

REDLINE OMNIBUS ORDINANCE

The following changes are proposed:

1. Section 1.40.105, "*Satisfaction of lien/special assessment*" of Chapter 1, "*General Provisions*," is hereby amended to read as follows to update the references to current Town position titles:

"Once payment in full is received by the Town for outstanding penalties and costs, the Administrative Services Director ~~Director of Finance~~ shall:"

2. Section 2.30.025, "*Delegation of certain duties*" of Chapter 2, is amended to read as follows to update the references to current Town position titles and to clarify the language:

"(a) Signing check-warrants. The Town Treasurer ~~Finance Director~~ shall ~~counter~~sign all check-warrants drawn on the Town Treasury. The Town Manager or designee ~~Treasurer, or appointed deputy~~, shall countersign all check-warrants drawn on the Town Treasury. In the absence of the Town Treasurer ~~Finance Director~~, the Town Manager or designee for the Town Treasurer ~~Assistant Town Manager~~ are may be appointed by the Town Manager and is authorized to sign check-warrants as prescribed herein. If the Town Treasurer or designee, or the Town Manager or designee ~~Treasurer's appointed deputy~~ does not sign check-warrants within the prescribed time limits established by Town Council resolution, the Town Mayor or Vice-Mayor may review and sign check-warrants."

- (b) *Town bank accounts*. All Town bank accounts will have any of the following two (2) signatories. Any two (2) of the following are required to process checks/warrants:

- (1) Town Treasurer or Administrative Services Director;
- (2) Town Manager or Designee ~~Finance Director~~;
- (3) Mayor.

- (c) *Delegation of investment function*. The Council is responsible for the delegation of authority and responsibility for investments. The Council's delegate for investments shall annually provide an updated investment policy. The primary goal of the policy shall be the safekeeping of the Town's deposits and investments. In addition, the policy shall:

- (1) Reflect that the Town will deposit no more than the exempted amount set forth in Government Code section 53638 in any financial institution unless the net worth of the institution at the time of the individual deposit exceeds the Town's deposit in accordance with Government Code section 53638.

- (2) Limit consolidation of the Town's investments or deposits to no more than ten (10) percent of the Town's entire portfolio (except the Local Agency Investment Fund [L.A.I.F.], which can be higher).
 - (3) Establish criteria for evaluating the minimum financial strength of banks and savings and loans eligible for Town deposits and criteria for evaluating the minimum investment grade for securities eligible for Town investments.
 - (d) *Acceptance of conveyances.* The Town Engineer may accept on behalf of the Town any conveyance of an interest in real property and execute instruments of acceptance, including certificates of acceptance under the provisions of Government Code section 27281.
 - (e) *Signing standard development contracts.* The Town Manager may sign, on behalf of the Town, standard development, improvement and dedication contracts when such contracts are connected with conditions on land development, imposed in land division or zoning proceedings.
 - (f) *Signing written agreements.* The Town Council may authorize the Town Manager to sign, on behalf of the Town, specific written agreements."
3. Section 2.30.035, "*Delegation of Town Clerk and Town Treasurer Authority*" of Chapter 2, "*Administration*," is hereby amended to read as follows to update the references to current Town position titles:
- "The authority granted to the Town Council pursuant to section 36510 of the Government Code is hereby delegated to the Town Manager, who is authorized to select, appoint, supervise, and compensate as the Town Manager deems necessary within the ranges authorized by the Town Council, the Town Clerk and Town Treasurer. This delegation shall supercede any and all prior actions taken by the Town Council regarding the establishment, responsibilities, selection and compensation of the Town Treasurer, and Town Clerk ~~and Clerk Administrator~~."
4. Section 2.30.295, "*Powers and duties – Generally*" of Chapter 2, "*Administration*," is hereby amended to read as follows to clarify the language:
- "The Town Manager shall be the administrative head of the Town Government under the direction and control of the Town Council, except as otherwise provided in this article. The Town Manager shall be responsible for the efficient administration of all the affairs of the Town which are under the Town Manager's control. In addition to the general powers as administrative head, and not as a limitation thereon, the Town Manager shall have the following powers and duties:

- (1) *Law enforcement.* To see that this Code and any other laws and ordinances of the Town are duly enforced, and that all franchises, permits and privileges granted by the Town are faithfully observed, and to report to the Town Council any violations thereof.
- (2) *Supervision of employees.* To control, order and give directions to all heads of departments, subordinate officers and employees of the Town, except the ~~Town Clerk, Town Treasurer and~~ Town Attorney; to transfer employees from one (1) department to another; and to consolidate or combine offices, positions, departments or units under the Town Manager's direction; provided, that nothing contained in this article shall be construed to supersede the civil service system of the Town.
- (3) *Hiring and firing.* To appoint and remove any officers and employees of the Town except the ~~Town Clerk, Town Treasurer and~~ Town Attorney, subject to the civil service system of the Town.
- (4) *Departmental control.* To exercise control over all departments of the Town Government and over all appointive officers and employees thereof, except the ~~Town Clerk, Town Treasurer and~~ Town Attorney.
- (5) *Attendance at meetings.* To either attend all meetings of the Town Council or designate another Town employee to attend in his or her stead unless excused therefrom by the Town Council, except when the Town Manager's removal is under consideration by the Town Council.
- (6) *Budget.* To prepare the budget annually and submit it to the Town Council and be responsible for its administration after adoption.
- (7) *Annual report.* To prepare and submit to the Town Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the Town for the preceding year.
- (8) *Needs and financial condition of Town.* To keep the Town Council advised on the financial condition and future needs of the Town and make such recommendations as may seem desirable.
- (9) *Examination of employee conduct.* To examine, or cause to be examined, without notice, the conduct of any officer or employee of the Town.
- (10) *Advisory boards, etc.* To appoint such advisory boards or committees of citizens as the Town Manager may deem desirable, with the growth of the Town, to advise and assist the Town Manager in the Town Manager's work; provided, that such persons shall not receive any compensation.
- (11) *Personnel officer.* To act as personnel officer until the Town Council shall establish a separate office therefor.

- (12) *Investigation of complaints.* To investigate all complaints in relation to matters concerning the administration of the Town Government.
- (13) *Supervision over Town property.* To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the Town Council and not specifically delegated to a particular board or officer.
- (14) *Devotion to duty.* To devote the person's entire time to the duties of the Town Manager's office and interests of the Town.
- (15) *Civic activities.* To provide leadership for civic movements designed to benefit the residents of the Town when so authorized by the Town Council.
- (16) *Ex officio membership on boards, etc.* The Town Manager shall be an ex officio member of all boards and commissions appointed by the Mayor or Town Council pursuant to law, with a right to participate in all deliberations or actions by voice but without vote.
- (17) *Others.* To perform such other duties and exercise such other powers as may be delegated to the Town Manager from time to time by resolution of the Town Council."

5. Section 2.30.620, "*Filing Campaign Statements*" of Chapter 2, "*Administration*," is hereby amended to read as follows to update the references to current Town position titles:

"Any elected officer, candidate, or committee required to file statements, reports, or other documents ("Statements") as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 et seq.) may file such Statements using the ~~Town Clerk Administrator's~~ online system according to procedures established by the Town Clerk ~~Administrator~~. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code. From and after February 1, 2019, elected officers, candidates, and committees required to file Statements must file such Statements using the ~~Town Clerk Administrator's~~ online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a)."

6. Section 2.30.945, "*Same - Meetings*" of Chapter 2, "*Administration*," is hereby amended to read as follows to clarify the language:

"The Personnel Board shall determine the order of business for the conduct of its meetings, and shall meet as needed at least annually, or on call of the Chair or two (2) members of the Board. Three (3) members of the Board shall constitute a quorum for the transaction of business."

7. The title of Section 2.50.010, "*Office of the Director of Finance established*" of Chapter 2, "*Administration*," is hereby amended to read as follows to update the references to current Town position titles:

"Office of the Administrative Services Director ~~Director of Finance~~ established"

8. Section 2.50.010, "*Office of the Administrative Services Director established*," previously titled "*Office of the Director of Finance established*" of Chapter 2, "*Administration*," is hereby amended to read as follows to update the references to current Town position titles and clarify the language:

- "(a) The Administrative Services Director ~~Director of Finance~~ shall be the Accounting Officer of the Town and shall have the responsibility for performing all accounting functions for the Town. The Administrative Services Director ~~Director of Finance~~ shall be appointed by the Town Manager or Town Manager's delegate.
- (b) The Administrative Services Director ~~Director of Finance~~ shall maintain records readily reflecting the financial condition of the Town."
- (c) The Administrative Services Director ~~Director of Finance~~ shall cause a summary of the Town's financial report required by Government Code section 53891, in a form prescribed by the State Controller, to be published in accordance with Government Code sections 40804 and 40805.
- ~~(d) The transfer of the financial and accounting duties imposed upon the City Clerk by the Government Code to the Director of Finance shall not affect the duties of the Clerk to sign check warrants as set forth in section 2.30.025.~~
- (e) The Administrative Services Director ~~Director of Finance~~ shall cause a cash forecast to be prepared and distributed quarterly to the Town Treasurer.
- (f) The Administrative Services Director ~~Director of Finance~~ shall develop a financial policies and procedures manual.
- (g) The Treasurer is to notify Administrative Services Director ~~Director of Finance~~ of all transfers, investments, and deposits written by the Treasurer or Deputy Treasurer."

9. Section 14.10.010, "*Definitions*," of Chapter 14, "*Licenses and Miscellaneous Business Regulations*," is hereby amended to read as follows to update the references to current Town position titles:

"For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Business means professions, trades and occupations and every kind of calling

carried on for profit or livelihood, including the business of renting or leasing apartments.

E-commerce means commercial transactions conducted electronically on the Internet.

Fixed place of business means the premises occupied for the particular purpose of conducting the business thereat, and regularly kept open for that purpose, with a competent person in attendance for the purpose of attending to such business. Included in such term is the premises rented or leased by persons owning apartments located in the Town.

Gross receipts means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, for which a charge is made or credit allowed, whether or not such service, act or employment is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in such term shall be all receipts, cash, credits and property of any kind or nature, and any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor, or service costs, interest paid or payable or losses or other expenses whatsoever.

Excluded from such term shall be cash discounts allowed and taken on sales, any tax required by law to be included in, or added to, the purchase price and collected from the consumer or purchaser, and such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit.

Home occupation has the same meanings as it does in the zoning ordinance.

Jobbing business means any business conducted solely for the purpose of selling goods, wares or merchandise in job lots to wholesale merchants for resale at wholesale to the trade by such wholesale merchants.

Quarter means a period of three (3) calendar months. The quarters begin on the first day of January, April, July and October of each year. The quarter shall include fractions thereof.

Real estate broker means the managing broker and/or partner of any real estate office.

Retail business means any business conducted for the purpose of selling, or offering to sell, any goods, wares or merchandise, other than as a part of a

wholesale business and jobbing business.

Tax collector is the Administrative Services Director ~~Finance Director~~ or designee.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Wholesale business means any business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retail merchants for resale at retail to the trade by such retail merchants."

10. Subsection 3 in Section (r) in Section 14.70.070, "*Sidewalk vending standards*," of Chapter 14, "*Licenses and Miscellaneous Business Regulations*," is hereby amended to read as follows to replace the reference to "pushcarts" with a reference to "vending devices" in order to render the ordinance internally consistent:

"No permittee shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of a ~~pushcart~~ vending device."

11. Section (g) in Section 14.100.065, "*Violations*," of Chapter 14, "*Licenses and Miscellaneous Business Regulations*," is hereby amended to read as follows to correct a clerical error:

"It shall be a misdemeanor for any special event participant to fail or refuse to comply with a revocation order made pursuant to section 14.100.~~070~~ 050."

12. Section 15.90.045, "*Reporting requirements for funds*," of Chapter 15, "*Motor Vehicles and Traffic*," is hereby amended to read as follows to update the references to current Town position titles:

"The Administrative Services Director ~~Director of Finance~~ or designee shall comply with the public reporting requirements for the construction activities mitigation fee fund and accounts therein within one hundred eighty (180) days of the end of each fiscal year as specified in Government Code § 66006(b), or any applicable successor statute. The Administrative Services Director ~~Director of Finance~~ or designee shall also present the public reports to the Town Council for review at the first regular meeting that occurs not ~~more~~ less than fifteen (15) days after the reports are made available to the public as specified in Government Code § 66006(b), or any applicable successor statute."

13. Section 18.10.035, "*Nonessential or unauthorized use of water*" of Chapter 18, "*Offenses and Miscellaneous Provisions*," is hereby deleted entirely to remove the language due to

an expired urgency ordinance.

14. Section 1 in Section 19.10.027, "*Animals in parks*," of Chapter 19, "*Parks and Recreation*," is hereby amended to read as follows to comply with federal law:

"The owner or person with the right to control any dog or animal shall keep such dog or animal under physical restraint by means of a leash not to exceed six (6) feet in length at all times. Electronic or verbal commands do not meet leash requirements. This section does not apply to guide dogs, signal dogs or service dogs as defined in California Penal Code section 365.5 or to service animals as defined in federal law if they are exempted from this requirement pursuant to federal law."

15. Subsection 3 in Section (b) in Section 23.30.020, "*Same-Bonds and insurance required*," of Chapter 23, "*Streets and Sidewalks*," is hereby amended to read as follows to provide flexibility with regard to the amount of liability insurance coverage to be required:

"Proof of public liability insurance in ~~a minimum of one million dollars (\$1,000,000.00)~~ a minimum of two million dollars (\$2,000,000.00), unless otherwise specified by the Town Manager, combined single limit per occurrence in the form and providing the same endorsement for additional insured specified in subsection (a) above."

16. Section (c) in Section 23.30.020, "*Same-Bonds and insurance required*," of Chapter 23, "*Streets and Sidewalks*," is hereby amended to read as follows to provide that the amount of insurance coverage to be provided is related to the level of risk associated with the work rather than contract amount:

"Should the Director of Building and Engineering Services determine that the work proposed ~~is valued at less than five thousand dollars (\$5,000.00) but that it~~ constitutes a dangerous or intrusive type of work so that completion of the work is necessary then the Director may require that increased insurance coverage or a performance bond or other sufficient security in the amount of the value of the work be posted prior to issuance of the permit."

17. The title of Section 25.10.030, "*Same – Finance Director designated Collector*," of Chapter 25, "*Revenue and Taxation*," is hereby amended to read as follows to update the references to current Town position titles:

"Same – Administrative Services Director ~~Finance Director~~ designated Collector"

18. Section 25.10.030, "*Same – Administrative Services Director designated Collector*," previously titled "*Same – Finance Director designated Collector*," of Chapter 25, "*Revenue and Taxation*," is hereby amended to read as follows to update the references

to current Town position titles:

“The Administrative Services Director ~~Finance Director~~ is designated as the Town's Tax and License Collector.”

19. Section 25.30.010, “*Definitions*,” of Chapter 25, “*Revenue and Taxation*,” is hereby amended to read as follows to update the references to current Town position titles:

“For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Hotel means any structure, or any portion of any structure, which is occupied or intended to be designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

Occupancy means the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

Operator means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs the operator's functions through a managing or booking agent of any type or character other than an employee, including but not limited to an online travel company the managing/booking agent shall also be deemed an operator for the purposes of this article, and shall have the same duties and liabilities as the managing agent's principal. Compliance with the provisions of this article by either the principal or the managing/booking agent shall, however, be considered to be compliance by both.

Online Travel Company means any person, whether operating for profit or not for profit, which enables transients to purchase occupancy of space in a hotel via the Internet, or by similar electronic means.

Person means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

Rent means the total consideration charged, to the transient, (including but not limited to, room rates, service charges, retail markup, commissions, processing

fees, cancellation charges, attrition fees or online booking fees), whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

Tax Administrator means the Administrative Services Director ~~Finance Director~~ of the Town.

Transient means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portion of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this article may be considered."

20. Section (a) of Section 25.50.020, "*Definitions*," of Chapter 25, "*Revenue and Taxation*," is hereby amended to read as follows to update the references to current Town position titles:

"*Administrator* shall mean the Administrative Services Director ~~Finance Director~~ of the Town."