



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Introduce Ordinance No. 301 to make corrections, clarifications, and minor updates and modifications to the Milpitas Municipal Code</b>
<b>Category:</b>	Leadership and Support Services
<b>Meeting Date:</b>	8/13/2019
<b>Staff Contact:</b>	Christopher Diaz, City Attorney, 408-586-3040 Ashwini Kantak, Assistant City Manager, 408-586-3053
<b>Recommendation:</b>	Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications

### **Background:**

The Milpitas Municipal Code (Muni Code) codifies the ordinances of the City of Milpitas. The Muni Code is organized by Titles, Chapters and Sections.

**Title:** A title is a broad category under which ordinances on a related subject are compiled. This code contains a total of 12 titles. For example, the first title is Title I, Administration, which contains ordinances about the code adoption process, definitions, general penalties, etc.

**Chapter:** Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material.

**Section:** Each section of the code contains substantive ordinance material.

The Muni Code was originally published in 1987 and in order to stay current, needs to be updated on a periodic basis. Staff is proposing several updates to the Muni Code that provide corrections and clarifications and make minor updates and modifications for purposes of general code clean-up.

### **Analysis:**

Updates are proposed to the Muni Code, in Titles I, II, IV, V, VI, XI, and XII, and are described below:

#### ***Proposed Changes related to Contracts***

1. Title I, Chapter 2, Section 1.06 – Clarifies definition of contracts.
2. Title I, Chapter 2, Section 3.02, subsection (d) – Cleans up ambiguity to clarify contract authority is less than 20,000 for the Purchasing Agent.
3. Title I, Chapter 2, Section 3.20-6 – Aligns with existing City Manager contract authority.
4. Title I, Chapter 4, Section 2.01 – Clarifies City Manager contract authority.

***Proposed Changes related to Building and Housing Department name change and move of Housing from Planning to Building and Housing***

1. Title II, Chapters 1, 2, 13, 15, 160 and 170 – Updates to reflect the new department name of Building and Housing; replaces Director of Planning and Neighborhood Services with Director of Building and Housing, to reflect the move of Housing from the former department to the latter.

***Proposed Changes related to Administrative Citations***

1. Title V, Chapter 210, Section V-210-13.01 – Clarification related to Administrative Citations.

***Proposed Changes related to department names***

1. Title VI, Chapter 3, Section 1.00 – Aligns with department names approved as part of Fiscal Year Budgets for 2018-19 and 2019-20.

***Proposed Changes related to Executive Positions***

1. Title VI, Chapter 3, Section 4.00 – Updates reflect executive staffing changes in Fiscal Years 2018-19 and 2019-20 and provide consistency across executive staff.
2. Title VI, Chapter 101, Sections 3.00 and 3.01 - Updates reflect executive staffing changes in Fiscal Years 2018-19 and 2019-20.

***Proposed Changes related to Cost Recovery Targets for Fees and Service Charges***

1. Title VI, Chapter 3, Section 4.00 – Deletes cost recovery targets for Fees and Service Charges from the Muni Code per staff recommendation and Council direction on April 30, 2019. The cost recovery targets are now included in the Master Fee Schedule, which will be updated and adopted by Council on an annual basis, as part of the budget process.

***Proposed Changes related to Planning Department name change***

1. Title XI, Chapter 10 and XII, Chapter 1 – Updates to reflect the department name change from Planning and Neighborhood Services to Planning.

**Fiscal Impact**

None

**Recommendation**

Following the City Attorney's reading of the title of Ordinance No. 301, move to waive the first reading beyond the title and introduce Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI, and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications.

**Attachment**

Ordinance No. 301 (redlined for first reading)