

TITLE 2: ADMINISTRATION AND PERSONNEL

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CHAPTER 2.01: COUNCIL

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2.01.010 Date of regular meetings and study sessions.

The regular meetings of the City Council commencing in December, 1990, shall be held as determined by enactment of the City Council.
(3-12/90 ' 2.04.010)

2.01.020 Place of meetings and study sessions.

The regular meetings and study sessions of the City Council shall be held at the Canyon Lake Golf Clubhouse, downstairs meeting room, situated at 32001 Railroad Canyon Road, Canyon Lake, California. Special meetings of the City Council shall be held at the place designated herein for regular meetings or such other place as provided for in the notice and call of the meeting.
(3-12/90 ' 2.04.020)

2.01.030 Improper conduct at meeting.

Any member or other person using profane, vulgar, loud or boisterous language at any meeting or otherwise interrupting the proceedings, who refuses to

be seated or keep quiet when ordered to do so by the Mayor or other presiding officer of the Council, is guilty of a misdemeanor.
(3-12/90 ' 2.04.030)

2.01.040 Adoption of procedures.

The City Council shall, by resolution, adopt rules of procedure to govern the conduct of its meetings, any of its other functions and activities, and regulations pertaining thereto.
(3-12/90 ' 2.04.040)

2.01.050 Compensation and reimbursement.

Pursuant to Section 36516 of the Government Code of the State, as amended, compensation shall be paid to each member of the City Council in the amount set forth in the schedule of such Section. More particularly, the amount of compensation to be paid to each member of the City Council shall be in the sum of \$300 per month in accordance with Section 36516, as amended, of the Government Code. The compensation prescribed herein is and shall be exclusive of any amounts payable to each member of the Council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties of the City of Canyon Lake; and, accordingly, each member of the Council shall receive reimbursement for such actual and necessary expenses incurred in the performance of official duties of the City, pursuant to the provisions of Section 36514.5 of the Government Code, as amended from time to time. Such reimbursement shall be as established by a policy resolution adopted by the City Council.
(3-12/90 ' 2.04.050)

2.01.060 Commission appointments.

Unless otherwise specifically provided in this Code or by State law, all City board and commission appointments, except for ex officio members where applicable, shall be made by the City Council.

(3-12/90 ' 2.04.060)

2.01.100 Appeals to Council.

(a) Except when an appeals procedure is otherwise specifically set forth in this Code, any person excepting to the denial, suspension, or revocation of a permit applied for or held by him pursuant to any of the provisions of this Code or other City ordinance, or to any administrative decision made by any official of the City, if the denial, suspension, or revocation of such permit or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this Code or other City ordinance, may appeal in writing to the Council by filing with the City Clerk a written notice of such appeal.

(b) No appeal may be taken to any such administrative decision made by an official of the City pursuant to any of the provisions of this Chapter unless such decision to appeal has been first taken up with the department head concerned and with the City Manager, and each such official has not adjusted the matter to the appellant's satisfaction.

(c) No right of appeal to the Council from any administrative decision made by an official of the City pursuant to any of the provisions of this Code or other City ordinance shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgement exercised pursuant to any of the provisions of this Code or other City ordinance, whether the administrative decision involves the denial, suspension, or revocation of a permit or any other administrative decision. Also, there shall be no such right of appeal with regard to law enforcement activities involving State law.

(3-12/90 ' 2.04.100)

2.01.110 Notice of appeal: Time limit--Contents.

(a) Any notice of appeal to the City Council must be filed within 15 days of the date of service of notice of the decision or action pursuant to Section 1.01.300 of this Code, or within 15 days of the decision or action if no notice of the decision or action is required to be given.

(b) The notice of appeal shall set forth (1) the specific action appealed from; (2) the specific grounds of the appeal; and (3) the relief or action sought from the City Council. In the event any notice of appeal fails to set forth any information required by this Section, the City Clerk shall return the same to the appellant with a statement of the respects in which it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

(c) Except in those instances where an appeal is filed by the City Manager or other public official in pursuance of official duties, the written notice of appeal from the action of an administrative official or from an administrative body of the City, as the case may be, shall be accompanied by a fee of \$50 or such other fee as may be required by other enactment of the City Council.

(3-12/90 ' 2.04.110)

2.01.120 Appeals: Hearings-Notices.

Upon the timely filing of a notice of appeal in proper form, the City Clerk shall schedule the matter promptly upon the City Council agenda at a subsequent regular meeting and shall cause notice thereof to be given the appellant not less than five days prior to such hearing, unless such notice is waived in writing by the appellant. The City Clerk shall also cause a copy of the notice of appeal to be transmitted to the official or body whose action has been appealed from.

(3-12/90 ' 2.04.120)

2.01.130 Appeals: Hearings.

(a) The City Council at the hearing may limit participation in the hearing to the directly interested

parties, or may allow participation by the public. Such public participation, however, shall only be appropriate when the Council deems the same necessary in the public interest. If a hearing is ordered open to public participation, notice thereof shall be given by posting notice of the same in the public places designated by the City Council not less than five days prior to the date of such hearing, and by such other means as the City Council deems necessary.

(b) At the time of consideration of the appeal by the City Council the appellant shall be limited to a presentation on the specific grounds of appeal and matters set forth in the notice of appeal and shall have the burden of establishing cause why the action appealed from should be altered, reversed or modified. The Council may continue the matter from time to time, and at the conclusion of its consideration may affirm, reverse or modify the action appealed from and may take any action which might have been legally taken in the first instance by the official or body from whose action the appeal has been taken. In ruling on the appeal the findings and action of the Council shall be final and conclusive in the matter.
(3-12/90 ' 2.04.130)

CHAPTER 2.04: CITY MANAGER

Section

- 2.04.010 Office createdBTerm.
- 2.04.020 Eligibility.
- 2.04.030 Contract with City Manager.
- 2.04.040 Compensation; expense reimbursement.
- 2.04.050 Designation of acting City Manager.
- 2.04.060 Powers and duties.
- 2.04.070 Relations with Council.
- 2.04.080 Departmental cooperation.
- 2.04.090 Attendance at commission meetings.
- 2.04.100 Removal: MethodBNotice.
- 2.04.110 Removal for cause; hearing.
- 2.04.120 Removal: Suspension pending hearing.
- 2.04.130 Removal: Council discretion.
- 2.04.140 Removal: Limitation.
- 2.04.150 MisconductBDetermination.
- 2.04.160 Willful misconductBDefined.
- 2.04.170 Agreements with Council.

2.01.010 Office created-Term.

The office of the City Manager is created and established. The City Manager shall be appointed by the City Council wholly on the basis of administrative and executive ability and qualifications. The City Manager shall hold office for and during the pleasure of the City Council.

(3-12/90 ' 2.08.010) (Ord. 155, passed 8-6-2014)

2.04.020 Eligibility.

No member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such Council member has ceased to be a member of the City Council.

(3-12/90 ' 2.08.020) (Ord. 155, passed 8-6-2014)

2.04.030 Contract with City Manager.

The City Council and City Manager shall enter into a written agreement which implements the provisions of this chapter, specifically including, but not limited to, those regarding compensation, expense reimbursement, term and termination of employment. Such written agreement and any amendments thereto shall be adopted at an open session in the manner required by applicable State law.

(Ord. 155, passed 8-6-2014)

2.04.040 Compensation; expense reimbursement.

The City Manager shall receive such compensation and expense allowances as the City Council shall from time to time determine, and such compensation shall be a proper charge against such funds of the City as the Council shall designate. Such contract may provide for severance in the event of termination or removal in an amount not to exceed that allowed by State law.

(Ord. 155, passed 8-6-2014)

2.04.050 Designation of acting City Manager.

During his or her temporary absence from the City, the City Manager, shall designate in writing a qualified City administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. In the event the City Manager's position becomes vacant, the City Council shall appoint an acting or interim City Manager.

(Ord. 155, passed 8-6-2014)

2.04.060 Powers and duties.

The City Manager shall be the administrative head of the government of the City and its chief fiscal officer under the direction and control of the City Council except as otherwise provided in this chapter. The City Manager shall be responsible for the efficient administration of all affairs of the City which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, he or she shall be expected to, and shall have the power to:

- (a) Enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed;
- (b) Except as provided for in subsection (c), appoint, remove, promote and demote any and all officers and employees of the City except elective officers, the City Attorney, the City Clerk and the City Treasurer subject to all applicable personnel rules and regulations which may be adopted by the City Council;
- (c) Appoint, with the consent of the City Council, the Planning Director;
- (d) Control, order and give directions to all department heads who are subject to his appointment and removal authority, and to subordinate officers and employees of the City under his jurisdiction through their department heads;
- (e) Conduct studies and effect such organization and reorganization of offices, positions or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business;
- (f) Recommend to the City Council for adoption such measures and ordinances as he deems necessary;
- (g) Attend all meetings of the City Council unless excused therefrom by the Mayor individually or the City Council as a whole, except when his performance is under consideration;
- (h) Develop and maintain, in accordance with the State laws and the City ordinances and the best accepted procedures, adequate financial records, reports and budgetary control of all receipts, disbursements and reserves of the City;
- (i) Audit all demands in accordance with the applicable provisions of this Code and State law;
- (j) Prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval;
- (k) Direct and supervise all the purchasing activities of the City, and keep current inventories of property of the City departments, offices and agencies;
- (l) Keep the City Council at all times fully advised as to the financial condition and needs of the City, and assist the City Council in formulating all long-range financial plans and programs;
- (m) Make investigations into the affairs of the City and any department or division thereof and any contract or the proper performance of any of the obligations of the City; and further, to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City;
- (n) Exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the City Council;
- (o) Have the same authority as the Mayor (as conveniences to the parties may dictate) to sign documents specified in Section 40602 of the Government Code of the State whenever such documents have been approved by the City Council for execution by resolution, motion, minute order or other appropriate action;
- (p) Perform such duties as are prescribed by Sections 41000 through 41007 of the Government Code of the State and by any other provisions of law applicable to deposit and investment and safekeeping of public funds of the City;

(q) Perform such other responsibilities and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the City Council.
(3-12/90 ' 2.08.060) (Ord. 155, passed 8-6-2014)

2.04.070 Relations with Council.

The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. For purposes hereof, "inquiry" means any and all communications short of giving orders, directions or instructions to any member of the administrative staff. Such members shall give all information reasonably requested by any Councilmember. The City Manager shall take his orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Councilmember shall give any orders or instructions to the City Manager. The City Council shall instruct the City Manager in matters of policy. Any action, determination or omission of the City Manager shall be subject to review by the City Council. The City Council may not overrule, change or modify any such action, determination or omission except by the affirmative vote of at least three members of the City Council.
(Ord. 155, passed 8-6-2014)

2.04.080 Departmental cooperation.

It shall be the duty of all subordinate officers and the City Attorney and City Clerk to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously.
(3-12/90 ' 2.08.080) (Ord. 155, passed 8-6-2014)

2.04.090 Attendance at commission meetings.

The City Manager may attend any and all meetings of any commission, board or committee created by the City Council, upon his own volition or upon direction of the City Council. At such meetings which the City Manager attends, he shall be heard by

such commissions, boards or committees as to all matters upon which he wishes to address the members thereof. He shall inform such members as to the status of any matter being considered by the City Council, and he shall cooperate to the fullest extent with members of all commissions, boards or committees appointed by the City Council.
(3-12/90 ' 2.08.090) (Ord. 155, passed 8-6-2014)

2.04.100 Removal: Method Notice.

The removal of the City Manager shall be effected only by a majority vote of the whole Council as then constituted, convened in a regular Council meeting, subject to the provisions of this chapter and any applicable contract terms.
(Ord. 155, passed 8-6-2014; Am. Ord. 159, passed 5-6-2015)

2.04.110 Removal for cause: Hearing.

Within seven days after the delivery to the City Manager such notice required in Section 2.04.150, he may, by written notification to the City Clerk, request a hearing before the City Council. Thereafter, the City Council shall fix a time for the hearing which shall be held at its usual meeting place at which the City Manager shall appear and be heard, with or without counsel.
(3-12/90 ' 2.08.110) (Ord. 155, passed 8-6-2014)

2.04.120 Removal: Suspension pending hearing.

After furnishing the City Manager with written notice of intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal by resolution of the Council passed subsequent to the hearing described in Section 2.04.110.
(3-12/90 ' 2.08.120) (Ord. 155, passed 8-6-2014)

2.04.130 Removal: Council discretion.

In removing the City Manager, except as provided in Section 2.04.150, the City Council shall use its

uncontrolled discretion and its action shall be final and shall not depend upon any particular showing.
(3-12/90 ' 2.08.130) (Ord. 155, passed 8-6-2014)

2.04.140 Removal: Limitation.

Notwithstanding the provisions of Sections 2.04.100 through 2.04.130, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of 90 days next succeeding any general municipal election held in the City at which election a member of the City Council is elected. The purpose of this provision is to allow any newly-elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his office.
(Ord. 155, passed 8-6-2014)

2.04.150 Misconduct Determination.

In the event the intended removal of the City Manager is for cause for misconduct in office, written notice to the City Manager as provided in Section 2.04.100 shall state that the reason for removal is willful misconduct in office and shall state specific facts which constitute such willful misconduct. The procedure for hearing and for suspension pending hearing shall be followed as stated in Sections 2.04.100 through 2.04.140. A determination of willful misconduct in office shall be evidenced by specific findings of facts constituting such willful misconduct. The determination for what constitutes willful misconduct shall be within the sole discretion of the City Council provided that it shall relate to the welfare of the City.
(3-12/90 ' 2.08.150) (Ord. 155, passed 8-6-2014)

2.04.160 Willful misconduct Defined.

Willful misconduct includes conduct directly related to conduct in office and directly related to the duties of the office. It includes the refusal to follow the lawful directions of the City Council. It also includes conduct not directly related to the performance of

official duties of the office when such conduct has a direct and harmful effect on the welfare of the City. Evidence of such direct and harmful effect shall include but shall not be limited to, conviction of a misdemeanor or felony.
(Ord. 155, passed 8-6-2014)

2.04.170 Agreements with Council.

Nothing in this chapter shall be construed as a limitation on the power or authority of the City Council to enter into any agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.
(Ord. 155, passed 8-6-2014)

CHAPTER 2.08: CITY CLERK

Section

- 2.08.010 Office created--Term.
- 2.08.020 Compensation.
- 2.08.030 Functions.
- 2.08.040 Deputy City Clerk.

The principal functions of the City Clerk shall be to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a record of all the actions of the Council;

(b) Keep all ordinances and resolutions of the Council in such a manner that the information contained therein will be readily accessible and open to the public. The City Clerk shall attach to the original copy of each ordinance a certificate which shall state the date the ordinance was adopted and, as to an ordinance requiring publication, that the ordinance has been published or posted in accordance with law;

(c) Keep all records of the Council and of the office of the City Clerk in such manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or reproduced and the original destroyed, in accordance with State law;

(d) Serve as the official custodian of all City records;

(e) Be the custodian of the seal of the City;

(f) Prepare the Council agendas, in conjunction with and under the direction of the City Manager;

(g) Perform the duties prescribed by the Elections Code of the State in conducting municipal elections;

(h) Perform the duties imposed upon City clerks by the California Political Reform Act;

(i) Be responsible for the publication of all the official advertising of the City;

2.08.010 Office created--Term.

The office of the City Clerk is created and established. The City Clerk shall hold office at the pleasure of the City Council.
(3-12/90 ' 2.10.010)

2.08.020 Compensation.

If the City Council appoints the City Clerk as a separate position, the City Clerk shall receive such compensation and expense allowance as the City Council shall from time to time determine, and such compensation shall be a proper charge against such funds of the City as the City Council shall designate.
(3-12/90 ' 2.10.020)

2.08.030 Functions.

The City Clerk shall have all of the powers, duties, and responsibilities granted to and imposed upon the office of the City Clerk by the provisions of Chapter 2 of Part 3 of Division 3 of Title 4 of the Government Code of the State, other general laws of the State, the provisions of this Code, and the ordinances and resolutions of the City Council; provided, however, pursuant to the provisions of Section 40805.5 of the Government Code, the financial and accounting duties imposed upon the City Clerk by Sections 40802 through 40805 of the Government Code shall be performed by the City Manager.

(j) Be responsible for the maintenance and distribution of the Municipal Code;

(k) Process and refer to the City Manager all claims filed against the City and its officers, agents, or employees, pursuant to the provisions of Chapter 1 of Part 3 of Division 3 of Title 1 of the Government Code of the State and Chapter 3.12 of Title 3 of this Code; and

(1) Perform such other duties consistent with this Code as may be required of the City Clerk by the City Council.

(3-12/90 ' 2.10.030)

2.08.040 Deputy City Clerk.

The City Clerk shall have the authority and is hereby authorized to appoint a Deputy City Clerk as may be necessary for the efficient discharge of the duties of the office, with the approval of the City Council.

(3-12/90 ' 2.10.040)

CHAPTER 2.12: CITY TREASURER

[Reserved]

CHAPTER 2.16: CITY ATTORNEY

Section

- 2.16.010 Office created.
- 2.16.020 Compensation.
- 2.16.030 Functions.

against such funds of the City as the City Council shall designate.
(3-12/90 ' 2.16.020)

2.16.010 Office created.

The office of the City Attorney is hereby established. It shall consist of the City Attorney and such assistants as may be authorized by the Council. The City Attorney shall administer the office and be responsible for the successful performance of its functions. He shall serve under the direct supervision and control of the Council as its legal advisor. The City Council may enter into a contract with a private law firm to perform the services of City Attorney and, in that connection, may designate a City Attorney and such Assistant City Attorneys as are deemed necessary, and references in this Chapter to City Attorney or the Office of City Attorney will include any applicable law firm and performance of said functions by any of its members or employed attorneys.

The City Attorney may retain or employ other attorneys, assistants, or special counsel as may be needed to take charge of any litigation or legal matters or assist the City Attorney therein; provided, however, that such employment or retainer shall be reported to the City Council at the regular meeting thereof next following the employment or retainer.
(3-12/90 ' 2.16.010)

2.16.020 Compensation.

The City Attorney shall receive such compensation and expense allowance as the City Council shall from time to time determine or contract for, and such compensation shall be a proper charge

2.16.030 Functions.

The functions of the office of the City Attorney shall be to:

(a) Advise the Council and all City officers in all matters of law pertaining to their offices;

(b) Furnish legal service at all meetings of the Council, except when excused or disabled, and give advice or opinions on the legality of all matters under consideration by the Council or by any of the boards and commissions or officers of the City;

(c) Prepare and/or approve all ordinances, resolutions, agreements, contracts, and other legal instruments as shall be required for the proper conduct of the business of the City and approve the form of all contracts and agreements and bonds given to the City;

(d) Prosecute on behalf of the people cases for violation of the City of Canyon Lake Municipal Code when not otherwise prosecuted by the District Attorney of Riverside County; and

(e) Perform such other legal duties as may be required by the Council or as may be necessary to complete the performance of the foregoing functions.
(3-12/90 ' 2.16.030)

CHAPTER 2.20: RESERVED

CHAPTER 2.24: RESERVED

CHAPTER 2.28: DISASTER OPERATION AND RELIEF

Section

- 2.28.010 Purposes.
- 2.28.020 Definition.
- 2.28.030 Disaster Council created.
- 2.28.040 Disaster Council powers and duties.
- 2.28.050 Director and Assistant Director of Emergency Services.
- 2.28.060 Powers and duties of the Director and Assistant Director of Emergency Services.
- 2.28.070 Emergency organization.
- 2.28.080 Emergency plan.
- 2.28.090 Expenditures.
- 2.28.100 Punishment of violation.
- 2.28.110 Repeal of conflicting ordinances.

2.28.010 Purposes.

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons.

(33-12/92 ' 2.40.010)

2.28.020 Definition.

As used in this Chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the 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 are 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.

(33-12/92 ' 2.40.020)

2.28.030 Disaster Council created.

The Canyon Lake Disaster Council is hereby created and shall consist of the following:

(a) The City Manager, who shall be its Chair and shall also be a member of the Riverside County Disaster Council;

(b) The Mayor, who shall be Vice Chair;

(c) The Fire Chief or designee;

(d) The Police Chief or designee;

(e) The President of the Canyon Lake Volunteer Emergency Preparedness Committee;

(f) A representative from the Canyon Lake Property Owner=s Association Board of Directors appointed by the Canyon Lake Property Owner=s Association Board of Directors; and

(g) One technical staff member from the Canyon Lake Property Owner=s Association appointed by the Canyon Lake Property Owner's Association.

(33-12/92 ' 2.40.030)

2.28.040 Disaster Council powers and duties.

It shall be the duty of the Canyon Lake Disaster Council, and it is hereby empowered, to 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 call of the Chair which will be at least quarterly, or, in his/her absence from the City or inability to call such meeting, upon call of the Vice Chair.

(33-12/92 ' 2.40.040)

2.28.050 Director and Assistant Director of Emergency Services.

(a) There is hereby created the office of director of emergency services. The City Manager shall be the director of emergency services.

(b) There is hereby created the office of assistant director of emergency services, who shall be appointed by the director.

(33-12/92 ' 2.40.050)

2.28.060 Powers and duties of the Director and Assistant Director of Emergency Services.

(a) The director is hereby empowered to:

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

(2) Request the Governor to proclaim a Astate of emergency@ when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

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

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

(5) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a Alocal emergency@ as herein provided, the proclamation of a Astate of emergency@ by the Governor or the Director of the State Office of Emergency Services, or the existence of a Astate of war emergency,@ the Director is hereby empowered:

(A) To 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.

(B) To 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 commander the same for public use.

(C) To require emergency services of any City officer or employee and, in the event of the proclamation of a Astate of war emergency@ in the county in which this City is located or the existence of a Astate of war emergency,@ to command the aid of as many citizens of this community as he deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.

(D) To requisition necessary personnel or material of any City department or agency.

(E) To execute all of his/her ordinary power as City Manager, all of the special powers conferred upon him/her by this Chapter or by resolution

or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him/her by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(b) The director of emergency services shall designate the order of succession to that office, beginning with the Assistant Director, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. In the event of the unavailability of the Director or Assistant City Manager, such order of succession shall be:

- (1) Fire Chief or designee;
- (2) Police Chief or designee; and
- (3) Deputy City Clerk (or City Clerk if other than City Manager).

(c) The assistant director shall, under the supervision of the director and with the assistance of emergency services chiefs, develop emergency plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the director.
(33-12/92 ' 2.40.060)

2.28.070 Emergency organization.

All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may be agreement or operation of law, including persons impressed into service under the provisions of Section 2.28.060(a)(6)(C), be charged with duties incident to the protection of life and property in the City during such emergency, shall constitute the emergency organization of the City of Canyon Lake.
(33-12/92 ' 2.40.070)

2.28.080 Emergency plan.

The Canyon Lake Disaster Council shall be responsible for the development of the City of Canyon

Lake Emergency Plan which 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 Council.
(33-12/92 ' 2.40.080)

2.28.090 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection of the City of Canyon Lake.
(33-12/92 ' 2.40.090)

2.28.100 Punishment of violation.

It shall be a misdemeanor, punishable by a fine of not to exceed \$1,000, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

- (a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him or her by virtue of this Chapter;
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, 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 this City, or to prevent, hinder, or delay the defense or protection thereof; or
- (c) Wear, carry, or display, without authority, any means of identification specified by the Disaster Council or the City of Canyon Lake.
(33-12/92 ' 2.40.100)

2.28.110 Repeal of conflicting ordinances.

It is the intent of the City Council in enacting this Chapter that it shall be considered a revision and continuation of the ordinance previously codified in this Chapter that is hereby repealed by this Chapter and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this Chapter.

(33-12/92 ' 3)

CHAPTER 2.32: PEACE OFFICER TRAINING STANDARDS

Section

- 2.32.010 Declaration of intent.
- 2.32.020 Adherence to State standards.

2.32.010 Declaration of intent.

The City declares that it desires to qualify to receive aid from the State under the provisions of Chapter 1, Title 4, Part 4, of the California Penal Code. (3-12/90 ' 2.44.010)

2.32.020 Adherence to State standards.

Pursuant to Section 13522 of the Chapter 1 referred to in Section 2.32.010, the City while receiving aid from the State pursuant to the said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission of Peace Officer Standards and Training. (3-12/90 ' 2.44.020)

CHAPTER 2.34: CANYON LAKE FIRE DEPARTMENT

Section

- 2.34.010 Declaration of purpose and intent.
- 2.34.020 Definitions and qualifications.
- 2.34.030 Establishment, duties and organization of the City Fire Department.
- 2.34.040 Organization.
- 2.34.050 Appointment, supervision, term, compensation, powers, duties and supervisory authority, appointment authority of the Fire Chief.
- 2.34.060 Duties and responsibilities, appointment and removal, and compensation of municipal firefighters.
- 2.34.070 Privileges and immunities.

2.34.010 Declaration of purpose and intent.

The City Council finds that providing adequate fire services will enhance the safety of residents and may prevent or reduce unnecessary injury, loss of life or damage or destruction of property as a result of fire.

The purposes and intent of this chapter are to establish in the manner provided by State law a municipal fire department, to outline the organization of ranking and non-ranking positions within that fire department and to clarify the powers and duties of the Fire Chief.

The further purpose of this chapter is to best protect the health, safety, and welfare of the citizens of the City and to provide the maximum legal protection available to the Department's Fire Chief and firefighters.

This chapter is enacted pursuant to California Government Code Sections 38600-38611. (Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.020 Definitions and qualifications.

(a) *Fire Chief.* The Fire Chief shall be the department head and executive officer of the Fire Department and shall solely be responsible for the supervision and maintenance of the Department. The Fire Chief shall make such rules and regulations and issue such orders as are consistent with State laws, ordinances of the City and from time to time be necessary for the best interests of the Department.

(b) *Municipal Fire Department.* A municipal Fire Department means that organized firefighting unit established pursuant to this chapter and supported by the annual municipal budget. The Municipal Fire Department also may be called the City of Canyon Lake Fire Department or the City Fire Department.

(c) *Municipal firefighters.* A municipal firefighter shall mean an active non-ranking member, not younger than 18 years of age, whether full-time, part-time or on call, who receives compensation or reimbursement stipend from the municipality for providing fire service for the municipality. A municipal firefighter also may be called a "member of the Fire Department."

(d) *Volunteer.* A volunteer shall have the same meaning as defined in Social Security RS02101.260 as it may be amended from time to time. (Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.030 Establishment, duties and organization of the City Fire Department.

(a) *Establishment.* There hereby is established and shall be a municipal Fire Department for the City as established by this chapter, which is officially referred to as the ACanyon Lake Fire Department@.

(b) *Duties.* The duties of the municipal Fire Department shall be to:

(1) Extinguish fires and save life and property therefrom;

(2) Inspect for potential fire hazards, order the removal or remedying of dangerous fire conditions in the community and otherwise enforce local and State fire laws;

(3) Demolish or pull down any building which may be on fire, or which may be deemed necessary to remove in order to prevent the spread of fire or the increase of danger to life or property;

(4) Maintain and operate the Department's property and equipment;

(5) Upon due consideration of the public safety needs of the City the Fire Chief may give approval for the Department to render mutual aid to any community within the State of California that is in a fire emergency. The Fire Chief shall notify the City Manager of the details of such action;

(6) Issue burning permits to residents of the City as safety and weather conditions permit;

(7) Conduct fire inspections and provide plan reviews;

(8) To the extent possible, coordinate emergency medical services; and

(9) Coordinate the City's Emergency Operations Plan and training as necessary. (Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.040 Organization.

The organization of the municipal Fire Department is defined in this chapter and in the annual budget of the City. (Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.050 Appointment, supervision, term, compensation, powers, duties and supervisory authority, appointment authority of the Fire Chief.

(a) *Appointment/term.* The Fire Chief is appointed and supervised by the City Manager pursuant to Section 2.04.060(b) and serves at the Manager's pleasure. The term of the appointment shall be determined based upon the City's needs.

(b) *Supervision.* As the administrative department head of the City Fire Department, the Fire Chief shall be supervised by and report to the City Manager.

(c) *Compensation.* The compensation for the Fire Chief and any firefighting positions shall be established by the City Council and included in the annual municipal budget.

(d) *Powers.* The Fire Chief shall have the powers and duties established by Government Code Section 38600-38611.

(e) *Duties.* The duties of the Fire Chief shall be to:

(1) The Fire Chief is responsible for directing the activities of the Fire Department and is the sole authority and command at the scene of a fire. The Fire Chief is responsible for directing all firefighters and ensuring that firefighters have adequate training. The Fire Chief is responsible for ensuring that firefighting equipment is monitored on a regular basis and is in good working order. The Fire Chief will develop all policies and procedures concerning firefighting in accordance with municipal ordinances, State laws and regulations, and federal laws and regulations.

(2) Supervisory responsibilities. The Fire Chief shall supervise all members of the municipal Fire Department.

(3) Appointing authority. The Fire Chief shall have the authority to appoint members of the City Fire Department. After notice and hearing as specified

by the Firefighters Bill of Rights (Govt. Code Section 3250-3262), as those may be amended from time to time, the City Manager may remove personnel from the Fire Department for just cause or as otherwise allowed by law.

(Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.060 Duties and responsibilities, appointment and removal, and compensation of municipal firefighters.

(a) *Duties and responsibilities.* Municipal firefighters shall have the powers and duties as set forth in rules, regulations and standard operating procedures as recommended by the Fire Chief and approved by the City Council.

(b) *Appointment and removal.* The Fire Chief may appoint or remove individuals from the position of municipal firefighter according to the rules, regulations and standard operating procedures that have been established for the Department and consistent with the Firefighters Bill of Rights. The Fire Chief shall report such changes in the membership of the Fire Department to the City Manager in writing within ten days of the action. The Fire Chief may remove a member from the Department pursuant to such standard operating procedures and the Firefighters Bill of Rights.

(c) *Compensation.* Compensation for all municipal firefighter positions be recommended by the Fire Chief and thereafter established by the City Council and included in the annual municipal budget. (Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

2.34.070 Privileges and immunities.

The Fire Chief and all members of the municipal Fire Department shall enjoy the privileges and immunities provided by California Good Samaritan Law (Health and Safety Code Section 1799.102).

(Ord. 161, passed 6-24-2015; Am. Ord. 162, passed 7-1-2015)

CHAPTER 2.36: ADMINISTRATIVE MANDAMUS: STATUTE OF LIMITATIONS

Section

- 2.36.010 Administrative decisions--Judicial review: Time Limits.
- 2.36.020 Decisions affected.

2.36.010 Administrative decisions--Judicial review: Time limits.

The provisions of Section 1094.6 of the Code of Civil Procedure of the State are hereby adopted by the City Council, and said provisions are hereby made applicable in the City as further specified in Section 2.36.020 of this Chapter.

(3-12/90 ' 2.50.010)

2.36.020 Decisions affected.

The provisions of this Chapter shall be applicable to Adecisions,@ as defined by Section 1094.6 of the Code of Civil Procedure of the State, that are final on and after December 1, 1990.

(3-12/90 ' 2.50.020)

CHAPTER 2.40: HOLIDAYS OBSERVED BY THE CITY

Section

2.40.010 Holidays observed by the City.

remain open for business, on a full or reduced staff basis, on any of the days or holidays prescribed above, when he determines it to be necessary in the public interest to do so.
(3-12/90 ' 2.55.010)

2.40.010 Holidays observed by the City.

Excluding those offices which must remain open for the continuation of essential public services such as police and fire protection, the public offices of the City shall be closed on Saturdays and Sundays, and on those holidays enumerated in Sections 6700 *et seq.* of the Government Code of the State, except for the following:

(a) September 9th, known as "Admission Day," shall not be observed;

(b) The second Monday in October, known as "Columbus Day," shall not be observed;

(c) A day shall not be observed as a holiday because of the fact alone that an election is held throughout the State; and

(d) A day appointed by the President or Governor for a public fast or holiday unless authorized by the City Manager.

(e) March 31, known as "Cesar Chaves Day" shall not be observed.
(Ord. 51, passed 3-15-1995)

Other holidays, including but not limited to those excepted or not authorized above, may be designated by resolution or ordinance of the City Council.

Notwithstanding the foregoing provisions of this Section, the City Manager shall be authorized, by administrative regulation or otherwise, to direct that all or a portion of the public offices of the City shall

