



**City Council  
Successor Redevelopment Agency  
Financing Authority  
Housing Authority**

**AGENDA**

**Wednesday**

**Regular**

**Closed Session 5:30 p.m.  
Regular Session 6:00 p.m.**

**February 20, 2013**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Daniel O. Clark, Mayor  
Jason Patin, Mayor Pro Tempore  
Marshall 'Chip' Holloway, Vice Mayor  
James Sanders, Council Member  
Lori Acton, Council Member**

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LAST ORDINANCE NO. 13-01  
LAST RESOLUTION CITY COUNCIL NO. 13-02  
LAST RESOLUTION FINANCING AUTHORITY NO. 13-xx  
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 13-xx  
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 13-xx

## **CITY OF RIDGECREST**

### **CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY**

#### **AGENDA**

Regular Council  
Wednesday February 20, 2013

#### **CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:30 p.m.**  
**Regular Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**AGENDA - CITY COUNCIL - REGULAR**

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**CLOSED SESSION**

GC54957 Personnel Matters – Public Employee Performance Evaluation – Interim City Manager

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest.

**PUBLIC COMMENT – CLOSED SESSION**

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
- Other

**PUBLIC COMMENT**

**PRESENTATIONS**

1. Approve A Resolution Authorizing A Proclamation In Honor Of “Motorcycle Awareness Month” And Presenting The Proclamation Clark
2. Employee Of The Month Award Clark

**CONSENT CALENDAR**

3. Approve A Resolution Of The City Of Ridgecrest Successor Redevelopment Agency Approving The Recognized Obligation Payment Schedule 13-14A Parsons
4. Approve Draft Minutes Of The Regular Council Meeting Of February 6, 2013 Ford

**DISCUSSION AND OTHER ACTION ITEMS**

5. Appointments to Council Agencies, Boards, and Commissions Ford

**AGENDA - CITY COUNCIL - REGULAR**

**February 20, 2013**

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**ORDINANCES**

- 6. Approve Ordinance No. 13-01, Second Reading and Adoption, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code With Respect To Agencies, Commissions, Boards, and Committees** **Lemieux**

**COMMITTEE REPORTS**

**City Organization**

Members: Dan Clark, Jim Sanders  
Meeting: 3rd Tuesday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: March 19, 2013

**Community Development Committee**

Members: Jason Patin, Chip Holloway  
Meetings: 1<sup>st</sup> Thursday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: March 7, 2013

**Infrastructure Committee**

Members: Dan Clark, Jason Patin  
Meeting: 2<sup>nd</sup> Wednesday Of The Month At 5:00 P.M., Council Conference Room  
Next Meeting: March 13, 2013

**Quality Of Life**

Members: Chip Holloway, Lori Acton  
Meeting: 2<sup>nd</sup> Thursday Of The Month At 5:00 P.M.; Kerr-McGee Center  
Next Meeting: February 27, 2013 (Dark in June, July, December, and January)

**Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Jim Sanders, Jason Patin  
Meetings: 2<sup>nd</sup> Monday Of Odd Numbered Months At 4:00 P.M., Kerr-McGee Center  
Next Meeting: March 11, 2013

**Veterans Advisory Committee**

Members: Jason Patin, Lori Acton  
Meetings: Every Monday as needed at 6:00 p.m., Council Conference Room  
Next Meeting: February 25, 2013

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**Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Jason Patin, Chip Holloway

Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.

Next Meeting: March 6, 2013 at location to be announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER REPORT**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING  
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of May

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented

1. *Motorcycle Awareness Month – May 2013*

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve a resolution authorizing the presentation of proclamation recognizing Motorcycle Awareness Month – May 2013

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approve a resolution authorizing the presentation of proclamation recognizing Motorcycle Awareness Month – May 2013

Submitted by: Rachel J. Ford  
(Rev.6/12/09)

Action Date: February 20, 2013

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**RESOLUTION NO. 13-xx**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL  
ANNOUNCING PROCLAMATIONS PREPARED FOR THE  
MONTH OF MAY 2013**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamations have been processed and will be presented:

**Proclamation Titles**

Motorcycle Awareness Month – May 2013

**APPROVED AND ADOPTED THIS** 20<sup>th</sup> day of February 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Daniel O. Clark, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, CMC  
City Clerk

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*A Proclamation of  
The City Of Ridgecrest, California  
MOTORCYCLE AWARENESS MONTH  
MAY 2013*

*WHEREAS, motorcycle riding is a popular form of efficient transportation and recreation for more than 500,000 people in California; and*

*WHEREAS, it is important that all vehicles be aware of one another and learn to Share the Road and practice courtesy; and*

*WHEREAS, motorcycles provide transportation which uses fewer resources, causes less wear and tear on public roadways, and increases available parking areas; and*

*WHEREAS, the safety hazards created by automobile operators who have not been educated to watch for motorcyclists; and*

*WHEREAS, it is especially important that the citizens of Ridgecrest be aware of motorcycles on the streets and highways and recognize the importance of motorcycle safety; and*

*WHEREAS, the American Brotherhood Aimed Toward Education (ABATE) of California, Local 58 is an organization that is actively promoting safe operation, increased rider training, and increased motorists awareness of motorcycles; and*

*WHEREAS, it is important to recognize the need for awareness on the part of all drivers, especially with regard to sharing the road with motorcycles, and in honor of motorcyclist' many contributions to the communities in which they live and ride.*

*Now, therefore, be it proclaimed*

*The City Council of the City of Ridgecrest does hereby proclaim the month of May 2013 as MOTORCYCLE AWARENESS MONTH in Ridgecrest and urges both motorcycle riders and automobile drivers to follow the Rules of the Road so that all citizens will remain safe.*

*Proclaimed February 20, 2013*

*Daniel O. Clark, Mayor*

*Jason Patin  
Mayor Pro Tem*

*Marshall 'Chip' Holloway  
Vice Mayor*

*James Sanders  
Council Member*

*Lori Acton  
Council Member*

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

<b>SUBJECT:</b> Presentation Of the Employee of the Month Award
<b>PRESENTED BY:</b> Dan Clark - Mayor
<b>SUMMARY:</b>  Staff recently implemented an Employee of the Month awards program, which gives the Council the opportunity to publicly recognize and extend their appreciation to employee's for exceptional service.  This month's recipient is Loren Culp, City Engineer
<b>FISCAL IMPACT:</b> No Fiscal Impact Reviewed by Finance Director
<b>ACTION REQUESTED:</b>  Presentation of a Certificate from Council to the Employee of the Month
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested: Present a recognition certificate to the Employee of the Month

Submitted by:  
(Rev. 02/13/12)

Dan Clark

Action Date: February 20, 2013

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Approval of the City of Ridgecrest successor Agency Recognized Obligation Payment schedule (ROPS13-14A) for the period July 1, 2013 through December 31,2013

**PRESENTED BY:**

Gary Parsons

**SUMMARY:**

The Successor Agency Staff has developed the Recognized obligation Payment Schedule ROPS13-14A as required by AB26 –section 34177(\*).

This document reflects the obligations of the Successor Agency for the period of July 1, 2013 through December 31, 2013 and has been prepared per the State of California Department of Finance regulations.

Major additions to the agency payment request are a \$1.182 million dollar payment to the Serra Sands School District, the Funding of a Property Management Plan to facilitate the sale of the Agency property assets of \$21,500 and the addition of \$50,000 dollars for anticipated legal costs.

**FISCAL IMPACT:**

No Fiscal Impact Identified  
Reviewed by Finance Director

**ACTION REQUESTED:**

Approval of The City of Ridgecrest Successor Agency ROPS13-14 A and forwarding to the Ridgecrest RDA Oversight Board for approval send submission to the DOF.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approval of The City of Ridgecrest Successor Agency ROPS13-14 A and forwarding to the Ridgecrest RDA Oversight Board for approval send submission to the DOF

Submitted by: Gary Parsons  
(Rev. 02/13/12)

Action Date: February 20, 2013

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**RESOLUTION NO. 13 - XX**

**A RESOLUTION OF THE CITY OF RIDGECREST SUCCESSOR REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 13-14A**

**WHEREAS**, the Ridgecrest Successor Redevelopment Agency has met and has duly considered a Draft Recognized Obligation Payment Schedule (ROPS) for the period July 1, 2013 through December 31, 2013 in the form submitted by the Successor Agency staff (the "Draft ROPS 13-14A"); and

**WHEREAS**, prior to its meeting on February 20, 2013, the members of the Ridgecrest Successor Redevelopment Agency have been provided with copies of the Draft ROPS 13-14A and instruments referenced in the Draft ROPS 13-14A; and

**WHEREAS**, the Ridgecrest Successor Redevelopment Agency has reviewed the Draft ROPS 13-14A and those instruments referenced in the Draft ROPS 13-14A; and

**WHEREAS**, the Ridgecrest Successor Redevelopment Agency desires to express and memorialize its approval of the Draft ROPS 13-14A with this Resolution.

**NOW THEREFORE, BE IT RESOLVED** by the Ridgecrest Successor Redevelopment Agency, as follows:

**SECTION 1.** The Ridgecrest Successor Redevelopment Agency finds and determines that the foregoing recitals are true and correct.

**SECTION 2.** The Ridgecrest Successor Redevelopment Agency approves as the Recognized Obligation Payment Schedule for the period July 1, 2013 through December 31, 2013.

**SECTION 3.** The Successor Agency is authorized and directed to submit the ROPS 13-14A to the Ridgecrest Oversight Board for its review and approval for submission to the California Department of Finance.

**SECTION 4.** The Successor Agency shall maintain on file as a public record this Resolution and the ROPS as approved hereby.

**PASSED, APPROVED, AND ADOPTED** at a meeting of the Ridgecrest City Council, held on this the 20th day of February, 2013 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Daniel O. Clark, Mayor

ATTEST:

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Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING  
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Minutes of the Special City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of February 6, 2013

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft Minutes of the Special City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of February 6, 2013

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested: Approve Draft Minutes

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: February 20, 2013

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## MINUTES OF THE SPECIAL MEETING OF THE RIDGECREST MEASURE L ADVISORY COMMITTEE

City Council Chambers  
100 West California Avenue  
Ridgecrest, California 93555

February 6, 2013  
5:30 pm

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by Measure 'L' Advisory Committee. Meetings are recorded for the purpose of preparation of minutes.

### CALL TO ORDER – 5:30 p.m.

### CALL TO ORDER

### ROLL CALL

Council Present: Mayor Daniel O. Clark; Mayor Pro-Tem Jason Patin; Vice-Mayor Marshall 'Chip' Holloway; Council Members James Sanders and Lori Acton

Staff Present: Interim City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux and other staff

### APPROVAL OF AGENDA

- *Item 5 – replacing attachment B*
- *Item 2 – presenter running late so item moved after Consent Calendar.*

*Motion To Approve Agenda As Amended Made By Council Member Holloway, Second By Council Member Sanders. Motion Carried By Voice Vote Of 4 Ayes; 0 Nays; 0 Abstain; 1 Absent (Mayor Clark)*

### PUBLIC COMMENT – CLOSED SESSION

- None

### CLOSED SESSION – 11:30 a.m.

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest.

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
  - Conference with Legal Counsel – Received Report – no reportable action
- Other
  - Met with Measure 'L' Oversight Committee to review tasks such as a resolution establishing meeting dates and times. No action taken on any issues. Received comments on draft resolution and will present final draft at next meeting on February 20 at 4:30 with the attorney.

*Mayor Clark and Council welcomed Mr. Duncan and his Economics class.*

**PUBLIC COMMENT**

*Opened public comment at 6:10pm*

Randy Jenkins

- Read a statement after the election thanking citizens and encouraging them to continue toward change.
- Expressed individual belief and reliance on Jesus and spoke on oppression and evil resulting from removal of Jesus from life.
- Spoke on truth surpassing current state of affairs and hope and anticipation of upcoming religious holidays. Quoted scripture from the bible.

Harris Brokke

- Announced 3<sup>rd</sup> Annual Wildflower Festival and introduced new brochures, ensured wide distribution of the brochures and expanding on the benefits of the festival. Distributed copies of the brochures to the Council and encouraged businesses to call for brochures to place in their business.
- Festival scheduled for April 12-14, 2013

Dan Brady

- Southern California Edison contact introduced himself to the new Council
- Distributed business cards

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**July 18, 2012**

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**Becky Richardson**

- Identified as the Relay for Life chairperson for 2013
- Spoke about her Mothers battle with cancer and asked for support of the annual Relay for Life
- Invited City of Ridgecrest to participate by forming a team and participating on committees
- Announced organizational meetings the 3<sup>rd</sup> Tuesday each month beginning March at 6:00pm at Cordell Construction. Offered to provide flyers and contact information.

**Paul Vanderwerf**

- Gave anecdote about the Lakers Basketball team.
- Commented that Council has many challenges with a sense of urgency and asked leadership to let citizens know where they can help.

**Jerry Taylor**

- Distributed a graph of the current budget general fund balance and expenditures made from unavailable funds.
- Spoke about hiring new finance director and encouraged Council to give direction to staff on what is to be kept and what is to be eliminated
- Currently community does not know what Council needs help with, asked Council to identify the needs.
- Concerned with optimistic budget projections of current budget. Reality of Navy budget is not an upward trend and leads to major concerns for income, sales tax, and TOT.
- Encouraged Council to not wait for next budget cycle.
- Encouraged the compilation of a budget without Measure 'L' to show citizens what will be lost.
- Strongly suggested Council lead citizens thru these trying times.

**Tom Wiknich**

- Good news, customers have donated additional \$2000 to City for this tax year.
- Asked if Ethics training has been completed.
- Asked Council Member Acton if she was on the board of directors for boys and girls club
- Mentioned ethics meaning that something might be right legally but may not be ethically correct.
- In past, Council have stepped down when things were discussed that affected their position.
- Not always personal financial gain but may mean gaining in an esoteric way such as position or power.
- Encouraged Council Member to take this into consideration during discussions later in the meeting.

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Mike Neel

- Trust within the community and appearance, regarding two occasions recently borrowing money from wastewater funds. Encouraged Council to put those items in the budget as a specific line item and referenced illegal borrowing in past with a 30 year payback.

Katy Nasik

- Casual observer of the Measure 'L' fund
- Voted for it because of the citizens oversight committee and believes the re-visioning of the committee and discussions along with subsequent event has given the appearance that Council is trying to smack down the committee
- Hopes this is not the situation and requested the Mayor attend the next meeting to put the matter to rest.
- Praised the volunteers who are trying to make this move forward and need to be supported by the Mayor and Council.
- Notes were not worded correctly and were taken in a threatening manner.
- Presumed there was a contingency plan in place if the measure had not passed and encouraged two budgets be presented for transparency.
- Citizens are aware of budget issues and are willing to step up and help but citizen need to feel they can trust that the money will be used in the manner promised.
- Asked the Mayor to attend the meeting.

Barbara Auld

- Attended the Measure 'L' meeting.
- Progress is being made and City Attorney Lemieux helped
- Added support for suggestions made by Mr. Taylor and Mr. Vanderwerf
- Spoke on past meeting with Mr. McCarthy and efforts to bring money to Ridgecrest.
- Encouraged a town hall meeting to continue the efforts.
- Encouraged Council to ask for input and communicate with the committee and citizens thru a town hall meeting.
- Has spent 68 years to build up this community and need to put it back on its feet.

*Closed Public Comment at 6:35pm*

**PRESENTATIONS**

1. **Presentation Of Service Award To Former Planning Commission Chairman Craig Porter** **Clark**
  - Matthew Alexander presented a plaque from City Staff honoring Craig Porter for his work as the outgoing Chairman of the City Planning Commission. Recited accomplishments achieved during his tenure as a Planning Commissioner.

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- Craig Porter thanked Matthew, staff and Council for the recognition. Spoke on trying experience made better by the assistance of staff.
- Council Members shared words of congratulations to Craig Porter.

**2. Presentation Of The Annual Comprehensive Annual Financial Report (CAFR) Report By the Independent Audit Firm of Pun & McGeedy Sloan**

Kenneth Pun

- Gave PowerPoint presentation to Council of the 2012 audit of the financials *(copy available in City Clerk's office)*
- Annual CAFR is available on the City of Ridgecrest website and in hard copy in the City Clerk's Office and City Finance Office
- Reviewed the five phase audit process and internal control risk assessment.
- Reviewed the financial summary which includes all funds.
- Explained variance from 2011 to 2012 which was affected negatively by dissolution of the Redevelopment Agency.
- Compared Revenue v. Expenditures between 2011 and 2012
- Compared General Fund highlighting Wastewater Fund loan which increased total liability.
- Compared Operating Income
- Reviewed Reserve Fund which shows -37% surpluses.
- Reviewed Post Employment Healthcare Plan.
- Presented summary of Key Transaction regarding dissolution of Redevelopment Agency.
- Going concern is deficit fund balance of the General Fund created by a refund of \$4,250,000 settlement of the franchise fee to wastewater fund.
- Presented updates to GASB Standards which will require changes in current financial reporting to comply various GASB Statements issued.
- Highlighted Pension reporting changes.

Chip Holloway

- Asked for explanation of formula used to calculate workers compensation numbers.
- Asked how an individual City major claim affects the remaining cities in the pool.
- Discussion of actuarial studies required every two years and estimates for medical insurance obligations.
- Asked if self-insurance, workers comp and other pools are monitored in the audit and update City of the investment returns are below expectations.
- Demographic statistics over the past 9 years, can we gain nexus of information with per-capita income and budget.

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Dan Clark

- Asked about CalPERS commitment which will affect the future budget and how we gain the figures needed to include these numbers.
  - System is being enhanced to provide numbers by 2015
- Confirmed 5%-10% recommendation of general fund reserve increased.
  - Projections are derived from 2 months of expenditures.
- Asked if other cities were at the 5% reserve.
  - Some clients have up to 20% but a lot of cities in trouble at this time.

Jim Sanders

- Asked if the general fund reserve was a recommendation or best-practice
  - Best Practice recommendation is a minimum of 5%

Jason Patin

- This study lets us know what needs to be done in the next budget cycle. Feel we need 10% reserve which will be tough but a good goal to have.

**PUBLIC COMMENT**

Jerry Taylor

- Questioned Council if presentation was made available before the meeting.
- Recommends the presentations be available in the packet.
- How can public have questions or be prepared if they can't see it before it is presented.
- Relative to PERS liability, this is just the known liability and not a projection of the future.

Phil Salvatore

- Plea to make the budget easier for a lay person to understand especially with regard to the Internal Service Funds.

Paul Vanderwerf

- Liability of wastewater fund, asked how it came up during the audit.
  - Ken Pun – Stated that during audit process terms sent to attorney to look at claims or potential liability.
- Commented that internal control is vital and City should have been able to identify liability.
- Spoke on CPA unqualified opinion, which is good however there is a negative going concern consumption which means we are going broke.

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**Jim Fallgatter**

- Concerned with Mr. Patin's comment of fixing this in the next budget round.
- Hope this is not the same opinion of all Council.
- Going broke and hope Council does not wait until July to make changes.
- Asked for Council opinion of when action will take place.
  - Council seated in December and immediately cut the budget due to not being balanced. Council is making major decisions and encouraged input from citizens.
  - Jason Patin clarified statement and is ready to begin making necessary cuts immediately.

**Dave Matthews**

- Commented on no concerns with internal controls.
- Commented with decisions made at state level and asked if there was a way to gain additional funding without making cuts now.

**Jerry Taylor**

- Thanked Phillip in MIS for providing the PowerPoint presentation.
- Referenced slide 13 of the presentation, specifically revenues have decreased and expenditure have increased.
- When money is shifted from one account to another then have not cut.
- Encouraged Council to schedule the budget meetings, understanding the draft budget is not ready yet, but to establish goals.

**Mike Neel**

- Questioned if there was a reason to wait until April or May to hold the budget sessions.
  - Dan Clark – will be scheduling as soon as possible to be completed by June. Announcements will be in the paper.
- Encouraged Council to set hearings as early as possible.
  - Lori Acton – has been proactive in scheduling time with citizen to understand parts of the budget and am having discussions with staff to identify where cuts can be made. Also having conversations with other cities to identify how they made cuts.
- Suggested pay cuts for department heads.

**Paul Vanderwerf**

- Related conversation with staff for next year which indicated next year's budget would be more difficult.

**Dan Clark**

- Thanked Tess Sloan for stepping up during vacant Director of Finance position.

## CONSENT CALENDAR

**3. Approve Draft Minutes Of The Special Council Meeting Of January 23, 2013** Ford

*Motion To Approve Consent Calendar Made By Council Member Patin, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

## DISCUSSION AND OTHER ACTION ITEMS

**4. Appointments to Council Committees, Boards, and Commissions** Clark

Dan Clark Nomination to Personnel Board – Ron Carter

Continued to next meeting.

**5. Community Development Block Grant Application** Speer

Dan Clark

- Explained federal funds received for special projects.

Dennis Speer

- Gave staff report.
- Continued public hearing of proposed public projects.
- Proposed projects are to fund improvements for the Senior Center and Boys & Girls Club facility.

Dan Clark

- Read eligibility requirements of CDBG funds.

## PUBLIC COMMENT

Tom Wiknich

- Asked for opinion from Attorney pertaining to government ethics with Lori Acton remaining on the discussion of this subject.
  - Keith Lemieux – Responded that there is no legal conflict.
- Personally believes there is an ethical conflict and asked Mrs. Acton to step down from the discussion.
- Asked why the cost change for contingency.
  - Dennis Speer requested member of club who prepared the project to respond.
- With previous budget presentation, requested the maximum citizen benefit be considered and requested ADA compliance be considered rather than a club that only benefits a small percentage of the public.

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- Listed observation of citizens with ADA issues being forced into traffic due to lack of community and non-automatic doors.
- Asked Council to put the money where the maximum benefit to citizens would be met.

Phil Salvatore

- Second Mr. Wiknich plea.
- Referenced previous discussion of using these funds for ADA compliance
- Grim projections for budget in the future.
- ADA compliance is a legal requirement whereas boys and girls club is not.
- Suggested outside donations for the proposed projects and encouraged utilizing these funds for the legal compliance.
- Related story of home remodel cost and compared to the proposed costs.

Travis Riley

- Both projects proposed are important, senior and youth.
- Roads are important.
- Feel the senior center should have more funding. Respect all of the projects.
- Asked Council to divide it equally between the three but if had to eliminate one then boys and girls club would be less important than seniors and roads.
- Related experience of difficulty riding bike without having to go into traffic.

Lori Acton

- This is federal funding, asked for clarification of where handicap could be installed.

Patricia Meyer

- Answered question regarding increase to costs including advertising, contractor retention, etc. which is added onto the top of the proposal.

George 'Andy' Anderson

- Asked when the City would begin incurring retribution from the Federal government for failure to meet ADA compliance. Eventually if we do not comply with ADA we will be penalized.
- Suggested researching and evaluating this point before allocating funds to nice things.
- Have no problem with supporting the senior center and other facilities but do not want to incur the wrath of the federal government.

Dan Clark

- are continuously working toward compliance and therefore fulfilling commitment.

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Dennis Speer

- required developing a plan, which is our next step toward ADA Compliance. No specific due date, is due now however is an unfunded mandate and federal position is that you are in fact moving forward and have a program or plan in place.

Margaret Graham

- Senior center serves a good purpose.
- Tired of holding nose in the restroom due to sewage odor.
- Doors are not compatible with wheelchairs

Alardy Bolerio

- In favor of ADA compliance. Mentioned various locations with blind persons.

Phil Salvatore

- Making a willing decision not to fund ADA when we have the funding to do so.

Dave Matthews

- No rehabilitation has taken place in senior center since original build date.
- Second facility which is deteriorating which might benefit more of the community than these two, the Pinney pool.
- Understand proposal has a deadline, but \$300,000 would help that facility also.

Marilyn Smith

- Attends senior center and thank God for the senior center.
- Cannot stand the stench at the bathrooms. Can smell them to the front door.
- Ceiling is bad and floors are marred and worn thin.
- Need Council help to rehab the Senior Center.
- Supports the roads and senior center and if anything is left over then the youth.

Mike Neel

- Reviewed the December 5 meeting and kinds of improvements that have never been considered, street drainage and water/sewer line improvements.
- This money could be used to take care of some of the linear sewer line issue.
- Why are a significant building expansion being considered when there is a fundamental need to improve or repair sewer lines.
- If sewer lines implode, City hall would be inundated with calls from citizens with urgent needs.
- Highly questions expansion of boys and girls club building.
- Encouraged Council to consider overall infrastructure needs in that area of potential sewer issues.
- Expanding the building in a time when having to cut back.

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Jerry Taylor

- Suggested remember park & recreation used to be in City hall. Large amount of floor space available and could contract for them to run Kerr McGee and bring Parks & Recreation administrative staff back to City Hall.
- Challenged school district to use their funding to provide facility for after school club.
- Asked Council to consider their unfunded needs that also meet this funding source requirement.

Ended Public Comment At 8:07pm

Chip Holloway

- Referenced Mr. Speers 3 phase proposal from December 5 agenda.
- Delayed due to lack of information for tonight's proposed projects and now have the information.
- Originally asked for a hybrid approach which included the ADA plan and a couple ramps in that area and assuming leverage was not diminished then work with boys and girls club and a phased plan for senior center.
- Have to spend \$.40 to receive \$.60
- Still in favor of ADA plan first then other projects in phases.

Dennis Speer

- Costs are estimates until projects are bid and awarded.
- Majority Council directed staff to focus on these projects on December 5

Chip Holloway

- In a public meeting we discerned a problem and fail to take action then may have consequences from the federal government.

Jason Patin

- Two City buildings being discussed repair has to be addressed.
- With the budget report received, not a good idea to do expansion.
- ADA is an unfunded mandate and a large chunk of money should go there.
- Either re-house the functions and not use these buildings or repair the buildings.
- Also need to look at the sewer issue. We have to live with the consequences of our decisions also.
- When we get money that can address infrastructure then have to take action.
- Have to have public safety and infrastructure.
- Ok with fixing the buildings without expansion and remaining funds to infrastructure.

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Jason Patin

- Do not think the proposed projects are wise at this time.

Lori Acton

- We send proposal to county who respond with a nay if not accepted. We then have a choice to modify the project and can roll the funds.

Jason Patin

- Get the approval, then assess projects for rehab without expansion and then roll remaining funds into infrastructure.

Dennis Speer

- Need direction for staff to re-prepare application to modify the boys and girls club project eliminating expansion.
- Can modify projects the next year.

Jim Sanders

- After approval can the project be redefined.
- Do not feel boys and girls club is a wise use of the funds at this time.
- Senior center does have major issues and parking lot seems to be the biggest liability to City, which is not even addressed. Support repaving the parking lot.
- Would like to see more funding allotted to ADA compliance.
- Keep allotted amount for senior center to repave parking lot and remainder go to ADA compliance.

Dan Clark

- Visits the senior center at lease once per month.
- Largest problem is inside the facility, especially the sewage smell and support the project to rehab the inside of the facility.
- Willing to compromise with ADA Compliance even though heart is with the boys and girls club.
- Concerned with the extensions and if we do not move on it now, county will tell us no and have to wait another year.
- Feel strongly seniors deserve rehab of the building and willing to support a compromise for ADA.
- Asked Council to put together proposal for ADA compliance that staff can use.

Jason Patin

- Asked the real-time date for the application.

Chip Holloway

- Feels we can get another two weeks. Have passed the original date.

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Lori Acton

- Has different information as a result of recent conversations with county. Must do this now or wait another year.

Jason Patin

- Asked who provided the proposals. Staff should have assessed the situation at the boys and girls club.
  - Parks and recreation director did have conversation with boys and girls club and accepted their recommendation.

Chip Holloway

- Asked if we were sure that the county will not take this building.

Lori Acton

- Meeting on Friday
- County parks director stated he does not mind taking over the facility but other parks issues involved.
- We may have an answer on Friday and will have an answer, what happens if we let it sit for another year.

Dan Clark

- This facility is for the seniors, regardless of whether the City or county owns the building. We are investing in our seniors. Focus on the seniors which is the critical issue. Parks and recreation director is working on way to cut parks and recreation \$200k

Lori Acton

- Has anyone asked the club what would happen if we do not fund their project.

Dan Clark

- Proposed funding the senior project and request staff to rehab the boys and girls club facility without the expansion and then remaining funds to ADA compliance.

Jim Sanders

- In terms of compromise would support funding senior center and putting the remainder into ADA compliance.

Lori Acton

- Boys and girls club did have a rehab.
- Supports senior center, put 75% of remaining toward ADA compliance, and balance toward infrastructure.

**MINUTES - CITY COUNCIL - REGULAR**

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Dennis Speer

- Must do the work on senior center prior to county taking over the facility.
- If we just have a plan, must compliment the plan with actual construction for ADA

Jason Patin

- Asked we take a look at the two buildings needs and the rest of the funding go to Infrastructure.

Chip Holloway

- Supports ADA as number one priority with senior center and boys and girls club afterwards.

Lori Acton

- Asked what was funded last year
  - Norma Street project and ADA has \$302K allocated.
  - 2013-14 was rolled over.

Jim Sanders

- Dedicate \$150k for ADA and remainder to senior center.

Dennis Speer

- Suggested funding senior center and roll the remainder to next year for ADA ramps.

Jim Sanders

- Concerned that next year we come back and priorities change.

Dan Clark

- Question of how committed to ADA, seems all Council are in support of ADA.

Dennis Speer

- Have advanced funding and can combine 3 years. if we borrow from a future year then have to borrow from a pool in the CDBG account and funds may not be available.

Dan Clark

- Asked Council to entertain motion as suggested by Mr. Speer

Chip Holloway

- Asked county to consider committing some of the investment to fire fund.
- requested paring down the projects at senior center, cut kitchen cabinets and counters, outside paint

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*Motion To Amend Senior Proposal To A Maximum \$147,280 And Approve At Least \$150,000 To ADA Compliance Made By Council Member Sanders, Second Council Member Holloway. Roll Call Vote Of 4 Ayes; 1 No (Council Member Patin); 0 Abstain; And 0 Absent*

- 10 Minute Recess then meeting reconvened and revised resolution reviewed by Council and Public.

*Motion To Approve Resolution As Amended Made By Council Member Acton, Second Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes. 0 Noes, 0 Abstain, 0 Absent.*

**ORDINANCES**

**6. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code With Respect To Agencies, Commissions, Boards, and Committees Lemieux**

Keith Lemieux

- Routine revisions of sections of the municipal code.

Jim Sanders

- Questioned the change to personnel commission

Dave Matthews

- Asked about the length of time to make changes.

*Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code With Respect To Agencies, Commissions, Boards, And Committees Made By Council Member Clark , Second By Council Member Holloway . Motion Carried By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; 0 Absent.*

*Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code With Respect To Agencies, Commissions, Boards, And Committees Made By Council Member Clark , Second By Council Member Holloway Motion Carried By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; 0 Absent.*

## COMMITTEE REPORTS

### City Organization

Members: Dan Clark, Jim Sanders  
Meeting: 2<sup>nd</sup> Tuesday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: February 12, 2013

Dan Clark – announced meeting date of February 19

### Community Development Committee

Members: Jason Patin, Chip Holloway  
Meetings: 1<sup>st</sup> Thursday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: Cancelled

Jason Patin – will be meeting in march

### Infrastructure Committee

Members: Dan Clark, Jason Patin  
Meeting: 2<sup>nd</sup> Wednesday Of The Month At 5:00 P.M., Council Conference Room  
Next Meeting: February 13, 2013

Dan Clark – no scheduled meeting at this time.

### Quality Of Life

Members: Chip Holloway, Lori Acton  
Meeting: 2<sup>nd</sup> Thursday Of The Month At 5:00 P.M.; Kerr-McGee Center  
Next Meeting: February 14, 2013 (Dark in June, July, December, and January)

Chip Holloway – February meeting cancelled, next meeting march 14

### Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Jim Sanders, Jason Patin  
Meetings: 2<sup>nd</sup> Monday Of Odd Numbered Months At 4:00 P.M., Kerr-McGee Center  
Next Meeting: March 11, 2013

Jason Patin – next meeting in March

### Veterans Advisory Committee

Members: Jason Patin, Lori Acton  
Meetings: Every Monday as needed at 6:00 p.m., Council Conference Room  
Next Meeting: February 11, 2013

Jason Patin – no report

**Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Jason Patin, Chip Holloway

Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.

Next Meeting: March 6, 2013 at location to be announced

Chip Holloway – report at next meeting

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- None

**CITY MANAGER REPORT**

Dennis Speer

- TAC meeting reviewed new highway bill (Map 21) appears will be challenge to obtain types of funding from past
- New director of finance will be Rochelle McQuiston and will begin February 18

**MAYOR AND COUNCIL COMMENTS**

Lori Acton

- excited about tonight's meeting.
- Will be attending new Council training in Anaheim the next two days.
- Good progress tonight and moving in the right direction.
- Be conscious of what is going on in our nation and how it will impact us.

Jim Sanders

- went on ride along with PACT member and got a good feel for the efforts volunteers put into our community and how seamless they work with sworn officers. Everyone knew what they should be doing and able to free up an officer to do their job.
- Also went out with code enforcement and impressed by quality of volunteers in this community.
- Hats off to PACT volunteers.
- Increased concern for future economic state of Ridgecrest.
- Many rumors and most are untrue but is a real concern with how federal will be funding the military in the future.
- Time to prepare fiscally for the hard times and challenges ahead.
- If we practice the right principles, then we will keep the City solvent.

Chip Holloway

- Jason and I attended meeting with community CERT team who bragged about Thousand Oaks PACT members of about 20.
- PACT saved City over \$500k last year.
- Rigged into helping with the Mr. IWV Contest.
- Congratulate Mr. Speer in hiring Finance Director internally.
- There have been ongoing budget discussions and not going to have open discussion until am certain about the impact to personnel, respect the employees who have been thru hell and not going to put them thru more hell.
- No one intends to wait until the last minute and excited about a new set of eyes to help this Council improve the budget and make it more palatable to the public.
- Echo comments of Mr. Salvatore on the lack of user-friendly budget.
- Heading to Pasadena for Executive Committee meeting including review of 54 lawsuits connected with dissolution of Redevelopment.

Jason Patin

- tough break for Boys And Girls Club who went from expansion project to zero.
- Appreciate the students coming to experience the Council meeting.
- Part of the budget process is to put together a strategic planning session.
- How can we create a viable budget when we don't know where we are going?
- need to get to a common ground before we can start talking about the budget.
- Council is not trying to smack-down the Measure 'L' committee, just trying to get on the same page with them.
- Discussed the joint meeting of all emergency response personnel.

Dan Clark

- Thanked Mr. Duncan for bringing Economics Class to see the Council meeting.
- Reading a 300-page emergency response plan and our responsibility.
- If there are personnel cuts made, we need to be cognizant of what is going to happen. Have major decisions to make.
- Cerro Coso is having a celebrity sports dinner with raffle and auction.
- Had opportunity to attend the Planning Commission seminar. Very appreciative of staff for the in-house training.
- Held a meeting of the 50<sup>th</sup> celebration of City incorporation. Will bring back ideas for public participation. Looking to put together a huge event honoring this community.
- Goodnight and Thank You all.

**ADJOURNMENT at 9:27pm**



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM/FINANCING AUTHORITY**

**SUBJECT:**

Mayor Clark, with concurrence of the Council, will appoint members to the Personnel Commission, Handicap Access Appeals Board, and the Construction Appeals Board

**PRESENTED BY:**

Rachel J. Ford – City Clerk

**SUMMARY:**

At the regular meeting of the Council on December 19, 2012, appointments were made to the Planning Commission and all standing Council Committees. Additional nominations were made at the Special Meeting of January 23, 2013. Four Vacancies remain to be filled on the Personnel Commission, Handicap Access Appeals Board, and Construction Appeals Board

Nominations will be considered and appointments made to these three boards or commissions Pursuant to Municipal Code § 2-3.101-109.

**FISCAL IMPACT:**

No fiscal impact.

Reviewed by Finance Director

**ACTION REQUESTED:**

Appoint members to Planning Commission and standing council committees

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

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<b>Commissions, Board, &amp; Committees</b>	<b>Member</b>	<b>Member</b>	<b>Member</b>	<b>Member</b>	<b>Member</b>
<b>Planning Commission</b> (Each Council Member nominates a commissioner)	Christopher LeCornu	Steve Morgan	Pat Brokke	Scott Davis	Robert Obergfell
<b>Personnel Commission</b> (Each Council Member nominates a commissioner)	Ryan Hunter	Robert Obergfell	Christian Patin	Ron Carter	
<b>Construction Appeals Board</b> (Each Council Member nominates a commissioner)	Chuck Cordell	Mike Ferguson	Russ Hurst	Michael Avery	
<b>Handicap Access Appeals Board</b> (Municipal Code requires 2 members to be physically handicapped, 2 members experienced in construction, and 1 member be a public member)	Travis Riley	Steve McWilliams	Christine Alloya	Ryan Hunter	
<b>Infrastructure Committee</b> (2 Council Appointments & 2 Planning Commission Appointments)	Dan Clark	Jason Patin			
<b>City Organization &amp; Services Committee</b> (2 Council Appointments & 2 Planning Commission Appointments)	Dan Clark	Jim Sanders			
<b>Parks, Recreation, &amp; Quality of Life Committee</b> (2 Council Appointments & 2 Planning Commission Appointments)	Chip Holloway	Lori Acton			
<b>Community Development Committee</b> (2 Council Appointments & 2 Planning Commission Appointments)	Jason Patin	Chip Holloway			
<b>Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)</b> (2 Council Appointments & 2 Planning Commission Appointments)	Jim Sanders	Jason Patin			
<b>Ridgecrest Area Convention &amp; Visitors Bureau (RACVB)</b> (2 Council Appointments)	Jason Patin	Chip Holloway			
<b>Veterans Advisory Committee</b> (1 Council Appointment & 1 Alternate)	Jason Patin	Lori Acton			
<b>Kern Council of Governments (KernCOG)</b> (1 Council Appointment & 1 Alternate)	Chip Holloway	Dan Clark			
<b>Navy Community Council</b> (Mayor + 1 Council Appointment)	Dan Clark	Jim Sanders			
<b>IWV Groundwater</b>	Jim Sanders	Lori Acton			
<b>Youth Advisory Council</b>	Jason Patin	Dan Clark			
<b>Civilian &amp; Military Affairs</b>	Lori Acton				
<b>Kern County Air Pollution Control Board</b>	Chip Holloway				
<b>Senior Advisory Council</b>	Lori Acton				
<b>Arts Council</b>	Dan Clark				
<b>League of California Cities</b>	Jason Patin	Chip Holloway	Dan Clark		
<b>Disaster Council</b> (appointments set by Municipal Code)	Mayor/Chair	City Manager/Director of Emergency Services	Chief of Police/Asst. Director of Emergency Services	Other Emergency Service Personnel as appointed by the Director of Emergency Services to fulfill critical functions	

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**Article 3. - Agencies, Commissions, Boards and Committees**

[2-3.101. - General.](#)

[2-3.102. - Redevelopment Agency.](#)

[2-3.103. - Planning Commission.](#)

[2-3.104. - Personnel Commission.](#)

[2-3.105. - Construction Appeals Board.](#)

[2-3.106. - Handicap Access Appeals Board.](#)

[2-3.107. - Council Committees.](#)

[2-3.108. - Additional Council Appointments.](#)

[2-3.109. - Disaster Council.](#)

**2-3.101. - General.**

- (a) This Article sets forth provisions which are common to all agencies, commissions, boards and committees.
- (b) Commissions and boards shall consist of five (5) members who shall be registered voters within the City and who shall be appointed on the basis of their qualifications for their duties. Each member of the Council shall nominate one (1) Commissioner or board member. The Council shall confirm or reject the nomination.
- (c) Commission and board members shall serve for two-year terms which expire on the last day of November of even-numbered years. Each Councilmember shall nominate a commissioner who shall be confirmed by a majority of the City Council. Should a vacancy occur, either by resignation or by Council action, the vacancy shall be filled by a nomination from the Councilmember whose Commissioner position is vacant and confirmed by a majority of the City Council. Commissioners may be removed at any time, without cause, by a four-fifths (4/5) vote of the Council.
- (d) The City Administrator shall appoint a secretary for each commission who shall maintain the records of the commission and the minutes of the meetings. The secretary shall receive such compensation as may be fixed from time to time by the Council by resolution.
- (e) At its first meeting in the month of December of each even-numbered year, each commission shall elect one (1) of its members as chair and one (1) of its members as vice-chair. If the chair is absent or unable to act, the vice-chair shall conduct the meeting of the commission and exercise the powers of the chair.
- (f) Each commission shall provide for the time and place of its regular meetings.
- (g) Each commission shall act only by resolution or motion. A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business; however, no motion or resolution shall be passed and become effective without the affirmative vote of at least a majority of the Commissioners.
- (h) Each commission shall keep written records of its proceedings which shall be open at all times for public inspection. Each commission shall also file its recommendations with the Council.
- (i) The Council shall approve the budget for the work of each commission.
- (j) Upon request by the Commission, the City Administrator shall furnish to each commission within a reasonable time, such information as may be required for the work of the Commission. Each commission shall cooperate with commissions of other agencies charged with similar responsibilities in the formulation of its plans and recommendations to the Council.
- (k) On or before December 31 of each year, the Council shall prepare an appointments list of all regular and ongoing boards, commissions and committees which are appointed by the Council. The list shall identify all appointed terms which will expire during the next calendar year with the name of the incumbent, the date of the appointment, the date the term expires and the necessary qualifications for the position. The list shall also include all boards, commissions and committees whose members serve at the will of the Council.
- (l) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Council has the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk not earlier than twenty (20) days before nor later than twenty (20) days after the vacancy occurs. Final appointment to the Board, Commission, or Committee shall not be made by the Council for at least ten (10) working days

after the posting of the notice unless the Council finds that an emergency exists. A person appointed to fill a vacancy in an emergency shall serve only on an acting basis until the final appointment is made pursuant to this section.

*(Ord. No. 96-03)*

### **2-3.102. - Redevelopment Agency.**

The Redevelopment Agency of the City of Ridgecrest is hereby established. The Council shall act as the governing body of the Redevelopment Agency as defined in the Health and Safety Code section 33200.

*(Ord. No. 96-03)*

### **2-3.103. - Planning Commission.**

(a) Pursuant to the provisions of Chapter 3 of Title 7 (commencing with Section 65100) of the Government Code, there is hereby established a planning agency for the City. The planning agency shall be the Planning Commission composed and organized as set forth in this Article.

(b) Planning Commission Salary. Commissioners shall receive monthly compensation in an amount established by resolution of the City Council. Commissioners may also receive traveling and other expenses incurred on City planning business.

(c) The Planning Commission shall:

- (1) Develop and maintain a general plan, zoning and subdivision ordinances;
- (2) Develop such specific plans as may be necessary or desirable;
- (3) Periodically review the capital improvement program of the City;
- (4) Prepare, review and recommend to the Council plans and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan;
- (5) Act as the agency for the Council in connection with Subdivision Map Act;
- (6) Investigate and recommend plans to the Council for the improvements and/or beautification of the City, including matters such as the opening, straightening, widening, closing of or parking on streets, improvement and development of public streets, improvement and development of public buildings and works the subdivision of lands and the supplementation or the change of zoning regulations and districts;
- (7) Act as the zoning board of adjustment;
- (8) Perform such other functions and duties as may be imposed by law or as the City Council may provide.

(d) The Planning Commission shall have the powers necessary to enable it to fulfill and carry out its planning functions as provided by law and as set forth herein. In the performance of its functions, Planning Commission personnel may enter upon any land to make examination and surveys provided such entries, examination and surveys do not interfere with the use of land by those persons lawfully entitled to the provisions thereof.

(e) The Director of Community Development shall assist the Commission with the performance of its duties.

*(Ord. No. 96-03; Ord. No. 99-01, § 2)*

### **2-3.104. - Personnel Commission.**

(a) The Personnel Commission is hereby established.

(b) Commissioners shall receive no compensation, but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.

(c) The Personnel Commission shall hear appeals by employees in the competitive service concerning appointments,

promotions, demotions, suspensions and discharge; and make recommendations to the Council.

(d)

The Personnel Officer shall assist the Personnel Commission in the performance of its duties.

(Ord. No. 96-03)

### **2-3.105. - Construction Appeals Board.**

(a)

The Construction Appeals Board is hereby established. The Board shall be constituted as set forth in the Uniform Building Code as it pertains to the Contractors Appeals Board.

(b)

Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.

(c)

The Board shall undertake the tasks specified in the Uniform Building Code for the Board of Appeals, in the Uniform Housing Code for the Housing Advisory and Appeals Board and in the Uniform Code for the Abatement of Dangerous Buildings for the Board of Appeals.

(d)

The Building Official shall assist the Board in performance of its duties.

(Ord. No. 96-03)

### **2-3.106. - Handicap Access Appeals Board.**

(a)

The Handicap Access Appeals Board is hereby established. The Board shall be appointed and constituted as follows: Two (2) members of the Board shall be physically handicapped persons, two (2) members shall be persons experienced in construction and one (1) member shall be a public member.

(b)

Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred on City business, provided such expenses are authorized by the Council.

(c)

The Board shall conduct hearings on written appeals made under the State Handicapped Access Standards and may approve or disapprove interpretations of these Standards and enforcement actions taken by the Building Official. The Board shall adopt regulations establishing procedural rules and criteria for carrying out its duties.

(d)

The Building Official shall assist the Board in the performance of its duties.

(Ord. No. 96-03)

### **2-3.107. - Council Committees.**

The Council shall establish committees by resolution. Committee members shall be appointed by the Mayor with the advice and consent of the Council. The Committee shall select a chair. If the Committee cannot select a chair within sixty (60) days from the date of appointment, the Mayor shall nominate a chair who shall be confirmed by a majority of the Council. Meetings of standing committees are open to the public. Committees shall make their recommendations to the Council.

(Ord. No. 96-03; Ord. No. 99-01, § 3)

### **2-3.108. - Additional Council Appointments.**

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

(a)

Kern Council of Governments (KernCOG). One (1) representative and one (1) alternate from the City Council appointed by a majority of the Council in December of even-numbered years for a two-year appointment.

(b)

Navy Community Council. The City has two (2) representatives. The Mayor serves as a permanent member. Additionally, one (1) representative from the City Council, approved by a majority of the Council for a six-month term appointed in December and May.

(c)

Kern County Air Pollution Control District (KCAPCD). One (1) representative from the City Council, appointed by a majority of the Council in December for a two-year term.

- (d) Ridgecrest Area Convention and Visitors Bureau (RACVB). One (1) representative from the City Council appointed by a majority vote of the Council for a two-year term starting in December of even-numbered years.
- (e) IWW Groundwater Management Committee. One (1) representative from the City Council, appointed by a majority of the Council for a two-year term commencing in December of even-numbered years.
- (f) League of California Cities-Desert Mountain Division. One (1) representative from the City Council, appointed by the majority of the Council for a one-year term starting in December.
- (g) Any Ad Hoc Committee that the City Council may deem necessary. Procedures for appointment and length of term to be determined by the Council at the time of inception.

(Ord. No. 96-03)

### **2-3.109. - Disaster Council.**

- (a) The Disaster Council is hereby established.
- (b) The Disaster Council shall provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.  
As used herein "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.
- (c) The Disaster Council shall consist of the following: The Mayor, who is the Chair; the Director of Emergency Services, who is the City Administrator and who shall be Vice-Chair; the Assistant Director of Emergency Services who is the Chief of Police or the person appointed by the Director in the Assistant Director's absence; such chiefs of emergency services as are provided for in a current emergency plan of the City adopted pursuant to this section; and such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the Director to fulfill the requirements of the Emergency Operations Plan.
- (d) The Disaster Council shall develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon the call of the Chair, or in the Chair's absence from the City or inability to call such meeting, upon the call of the Vice Chair.
- (e) The Disaster Council shall be responsible for the development of the City Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City.
- (f) As required by the Emergency Operations Plan and State statute, the Chairman shall:
  - (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the Council is in session, or to issue such proclamation if the City Council is not in session. The Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
  - (2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Chair, the locally available resources are inadequate to cope with the emergency.
- (g) As required by the Emergency Operations Plan and State statute the Director shall:
  - (1) Declare a local emergency, provided, whenever a local emergency is proclaimed, the Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
  - (2) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this

section.

(3) Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(4) Represent this City in all dealings with public and private agencies on matters pertaining to emergencies as defined herein.

(h)

In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency" the Director shall:

(1)

Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(2)

Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3)

Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Kern County or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4)

Requisition necessary personnel or material of any City department or agency; and

(5)

Execute all ordinary power as City Administrator, all of the special powers conferred by this section or by resolution of emergency plan pursuant hereto adopted by the City Council, all powers conferred by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(i)

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

(j)

The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.

(k)

All officers and employees of this City, together with those volunteer forces enrolled to aid them by agreement or operation of law, including persons impressed into service under the provisions of this Code, shall be charged with duties incident to the protection of life and property in this City during such emergency, and shall constitute the emergency organization of the City.

(l)

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

(m)

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

(1)

Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon him by virtue of this section;

(2)

Do any act forbidden by any lawful rule or regulation issued pursuant to this section, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of his City, or to prevent, hinder, or delay the defense or protection thereof;

(3)

Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Second Reading and Adoption, Ordinance 13-01, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code With Respect To Agencies, Commissions, Boards, and Committees

**PRESENTED BY:**

Rachel J. Ford – City Clerk

**SUMMARY:**

This Ordinance was Introduced at the regular meeting of Ridgecrest City Council on February 6, 2013.

The intent of the ordinance is to make routine changes to Ridgecrest Municipal Code. These changes have been made necessary by changes in state law or for consistency with the rest of the Code. For example, language referring the Ridgecrest Redevelopment Agency has been struck. In other places, references to the “City Administrator” have been changed to “City Manager.” These changes are not intended to make substantive revisions to the existing law. They have been reviewed by the City Attorney

*Recommended Motions:*

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Article 3, §§ 2-3.101 Thru 2-3.109 Of The Ridgecrest Municipal Code With Respect To Agencies, Commissions, Boards, And Committees.

Requires A Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Article 3, §§ 2-3.101 Thru 2-3.109 Of The Ridgecrest Municipal Code With Respect To Agencies, Commissions, Boards, And Committees

Requires A Second

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve recommended motions

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approve recommended motions

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### **Article 3. - Agencies, Commissions, Boards and Committees**

- [2-3.101. - General.](#)
- [2-3.102. - Redevelopment Agency.](#)
- [2-3.103. - Planning Commission.](#)
- [2-3.104. - Personnel Commission.](#)
- [2-3.105. - Construction Appeals Board.](#)
- [2-3.106. - Handicap Access Appeals Board.](#)
- [2-3.107. - Council Committees.](#)
- [2-3.108. - Additional Council Appointments.](#)
- [2-3.109. - Disaster Council.](#)

#### **2-3.101. - General.**

- (a) This Article sets forth provisions which are common to all agencies, commissions, boards and committees.
- (b) Commissions and boards shall consist of five (5) members who shall be registered voters within the City and who shall be appointed on the basis of their qualifications for their duties. Each member of the Council shall nominate one (1) Commissioner or board member. The Council shall confirm or reject the nomination.
- (c) Commission and board members shall serve for two-year terms which expire on the last day of November of even-numbered years. Each Councilmember shall nominate a commissioner who shall be confirmed by a majority of the City Council. Should a vacancy occur, either by resignation or by Council action, the vacancy shall be filled by a nomination from the Councilmember whose Commissioner position is vacant and confirmed by a majority of the City Council. Commissioners may be removed at any time, without cause, by a four-fifths (4/5) vote of the Council.
- (d) The City ~~Administrator-Manager~~ shall appoint a secretary for each commission who shall maintain the records of the commission and the minutes of the meetings. The secretary shall receive such compensation as may be fixed from time to time by the Council by resolution.
- (e) At its first meeting in the month of December of each even-numbered year, each commission shall elect one (1) of its members as chair and one (1) of its members as vice-chair. If the chair is absent or unable to act, the vice-chair shall conduct the meeting of the commission and exercise the powers of the chair.
- (f) Each commission shall provide for the time and place of its regular meetings.
- (g) Each commission shall act only by resolution or motion. A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business; however, no motion or resolution shall be passed and become effective without the affirmative vote of at least a majority of the Commissioners.
- (h) Each commission shall keep written records of its proceedings which shall be open at all times for

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public inspection. Each commission shall also file its recommendations with the Council.

- (i) The Council shall approve the budget for the work of each commission.
- (j) Upon request by the Commission, the City Administrator Manager shall furnish to each commission within a reasonable time, such information as may be required for the work of the Commission. Each commission shall cooperate with commissions of other agencies charged with similar responsibilities in the formulation of its plans and recommendations to the Council.
- (k) On or before December 31 of each year, the Council shall prepare an appointments list of all regular and ongoing boards, commissions and committees which are appointed by the Council. The list shall identify all appointed terms which will expire during the next calendar year with the name of the incumbent, the date of the appointment, the date the term expires and the necessary qualifications for the position. The list shall also include all boards, commissions and committees whose members serve at the will of the Council.
- (l) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Council has the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk not earlier than twenty (20) days before nor later than twenty (20) days after the vacancy occurs. Final appointment to the Board, Commission, or Committee shall not be made by the Council for at least ten (10) working days after the posting of the notice unless the Council finds that an emergency exists. A person appointed to fill a vacancy in an emergency shall serve only on an acting basis until the final appointment is made pursuant to this section.

(Ord. No. 96-03)

~~**2-3.102. - Redevelopment Agency.**~~

~~The Redevelopment Agency of the City of Ridgecrest is hereby established. The Council shall act as the governing body of the Redevelopment Agency as defined in the Health and Safety Code section 33200.~~

~~(Ord. No. 96-03)~~

**2-3.103. - Planning Commission.**

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

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- (4) Prepare, review and recommend to the Council plans and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan;
- (5) Act as the agency for the Council in connection with Subdivision Map Act;
- (6) Investigate and recommend plans to the Council for the improvements and/or beautification of the City, including matters such as the opening, straightening, widening, closing of or parking on streets, improvement and development of public streets, improvement and development of public buildings and works the subdivision of lands and the supplementation or the change of zoning regulations and districts;
- (7) Act as the zoning board of adjustment;
- (8) Perform such other functions and duties as may be imposed by law or as the City Council may provide.

(d) The Planning Commission shall have the powers necessary to enable it to fulfill and carry out its planning functions as provided by law and as set forth herein. In the performance of its functions, Planning Commission personnel may enter upon any land to make examination and surveys provided such entries, examination and surveys do not interfere with the use of land by those persons lawfully entitled to the provisions thereof.

(e) The Director of Community Development or designee shall assist the Commission with the performance of its duties.

(Ord. No. 96-03; Ord. No. 99-01, § 2)

**2-3.104. - Personnel Commission.**

- (a) The Personnel Commission is hereby established.
- (b) Commissioners shall receive no compensation, but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.
- (c) The Personnel Commission shall hear appeals by employees in the competitive service concerning appointments, promotions, demotions, suspensions and discharge; and ~~make recommendations to the Council may approve, disapprove, or amend the appointments, promotions, demotions, suspensions, and discharge heard in the appeal.~~
- ~~(d) Decisions of the Personnel Commission are final unless overturned by a court of law-~~

~~(d)~~(e) The Personnel Officer or designee shall assist the Personnel Commission in the performance of its duties.

(Ord. No. 96-03)

**2-3.105. - Construction Appeals Board.**

- (a) The Construction Appeals Board is hereby established. The Board shall be constituted as set forth in the Uniform Building Code as it pertains to the Contractors Appeals Board.
- (b) Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.

(c) The Board shall undertake the tasks specified in the Uniform Building Code for the Board of Appeals, in the Uniform Housing Code for the Housing Advisory and Appeals Board and in the Uniform Code for the Abatement of Dangerous Buildings for the Board of Appeals.

(d) The Building Official or designee shall assist the Board in performance of its duties.

(Ord. No. 96-03)

**2-3.106. - Handicap Access Appeals Board.**

(a) The Handicap Access Appeals Board is hereby established. The Board shall be appointed and constituted as follows: Two (2) members of the Board shall be physically handicapped persons, two (2) members shall be persons experienced in construction and one (1) member shall be a public member.

(b) Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred on City business, provided such expenses are authorized by the Council.

(c) The Board shall conduct hearings on written appeals made under the State Handicapped Access Standards and may approve or disapprove interpretations of these Standards and enforcement actions taken by the Building Official. The Board shall adopt regulations establishing procedural rules and criteria for carrying out its duties.

(d) The Building Official or designee shall assist the Board in the performance of its duties.

(Ord. No. 96-03)

**2-3.107. - Council Committees.**

The Council shall establish committees by resolution. Committee members shall be appointed by the Mayor with the advice and consent of the Council. The Committee shall select a chair. If the Committee cannot select a chair within sixty (60) days from the date of appointment, the Mayor shall nominate a chair who shall be confirmed by a majority of the Council. Meetings of standing committees are open to the public. Committees shall make their recommendations to the Council.

(Ord. No. 96-03; Ord. No. 99-01, § 3)

**2-3.108. - Additional Council Appointments.**

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

(a) Kern Council of Governments (KernCOG). One (1) representative and one (1) alternate from the City Council appointed by a majority of the Council in December of even-numbered years for a two-year appointment.

(b) Navy Community Council. The City has two (2) representatives. The Mayor serves as a permanent member. Additionally, one (1) representative from the City Council, approved by a majority of the Council for a six-month term appointed in December and May.

(c) Kern County Air Pollution Control District (KCAPCD). One (1) representative from the City Council, appointed by a majority of the Council in December for a two-year term.

(d) Ridgecrest Area Convention and Visitors Bureau (RACVB). One (1) representative from the

City Council appointed by a majority vote of the Council for a two-year term starting in December of even-numbered years.

(e) IWV Groundwater Management Committee. One (1) representative from the City Council, appointed by a majority of the Council for a two-year term commencing in December of even-numbered years.

(f) League of California Cities-Desert Mountain Division. One (1) representative from the City Council, appointed by the majority of the Council for a one-year term starting in December.

(g) Any Ad Hoc Committee that the City Council may deem necessary. Procedures for appointment and length of term to be determined by the Council at the time of inception.

(Ord. No. 96-03)

### **2-3.109. - Disaster Council.**

(a) The Disaster Council is hereby established.

(b) The Disaster Council shall provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

As used herein "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.

(c) The Disaster Council shall consist of the following: The Mayor, who is the Chair; the Director of Emergency Services, who is the City ~~Administrator-Manager~~ and who shall be Vice-Chair; the Assistant Director of Emergency Services who is the Chief of Police or the person appointed by the Director in the Assistant Director's absence; such chiefs of emergency services as are provided for in a current emergency plan of the City adopted pursuant to this section; and such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the Director to fulfill the requirements of the Emergency Operations Plan.

(d) The Disaster Council shall develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon the call of the Chair, or in the Chair's absence from the City or inability to call such meeting, upon the call of the Vice Chair.

(e) The Disaster Council shall be responsible for the development of the City Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City.

(f) As required by the Emergency Operations Plan and State statute, the Chairman shall:

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(1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the Council is in session, or to issue such proclamation if the City Council is not in session. The Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Chair, the locally available resources are inadequate to cope with the emergency.

(g) As required by the Emergency Operations Plan and State statute the Director shall:

(1) Declare a local emergency, provided, whenever a local emergency is proclaimed, the Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this section.

(3) Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(4) Represent this City in all dealings with public and private agencies on matters pertaining to emergencies as defined herein.

(h) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency" the Director shall:

(1) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(2) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3) Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Kern County or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4) Requisition necessary personnel or material of any City department or agency; and

(5) Execute all ordinary power as City Administrator, all of the special powers conferred by this section or by resolution of emergency plan pursuant hereto adopted by the City Council, all powers conferred by any statute, by any agreement approved by the City Council, and by any other lawful authority.

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

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(j) The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.

(k) All officers and employees of this City, together with those volunteer forces enrolled to aid them by agreement or operation of law, including persons impressed into service under the provisions of this Code, shall be charged with duties incident to the protection of life and property in this City during such emergency, and shall constitute the emergency organization of the City.

(l) Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

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

(1) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon him by virtue of this section;

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this section, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of his City, or to prevent, hinder, or delay the defense or protection thereof;

(3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

(Ord. No. 96-03)

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