 33101 of the Community Redevelopment Law, constituting Part 1 of Division 24 of the California Health and Safety Code, that there is a need for the redevelopment agency created by Section 33100 of the Community Redevelopment Law to function in the city of Chico, and said agency is hereby authorized to transact business and exercise its powers under the Community Redevelopment Law. Said agency shall be known as the "Chico redevelopment agency" (the "agency").

(Ord. 1395 §1)

2.43.020 City council to act as agency.

The city council of the city hereby declares itself to be the agency, with all the rights, powers, duties, privileges, and immunities vested by the Community Redevelopment Law, constituting Part 1 of Division 24 of the California Health and Safety Code, in the agency, pursuant to Section 33200 of the Community Redevelopment Law. It is hereby found that such action will serve the public interest and promote the public safety and welfare in an effective manner.

(Ord. 1395 §2)

Chapter 2.46

CHICO PUBLIC FINANCING AUTHORITY

Section:

- 2.46.010** **General provisions.**
- 2.46.020** **Purposes of authority.**
- 2.46.030** **City council to act as the board of directors of authority.**
- 2.46.040** **Officers of authority.**
- 2.46.050** **Powers of authority - General powers.**
- 2.46.060** **Powers of authority - Specific powers.**
- 2.46.070** **Manner of exercising powers.**
- 2.46.080** **Debts, liabilities and obligations of authority.**
- 2.46.090** **Executive director as custodian of authority property.**
- 2.46.100** **Duties of the treasurer.**
- 2.46.120** **Bylaws of authority.**
- 2.46.130** **Modification of agreement establishing authority.**
- 2.46.140** **Termination of authority.**

2.46.010 General provisions.

This chapter is enacted to codify the provisions of that certain agreement between the city and the Chico Redevelopment Agency dated July 17, 1990, and entitled “Joint Exercise of Powers Agreement, Chico Public Financing Authority” which established a joint powers agency designated therein and hereinafter referred to as the Chico Public Financing Authority. Such agreement was approved and executed by the city and the Chico Redevelopment Agency pursuant to the joint powers laws of the state of California, as set forth in Chapter 5, Division 7, Title 1, of the California Government Code (commencing with Government Code Section 6500), including those provisions of the joint powers laws adopted by the Marks-Roos Local Bond Pooling Act of 1985, as set forth in Article 4, Chapter 5, Division 7, Title 1 of the California Government Code (commencing with Government Code Section 6584).
(Ord. 1829 (part))

2.46.020 Purposes of authority.

In accordance with the provisions of the joint powers agreement between the city and the Chico Redevelopment Agency, the primary purpose of the Chico Public Financing Authority shall be to provide for the financing of land, facilities and equipment to be used for the public purposes of the city and/or the agency, including but not limited to “public capital improvements” as defined in Section 6585(g) of the California Government Code, either through the acquisition, construction and improvement of such land, facilities or equipment, or through a loan of funds to the city or the agency to enable the city or the agency to acquire, construct or improve such land, facilities or equipment. In addition, the authority shall have all the purposes authorized by Section 6590 of the California Government Code. As provided by

the joint powers laws of the state of California, the Chico Public Financing Authority is a public entity separate and distinct from either the city or the Chico Redevelopment Agency.

(Ord. 1829 (part))

2.46.030 City council to act as the board of directors of authority.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the city council has been designated as the board of directors of the Chico Public Financing Authority, and all the rights, powers, duties, privileges and immunities of the authority shall be vested in the city council as the board of directors thereof.

(Ord 1829 (part))

2.46.040 Officers of authority.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the officers of the Chico Public Financing Authority shall consist of a chairperson, vice chairperson, executive director, secretary, treasurer and authority counsel, who shall be the mayor, vice mayor, city manager, city clerk, finance director and city attorney respectively. Such officers shall perform all of the functions provided for by the joint powers agreement as codified herein and/or the bylaws adopted pursuant to such agreement.

(Ord. 1829 (part), Ord. 2113 §1)

2.46.050 Powers of authority - General powers.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the Chico Public Financing Authority shall have all of the powers granted to it by the joint powers laws of the state of California, including but not limited to the powers set forth in the Marks-Roos Local Bond Pooling Act of 1985, as well as all powers common to the city and the agency which may be necessary to accomplish the purposes of the authority.

(Ord. 1829 (part))

2.46.060 Powers of authority - Specific powers.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the Chico Public Financing Authority is authorized, in its own name, to do all acts necessary for the exercise of its general powers, including but not limited to any of the following:

- A. To make and enter into contracts;
- B. To acquire, construct, manage, maintain, and operate any public capital improvements as defined in Section 6585(g) of the California Government Code, including the common power of both the city and the Chico Redevelopment Agency to acquire such improvements by any lawful means;
- C. To sue and be sued in its own name;
- D. To issue bonds and otherwise incur debts, liabilities, or obligations;
- E. To apply for, accept, receive and disburse grants, loans and other aids from any agency of the United States of America or the state of California;
- F. To invest any money in the treasury of the Chico Public Financing Authority in the same manner and under the same conditions as a local agency pursuant to Section 53601 of the California Government Code;
- G. To make and enter into agreements, assignments and other documents of any nature

- whatsoever, as may be necessary or convenient in the exercise of the general powers of the Chico Public Financing Authority or under the joint powers laws of the state of California;
- H. To make loans to the city or the Chico Redevelopment Agency in order to carry out the purposes of the Chico Public Financing Authority, or to refinance indebtedness incurred by the city or the agency in connection therewith; and
- I. To exercise any and all other powers that may be provided for in the joint powers laws of the state of California including, but not limited to, the Marks-Roos Local Bond Pooling Act of 1985.

(Ord. 1829 (part))

2.46.070 Manner of exercising powers.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, all powers of the Chico Public Financing Authority shall be exercised in the manner provided for in the joint powers laws of the state of California, and, except for those powers set forth in the Marks-Roos Local Bond Pooling Act of 1985, shall be subject to the restrictions upon the manner of exercising such powers as are imposed upon the city in the exercise of similar powers, all as provided for by Section 6509 of the California Government Code.

(Ord. 1829 (part))

2.46.080 Debts, liabilities and obligations of authority.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the debts, liabilities and obligations of the Chico Public Financing Authority shall not be the debts, liabilities and obligations of either the city or the agency.

(Ord. 1829 (part))

2.46.090 Executive director as custodian of authority property.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the city manager, as executive director of the Chico Public Financing Authority, shall be the custodian and shall have charge of, handle, and have access to any and all property of the authority, all as provided for by Section 6505.1 of the California Government Code.

(Ord. 1829 (part))

2.46.100 Duties of the treasurer.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the finance director, as treasurer of the Chico Public Financing Authority, shall have all of the duties and obligations set forth in Sections 6505 and 6505.5 of the California Government Code, including, but not limited to, the duty and obligation to receive and receipt for all money of the authority and place same in the treasury of the city designated to the credit of the authority, be responsible for the safekeeping and disbursement of all authority money so held by the finance director, and pay, when due, out of the money of the authority so held by the finance director, all sums payable on outstanding bonds and coupons of the authority.

(Ord. 1829 (part), Ord. 2113 §1, Ord. 2268)

2.46.120 Bylaws of authority.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the city council, acting as the board of directors of the Chico Public Financing

Authority, may adopt, from time to time, bylaws governing the authority as the city council deems necessary or advisable.

(Ord. 1829 (part))

2.46.130 Modification of agreement establishing authority.

Pursuant to the joint powers agreement between the city and the Chico Redevelopment Agency, the city and agency, by amending the joint powers agreement, may modify the terms and conditions under which the authority operates, except as may be limited by contract with the owners of bonds issued by the authority, or by applicable regulations or laws governing either the city, the Chico Redevelopment Agency, or an agency established under the joint powers of the state of California.

(Ord. 1829 (part))

2.46.140 Termination of authority.

Pursuant to the Joint Powers Agreement between the city and the Chico Redevelopment Agency, the Chico Public Financing Authority shall continue in existence as long as a bond or material contract to which the Chico Public Financing Authority is a party remains outstanding or is in effect, the authority owns any interest in any public capital improvements as defined in Section 6585(g) of the California Government Code, or the city and the agency mutually agree to terminate the authority, whichever last occurs. Upon termination of the Chico Public Financing Authority, all property of the Authority, both real and personal, shall be divided between the city and the Chico Redevelopment Agency in a manner to be determined by the city council, and all surplus money on hand shall be returned to the city and the agency in proportion to the contribution made.

(Ord. 1829 (part))

Chapter 2.48

PARKING PLACE COMMISSION¹¹

Section:

- 2.48.010** **Created.**
- 2.48.020** **Functions generally.**
- 2.48.030** **Members - Number and qualification.**
- 2.48.040** **Members' terms of office.**
- 2.48.080** **Regular meetings - Time.**
- 2.48.090** **Regular meetings - Place.**

2.48.010 **Created.**

There is hereby established the parking place commission of the city.
(Prior code §2.44 (Ord. 669))

2.48.020 **Functions generally.**

The functions of the parking place commission shall include the following powers and duties:

- A. All of the powers and duties of parking place commissioners as more specifically set forth and described in the Vehicle Parking District Law of 1943 and as hereafter amended;
- B. All vehicle parking districts established within the city under the Vehicle Parking District Law of 1943 shall be under the jurisdiction and control of the parking place commission; and
- C. Perform such other duties as the council from time to time may assign or direct by resolution.

(Prior code §2.45 (Ord. 669))

2.48.030 **Members - Number and qualification.**

- A. Regular Members. The parking place commission shall consist of five regular members, three of which shall be an owner of real property, lessee of real property or a person employed in a business located in the downtown parking and business improvement area as described in Section 3.34.050 of this code.

In requiring three members of the parking place commission to be an owner of real property, lessee of real property or person employed in a business located in the downtown parking and business improvement area, it is the intent of the city council that such person represent and further the interests of all owners of real property, lessees of real property and persons employed in a business within the downtown parking and business improvement area, and that such representation and furtherance will ultimately serve the public interests. Accordingly, the city council finds that persons owning real property, leasing real property or employed in a business located within the downtown parking and business improvement area are tantamount to and constitute the public generally within the meaning of Section 87103 of the California Government Code.

- B. City Manager as Ex Officio Member. In addition to the regular members, the parking place commission shall also consist of the city manager or a designee who shall serve in the capacity of an ex officio non-voting member thereof.

(Prior code §2.46 (Ord. 669, Ord. 1655 §1, Ord. 1690 §3(a)), Ord. 2268)

2.48.040 Members' terms of office.

- A. Members of the parking place commission shall be appointed to serve for a term of four years and until their respective successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that two of the four-year terms shall commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth year thereafter, and so that the remaining three four-year terms shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.
- B. Members of the parking place commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1987, and members of the parking place commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. On January 1, 1989.

(Ord. 1690 §3(b))

2.48.080 Regular meetings - Time.

Subsequent to the biennial appointment of new commission members, the parking place commission shall set a weekday and a time for regular quarterly meetings. Such regular meetings shall occur in the months of January, April, July, and October.

(Prior code §2.51 (Ord. 669, Ord. 2182))

2.48.090 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the parking place commission in the council chamber building of the city, or in such place to which any such meeting may be adjourned. If by reason of fire, flood, earthquake or other emergency it shall be unsafe to meet in the place designated, the meeting may be held at such place as is designated by the presiding officer of the parking place commission and notice thereof given to the city manager and to others as may be required by law.

(Prior code §2.52 (Ord. 699, Ord. 1690 §3(c)))

Chapter 2.52

PLANNING COMMISSION¹²

Section:

- 2.52.010** **Created.**
- 2.52.020** **Functions generally.**
- 2.52.030** **Composition - Ex officio member.**
- 2.52.040** **Members' terms of office.**
- 2.52.050** **Regular meetings - Time.**
- 2.52.060** **Regular meetings - Place.**

2.52.010 **Created.**

There is hereby established the planning commission of the city.
(Prior code §2.59 (Ord. 669))

2.52.020 **Functions generally.**

The functions of the planning commission shall include the following powers and duties:

- A. To prepare and recommend for adoption by the council, a comprehensive, long-term general plan, and any amendments thereto or revisions thereof, for the physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the physical development of the city; and to include in the general plan such of the elements described in the planning law of the state, or any other elements, as may be required in the commission's judgment;
- B. To prepare and recommend for adoption by the council, precise plans based on the general plan as may be required, in the commission's judgment, for the systematic implementation of the general plan;
- C. To perform such duties in reference to zoning and subdivision matters as may be authorized by this code and by such state laws as are not in conflict therewith;
- D. To perform such duties as may be authorized by such laws as are not in conflict with the provisions of the Charter or the code of this city; and
- E. To perform such other duties as the council may require pertaining to planning.

(Prior code §2.60 (Ord. 669))

2.52.030 **Composition - Ex officio member.**

The planning commission shall consist of seven members. In addition, the planning services director or a designee shall be an ex officio non-voting member thereof.

(Prior code §2.61 (Ord. 669, Ord. 1690 §4(a)), Ord. 2012 §3 (part), Ord. 2268, Ord. 2364 § 56)

2.52.040 **Members' terms of office.**

- A. Members of the planning commission shall be appointed to serve for a term of four years and until their respective successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that four of the four-year terms shall commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth year thereafter, and so that the remaining three four-year terms

shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.

- B. Members of the planning commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1987, and members of the planning commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1989.

(Prior code §2.62 (Ord. 669, Ord. 1690 §4(b)))

2.52.050 Regular meetings - Time.

Subsequent to the biennial appointment of new commission members, the planning commission shall set a weekday and time for regular monthly meetings. Such regular meetings shall begin no earlier than 6:00 p.m.

(Prior code §2.63 (Ord. 669, Ord. 857 §1, Ord. 2182))

2.52.060 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the planning commission in the council chamber building of the city, or in such place to which any such meeting may be adjourned. If by reason of fire, flood, earthquake or other emergency it shall be unsafe to meet in the place designated, the meeting may be held at such place as is designated by the presiding officer of the planning commission and notice thereof given to the city manager and to others as may be required by law.

(Prior code §2.64 (Ord. 669, Ord. 1690 §4(c)))

Chapter 2.56**ARCHITECTURAL REVIEW BOARD****Section:**

- 2.56.010** **Created.**
2.56.020 **Functions generally.**
2.56.030 **Composition - Qualifications of members - Ex officio members.**
2.56.040 **Members' terms of office.**
2.56.050 **Regular meetings - Time.**
2.56.060 **Regular meetings - Place.**
2.56.070 **Special architectural review committees.**

2.56.010 **Created.**

There is hereby established an architectural review board of the city.
 (Ord. 1239 §2 (part), Ord. 1259 §2 (part))

2.56.020 **Functions generally.**

- A. The architectural review board shall review architectural drawings or renderings which are required to be submitted with an application for a building permit and shall approve such plans prior to the issuance of the building permit. Such drawings or renderings shall be considered by the architectural review board in an endeavor to provide that the architectural and general appearance of the buildings, structures and grounds are in keeping with the character of the neighborhood and will not be detrimental to the orderly and harmonious development of the city or, in the case of commercial or manufacturing districts, will not impair the desirability of the neighborhood as a place to invest and/or work.
- B. The action of the architectural review board shall be based on a project design meeting those design standards established in Chapter 19.18 of Title 19 of this code.
 (Ord. 1239 §2 (part), Ord. 1259 §2 (part), Ord. 1322 §1, Ord. 1711 §3)

2.56.030 **Composition -Qualifications of members - Ex officio members.**

- A. Regular Members. The architectural review board shall consist of five regular members, three of which are engaged in the visual arts field, such as architects, landscape architects, artists, or designers. However, if any regular member of the architectural review board is absent from a meeting of that board, the chair of the planning commission may appoint any member or the chair of the planning commission, to serve as an alternate member of the architectural review board during such regular member's absence.
- B. Planning services Director and Park Director as Ex Officio Members. In addition to the regular members, the architectural review board shall also consist of the planning services director and the park director, or their designees, who shall be nonvoting, ex officio members thereof.
 (Ord. 1239 §2 (part), Ord. 1259 §2 (part), Ord. 1690 §5(a), Ord. 1694, Ord. 2268, Ord 2364 §57)

2.56.040 Members' terms of office.

- A. Members of the architectural review board shall be appointed to serve for a term of four years and until their respective successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that two of the four-year terms shall commence at 7:30 p.m. on January 1, 1987, and at the same time and on the same day every fourth year thereafter, and so that the remaining three four-year terms shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.
- B. Members of the architectural review board who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1987, and members of the architectural review board who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1989.

(Ord. 1239 §2 (part), Ord 1259 §2 (part), Ord. 1690 §5(b))

2.56.050 Regular meeting - Time.

Subsequent to the biennial appointment of new board members, the architectural review board shall set a weekday and a time for regular monthly meetings.

(Ord. 1239 §2 (part), Ord. 1256 §1, Ord. 1259 §2 (part), Ord. 1578, Ord. 2182)

2.56.060 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the architectural review board in the council chamber building of the city, or in such place to which any such meeting may be adjourned. If by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meeting may be held at such place as is designated by the presiding officer of the board and notice thereof given to the city manager and to others as may be required by law.

(Ord. 1239 §2 (part), Ord. 1259 §2 (part))

2.56.070 Special architectural review committees.

Notwithstanding any provision of this chapter to the contrary, the city council may, by resolution, establish a special architectural review committee for special projects and/or locations within the city including, but not limited to, Housing and Community Development Act of 1974, Community Block Grant project areas, Bidwell Park and the Chico Municipal Airport. Said committee, if established, shall have sole responsibility for architectural review within any such area as may be designated by the city council, and shall have the same authority with respect to such area as provided herein to the architectural review board. Such special architectural review committee shall also be subject to the same appeal provisions as provided herein for appeals from the actions of the architectural review board, except in the case of the airport and park commissions which shall make the final determination as to the architectural design of facilities constructed upon property under their control.

(Ord. 1239 §2 (part), Ord. 1259 §2 (part))

Chapter 2.62

ARTS COMMISSION

Section:

- 2.62.010** **Created.**
- 2.62.020** **Functions generally.**
- 2.62.030** **Composition.**
- 2.62.035** **Architectural review board liaison.**
- 2.62.040** **Members' terms of office.**
- 2.62.050** **Regular meetings - Time.**
- 2.62.060** **Regular meetings - Place.**

2.62.010 Created.

There is hereby established the arts commission of the city.
(Ord. 1781 (part), Ord. 2096 §1)

2.62.020 Functions generally.

The functions of the arts commission shall include the following powers and duties:

- A. To advise the city council on proposed funding for various community arts organizations;
- B. To advise the city council on proposed funding for community art projects;
- C. To assist in the site selection of community art projects;
- D. To review and make recommendations on the technical and aesthetic aspects of proposed community artwork;
- E. To organize competitions for artistic works in public places;
- F. To implement the goals, objectives and policies of the arts master plan adopted by the city council; and
- G. To perform such other duties pertaining to art as the council from time to time may require.

(Ord. 1781 (part), Ord. 2096 §2)

2.62.030 Composition.

Regular members. The arts commission shall consist of seven (7) members, three (3) of whom shall be individuals who work or are involved in the arts.

(Ord. 1781 (part), Ord. 2010 §1, Ord. 2096 §3)

2.62.035 Architectural review board liaison.

In addition to the regular members, a current member of the architectural review board shall act as a liaison to the arts commission. Such liaison shall have the responsibility of attending commission meetings to discuss matters of mutual interest to the board and commission, but shall not vote.

(Ord. 2010 §2, Ord. 2096 §4)

2.62.040 Members' terms of office.

Members of the arts commission shall be appointed to serve for a term of four years and until their respective successors are duly appointed and qualified. However, three of the original members of the arts commission appointed in 1989, shall have their terms end at 7:30 p.m. on January 1, 1991, and four of the original members of the arts commission appointed in 1989, shall have their terms end at 7:30 p.m. on January 1, 1993; all subsequent terms shall commence and end on the same day every four years thereafter. (Ord. 1781 (part), Ord. 2096 §5)

2.62.050 Regular meetings - Time.

Subsequent to the biennial appointment of new commission members, the arts commission shall set a weekday and time for regular monthly meetings. Such regular meetings shall begin no earlier than 6:00 p.m. (Ord. 1781 (part), Ord. 2096 §6, Ord. 2182)

2.62.060 Regular meetings - Place.

Regular meetings and adjourned regular meetings shall be held by the arts commission in the council chamber building of the city, or in such place to which any such meeting may be adjourned. (Ord. 1781 (part), Ord. 2096 §7)

Chapter 2.64

HUMAN RESOURCES COMMISSION¹³

Section:

- 2.64.010** **Created.**
- 2.64.020** **Functions.**
- 2.64.030** **Composition.**
- 2.64.040** **Members' terms of office.**
- 2.64.050** **Regular meetings - Time.**
- 2.64.060** **Regular meetings - Place.**

2.64.010 **Created.**

There is hereby created the human resources commission of the city.
(Ord. 1292 §2 (part), Ord. 2055)

2.64.020 **Functions.**

The human resources commission shall perform and carry out all the duties and responsibilities assigned to it by and through the city's duly adopted equal employment opportunity plan.
(Ord. 1292 §2 (part), Ord. 2055, Ord. 2150 §1)

2.64.030 **Composition.**

The human resources commission shall consist of seven members.
(Ord. 1292 §2 (part), Ord. 2055, Ord. 2150 §2)

2.64.040 **Members' terms of office.**

- A. Members of the human resources commission shall be appointed to serve for a term of four years and until their respective successors are duly appointed and qualified. On and after January 1, 1987, such terms shall be staggered so that three of the four-year terms shall commence at 7:30 p.m. on January 1, 1989, and at the same time and on the same day every fourth year thereafter.
- B. Members of the human resources commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1987, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1987, and members of the human resources commission who, prior to January 1, 1987, were appointed to a four-year term which was to end on June 10, 1989, shall, nevertheless, have their terms end at 7:30 p.m. on January 1, 1989.
(Ord. 1292 §2 (part), Ord. 1690 §7(a), Ord. 2055)

2.64.050 **Regular meetings - Time.**

Subsequent to the biennial appointment of new commission members, the human resources commission shall set a weekday and a time for regular quarterly meetings. Such regular meetings shall be set for the months of January, April, July, and October.
(Ord. 1292 §2 (part), Ord. 2055, Ord. 2182)

Chapter 2.66

PARKING AUTHORITY

(RESERVED)

Chapter 2.68

EMERGENCY SERVICES ¹⁴

Section:

ARTICLE I. GENERAL PROVISIONS

- 2.68.010 Purpose.**
2.68.020 Definitions.
2.68.030 Declaration of local emergency or request for declaration of state of emergency - Director of emergency services authorized to declare - Authorized alternates - Confirmation of declarations required.
2.68.040 Seat of Government - Provision of alternate.
2.68.050 Continuity of government - Appointment of standby officers.
2.68.060 Standardized emergency management system - Incident command system - Adopted - When activated.
2.68.070 Emergency expenditures - Deemed valid.
2.68.080 Prohibited acts.
2.68.090 Penalty for violations.

ARTICLE II. OFFICE OF EMERGENCY SERVICES

- 2.68.100 Created.**
2.68.110 Director of emergency services - Powers and duties.

ARTICLE I. GENERAL PROVISIONS

2.68.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the City Charter for the purposes of adopting the Standardized Emergency Management System for specified city emergency services operations pursuant to the requirements for such adoption contained in the provisions of the California Emergency Services Act, providing for emergency services not otherwise provided for in the city charter and other provisions of this code, establishing the emergency services organization of the city, authorizing the preparation and implementation of plans for the protection of persons and property within the city in the event of an emergency and assuring the coordination of the emergency services of the city with those of other public and private agencies and persons involved in the provision of such services during the occurrence of emergencies.

(Ord. 2100)

2.68.020 Definitions.

- A. Deputy Director of Emergency Services. The assistant city manager of the city.
- B. Director of Emergency Services. The city manager of the city.
- C. Emergency Operations Center. A location from which centralized emergency management can be performed. In the context of this chapter, the city's emergency operations center shall be those facilities located at the Chico Municipal Services Center or such other alternative location as may be designated by the Emergency Services Director in the event of the unavailability of the foregoing.

- D. Emergency Services. The preparation for and carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize or repair death, injury and damage resulting from emergencies.
- E. Emergency Services Organization. All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of this chapter, be charged with duties incident to the protection of life and property in the city during such emergency, shall constitute the emergency services organization of the city.
- F. Emergency-Local (Local Emergency). The duly proclaimed existence of an emergency within the city pursuant to this chapter, the conditions of which are, or are likely to be, beyond the control of the services, personnel, equipment, facilities and resources of the city and which will require, or are likely to require, the assistance and resources of other public or private local, regional or state agencies to combat.
- G. Emergency-State of (State of Emergency). The duly proclaimed existence of an emergency within the state pursuant to state law, the conditions of which are, or are likely to be, beyond the control of the services, personnel, equipment, facilities and resources of any single county, city and county, or city, and which will require, or is likely to require, the combined assistance and resources of a mutual aid region or regions to combat.
- H. Emergency-State of War (State of War Emergency). The condition which exists immediately, with or without a proclamation thereof by the Governor, whenever the state or nation is attacked by an enemy of the United States, or upon the receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.
- I. Incident Command System. A nationally used, standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. The incident command system is the combination of facilities, equipment, personnel, procedures and communications operating with a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident. Organizational elements of the incident command system are command (or management), operations, planning/ intelligence, logistics and finance administration.
- J. Mutual Aid. The statewide system designed to ensure that adequate resources, facilities, personnel and other support are provided to jurisdictions whenever their own resources prove to be inadequate to cope with the requirements of a given emergency.
- K. Operational Area. An intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county. As used in the context of this chapter, operational area shall mean the County of Butte and its political subdivisions.
- L. Standardized Emergency Management System. A system required by the California Emergency Services Act for managing response to multi-agency and multi-jurisdiction emergencies in California. The system consists of five organizational levels which are activated as necessary: field response; local government; operational area; region; state.

(Ord. 2100)

2.68.030 Declaration of local emergency or request for declaration of state of emergency - Director of emergency services authorized to declare - Authorized alternates - Confirmation of declarations required.

Whenever an emergency occurs within the city, the conditions of which are, or are likely to be, beyond the control of the services, personnel, equipment, facilities and resources of the city and which will require, or is likely to require, the assistance and resources of other public or private local, regional or state agencies to combat, a local emergency may be declared by the mayor or the director of emergency services. Further, dependent upon the extent, nature and seriousness of the emergency, the mayor or the director may request the governor or the director of the state office of emergency services to declare a state of emergency.

In the event of the unavailability of the mayor or the director, the following officers of the city are authorized to make such a declaration or request in the order shown below.

- A. The vice mayor.
- B. The deputy director of emergency services.
- C. The fire chief.

Any such declarations shall be confirmed by the city council at a meeting held within seventy two hours of the action.

(Ord. 2100)

2.68.040 Seat of Government - Provision of alternate.

During the existence of a local emergency, state of emergency or state of war emergency, the seat of government of the city shall be the Chico Municipal Center. In the event such Center cannot be utilized as the seat of government due to severe damage or destruction, the director of emergency service shall provide an alternate seat of government, which may be located either within or outside the corporate limits of the city.

(Ord. 2100)

2.68.050 Continuity of government - Appointment of standby officers.

Pursuant to the provisions of the California Emergency Services Act, to provide for the continuance of the city's legislative and executive functions during a local emergency, state of emergency or state of war emergency, in the event that one, several or all of the members of the city council and the city manager are unavailable to fulfill their functions, the following standby officers are designated.

- A. City council standby councilmembers. The city council shall appoint a group of three standby members for each regular councilmember and shall designate an order of precedence among the members of each group. A standby member shall serve in the stead of a regular member only to the extent and for the time so authorized by the California Emergency Services Act.
- B. City manager standby designees. The following city officers are appointed to serve as standby city manager in the order of precedence shown.
 - 1. Assistant City Manager
 - 2. General services director
 - 3. Building and development services director

Standby city councilmembers shall serve at the pleasure of the council for terms not exceeding in length the terms of the councilmembers for whom they were appointed.

Standby city managers shall serve at the pleasure of the council.

(Ord. 2100, Ord. 2136 §3, Ord. 2154, Ord. 2364 §58)

2.68.060 Standardized emergency management system - Incident command system - Adopted - When activated.

Pursuant to the provisions of Chapter 1, Division 2, Title 19 of the California Code of Regulations, the standardized emergency management system, incorporating the incident command system, shall be utilized by the city's emergency services organization when:

- A. The city's emergency operations center is activated.
- B. A local emergency, state of emergency or state of war emergency is declared or proclaimed.
- C. Mutual aid is requested for an emergency.

Notwithstanding the above conditions requiring activation, such system may be employed by city emergency response personnel at any other time deemed appropriate and necessary relative to an incident.

(Ord. 2100)

2.68.070 Emergency expenditures - Deemed valid.

Pursuant to the authority granted in Chapter 3.08 of this code, any expenditures made in connection with any 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.

(Ord. 2100)

2.68.080 Prohibited acts.

It shall be unlawful for any person during an emergency to:

- A. Willfully obstruct, hinder or delay any member of the emergency services organization in the performance of any duty imposed upon such member by law or any lawful emergency rules or regulations.
- B. Do any act forbidden by any lawful emergency services rules or regulations if such act is of such nature as to give, or be likely to give, assistance to the enemy or to imperil the lives or property of the inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof.
- C. Wear, carry or display without lawful authority any emergency services identification.

(Ord. 2100)

2.68.090 Penalty for violations.

The violation of any of the provisions of this chapter shall be a misdemeanor punishable by imprisonment in the county jail for a period not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both.

(Ord. 2100)

2.68.100 Created.

There is hereby established the office of emergency services of the city.

(Ord. 2100)

2.68.110 Director of emergency services - Powers and duties.

The director of emergency services shall have the following powers and duties.

- A. To prescribe the organization and functions of the city's emergency services organization.
- B. To direct and control the operations of the city's emergency services organization during an emergency.
- C. To coordinate the services, activities and staff of the emergency services organization and resolve questions of authority and responsibility between its component parts.
- D. To represent the city in all its relationships with public and private agencies pertaining to emergencies.
- E. To prepare and recommend to the city council for enactment such ordinances, resolutions, agreements, emergency plans, or modifications thereof, as may be appropriate and required for the functioning of the emergency services organization.
- F. To promulgate such rules and regulations as may be appropriate and required for the functioning of the emergency services organization during emergencies, provided that such rules and regulations shall be consistent with the provisions of the charter, the code and the laws of the state.
- G. To procure such vital supplies, equipment, services, facilities and the like as may be required for the functioning of the emergency services organization during emergencies and, if required, to commandeer the same, including such as may be in the possession of any office or department of the city.
- H. To require the performance of emergency services by any city officer or employee during the existence of a proclaimed emergency and to command the aid of as many citizens of the city as may be deemed necessary to perform emergency duties. Any such persons commandeered shall be entitled to all of the privileges, benefits and immunities as are provided by the laws of the state for registered emergency services workers.
- I. Except as otherwise provided in this code, to have complete authority over the city and the right to exercise all police powers vested in the city by the constitution and general laws of the state, the charter of the city and by this code during an emergency, as well as to exercise all of the city manager's ordinary powers, all of the special emergency powers conferred by this chapter or by resolution of the city council and all such other powers conferred by any agreement or any other lawful authority.

(Ord. 2100)

Chapter 2.72

PERSONNEL SYSTEM¹⁵

Section:

- 2.72.010 Adoption.**
- 2.72.020 Declaration of policy.**
- 2.72.030 Applicability of chapter.**
- 2.72.040 Services - Designation.**
- 2.72.050 Services - Exempt service defined.**
- 2.72.060 Services - Classified service defined.**
- 2.72.070 Contract for technical services.**
- 2.72.080 Personnel rules - Adoption.**
- 2.72.090 Personnel rules - Contents generally.**
- 2.72.110 Human resources director - Functions generally.**
- 2.72.120 Appointments to vacant positions.**
- 2.72.130 Employee's right to hearing when.**
- 2.72.140 Abolition of position.**

2.72.010 Adoption.

The personnel system set forth in this chapter is hereby adopted in order to establish an equitable and uniform procedure for dealing with personnel matters and to place municipal employment on a merit basis so that the best qualified persons available shall be brought into the service of the city.

(Prior code §2.74 (Ord. 669))

2.72.020 Declaration of policy.

The personnel policy of the city is hereby declared to be as follows:

- A. Employment in the city government shall be based on merit and fitness;
- B. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government;
- C. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis;
- D. Appointments, promotions and other actions requiring the application of the merit principle should be based on systematic tests or other appropriate evaluations;
- E. High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city; and
- F. Employment shall be subject to the good behavior and satisfactory performance of work by the employee, and to the necessity for the performance of work and the availability of funds by the city.

(Prior code §2.75 (Ord. 669))

2.72.030 Applicability of chapter.

The provisions of this chapter (except the provisions of Sections 2.72.010 through 2.72.070) shall apply only to the classified service.

(Prior code §2.76 (Ord. 669))

2.72.040 Services - Designation.

The officers and employees of the city, as well as others rendering services thereto, are divided into either the exempt service or the classified service.

(Prior code §2.77 (Ord. 669))

2.72.050 Services - Exempt service defined.

The exempt service shall include the following:

- A. All officers of the city;
- B. Volunteer personnel and personnel appointed to serve without pay;
- C. Consultants, counsel rendering professional services, and independent contractors;
and
- D. Any position which is not specifically included within the classification plan and pay plan for the classified service as adopted from time to time by council resolution.

(Prior code §2.78 (Ord. 669))

2.72.060 Services - Classified service defined.

The classified service shall include all positions of the city as are specifically set forth in the classification plan established by the city manager and in the pay plan adopted by council resolution.

(Prior code §2.79 (Ord. 669, Ord. 1292 §4 (part)))

2.72.070 Contract for technical services.

After submission to the city manager for comment, the council may contract with any person or public agency for:

- A. The conduct of competitive examinations to ascertain the fitness of applicants for positions and employment in the classified service.
- B. The performance of any other service in connection with personnel selection or administration.

(Prior code §2.80 (Ord. 669, Ord. 1292 §4 (part)), Ord. 2268)

2.72.080 Personnel rules - Adoption.

Personnel rules as well as any revision or amendment thereof shall be adopted by council resolution.

(Prior code §2.81 (Ord. 669))

2.72.090 Personnel rules - Contents generally.

Rules pertaining to the personnel system may include but are not necessarily limited to the following:

- A. Preparation, installation, maintenance, amendment, and revision of a classification plan covering all positions in the classified service, including job descriptions, minimum standards and qualifications;
- B. Preparation, installation, maintenance, amendment, and revision of a pay plan directly correlated with the classification plan;
- C. Manner of giving notice of all job openings and acceptance of applications therefor;
- D. Employment procedures and employment lists resulting therefrom;
- E. Certification and appointment of persons from employment lists and the making of temporary and emergency appointments;
- F. Evaluation of employees during the probationary period;

- G. Transfer, promotion, demotion and reinstatement of employees in the classified service;
 - H. Separation of employees from the classified service through layoff, suspension, or discharge;
 - I. Determination of hours of work, overtime, sick leave, vacation, holidays, leave of absence, training, and other working conditions;
 - J. Provision for orderly and equitable presentation by an employee to the employee's appointing authority relating to general conditions of employment; and
 - K. Establishment, maintenance, and use of a personnel records system.
- (Prior code §2.82 (Ord. 669), Ord. 2268)

2.72.110 Human resources director - Functions generally.

The functions of the human resources director shall include the following powers and duties:

- A. To attend all meetings of the Human Resources Commission;
 - B. To administer applicable provisions of this chapter and of the rules pertaining to city employment which may not be specifically reserved to the council, the Charter commissions or the city manager; and
 - C. To prepare and recommend revisions of or amendments to this chapter or any other rules, plans or regulations of the city concerning human resources administration.
- (Ord. 2324 §8)

2.72.120 Appointments to vacant positions.

Appointments to vacant positions in the classified service shall be made by the appropriate appointing power, as set forth in the Charter, in accordance with this chapter and the personnel rules.

(Prior code §2.85 (Ord. 669))

2.72.130 Employee's right to hearing when.

An employee in the classified service shall have the right to a hearing relative to any disciplinary action as provided in such rules or regulations pertaining to city employment as may from time to time be adopted by the city council.

(Prior code §2.86 (Ord. 669, Ord. 1292 §6))

2.72.140 Abolition of position.

Whenever in the judgment of the council it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, the council may abolish any position or employment in the classified service and lay off, demote, or transfer the employee holding such position or employment without filing written charges and without the right of appeal. If within two years an appointment is to be made to any position or employment in any existing or new class having the same or substantially similar qualifications and duties as the position abolished, the employee laid off, demoted or transferred shall have the right to such appointment, unless the employee shall file a waiver in writing with the human resources director; or, if laid off, the employee shall fail to report to the human resources director within 20 working days after notice is mailed to the employee's last known address.

(Prior code §2.87 (Ord. 669, Ord. 2113 §3), Ord. 2268, Ord. 2364 §59)

Chapter 2.74**DEVELOPMENT APPLICATION PROCEDURES****Section:**

2.74.010	Purpose and authority.
2.74.020	Definitions.
2.74.030	Permit coordination officer.
2.74.040	Duties of permit coordination officer.
2.74.050	Application information list.
2.74.060	Application - Forms; notice.
2.74.070	Application - Contents.
2.74.080	Determination - Complete application.
2.74.090	Determination - Incomplete application.
2.74.100	Notification - Incomplete application.
2.74.110	Time period for submission.
2.74.120	Determination - Complete for filing.
2.74.130	Supplemental information.
2.74.140	Incomplete application - Disposition.
2.74.150	Environmental information.
2.74.160	Multiple approvals.
2.74.165	Multiple permit application processing.
2.74.170	Disapproval of application.
2.74.180	Appeal.
2.74.190	Conflict with federal law.
2.74.200	Limits of chapter.

2.74.010 Purpose and authority.

This chapter is adopted pursuant to the municipal affairs provision of the city charter and the Permit Streamlining Act, Chapter 4.5 (commencing with Section 65920) of Division I of Title 7 of the Government Code, to ensure a clear understanding of the requirements for and the procedures applicable to the processing of applications for development project permits and to expedite processing of such applications.

(Ord. 2312 §19)

2.74.020 Definitions.

As used in this chapter the following words and phrases have the meanings indicated:

- A. "Application" means an application for approval by the city of a permit or for amendment or revision of an approved permit.
- B. "CEQA" means the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.
- C. "Development project" means and includes any project for which discretionary approval by the city is required, including a tentative map, parcel map, lot line adjustment, use permit, planned development use permit, condominium conversion use permit, or variance, and any other activity for which a discretionary license, permit, certificate or other discretionary entitlement for use issued or approved by the city is required. "Development project" does not include any project to be carried out by the city or any project for which only ministerial approval by the city is required,

including but not limited to the issuance of building permits and encroachment permits.

- D. “Director” means the director of the planning services department.
- E. “Filing officer” means the city officer or employee with whom a development project permit application must be filed.
- F. Permit” or “development project permit” means the authority granted by the city to undertake a development project, based upon the city’s final approval or conditional approval of that project.
- G. “Permit coordination officer” means the city officer or employee designated to coordinate review of and provide information concerning the status of permit applications and approved permits.

(Ord. 2312 §19, Ord. 2364 §60)

2.74.030 Permit coordination officer.

The city manager is the permit coordination officer and may delegate performance of that function to an appropriate city officer or employee.

(Ord. 2312 §19)

2.74.040 Duties of permit coordination officer.

The permit coordination officer shall:

- A. Coordinate city review of all permit applications;
- B. Provide information to all interested parties, upon request, concerning the status of a permit application; and
- C. Develop and maintain application information lists as provided in Section 2.74.050.

(Ord. 2312 §19)

2.74.050 Application information lists.

- A. The permit coordination officer, in cooperation with the appropriate filing officer, shall establish a list of the information required by the city to be submitted with an application for each type of permit. The officer shall also periodically revise each list to keep it current and accurate at all times. The application form for each type of permit shall be deemed to be an exhibit to and included within the information list for that type of permit.
- B. An application information list may provide that specified information may be submitted after an application is accepted for filing by the city.
- C. A copy of the appropriate application information list shall be made available to each applicant for a permit and to any person who requests such information.
- D. If the city is the lead agency under CEQA as to a permit, the filing officer shall require the applicant to submit sufficient information to permit the city to determine whether an environmental impact report, negative declaration or mitigated negative declaration will be required for the development project.

(Ord. 2312 §19)

2.74.060 Application - Forms; notice.

- A. An application for approval or amendment of a permit shall be made in writing on a form or forms provided by the appropriate filing officer and shall be filed with that officer. Each form shall include the provisions of Section 2.74.090.
- B. Each application form shall include notification that the applicant may make a written

request to receive notices from the city of proposals to adopt or amend one or more of the following:

1. The general plan,
2. Specific plans,
3. Title 18 of this code, relating to subdivisions,
4. Title 19 of this code, relating to land use regulations, and
5. Ordinances affecting building or grading permits.

The city council may, by resolution, impose a fee to cover the cost of providing these notices. The fee shall be collected as part of the application fee.

(Ord. 2312 §19)

2.74.070 Application - Contents.

An application shall include appropriate plans, specifications, fees and other information as indicated in the application information list, and as required by the rules, regulations and ordinances of the city applicable to the permit.

(Ord. 2312 §19)

2.74.080 Determination - Complete application.

Not later than thirty (30) calendar days after receipt of an application, the filing officer shall determine whether the application is complete for filing and shall immediately transmit such determination in writing to the applicant. The filing officer shall review the material and information submitted pursuant to Section 2.74.070 to determine whether an application is complete for filing. The application information list and any related requirements shall be used as the criteria for determining whether an application for a permit is complete for filing with the city. If the application is determined to be complete, the application shall be deemed to be filed, and the applicant shall be advised in writing of the filing date.

(Ord. 2312 §19)

2.74.090 Determination - Incomplete application.

An application is not complete for filing, shall not be deemed complete for filing, and shall not be processed unless and until accompanied by all of the information required to be submitted with the application and all required application fees are paid to the city.

(Ord. 2312 §19)

2.74.100 Notification - Incomplete application.

Within thirty (30) calendar days after submission of an application, the filing officer shall advise the applicant in writing of whether the application is complete for filing. If the filing officer determines that an application as submitted is not complete, the filing officer shall advise the applicant in writing of the portions of the application that are incomplete and indicate the manner in which the application can be made complete, including a list and thorough description of the specific information needed to complete the application, and that the application will be deemed suspended if all of the required information is not submitted to the filing officer within the time established pursuant to Section 2.74.110.

(Ord. 2312 §19)

2.74.110 Time period for submission.

If the filing officer determines that an application is incomplete and requests further information, the applicant shall provide that information to the filing officer within thirty (30) calendar days after the request, unless a different time period is specified by the filing officer or mutually agreed upon between the applicant and the filing officer.

(Ord. 2312 §19)

2.74.120 Determination - Complete for filing.

Within thirty (30) calendar days from the time the applicant submits information in response to a request for additional information under Section 2.74.110, the filing officer shall determine whether the application is complete for filing or whether it is incomplete and further information or clarification is required. If it is determined that the application is still incomplete, the applicant shall be notified pursuant to Section 2.74.100. If the application is determined to be complete, the application shall be deemed to be filed, and the applicant shall be advised in writing of the filing date.

(Ord. 2312 §19)

2.74.130 Supplemental information.

Notwithstanding any other provision of this chapter, the city, in the course of processing an application which has been accepted as complete, may request in writing that the applicant clarify, amplify, correct or otherwise supplement the information submitted in the application. The filing officer shall set a reasonable time for compliance with the request and may suspend processing of the application until the information requested is received.

(Ord. 2312 §19)

2.74.140 Incomplete application - Disposition; fees.

If the information required to complete or supplement an application is not submitted to the filing officer within one-hundred eighty (180) calendar days of the date specified pursuant to Section 2.74.110 or Section 2.74.130, the application shall be deemed abandoned. All fees paid for processing an application shall be forfeited upon abandonment of an application; however, for processing activities charged on the basis of real-time billing, the unexpended portion of any amount deposited with the city shall be returned to the depositor.

(Ord. 2312 §19)

2.74.150 Environmental information.

Notwithstanding any other provision of this chapter and to comply fully with CEQA, the State CEQA Guidelines and Chapter 1.40 of this code, the filing officer or the permit coordination officer, in the course of processing an application which has been accepted as complete, may request that the applicant supply any additional information needed to prepare adequate environmental documents as identified by any agency with jurisdiction over environmental review of the project.

(Ord. 2312 §19)

2.74.160 Multiple approvals.

If a development project requires concurrent processing of multiple permits, or of one or more permits and one or more other discretionary approvals by the city, and the permit

coordination officer determines that one or more of the applications for such a permit or approval are incomplete and requests further information, the applicant shall provide the requested information for each such application to the filing officer within thirty (30) calendar days after the request, unless a different time period has been specified by the permit coordination officer or mutually agreed upon between the applicant and the permit coordination officer.

The provisions of this chapter applicable to a development project for which only one permit is required shall otherwise apply to a development project requiring multiple permits or a combination of one or more permits and one or more other discretionary approvals by the city.

(Ord. 2312 §19)

2.74.165 Multiple permit application processing.

Notwithstanding any other provision of this code, when a proposed development project requires the processing of multiple applications for discretionary approvals pursuant to Titles 18 and/or 19 of this code, such applications shall be processed as follows:

- A. All of the applications for discretionary approvals for the development project shall be processed concurrently.
- B. If one or more of the applications requires final approval by the city council, then final action on all of the applications shall be taken by the city council. In that case, the planning commission shall make recommendations to the city council on all of the applications after reviewing each application in accordance with such notice and public hearing requirements as would otherwise apply. When making a recommendation on a type of application that would be subject to a final decision by the planning commission but for the application of this section, it is intended that the scope of the planning commission's review shall be the same as if the commission were making the final decision. All recommendations to approve or deny an application shall include a statement of any findings required for the approval or denial of the application.
- C. With respect to projects which include an application for site design and architectural review, the council may elect to take final action on the site design and architectural review application concurrently with final action on the other applications, or may elect to refer the final approval of the site design and architectural design to the planning commission, architectural review board or director.

(Ord. 2343, Ord. 2364 §61)

2.74.170 Disapproval of application.

Notwithstanding any other provision of this chapter, it is the responsibility of the applicant to ensure that the decision-making body receives all information relevant to its decision. If a decision-making body determines that it lacks sufficient information with respect to any aspect of a project over which it has jurisdiction, the application may be denied. However, action on an application may be postponed if the applicant agrees in writing to provide such information and to waive any time limits within which the application must be acted upon by the city and any limitations on the city's authority to require additional information.

(Ord. 2312 §19)

2.74.180 Appeal.

- A. A decision of the filing officer, made pursuant to this chapter and relating to an application which will be considered by either the planning commission or director, may be appealed to the planning commission within ten (10) calendar days of the decision by filing an appeal with the director. The appeal shall state the decision appealed from and the basis of the appeal.
- B. Any other decision of the filing officer or the permit coordination officer made pursuant to this chapter may be appealed to the city council pursuant to Chapter 2.80.
(Ord. 2312 §19, Ord. 2364 §62)

2.74.190 Conflict with federal law.

The time limits established by this chapter shall not apply if federal statutes or regulations applicable to a project require time schedules which exceed such time limits.
(Ord. 2312 §19)

2.74.200 Limits of chapter.

Nothing in this chapter shall be deemed or construed to:

- A. Prohibit a filing officer from rejecting an application for filing when approval of the permit for which the application was submitted will conflict with any federal or state law or regulation or any city ordinance or regulation applicable to the proposed use of the property pursuant to the permit.
- B. Prohibit a filing officer from rejecting an application for filing when an existing use or condition on the property proposed for the permit was commenced or created, or is being conducted or maintained, in violation of any federal or state law or regulation or any city ordinance or regulation applicable to the site, including but not limited to any condition of approval or mitigation measure applicable to the use or condition.
- C. Require the approval or conditional approval of any application by a filing officer, the planning commission, or the city council.
- D. Create or vest in any applicant the right to claim that an application has been automatically approved, or deemed to be so approved, or approved by operation of law or by operation of an estoppel against the city or any city officer, decision-maker, or decision-making body.

(Ord. 2312 §19)

Chapter 2.80

**APPEALS FROM A DECISION, DETERMINATION OR ORDER MADE OR
ISSUED BY A CITY BOARD, COMMISSION, OFFICER OR EMPLOYEE**

Section:

- 2.80.010 Purpose.**
- 2.80.020 Construction of chapter's time limitations.**
- 2.80.030 Manner of serving of notices.**
- 2.80.040 Persons aggrieved by a decision, determination or order of a city board, commission, officer or employee.**
- 2.80.050 Right of appeal - Appeals from a decision or determination of a city board or commission.**
- 2.80.060 Right of appeal - Appeals from a decision, determination or order made or issued by a city officer or employee.**
- 2.80.070 Time for commencing an appeal.**
- 2.80.080 Commencement of appeal by filing a notice of appeal.**
- 2.80.090 Appeal filing fee.**
- 2.80.100 Stay of decision, determination or order following commencement of appeal.**
- 2.80.110 Action by city clerk on the notice of appeal.**
- 2.80.120 Action of the city council on the notice of appeal.**
- 2.80.130 Preparation and transmittal of the record of proceedings.**
- 2.80.140 Verbatim transcript of proceedings before the city board, commission, officer or employee having made the decision, determination or order subject to appeal.**
- 2.80.150 Notice of the date, time and place of a hearing on an appeal.**
- 2.80.155 Preparation and transmittal of the record.**
- 2.80.160 Procedures governing the conduct of the hearing on an appeal.**
- 2.80.170 Evidentiary rules applicable to the hearing on an appeal.**
- 2.80.180 Continuance of the hearing on an appeal.**
- 2.80.190 Standards for reviewing the decision, determination or order at the hearing on an appeal.**
- 2.80.200 Action of the city council at the conclusion of the hearing on an appeal.**
- 2.80.210 City clerk's notice of the disposition of an appeal.**

2.80.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the city charter for the purpose of establishing a procedure for a person to appeal a decision, determination, or order made or issued by a city board, commission, officer, or employee to the council in those cases in which the provisions of the city charter, this code, or the administrative policies and procedures of the city authorizing the decision, determination, or order do not otherwise establish a specific procedure for appealing such decision, determination, or order.

(Ord. 2004 §4 (part), Ord. 2257 §1)

2.80.020 Construction of chapter's time limitations.

All provisions of this chapter addressing the time within which the city council, a city board or commission, or a city officer or employee is to act on an appeal following commencement of the appeal, save and except for those provisions of this chapter which set forth the time for giving notice of a hearing on an appeal, shall be deemed directory rather than mandatory.

(Ord. 2004 §4 (part))

2.80.030 Manner of serving of notices.

Where the provisions of this chapter require the city clerk to serve a notice on a person commencing or otherwise interested in an appeal commenced pursuant to this chapter, such notice shall be deemed served when personally delivered to such person or when deposited in the first class U.S. Mail, addressed to such person at the person's last known address.

(Ord. 2004 §4 (part))

2.80.040 Persons aggrieved by a decision, determination or order of a city board, commission, officer or employee.

For purposes of this chapter, a person shall be deemed aggrieved by a decision, determination or order made or issued by a city board, commission, officer or employee in the event the decision, determination or order has a significantly greater effect on such person than the public in general.

(Ord. 2004 §4 (part))

2.80.050 Right of appeal - Appeals from a decision or determination of a city board or commission

Except as otherwise provided by this code, an appeal of the following decisions and determinations of a city board or commission shall be made to the city council in the manner hereinafter provided by this chapter by any person who is aggrieved by the decision, or by the city manager where the city manager determines that such decision may be contrary to the policies of the city council:

- A. A final decision of the planning commission on a use permit, variance or other entitlement;
- B. A final decision of the airport commission on a lease, license, permit or other entitlement which authorizes or would authorize the use of public or private property located at the Chico Municipal Airport or within the boundaries of the Chico Municipal Airport Industrial Park, including, but not limited to, a final decision of the airport commission when acting in the capacity of either the planning commission or the architectural review board on a use permit, variance or other entitlement which authorizes or would authorize the development or use of property located at the Chico Municipal Airport or within the boundaries of the Chico Municipal Airport Industrial Park;
- C. A final decision of the Bidwell Park and Playground commission on a lease, license, permit or other entitlement which authorizes or would authorize the use of property within a city park or playground, and any final decision of the Bidwell Park and Playground commission on a permit which authorizes or would authorize the planting, maintenance or removal of a tree located within a public right-of-way or on

other city property;

- D. A final decision of the architectural review board on plans and specifications submitted in connection with the issuance of a building permit.
- E. A final decision of the fine arts commission on the award of any commission, agreement or other entitlement for the production or installation of public art.
(Ord. 2004 §4 (part), Ord. 2046)

2.80.060 Right of appeal - Appeals from a decision, determination or order made or issued by a city officer or employee.

Except as otherwise provided by this code, an appeal of the following decisions, determinations or orders made or issued by a city officer or employee shall be made to the city council in the manner hereinafter provided by this chapter by any person aggrieved by the decision, determination or order:

- A. A final decision of a city officer or employee on a license, permit or other entitlement which is issued or provided for under the provisions of this code and which grants or would grant a right or authorization to a particular person or group of persons;
- B. A fee or charge levied by a city officer or employee which is based on or calculated from the city fee schedule adopted by the city council;
- C. An enforcement determination or order made or issued by a city officer or employee pursuant to the provisions of this code, except for a determination by a city officer or employee to make an arrest, issue a stop work order, administrative citation, or criminal citation or file a criminal complaint;
- D. Any determination by the planning services director that a project is categorically or statutorily exempt from environmental review under the California Environmental Quality Act (CEQA), or a determination by the planning services director to prepare a negative declaration or mitigated negative declaration for a project.
(Ord. 2004 §4 (part), Ord. 2189 §, Ord. 2364 §63)

2.80.070 Time for commencing an appeal.

- A. Except as hereinafter provided by this section, all appeals from a decision, determination, or order made or issued by a city board, commission, officer, or employee must be commenced within the following time limits:
 - 1. If the appeal is from the final decision of a city board or commission, the appeal must be commenced within 10 days following the date of the meeting at which the decision was made.
 - 2. If the appeal is from a decision, determination, or order made or issued by a city officer or employee, the appeal must be commenced within 10 days from the date on which written notice of such decision, determination, or order is personally served on the person who is the subject of the decision, determination, or order, or owner of property which is the subject of the decision, determination, or order, or within 10 days of the date on which written notice of the decision, determination, or order is deposited in the U.S. mail, addressed to such person at the person's last known address, whichever first occurs.
- B. Where a provision of this code, or the statutes or regulations of the state, require notice of a particular decision, determination, or order of a city board, commission, officer, or employee be served or otherwise given in a particular manner, and specify the date on which such notice will be deemed to have been served or given, then an

appeal from such decision, determination, or order must be commenced within 10 days of the date the decision, determination, or order is deemed served or given by such code provision, statute, or regulation.

- C. If an appeal from a decision, determination, or order of a city board, commission, officer, or employee not to approve a lease, license, permit, or other entitlement has not been commenced within the time required by subsections A and B above, the council may, nevertheless, extend the time for commencing such appeal for good cause shown.
- D. Nothing in this section shall be deemed or construed to extend or authorize the extension of any time limit established by state law to commence an appeal of any decision, determination, or order subject to such law.

(Ord. 2004 §4 (part), Ord. 2151 §4, Ord. 2257 §1)

2.80.080 Commencement of appeal by filing a notice of appeal.

All appeals from a decision, determination or order of a city board, commission, officer or employee which are made pursuant to the provisions of this chapter shall be commenced by filing a notice of appeal in the office of the city clerk. Such notice shall be in the form and contain the following information:

- A. The name, address and telephone number of the person making the appeal;
- B. Identification of the board or commission, or name and title of the city officer or employee having made the decision or determination or having issued the order which is the subject of the appeal;
- C. A description of the decision, determination or order which is the subject of the appeal, and the date such decision, determination or order was made or issued;
- D. A brief description of all grounds for making the appeal; and
- E. Such other information as may be required by the city clerk.

(Ord. 2004 §4 (part))

2.80.090 Appeal filing fee.

At the time of commencing an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee, the person making the appeal shall deposit with the city clerk an appeal filing fee in an amount established by resolution of the city council, which shall not exceed the average costs to the city for the staff time and other resources necessary to prepare a record of appeal, prepare and serve all notices required in connection with an appeal, and otherwise process an appeal.

(Ord. 2004 §4 (part))

2.80.100 Stay of decision, determination or order following commencement of appeal.

Where an appeal is commenced to review a decision or determination made by a city board, commission, officer or employee to approve a lease, license, permit or other entitlement, the filing of the notice of appeal shall stay such decision or determination until such time as the city council may affirm the decision or determination, or until such time as the decision or determination is deemed affirmed in the manner hereinafter provided by this chapter. Similarly, where an appeal is commenced to review the determination of a city officer or employee to issue an order, save and except for an order to stop work, vacate a dangerous building or structure, or abate a hazardous condition,

such order shall be stayed until such time as the city council may affirm the order or the order is deemed affirmed in the manner hereinafter provided by this chapter. However, upon application therefor, the city council or the city manager may lift the stay of such decision, determination or order for good cause shown.

(Ord. 2004 §4 (part))

2.80.110 Action by city clerk on the notice of appeal.

Upon the commencement of an appeal, the city clerk shall promptly provide a copy of the notice of appeal to the city officer or employee, or the secretary of the city board or commission having made the decision or determination which is the subject of the appeal.

(Ord. 2004 §4 (part), Ord. 2373 §1)

2.80.120 Action of the city council on the notice of appeal.

Repealed by Ordinance 2373

(Ord. 2004 §4 (part), Ord. 2373 §2)

2.80.130 Preparation and transmittal of the record of proceedings.

Repealed by Ordinance 2373

(Ord. 2004 §4 (part), Ord. 2373 §3)

2.80.140 Verbatim transcript of proceedings before the city board, commission, officer or employee having made the decision, determination or order subject to appeal.

Repealed by Ordinance 2373

(Ord. 2004 §4 (part), Ord. 2373 §4)

2.80.150 Notice of the date, time and place of a hearing on an appeal.

Upon the timely receipt of a notice of appeal and the applicable filing fee, the city clerk shall set the matter for a public hearing not less than 30 thirty nor more than 45 days following the date the city clerk received the notice of appeal. The city clerk shall cause written notice of the date, time and place of such hearing to be served on the person who commenced the appeal, on the applicant for the lease, license, permit or other entitlement which is the subject of the appeal or the recipient of the order which is the subject of the appeal if other than the person who commenced the appeal, and on any other person who has filed a written request with the city clerk for notice of any hearing on the appeal, all at least 10 days prior to the date of such hearing.

(Ord. 2004 §4 (part), Ord. 2373 §5)

2.80.155 Preparation and transmittal of the record.

A. Upon the setting of a date for a hearing on an appeal, the secretary of the board or commission who made or issued the decision, or the officer or employee who made or issued the decision, determination of order which is the subject of the appeal shall promptly cause a record of the proceedings regarding the decision, determination or order to be prepared and transmit it to the city clerk. The city clerk shall cause the record of proceedings to be placed before the city council on or before the date set for the public hearing on the appeal. If the appeal is from a decision or determination of a city board or commission, the record of proceedings shall consist of a staff report

summarizing the proceedings before the board or commission and all written documents or other evidence presented to the board or commission at the time it made its decision or determination. Similarly, if the appeal is from a decision, determination or order made or issued by a city officer or employee, the record of proceedings shall consist of a report of such officer or employee summarizing the decision and the basis for same, as well as all written documents and other evidence considered by the city officer or employee making or issuing the decision, determination or order.

- B. The person having commenced an appeal, any other person interested in the outcome of the appeal, or the city manager, may cause a verbatim transcript to be made of any stenographic notes, audio recordings or television recordings of proceedings before the city board, commission, officer or employee having made or issued the decision, determination or order which is the subject of the appeal, all at the sole cost and expense of the person or entity requesting such transcript. Where such verbatim transcript is prepared and transmitted to the city clerk on or before the date set for the public hearing on the appeal, the transcript shall be included and considered by the city council as part of the record of proceeding on the appeal.

(Ord. 2373 §6)

2.80.160 Procedures governing the conduct of the hearing on an appeal.

The procedures governing the conduct of the public hearing on an appeal from a decision, determination or order of a city board, commission, officer or employee shall be announced by the mayor at the time of convening the public hearing on the appeal.

If the appeal is from a decision, determination or order made or issued by a city board, commission, officer or employee after conducting a hearing thereon which was required by law, then the hearing on the appeal from such decision, determination or order shall be conducted in accordance with the same procedures, if any, which were prescribed by law for the initial hearing on the decision, determination or order.

On the other hand, if the appeal is from a decision, determination or order of a city board, commission, officer or employee not requiring a public hearing, or from a decision, determination or order made or issued after a public hearing which was not required by law to be conducted in any particular manner, then the mayor, or the city council by a majority vote of the council, shall establish a procedure for conducting the hearing which, at a minimum, provides the person commencing the appeal, and the applicant for the lease, license, permit or other entitlement which is the subject of the appeal or the recipient of the order which is the subject of the appeal if other than the person who commenced the appeal, a fair opportunity to be heard and present evidence bearing on the particular matter which is the subject of the appeal.

(Ord. 2004 §4 (part))

2.80.170 Evidentiary rules applicable to the hearing on an appeal.

The testimony given at a hearing on an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee as well as the written documents or other evidence sought to be introduced at such hearing shall not be limited by any legal rules of evidence save and except for the rule that such testimony and other evidence shall be relevant and material to a resolution of the particular matter which is the subject of the appeal.

(Ord. 2004 §4 (part))

2.80.180 Continuance of the hearing on an appeal.

The hearing on an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee may be continued from time to time by a majority vote of the city council; provided, however, that such hearing shall not be continued to a date more than 60 days from the date the hearing was first commenced.

(Ord. 2004 §4 (part))

2.80.190 Standards for reviewing the decision, determination or order at the hearing on an appeal.

At the time of convening a hearing to consider an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee, the city council shall reconsider the entire record of proceedings before the city board, commission, officer or employee having made or issued such decision, determination or order, as well as all testimony, documents or other new evidence that may be presented at the hearing, independently weigh all such evidence and render its decision on the appeal based on the evidence and the law applicable thereto, after making any finding required by law to support such decision.

(Ord. 2004 §4 (part))

2.80.200 Action of the city council at the conclusion of the hearing on an appeal.

- A. Where, at the conclusion of a hearing on an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee, the city council, by majority vote, decides to deny the appeal, the Council shall affirm such decision, determination or order, and where required by law, make such findings of fact as may be necessary to support the decision, determination or order, either by adopting the findings of fact made by such board, commission, officer or employee in full or by making its own findings of fact. Provided further, that where the city council, for any reason, is unable to arrive at a majority decision on whether to deny or grant an appeal, the appeal shall, nevertheless, be deemed denied and the decision, determination or order of the city board, commission, officer or employee which is the subject of the appeal affirmed in full.
- B. Where, at the conclusion of a hearing on an appeal from a decision, determination or order made or issued by a city board, commission, officer or employee, the city council, by majority vote, decides to grant the appeal, the council shall take the following action:
1. If the appeal was from a decision or determination of a city board, commission, officer or employee to deny a lease, license, permit or other entitlement, the city council may approve such lease, license, permit or other entitlement subject to such terms and conditions as the council deems proper, and adopt such findings of fact as may be required by law to support such action. In the alternative, the council may approve the lease, license, permit or other entitlement in the manner provided herein, but remand the matter back to the city board, commission, officer or employee having made the initial decision on the matter for the purpose of making a determination on the terms and conditions of the lease, license, permit or other entitlement.

2. If the appeal was from a decision or determination of a city board, commission, officer or employee to approve a lease, license, permit or other entitlement, or from an order of a city officer or employee directing performance of some act, the city council may deny such lease, license, permit or other entitlement or cancel such order, and adopt such findings of fact as may be required by law to support such action. In the alternative, the city council may approve the lease, license, permit, or other entitlement, but modify the terms and conditions of same after making such findings of fact as may be required by law to support such actions.
(Ord. 2004 §4 (part))

2.80.210 City clerk's notice of the disposition of an appeal.

Where an appeal is deemed denied because the city council was unable to arrive at a decision on the appeal or where the city council acts on an appeal after convening a public hearing and rendering a decision on the appeal, the city clerk shall promptly cause a notice describing the disposition of such appeal to be served by mail on the person who commenced the appeal, and on the applicant for a lease, license, permit, or other entitlement which is the subject of the appeal or the recipient of the order which is the subject of the appeal if other than the person who filed the appeal. In addition, the city clerk shall provide a notice describing the disposition of such appeal to the city board, commission, officer or employee having made or issued the decision, determination or order which was the subject of the appeal.
(Ord. 2004 §4 (part), Ord. 2373 §7)

TITLE 2 FOOTNOTES

1. For Charter provisions on elective officers, see §§400 - 409; for Charter provisions on appointive officers, see §§900 - 914; for constitutional provisions on tenure of office for municipal officers in chartered cities, see California Constitution Article 20 §16; for Charter provisions on the city council, see §§600 - 608; for Charter provisions on the city manager, see §§700 and 701; see also Animal Control Supervisor, Ch. 7.04. For regulations regarding administration and employer-employee relations, see Appendix Title 2R.
2. For Charter provisions on official bonds, see §903; for statutory provisions on bonds of officers and fiduciaries, see Government Code §36518 et seq.
3. For Charter provisions authorizing the council to adopt its own rules of procedure and appoint committees, see §607; for statutory provisions authorizing municipal councils to establish rules for the conduct of their proceedings, see Government Code §36813; for provisions on council meetings, see Government Code §§36805 - 36811; for Charter provisions on council meetings, see §602.
4. For Charter provisions on the city manager, see §§700 and 701; for Charter provisions on the council-manager form of government, see §300; for statutory provisions on the council-manager form of government, see Government Code §34851 et seq.; city manager as city purchasing officer, see Ch. 3.12.
5. For Charter provisions on organization of city departments, see §800; for statutory provisions on establishing a fire department in general law cities; see Government Code §38611; Uniform Fire Code, see Ch. 16R.42.
6. For Charter provisions on organization of city departments, see §800; for statutory provisions on city health ordinances, boards and officers, see Health & Safety Code §500 et seq.; for provisions on contracts for local health administration, see Health & Safety Code §§480 - 485, for provisions on county health administration for cities, see Health & Safety Code §§476 - 477.
7. For Charter provisions on organization of city departments, see §800; for statutory provisions on control of police departments, see Government Code §38630; arrest procedure, see Ch. 1.24.
8. For Charter provisions on organization of city departments, see §800.
9. For Charter provisions on appointive boards and commissions generally, see §§1000 - 1005; for Charter provisions on the airport commission, see §§1007 and 1007.1; for airport rules and regulations, see Appendix Title 11R.

10. For Charter provisions on appointive boards and commissions generally, see §§1000 - 1005; for Charter provisions on the Bidwell Park and Playground Commission, see §§1006 - 1006.2; for Bidwell Park rules and regulations, see Appendix Title 12R; for adoption authority of park and playground rules and regulations, see Ch. 12.16.
11. For statutory provisions on the board of parking place commissioners, see Streets & Highways Code §31770 et seq.; for provisions on the Vehicle Parking District Law of 1943, see Streets & Highways Code §31500 et seq.
12. For statutory provisions on local planning agencies, see Government Code §65100; for provisions on planning commissions, see Government Code §65150; for the "Planning Law" of the state generally, see §65000 et seq.
13. For Charter provisions on the personnel system, see §1400; personnel system, see Ch. 2.72; personnel rules, see Appendix Title 2R.
14. For statutory provisions on the creation of local disaster councils, see Government Code §§8610 - 8614; for provisions generally on the California Emergency Services Act, see Government Code §8550 et seq.; for provisions on emergency powers of the city's chief executive, see Government Code §38791.
15. For Charter provisions on the personnel system, see §1400; for statutory provisions on civil service for officers and employees, see Government Code §45000 et seq.; human resources commission, see Ch. 2.64; personnel rules, see Appendix Title 2R.