

## ARTICLE VI. APPOINTIVE BOARDS AND COMMISSIONS

### SECTION 600. In General.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated: A planning commission, a parks and recreation commission, and a civil service commission. In addition, the city council may create by ordinance or resolution such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

### SECTION 601. Appropriations.

The city council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions. The city council may, by ordinance or resolution, set reasonable fees and charges for defraying the costs of hearings or other administrative proceedings of the City's appointive boards and commissions.

### SECTION 602. Appointments; Terms.

The members of each of such boards or commissions shall be appointed by the mayor, with the approval of the city council. Unless otherwise provided by ordinance, each member shall be all of the following: (i) a citizen of the United States; (ii) 18 years of age or older; and (iii) a registered voter and resident of the City for at least 29 days prior to the date of appointment. Each member shall continue to reside in the City for the duration of his or her tenure. No member shall hold any paid office or employment in the City government. They shall serve at the pleasure of the city council, and shall be subject to removal by motion of the city council adopted by at least three affirmative votes. The members shall serve for a term of four years, unless city council by ordinance or resolution establishes a different term, and until their respective successors are appointed and qualified. The respective terms of office of all

members of the boards and commissions in existence at the time this Charter takes effect shall continue upon the effective date of this Charter.

**SECTION 603. Meetings; Chair**

As soon as practicable, following the first day of every calendar year, or such other time as may be designated by resolution of the city council, each of such boards and commissions shall organize by electing one of its members to serve as chair and by electing one of its members to serve as vice-chair at the pleasure of such board or commission. Unless otherwise provided by ordinance or in the rules of proceeding promulgated by the applicable board or commission, each board or commission shall hold regular meetings at least once each month, and may hold special meetings as such board or commission may require. All proceedings shall be open to the public, except for such closed sessions as may be authorized by law, and shall be conducted in accordance with open meeting laws of the State of California.

Except as may be otherwise provided in this Charter, the city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions and shall provide staff support for such board or commission. Each board or commission shall be governed by Roberts Rules of Order except that each board or commission may by resolution adopt such other rules and regulations which shall be consistent with this Charter, as each may deem appropriate. Copies of all such resolutions shall be kept on file in the office of the city clerk, where they shall be available for public inspection. The city council may by ordinance or resolution grant to board or commission the same power as the city council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

**SECTION 604. Compensation.**

Unless otherwise provided by ordinance, the members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the city council.

**SECTION 605. Removal; Vacancies.**

Any member of a board or commission may be removed at any time by a vote of a majority of the membership of the city council and, notwithstanding any other provision of this section mandating city council consideration of removal of a board or commission member, removal may be with or without cause. The issue of whether to declare the office of a board or commission member vacant shall be brought before the city council as follows:

- (a) Upon the resignation of the board or commission member;
- (b) Upon the request of any member of the city council;
- (c) Upon excessive absenteeism, to be defined as absence from three consecutive meetings of such board or commission or for twenty five percent (25%) of the duly

scheduled meetings of the board or commission within any fiscal year, unless by permission of such board or commission expressed in its official minutes;

- (d) Upon conviction of any felony or crime of moral turpitude;
- (e) If the member of the board or commission ceases to be an elector of the City;
- (f) Failure of the board or commission member to file a financial disclosure statement as may be required by State law or city ordinance; or
- (g) Such other reason as the city council may determine.

The city council may declare the office of any board or commission member vacant, and the vacancy shall be effective from the date of the declarant unless otherwise specified in the declaration.

Any vacancies in any board or commission shall be filled by appointment by the mayor, with the approval of the city council. Upon a vacancy occurring which leaves an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

#### SECTION 606. Indemnification of Members of Boards and Commissions.

Upon request by any member or former member of any appointed board or commission established pursuant to this article named in any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her duties as a member of such board or commission of the City, made in writing not less than ten (10) days before the trial of the action, and so long as the member cooperates reasonably and in good faith in the defense of the claim or action, the City shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the City has agreed. Where the City conducts the defense of the claim or action pursuant to an agreement with the member or former member of such board or commission, reserving the City's rights not to pay the judgment, compromise, or settlement until it is established the injury arose out of act or omission occurring within the scope of his or her duties as a member of such board or commission, the City shall be required to pay the judgment, compromise, or settlement only if it is established the injury arose out of an act or omission occurring within the scope of his or her duties as a member of such board or commission. The City may indemnify any member or former member of such board or commission for any part of a claim or judgment that is for punitive or exemplary damages only upon a vote to do so by a majority of the membership of the city council.

#### SECTION 607. Planning Commission.

There shall be a planning commission consisting of five members. There shall be a director of community development whose duties shall be established by ordinance, resolution, or regulation, and who shall be the recording secretary for the planning commission. The director of community development, or his or her designated representative shall attend all planning commission meetings. The planning commission may meet with and receive advice

from the city attorney as it or the city attorney may deem necessary. The planning commission shall have all of the following powers and duties, which powers and duties may be modified by ordinance of the city council:

- (a) All duties set out in the California Planning and Zoning Law for a planning agency.
- (b) After public hearing, recommend to the city council any amendment to the general plan or any part thereof, or any zoning ordinance amendments.
- (c) Exercise authority granted to it by ordinance over subdivisions, use permits, or other matters not inconsistent with this Charter.
- (d) Make recommendations to the city council concerning public works.
- (e) Perform other duties specified by the city council not inconsistent with this Charter.

**SECTION 608. General Land Use Authority.**

The City of Signal Hill is a small unique community that is economically independent, prides itself in personalized service to the residents and business community that it serves, and a community which has created and works to maintain a high degree of livability for its residents. The City's unique topography, advantageous location near major transportation corridors and hubs, including airport and port facilities, and significant undeveloped property caused by the historic devotion of the land to oil production give the City the potential of being the best planned and most desirable community in the area. At the same time, the transition from an industrial community devoted to oil production to a balanced community known for its livability presents unique challenges. It is the goal of the City to maintain a portion of its industrial legacy, to develop housing for all segments of the population, and to promote commercial development both of a regional character, to establish a sound financial base, and of a neighborhood character, to service the needs of those who work and reside in the City. In promoting "balance" and "livability" it is the goal of the City that residents be able to reside, work, purchase goods, and services, attend school, recreate, and otherwise enjoy a decent and good living in Signal Hill.

Except as otherwise provided by ordinance of the city council the City shall have the full power to enact regulatory land use measures, including but not limited to the following:

- (a) Creation of a general plan for the long-term growth and orderly development of the City consistent with the foregoing policies.
- (b) Creation of a zoning ordinance in conformity with the general plan which provides the City's general land use regulations.
- (c) Enact specific plans, redevelopment agreements, and other similar matters for the regulation and development of land.
- (d) Abate public nuisances which depreciate property values.

(e) Make determinations pursuant to the California Environmental Quality Act.

(f) Regulate oil uses and the operation and abandonment of oil wells, pipelines and appurtenant facilities.

(g) Approve the subdivision and resubdivision of property.

(h) Establish a site design and review process to approve individual applications for development to assure quality and compatibility with adjacent uses.

(i) Establish procedures to approve conditional uses, variances and other land use entitlements.

(j) Establish regulations governing the use of property.

(k) Establish measures to mitigate for the impacts of development on adjacent property and the City generally through land use regulations, requirements that the developer provide appropriate infrastructure improvements, impact mitigation fees, assessments for construction of infrastructure improvements and similar measures.

(l) Condition development to provide for the maintenance in a first class condition of all improvements through recorded covenant agreements, assessments and other measures to assure new development is adequately maintained and pays its fair share of the costs imposed.

#### SECTION 609. Parks and Recreation Commission.

There shall be a parks and recreation commission consisting of five members. The parks and recreation commission shall have all of the following powers and duties, which powers and duties may be modified by ordinance of the city council:

(a) Act in an advisory capacity to the city council and the city manager.

(b) Communicate to public officials and the general public the leisure-time needs, facilities, and services of the citizens of the City, so that adequate support may be obtained for programs therefor.

(c) Recommend general policies concerning all parks and recreation properties, facilities, plans, programs, and activities. It may also recommend a long-range program for the improvement, acquisition, and development of parks and recreation facilities and for the extension of services.

(d) Perform other duties specified by the city council not inconsistent with this Charter.

SECTION 610. Civil Service Commission.

There shall be a civil service commission whose powers and duties shall be as set forth in Article VII below.

ARTICLE VII. PERSONNEL SYSTEM

SECTION 701. Personnel Rules and Policies.

The city council may by ordinance establish a system of personnel rules and policies, governing the terms of employment of any or all employees of the City.

The personnel rules and policies may govern, without limitation, the following aspects of the personnel system:

(a) Classification of employment by employment position between exempt and non-exempt appointments, and determination of "at will" categories of employment positions.

(b) The preparation, installation, revision and administration of a position classification plan covering all positions in the competitive service.

(c) The preparation, installation, revision and administration of a plan of compensation corresponding to the position classification plan, providing a rate or range of pay for each class.

(d) The public announcement of examinations and application for and acceptance of applications for employment and establishing of criteria related thereto.

(e) The preparation and administration of examinations and the establishment and use of resulting employment lists containing names of persons eligible for appointment.

(f) The certification and appointment of persons from employment lists, and the making of temporary, emergency, and provisional appointments.

(g) The establishment of hours of work, attendance and leave regulations, training programs, benefits, conduct guidelines and other conditions of work.

(h) The evaluation of employees during the probationary period and at periodic intervals.

(i) The development of employees' morale, welfare, training, and safety.

(j) The establishment and maintenance of suitable methods of effective communication between employees and their supervisors; between employees and the city manager; and between employees and the city council, relating to conditions of employment in the city service, and the establishment and maintenance of the city's employee-employer

relations program consistent with the letter and intent of State law and the City's employee Memoranda of Understanding.

(k) The transfer, promotion, demotion, reinstatement, separation, or any other change of status of employees in the competitive service.

(l) The discipline of employees.

(m) A system or systems for submission to and review by the civil service commission, city manager, city council, personnel manager or other designated person or persons, of designated types of discipline and personnel decisions, for fact-finding, recommendations, final decision or other designated purposes or effects.

(n) The development and administration of policies which assure an unbiased work environment and fully protect the rights of each employee.

(o) The maintenance and use of necessary records and forms, including payroll certification.

(p) The system for any employee-selected board members to be elected and for the board to conduct its business established by the personnel rules.

#### SECTION 702. Civil Service Commission.

There shall be a civil service commission consisting of five members, unless the city council by ordinance provides for a different number of members, or provides for the discontinuance or dissolution of the civil service commission entirely, in favor of some other board or alternative procedure for the review and recommendation of issues arising under the personnel system. The rules and regulations for appointment of members to the civil service commission shall be as determined by ordinance of the city council. The civil service commission may meet with and receive advice from the city attorney, as it or the city attorney may deem necessary. The civil service commission shall have the following powers and duties, which powers and duties may be modified by ordinance of the city council:

(a) Conduct hearings in accordance with personnel rules and policies adopted by the city council, and make findings and recommendations thereon.

(b) Certify to the appointing power a list, established by the personnel officer, of all persons eligible for appointment to the appropriate position in the classified service. The list shall be established on the basis of merit and fitness ascertained so far as practicable by competitive examination. The commission shall have available to it any and all documents, tests, examinations, work samples, or any combinations thereof which will, in the opinion of the Commission, demonstrate the fair and impartial administration of the examination process by the personnel officer.

(c) Make recommendations to the city council on amendments to the personnel rules and policies.

- (d) Conduct investigations regarding hearings pending before it.
- (e) Have the power to compel the attendance of witnesses and the production of documents by way of subpoena, and to examine witnesses appearing before it.
- (f) Perform other duties specified by the city council not inconsistent with this Charter.

**SECTION 703. Hearings Before Civil Service Commission.**

City council may by ordinance establish rules and regulations governing the presentation and hearing of protests, grievances, or questions arising under the personnel system before the civil service commission. Any person aggrieved by any action of the civil service commission may appeal such action to the city council, according to procedures which shall be established by ordinance. The decision of the city council in any such appeal shall be final.

**SECTION 704. Contracts with Employees.**

The City may enter into any contracts or collective bargaining agreements with its employees, and shall meet and confer with the duly authorized representative of such employees regarding wages, hours and other terms and conditions of employment to be included in any such agreement. If any provision of the general law of the State of California imposes a mandated benefit for employees of general law cities, then so long as that benefit is so mandated for employees of general law cities, the same benefit shall be extended to all employees of the City that would otherwise qualify for the benefit under the general law.

**SECTION 705. California Public Employees Retirement System.**

Plenary authority under this Charter shall be vested in the City and the city council, and by delegation of the city council, to its several officers, agents, and employees, to do all acts and exercise all authority granted, permitted, or required to enable the City to continue as a contracting city under the California Public Employees Retirement System.

**SECTION 706. Termination of California Public Employees Retirement System.**

The city council may terminate the contract with the Board of Administration of the California Public Employees Retirement System (CalPERS) only as provided herein. The city council may initiate proceedings for termination of the contract with the Board of Administration of CalPERS by passage of a resolution of intention to do so, and not less than one year after passage of the resolution of intention, by placing an ordinance ordering the termination of the ballot for a vote by the People of Signal Hill. Any action to place such an ordinance on the ballot shall require a vote of two-thirds of the membership of the city council. If the ordinance is passed by a majority vote of the voters voting in an election on the question, the city clerk shall forward a certified copy of the ordinance so approved to the Board of Administration of (CalPERS) for processing and finalization of the termination.



SECTION 707. Eligibility for Appointed Office.

No person holding or retaining any elective public office, and no person holding any appointed office whose duties are incompatible with the duties to be discharged for the City, shall be eligible for appointment as city manager, city attorney, or a member of any appointed board or commission. No person shall be eligible for appointment as city manager, city attorney, or a member of any appointed board or commission who is a relative by blood or marriage within the third degree of any one or more members of the city council. The city manager, respective department heads, and all other persons empowered by this Charter or ordinance to appoint any person to any appointed position in the City government shall not appoint any person who is a relative by blood or marriage within the third degree of the person making the appointment.

SECTION 708. Illegal Contracts; Financial Interest; Incompatible Employment.

No member of the city council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected. Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City when so declared by resolution of the city council. The general laws of the State of California shall be used in determining what constitutes a financial interest for the purpose of this section, which general laws may be supplemented or modified by regulations of the city council adopted by ordinance. If any member of the city council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he or she shall forfeit his or her office in addition to any other penalty which may be imposed for such violation of this Charter. No city councilmember, department head, or other officer or employee of the City shall engage in any employment activity or enterprise which is inconsistent, incompatible, or in conflict with his or her duties with the City. The city council may, by ordinance, resolution, or regulation, adopt rules for determining those outside activities which are inconsistent, incompatible, or in conflict with the official duties for the City for the various offices or employment positions involved.