



AGENDA

Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: August 5, 2026
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	Agenda posted on 7-31-2026 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at: www.scottsvally.gov
ELECTED OFFICIALS		CITY STAFF MEMBERS
Donna Lind, Mayor Steve Clark, Vice Mayor Krista Jett, Council Member Derek Timm, Council Member Greg Wimp, Council Member		Mali LaGoe, City Manager Kirsten Powell, City Attorney Cathie Simonovich, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS

Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 PM in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066, and via Zoom Webinar remote access.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 PM the Friday before the Wednesday meeting on the Internet at the City's website:

www.scottsvally.gov and in the lobby of City Hall at 1 Civic Center Drive, Scotts Valley, CA.

Pursuant to Government Code §54957.5, materials related to an agenda item, submitted after distribution of the agenda packet, are available for public inspection in the lobby of City Hall during normal business hours, Monday-Friday, 8am-12 pm and 1-5 pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvally.gov.

Public Participation:

The meeting will be available on Zoom and livestreamed to the City of Scotts Valley's YouTube channel: <https://www.youtube.com/@cityofscottsvally>

For those wishing to participate via Zoom you can join the following ways:

Zoom Webinar meeting link: <https://us02web.zoom.us/j/83295730901>

Or dial one of these numbers: (669) 900-9128 or (669) 444-9171

Webinar ID: 832 9573 0901

Whether attendance is in-person or remote, you will be given opportunities to provide public comment at the appropriate times throughout the meeting. The time limit is up to 3 minutes for an individual, or 5 minutes for someone who is representing a group of three or more, at the discretion of the Mayor. Please note that this is not a question-and-answer time, but simply a time to provide comments to the Council. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted.

How to comment via in-person attendance:

Please proceed to the public comment podium when the Mayor opens the item for public comment.

How to comment via Zoom Webinar:

Use the webinar attendee option to “raise hand” when the Mayor opens the item for public comment. The Clerk will unmute you when it is your turn. If you have joined via Zoom phone call, dial *9 or your phone to “raise your hand”, and the Clerk will unmute you when it is your turn.

CALL TO ORDER 6:00 PM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.

CITY MANAGER REPORT

PUBLIC COMMENT TIME

This is the opportunity for individuals attending in person to make oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda. Written public comment may be emailed to the City Clerk by 5:00 PM on the day of the meeting at csimonovich@scottsvally.gov.

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

The Consent Agenda is comprised of items which are intended to be non-controversial and are approved without discussion. Persons wishing to speak on any item may request the item be moved to the Regular Agenda by raising their hand to be recognized by the Mayor. An item will only be moved from the Consent Agenda to the Regular Agenda if a City Council Member requests it to be moved and a majority of the Council agrees.

1. Approve City Council Special Closed Session meeting minutes of 06-17-2026 and Regular meeting minutes of 06-17-2026
2. Approve 2026 Local Agency Biennial Report
3. Approval of Purchase for Traffic Signal Equipment Procurement, Project No. P26-003, in an amount not to exceed \$221,786.60

PUBLIC HEARINGS

1. Public Hearing to Confirm Report of Delinquent Wastewater Service Charges and Authorize Placement on the Santa Cruz County Secured Property Tax Roll

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.

REGULAR AGENDA

Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.

1. Consider Introduction of Ordinance Modifying Scotts Valley Municipal Code Title 2 Regarding Administration and Personnel
2. Future Council Agenda Items

CONVENE TO CLOSED SESSION

CLOSED SESSION SUBJECT(S)

1. Conference with legal counsel regarding liability claim
Legal Authority: Government Code Section 54956.95
Claimant: Brandon Polito
Staff Present: City Manager, City Attorney, Administrative Services Director

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

ADA NOTICE

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5608 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN APPROVAL OF A RESOLUTION:

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN INTRODUCTION/ADOPTION OF AN ORDINANCE:

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN PUBLIC COMMENT/PUBLIC HEARINGS:

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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MINUTES

Meeting of the
Scotts Valley City Council
Date: June 17, 2026
Time: 5:15 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	The agenda was posted on 6-12-2026 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvalley.gov .
CALL TO ORDER 5:15 PM		

The City Council Special Closed Session meeting was called to order at 5:18 PM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:

Donna Lind, Mayor
Steve Clark, Vice Mayor
Krista Jett, Council Member

ELECTED OFFICIALS ABSENT:

Derek Timm, Council Member
Greg Wimp, Council Member

CITY STAFF MEMBERS PRESENT:

Mali LaGoe, City Manager
Kirsten Powell, City Attorney
Cathie Simonovich, City Clerk

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 5:20 PM to discuss the following item:

CLOSED SESSION SUBJECT(S)

1. Conference with legal counsel regarding real property negotiations
Legal Authority: Government Code Section 54956.8

Location: APNS 022-212-19, 022-212-21, 022-212-22, 022-601-01, 022-721-02, 022-721-06, 022-721-07, 022-721-08, 022-721-09 (Town Center)
Staff Present: City Manager, City Attorney

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 5:58 PM.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Lind noted that there was no report from the closed session meeting.

ADJOURNMENT

The meeting adjourned at 5:58 PM.

Approved: _____
Donna Lind, Mayor

Attest: _____
Cathie Simonovich, City Clerk



MINUTES

Meeting of the
Scotts Valley City Council
Date: June 17, 2026
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	The agenda was posted on 6-12-2026 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvally.gov .
CALL TO ORDER 6:00 PM		

The City Council meeting was called to order at 6:00 PM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT: Donna Lind, Mayor Steve Clark, Vice Mayor Krista Jett, Council Member Derek Timm, Council Member Greg Wimp, Council Member	CITY STAFF MEMBERS PRESENT: Mali LaGoe, City Manager Kirsten Powell, City Attorney Jayson Rutherford, Police Chief Taylor Bateman, Community Development Director Stephanie Hill, Administrative Services Director Rodolfo Onchi, Public Works Director Cathie Simonovich, City Clerk
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SPECIAL SET MATTER

1. Master Plan on Aging Presentation

City Manager LaGoe co-presented this item with Alicia Morales from the County of Santa Cruz, and Clay Kempf from the Seniors Council. The presentation was an update to the Master Plan for Aging, a cross-collaborative effort between all Cities, the County, and the Seniors Council.

Commenting on this item were John Lewis and Trish Melehan.

COMMITTEE REPORTS

CM Timm attended a Central Coast Community Energy (3CE) board meeting where they heard updates on four major projects. The 3CE is establishing the Department of Energy Solutions and, as part of that, 3CE will start administering projects instead of hiring contractors. The board heard the mid-year budget presentation and CM Timm noted that the budget is favorable.

CM Timm attended a Regional Analysis Planning Services (RAPS) meeting. RAPS is the 501c(3) arm of the Association of Monterey Bay Area Governments (AMBAG), and they approved the budget. CM Timm noted that the City has free planning hours through RAPS to assist with local projects.

CM Wimp attended an Integrated Waste Management Local Taskforce where heard a presentation on reusable dishware ordinances, and they also heard an update on Senate Bill 4, the Pollution Prevention and Packaging Reducer Responsibility Act.

CM Wimp attended an Association of Monterey Bay Area Governments (AMBAG) meeting where they heard a presentation on the 2050 Metropolitan Transportation Plan/Sustainable Communities Strategy and Final Environmental Impact Report.

VM Clark attended the Regional Transportation Commission (RTC) meeting where they approved and adopted the final 2050 Environmental Impact Report, and they awarded a construction management contract for segment 12 of the coastal rail trail. VM Clark noted that he is looking for a community member who wants to serve on the Bicycle Advisory Commission which meets on the second Monday of even-numbered months from 5:30 PM to 8:00 PM.

Mayor Lind attended a Santa Cruz Metropolitan Transit District (METRO) Finance and Human Resources standing committee meeting where they focused on the budget, and particularly the loss of \$40 million in grant funding. METRO has completed surveys related to placing a tax measure on the November ballot.

CITY MANAGER REPORT

The Fiscal Year 2026/2027 budget book is now published on the City's website.

Pavement work on Mt. Hermon Road started today and is expected to continue over the next few days. The work will require lane closures and will generally take place between 9:00 AM and 3:00 PM. Due to the heavy traffic volumes on Mt. Hermon Road, drivers should expect potential delays. Concurrently, some work will begin on Scotts Valley Drive in preparation for the main pavement work scheduled later this month. Utility work is also expected on Scotts Valley Drive over the next several days.

Staff is planning a community conversation about the 125 Bethany Drive proposed housing project on July 1st at 6:00 PM here in our Council Chambers. City staff will be reaching out to interested parties to let them know about the meeting.

The Police Department received confirmation today that we were awarded a \$25,000 Office of Traffic Safety (OTS) grant for e-bike education and enforcement, as well as partnering with the Ecology Action bicycle safety group.

The Police Department is hosting the Junior Police Academy Session 1 this week with one more scheduled for mid-July.

Congratulations to the City and County team that hosted the Wacky Soccer Tournament last Sunday – it was a hugely successful event!

The City has identified the next three meeting dates for the Enhanced Infrastructure Financing District (EIFD) Public Financing Authority Board to continue the formation process; notices will be mailed next week to all property owners and tenants of the parcels included in the district. As a reminder, the EIFD covers about 8% of the City. The next meeting is scheduled for August 10th.

City Offices will be closed Friday for the Juneteenth holiday.

Sign up to participate in the 4th of July parade, which this year will have a 60s theme honoring the City's 60th birthday, as well as a 250-year theme recognizing our Country's 250 years of independence.

The City's birthday will be celebrated from August 2nd through August 8th, starting with a party at Skypark on Sunday, August 2nd. For the full lineup of events, check out Rec's summer activity guide.

Our next City Council meeting will be August 5th, after the July recess.

Remember to follow the City on social media and subscribe to the City's newsletter.

PUBLIC COMMENT TIME

Trish Melehan and Ray Gorski announced upcoming events at the Landing.

John Lewis spoke about an increase in his property taxes.

VM Clark noted that he attended the local World Cup events.

Mayor Lind noted that she spoke at a Senior Center luncheon regarding housing, and she attended a flag retirement ceremony at the Moose Lodge.

ALTERATIONS TO CONSENT AGENDA

City Manager LaGoe noted that there is one minor alteration to Consent Item 2. In the Cooperation Agreement with the Scotts Valley Water District, a date is to be added on Page 1, and two sentences are to be struck on Page 4.

M/S: Timm/Clark

To approve the Consent Agenda with the alteration noted above.

Carried 5/0 (AYES: Lind, Clark, Jett, Timm, Wimp)

CONSENT AGENDA

1. Approve City Council minutes of 06-03-2026
2. Cooperation Agreement between the City of Scotts Valley and the Scotts Valley Water District
3. Adopt Resolution No. 2063.1 Partial Road Closure for Art, Wine, and Beer Festival.
4. Adopt Resolution No. 1596.50 authorizing the levy of annual special tax roll for Scotts Valley Drive for Community Facilities District 97-1 for Fiscal Year 2026-27
5. Monthly Treasurer's Report - April 2026
6. Award Contract to Mathews General Construction and Engineering for the Granite Creek Road Culvert Replacement Project No. P26-001 and Authorize the City Manager to Execute a Contract in an Amount Not to Exceed \$171,958.00
7. Approve Professional Services Agreement with Environmental Innovations for Environmental Compliance Services
8. Final Map and Improvement Agreement for Beverly Gardens, a 25-Unit Affordable Apartment Community, Located at 4444 Scotts Valley Drive/APNs 022-491-04 and 022-491-06
9. Approval of Amended and Restated Loan, Repayment, and Security Agreement and Replacement Deeds of Trust for the Four Points by Marriott Hotel Located at 5030 Scotts Valley Drive

PUBLIC HEARINGS

1. Public Hearing for Pinewood Estates Landscape Maintenance Assessment District; Resolution No. 1213.40.2

Maintenance Division Manager Matt Spencer-Cooke presented this item and responded to questions from the Council.

Mayor Lind opened the public hearing at 7:09 PM.

Gillian Glaze noted that the Engineer's Reports have not been uploaded to the City's website yet. She also inquired as to who the contractor is and the length of the contract.

Mayor Lind closed the public hearing at 7:11 PM.

M/S: Timm/Clark

**To adopt Resolution No. 1213.40.2 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Pinewood Estates Landscaping Maintenance District.
Carried 5/0 (AYES: Lind, Clark, Jett, Timm, Wimp)**

2. Public Hearing for Skypark Open Space Maintenance Assessment District No. 1; Resolution No. 1555.SP.038.2

Maintenance Division Manager Matt Spencer-Cooke presented this item

Mayor Lind opened the public hearing at 7:20 PM.

Gillian McGlaze noted that there had been inconsistencies in the line items in the prior Engineer's Reports, and she thanked Maintenance Division Manager Spencer-Cooke for the detailed report this year. Ms. McGlaze requested that, prior to renewing the maintenance contract, the Public Works Department gather feedback from residents of Skypark regarding the level of service from the contractor. She thanked the maintenance team for the tree trimming along Skypark Drive between Mt. Hermon and Navigator as this had not been done for many years.

Steve H. noted that he walked the linear trail with Maintenance Division Manager Spencer-Cooke and showed him a couple of areas he feels are not maintained, including a small area with approximately 16 trees that need to be trimmed.

Mayor Lind closed the public hearing at 7:27 PM.

M/S: Timm/Wimp

**To adopt Resolution No. 1555.SP.038.2 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Skypark Open Space Maintenance District.
Carried 5/0 (AYES: Lind, Clark, Jett, Timm, Wimp)**

ALTERATIONS TO REGULAR AGENDA

M/S: Timm/Clark

To approve the Regular Agenda with no alterations.

Carried 5/0 (AYES: Lind, Clark, Jett, Timm, Wimp)

REGULAR AGENDA

1. Selection of Town Center developer to enter an Exclusive Negotiation Agreement and work toward a Disposition and Development Agreement for the future Town Center

CM Timm and CM Wimp recused themselves because of business-related conflicts.

City Manager LaGoe presented this item.

Jeff Huff, Vice President of the Santa Cruz Office, and Mark Pilarczyk, President of Development, both spoke about their vision for the project.

Daniel Alvarez from the NorCal Carpenters Union expressed concerns about hiring Swenson for the project, and distributed a Complaint (Case No. 24CV450648), Workforce Defense League v. Green Valley Corporation d/b/a Swenson Builders and M7 Builders, Inc. f/k/a M7 Builders LLC and Mescal Lath and Plaster Inc. Complaint can be viewed in the City Clerk's Office.

M/S: Jett/Clark

To approve Swenson as the selected Town Center developer and authorize the City Manager to enter into an Exclusive Negotiation Agreement with Swenson in a form approved by the City Attorney.

Carried 3/0/1 (AYES: Lind, Clark, Jett; NOES: None; RECUSE: Timm, Wimp)

2. Future Council Agenda Items

None.

ADJOURNMENT

The meeting adjourned at 8:02 PM.

Approved: _____
Donna Lind, Mayor

Attest: _____
Cathie Simonovich, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 8/5/2026
TO: Honorable Mayor and City Council
FROM: Cathie Simonovich, City Clerk
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Approve 2026 Local Agency Biennial Report**

SUMMARY OF ISSUE

The Political Reform Act requires every local government agency to review its conflict of interest code at least biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

The conflict of interest code for the City of Scotts Valley has been reviewed and does not need to be updated at this time.

FISCAL IMPACT

There is no financial impact associated with approving the 2026 Local Agency Biennial Notice.

STAFF RECOMMENDATION

It is recommended that the City Council approve the 2026 Local Agency Biennial Notice, which states that no amendment is required.

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1. SV 2026 Local Agency Biennial Notice

2026 Local Agency Biennial Notice

Name of Agency: City of Scotts Valley
Mailing Address: 1 Civic Center Drive
Contact Person: Cathie Simonovich Phone No. 831-440-5608
Email: csimonovich@scottsvalley.gov Alternate Email: cityhall@scottsvalley.gov

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☒ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Mali LaGoe
Mali LaGoe (Jul 8, 2026 11:24:48 PDT)

Signature of Chief Executive Officer

07/08/2026

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2026**, or by the date specified by your agency, if earlier, to:

Scotts Valley City Council
c/o Scotts Valley City Clerk
1 Civic Center Drive
Scotts Valley, CA 95066

FPPC Advice: www.fppc.ca.gov
advice@fppc.ca.gov (866.275.3772)
Page 1 of 1

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 8/5/2026
TO: Honorable Mayor and City Council
FROM: Rodolfo Onchi, Public Works Director
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Approval of Purchase for Traffic Signal Equipment Procurement, Project No. P26-003, in an amount not to exceed \$221,786.60**

SUMMARY OF ISSUE

The City is completing the Scotts Valley Drive/Mount Hermon Road Improvement Project, which combines pavement rehabilitation and preservation with bicycle, pedestrian, striping, and related traffic operational improvements along the City's two principal arterial corridors.

As the project advanced, staff evaluated the traffic signal detection equipment within the project limits and determined that the existing in-pavement loop detectors and legacy signal controllers should be upgraded as part of the corridor improvements. Staff proposes replacing the existing detection systems at seven intersections with video detection cameras and compatible signal controllers.

The cameras and controllers will improve traffic operations by allowing the signals to respond more accurately to actual demand, reducing unnecessary delay and unused green time. These improvements will increase the effective operating capacity of the intersections and corridor.

PROJECT JUSTIFICATION AND DELIVERY

Existing vehicle detection at several signalized intersections relies on loops embedded in the pavement. These systems can be affected by pavement construction, require lane closures and saw cutting when repaired or replaced, and are less adaptable when lane configurations or detection zones change.

Video detection allows detection zones to be configured to match the completed travel-lane and bicycle-facility layout without additional pavement cuts. Replacing the legacy controllers at the same time will provide compatibility with the new detection equipment, standardize equipment along the corridor, improve system diagnostics, and support future signal timing and coordination improvements.

The proposed equipment will:

- Configure detection zones to correspond with the final travel-lane and bicycle-facility layout;

- Improve vehicle and bicycle detection reliability and signal responsiveness;
- Avoid installing new in-pavement loops and reduce future cuts into the improved roadway surface;
- Reduce maintenance-related lane closures and recurring loop-repair work;
- Provide compatible, standardized controllers and improved diagnostic capability; and
- Support safe and efficient multimodal traffic operations along the project corridor.

The signal equipment is an integrated component of the corridor project and will be installed entirely at intersections within the project limits. The equipment was bid separately because it is specialized and has specific compatibility requirements, while the roadway construction contract was already awarded and is focused primarily on pavement, civil, and striping work.

Installation will be completed under the City's existing on-call signal maintenance contract. Installation costs will be paid from available project funds and allocated among eligible funding sources consistent with applicable funding requirements.

Procurement

The City solicited competitive bids for the Traffic Signal Equipment Procurement Project No. P26-003. The bid was posted on July 14, 2026, and closed on July 27, 2026. Three (3) bids were received and evaluated by staff. The bid results are summarized below:

Bidder	Bid Amount
Western Systems, Inc.	\$221,786.60
Technology International	\$224,152.00
Blue Angel International	\$241,533.12

Following review of the bids, staff determined that Western Systems, Inc. submitted the lowest responsive and responsible bid and recommends award of the purchase order in the amount of \$221,786.60.

FISCAL IMPACT

Sufficient appropriation is available within the approved Scotts Valley Drive/Mount Hermon Road Improvement Project budget to fund the \$221,786.60 equipment purchase because the roadway construction contract was awarded below the amount estimated in the project budget.

The project is funded by RTC grant funds, Measure D, SB 1, and other eligible local transportation revenues. Because the equipment and installation are within the project limits and directly support the pavement, safety, active transportation, and traffic operational improvements, the related costs will be accounted for as part of the overall corridor project and

allocated only among eligible project funding sources.

The recommended equipment purchase will not increase the Council-approved project budget included in the FY 2025/26 Capital Improvement Program. No additional appropriation is requested, and there is no impact to the General Fund.

STAFF RECOMMENDATION

Staff recommends City Council approve Resolution No. 2089 authorizing the purchase of camera-based traffic detection systems for seven (7) intersections within the Scotts Valley Drive and Mount Hermon Road Improvements Project in an amount not to exceed \$221,786.60 and authorize the City Manager to execute the associated purchase order.

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1. Resolution No. 2089 Approval of Purchase Traffic Signal Detection Procurement

RESOLUTION NO. 2089

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AUTHORIZING THE PURCHASE OF TRAFFIC SIGNAL CAMERA EQUIPMENT FROM WESTERN SYSTEMS, INC. FOR THE TRAFFIC SIGNAL EQUIPMENT PROCUREMENT PROJECT NO. P26-003 IN AN AMOUNT OF \$221,786.60

WHEREAS, the City of Scotts Valley identified the need to upgrade existing traffic signal detection systems at seven (7) intersections along Scotts Valley Drive and Mount Hermon Road through the replacement of existing detection infrastructure with camera-based traffic detection systems; and

WHEREAS, the City solicited competitive bids for the Traffic Signal Equipment Procurement Project No. P26-003, which was posted on July 14, 2026, and closed on July 27, 2026; and

WHEREAS, three (3) bids were received and evaluated by City staff; and

WHEREAS, Western Systems, Inc. submitted the lowest responsive and responsible bid in the amount of \$221,786.60; and

WHEREAS, funding for the purchase is available within the Scotts Valley Drive and Mount Hermon Road Improvement Project budget included in the FY 2025/26 Capital Improvement Program, as a result of the roadway construction contract being awarded below the amount originally budgeted for the project; and

WHEREAS, the City Council finds that the purchase of the traffic signal camera equipment is in the best interest of the City and will improve the reliability, accuracy, and responsiveness of the City's traffic signal detection systems.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley as follows:

1. The City Council hereby authorizes the purchase of traffic signal camera equipment from Western Systems, Inc. for the Traffic Signal Equipment Procurement Project No. P26-003 in the amount of \$221,786.60.
2. The City Manager is authorized to execute the purchase order and any documents necessary to effectuate the purchase authorized by this Resolution.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 5th day of August 2026 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: _____
Donna Lind, Mayor

Attest: _____
Cathie Simonovich, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 8/5/2026
TO: Honorable Mayor and City Council
FROM: Kendra Reed, Finance Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Public Hearing to Confirm Report of Delinquent Wastewater Service Charges and Authorize Placement on the Santa Cruz County Secured Property Tax Roll**

SUMMARY OF ISSUE

The City of Scotts Valley provides wastewater services and collects charges pursuant to Scotts Valley Municipal Code Chapter 13.04. While most annual wastewater service charges are collected through the Santa Cruz County tax roll, a subset of customers are billed directly by the City through Utility Billing.

On June 3, 2026, the City Council adopted Resolution No. 2096, establishing a process to collect delinquent wastewater service charges billed through Utility Billing by placing them on the Santa Cruz County secured property tax roll as special assessments. The resolution also directed staff to prepare an annual Report of Delinquent Wastewater Service Charges identifying accounts eligible for tax roll placement after the required notice and collection efforts have been completed.

Staff has prepared the Report of Delinquent Wastewater Service Charges for the current fiscal year, which identifies accounts that remain delinquent after receiving billing statements, delinquency notices, an opportunity to enter into a payment arrangement, and expiration of the payment deadline established by the City.

Pursuant to California Health and Safety Code §§5473–5473.3 and Scotts Valley Municipal Code §13.04.270, the City Council must hold a public hearing to consider any objections or protests before confirming the report and authorizing its submission to the Santa Cruz County Auditor-Controller for placement of the delinquent charges on the secured property tax roll.

All affected property owners have received multiple prior delinquency notices, since at least March 2026, and have been given the opportunity to contact the City to make payment or payment arrangements. Delinquent property owners were mailed a formal Notice of Public Hearing, which has also been published in accordance with Government Code §6066.

PUBLIC HEARING

The purpose of this public hearing is for the City Council to:

Hear and consider any objections or protests to the report of delinquent wastewater service charges;

Make any revisions or corrections to the report as deemed appropriate; and

Consider adoption of a resolution confirming the Report of Delinquent Wastewater Service Charges and directing staff to submit the confirmed report to the Santa Cruz County Auditor-Controller for placement on the secured property tax roll.

If confirmed, the delinquent charges will be submitted to the Santa Cruz County Auditor-Controller and placed on the secured property tax roll. These charges will be collected in the same manner as property taxes and will constitute liens against the respective parcels.

Any objections or protests received at the hearing will be considered by the City Council prior to confirming the report, and the Council may revise, reduce, modify, or remove any charge before taking final action.

FISCAL IMPACT

There is no direct fiscal impact associated with holding the public hearing or adopting the resolution. Collection of delinquent wastewater service charges through the County property tax roll is expected to improve recoverability of outstanding receivables while reducing the City's administrative collection efforts. All recovered revenues will be deposited into the Wastewater Enterprise Fund.

STAFF RECOMMENDATION

Staff recommend that the City Council:

1. Open the public hearing and receive any public testimony regarding the Report of Delinquent Wastewater Service Charges;
2. Close the public hearing; and
3. Adopt the resolution confirming the Report of Delinquent Wastewater Service Charges and directing staff to submit the confirmed report to the Santa Cruz County Auditor-Controller for placement on the secured property tax roll.

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1. Resolution No. 2100 Delinquent Wastewater Service Charges
2. Exhibit A_Report of Delinquent Wastewater Charges

RESOLUTION NO. 2100

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SCOTTS VALLEY
CONFIRMING THE REPORT OF DELINQUENT WASTEWATER SERVICE
CHARGES AND DIRECTING THE SUBMISSION OF THE CONFIRMED REPORT TO
THE SANTA CRUZ COUNTY AUDITOR-CONTROLLER FOR COLLECTION ON THE
SECURED PROPERTY TAX ROLL**

WHEREAS, the City of Scotts Valley ("City") provides wastewater (sewer) services to properties within the City, and collects charges and fees for such services pursuant to the Scotts Valley Municipal Code ("SVMC") Title 13, Chapter 13.04 (Wastewater Services) and other applicable provisions; and

WHEREAS, SVMC § 13.04.270 authorizes the City to collect delinquent sewer charges which remain unpaid for a period of sixty days as a special assessment or lien on the property tax roll; and

WHEREAS, Article 4 of Chapter 6, Part 3, Division 5 of the California Health and Safety Code (§§5470–5474.10) establishes the procedures for cities, counties, and special districts to collect sewer service charges on the tax roll; and

WHEREAS, on June 3, 2026, the City Council adopted Resolution No. 2096 authorizing the placement of delinquent wastewater service charges billed through Utility Billing on the Santa Cruz County secured property tax roll as special assessments and directing the Administrative Services Department to prepare an annual Report of Delinquent Wastewater Service Charges; and

WHEREAS, the Administrative Services Department has prepared a Report of Delinquent Wastewater Service Charges ("Report") identifying each parcel of real property proposed for placement on the secured property tax roll together with the delinquent wastewater service charges applicable to each parcel; and

WHEREAS, the City Clerk caused notice of the filing of the Report and the time and place of the public hearing to be published in accordance with Government Code §6066 and Health & Safety Code §5473.1, and mailed individual notices of the public hearing to each affected property owner; and

WHEREAS, the City Council held a duly noticed public hearing on August 5, 2026, at which time all interested persons were given the opportunity to hear and be heard and to present objections or protests regarding the Report; and

WHEREAS, the City Council has considered all objections and protests, if any, and desires to confirm the Report, with such revisions, corrections, or modifications as deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley that:

1. **Findings.** The City Council finds that all legal prerequisites to the adoption of this Resolution have occurred, including preparation of the Report, proper notice, publication, mailing, and the holding of a public hearing in accordance with applicable law.
2. **Confirmation of Report.** The Report of Delinquent Wastewater Service Charges, attached hereto as Exhibit A and on file with the City Clerk, is hereby confirmed, as submitted or as modified by the City Council at the public hearing.
3. **Special Assessments; Lien.** The delinquent wastewater service charges set forth in the confirmed Report shall constitute special assessments against the respective parcels and shall be collected on the Santa Cruz County secured property tax roll in the same manner as general property taxes.
4. **Filing with County Auditor.** The City Manager, or designee, is authorized to certify the confirmed Report and transmit it, together with any other documentation required by the County of Santa Cruz, to the Santa Cruz County Auditor-Controller for placement on the secured property tax roll on or before August 10.
5. **Collection.** The charges shall be collected at the same time and in the same manner as general property taxes, and shall be subject to the same penalties and procedures in the event of delinquency.
6. **Severability.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.
7. **Effective Date.** This Resolution shall take effect immediately upon adoption.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 5th day of August, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Donna Lind, Mayor

Attest: _____
Cathie Simonovich, City Clerk

Exhibit A
Report of Delinquent Wastewater Services Charges

APN	Amount
022-902-20	\$ 3,031.08
024-391-11	\$ 2,508.14
024-391-09	\$ 2,275.28
024-141-24	\$ 12,677.06
022-861-01	\$ 8,419.69
022-111-12	\$ 735.19
022-801-17	\$ 157.37
Total	\$ 29,803.80

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 8/5/2026
TO: Honorable Mayor and City Council
FROM: Daniel Esqueda and Madeline Taylor, Interns
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Consider Introduction of Ordinance Modifying Scotts Valley
Municipal Code Title 2 Regarding Administration and Personnel**

SUMMARY OF ISSUE

The City of Scotts Valley was incorporated in 1966, and its Municipal Code was first codified in 1968. A municipal code serves as a collection of local laws that govern the City's operations and public processes. It is important that the Municipal Code is reviewed periodically to ensure it remains accurate, enforceable, and consistent with current legal requirements. While there have been updates to Scotts Valley's Municipal Code over time, many sections still reflect the original ordinances dating back to the City's incorporation. In addition, new federal and state laws are regularly passed that require modifications to existing municipal code provisions. Finally, modifications are also necessary to ensure that the City is following the best practices in a variety of areas.

The proposed changes address these issues and other concerns found in Title 2 which deals with Administration and Personnel. The revisions edit and build upon the existing code to clarify City operations, comply with state and federal regulations, eliminate conflicting language, and ensure the Code accurately reflects the City's governance.

Each revision was thoroughly researched and written following the examples of the Municipal Code. They remain true to the original intent of the Municipal Code when applicable. A summary of the changes is below.

Title Two – Administration and Personnel:

Title Two contains important codes regarding City Council functions, various offices including the City Manager, Director of Finance, and the City Health Officer, and other sections that relate to general City management. Many of these code sections are obsolete in accordance with state law or deviate from current city practices. Codes no longer enforceable due to changes in state law were either removed or edited to mirror the state's language. Some sections required new definitions that can be applied throughout the entire Municipal Code for increased clarity. Any sections not listed here were deemed sufficient and did not receive any edits. The following list includes all proposed revisions to Title 2 of the municipal code:

1. Minor Language Updates throughout- Gender Neutral Pronouns, replacing "City Administrator" with "City Manager," capitalization

2. Edited Chapter 2.04, City Manager-removes residency requirement for City Manager to be consistent with state law, adds administrative and financial authority over fees, charges, and penalties owed to the City
3. Edited Chapter 2.08, Director of Finance- specifies and expands duties of the Director of Finance, delegates appointment authority to City Manager
4. Edited Chapter 2.12, Health Officer- differentiates the positions of “City Health Officer” and “County Health Officer,” designates the City Manager as the City Health Officer, and lists the duties of the City Health Officer
5. Edited Chapter 2.23, Election of City Council Members- removes the “Findings” section as they related to specific facts regarding the election and appointment of the first City Council Members and updates dates of assuming office to better reflect State law
6. Edited Chapter 2.28, Council Procedures- language changes broadening “planning commission” to include all city commissions, corrects “Mayor Pro-Tempore” to be “Vice Mayor”—removes “Order of Business,” revises section “By Persons” to address First Amendment freedom of speech concerns, removes section “Council Contempt” for First Amendment concerns, corrects the publication date of Council agenda.
7. Edited Chapter 2.32, Bonds for City Clerk and Treasurer- updates requirements for bonds required for certain employees
8. Edited Chapter 2.40, Property Left in the Police Department- revises chapter to better reflect Police Department’s policy on unclaimed property, describes storage procedures, rights of the finder of property, and management of property that is not reclaimed
9. Edited Chapter 2.44, Public Employee’s Retirement System- updates code to better reflect CalPERS coverage
10. Edited Chapter 2.48, Civil Defense and Disaster- renames the chapter to Emergency Preparedness, eliminates the Disaster Council which previously served as an advisory body to the City Manager and updates the language to Emergency Preparedness to encompass all aspects of an emergency
11. Edited Chapter 2.52, Use of Criminal History- revises chapter to ensure compliance with the California Fair Chance Act and California Penal Code Section 11105 by specifying who is subject to background investigations, the procedure for conducting investigations, and listing criminal conduct that will be considered in investigations and confidentiality requirements
12. Edited Chapter 2.56, Elections- revises chapter to clarify that City municipal elections can occur on any election date specified in the California Elections Code
13. Removal of Chapter 2.68, Resource Management Policy- removes this chapter which required the Community Development Director to compile a report on the availability

of resources for annual council review as this information was already provided in various documents in the City including the General Plan

14. Edited Chapter 2.70, Purchasing- clarifies procurement authority, simplified the chapter by removing certain provisions and instead creating an administrative policy to increase flexibility
15. Addition of Chapter 2.71, City Engineer- creates the position of City Engineer to be appointed by the City Manager

FISCAL IMPACT

There is no fiscal impact associated with the adoption of the proposed ordinance.

STAFF RECOMMENDATION

Staff recommends that the City Council Introduce Ordinance No. 204, Amending Title 2, Chapters 2.04, 2.08, 2.12, 2.14, 2.16, 2.18, 2.19, 2.20, 2.21, 2.23, 2.28, 2.32, 2.40, 2.44, 2.48, 2.52, 2.56, and 2.70, repealing Chapter 2.68, Resource Management Policy, and adding Chapter 2.71, establishing the position of City Engineer and waive the reading thereof.

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1. Ordinance No. 204 Amending Title 2 of the Scotts Valley Municipal Code
2. Tracked Changes Title 2 Revisions

ORDINANCE NO. 204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AMENDING TITLE 2 OF THE SCOTTS VALLEY MUNICIPAL CODE BY AMENDING CHAPTERS 2.04, 2.08, 2.12, 2.23, 2.28, 2.32, 2.40, 2.44, 2.48, 2.52, 2.56, 2.70, BY REPEALING CHAPTER 2.68, RESOURCE MANAGEMENT POLICY, AND ADDING CHAPTER 2.71 CREATING THE POSITION OF CITY ENGINEER

WHEREAS, it is important that the Municipal Code is reviewed periodically to ensure it remains accurate, enforceable, and consistent with current legal requirements; and

WHEREAS, while there have been updates to Scotts Valley's Municipal Code over time, many sections still reflect the original ordinances dating back to the City's incorporation; and

WHEREAS, new federal and state laws are regularly passed that require modifications to existing municipal code provisions; and

WHEREAS, modifications are also necessary to ensure that the City is following the best practices in a variety of areas; and

WHEREAS, City staff researched best practices for administrative operations to revise sections of Title 2, Administration and Personnel; and

WHEREAS, the City Council desires to make various modifications to Title 2 of the Scotts Valley Municipal Code.

NOW, THEREFORE, The City Council of the City of Scotts Valley does hereby ordain as follows:

Section 1. The Table of Contents of Title 2, Administration and Personnel, of the Scotts Valley Municipal Code is hereby amended by removing Chapter 2.68, Resource Management Policy, and by adding 2.71, City Engineer, to read as follows:

“Title Two – Administration and Personnel:

2.04 - City Manager

2.08 - Director of Finance

2.12 - Health Officer

2.14 - Code Enforcement Officer

2.16 - City Planning Commission

2.18 - Redevelopment Commission

2.19 - Arts Commission

- 2.20 - Parks and Recreation Commission**
- 2.21 - Commissions, Committees, and Boards**
- 2.23 - Election of City Council Members**
- 2.24 - Council Meetings and Salary**
- 2.28 - Council Procedures**
- 2.32 - Bonds for City Clerk and Treasurer**
- 2.36 - Training of Law Enforcement Officers**
- 2.40 - Unclaimed Property in the Police Department**
- 2.42 - Electronic Signatures**
- 2.44 - Public Employees' Retirement System**
- 2.48 - Emergency Preparedness**
- 2.52 - Use of Criminal History Information**
- 2.56 - Elections**
- 2.60 - Scotts Valley Campaign Reform Act**
- 2.64 - Prohibition of Gifts**
- 2.68 - Reserved**
- 2.70 - Purchasing**
- 2.71 - City Engineer"**

Section 2. The Table of Contents of Chapter 2.04, City Manager, of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"2.04 - City Manager

- 2.04.010 - Office of City Manager Created**
- 2.04.020 - Reserved**
- 2.04.030 - Council Member eligibility.**
- 2.04.040 - Bond**
- 2.04.050 - Acting City Manager**
- 2.04.060 - Compensation**

2.04.070 - Powers and Duties

2.04.071 - Authorization to City Manager to Execute Certain Agreements and grant documents without prior Council approval

2.04.080 - Law enforcement

2.040.090 - Authority over employees

2.04.100 - Power of appointment and removal

2.04.110 - Administrative reorganization of officers

2.04.120 - Ordinances

2.04.130 - Attendance at Council meetings

2.04.140 - Financial reports

2.04.150 - Budget

2.04.160 - Purchasing agent

2.04.170 - Investigations and complaints

2.04.180 - Public buildings

2.04.190 - Hours of employment

2.04.200 - Additional duties

2.04.210 - Internal relations with Council

2.04.220 - Departmental cooperation

2.04.230 - Attendance at commission meetings

2.04.240 - Removal from office

2.04.250 - Limitation on removal

2.04.260 - Severance pay

2.04.270 - Employment agreement

2.04.280 - Office of City Clerk created

2.04.290 - Duties and authority of office

2.04.300 - Qualification and compensation of office

2.04.310 - Administrative Authority of City Manager

2.04.320 - Compromise of Disputed Charges”

Section 3. Section 2.04.010, Office of City Manager Created, of Chapter 2.04, City Manager, of Title 2, Administration and Personnel, of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.010 - Office of the City Manager created.

The office of the City Manager of the City of Scotts Valley is hereby created and established pursuant to California Government Code Section 34851(a). The City Manager shall be appointed by the City Council and their selection shall be made wholly on the basis of their administrative and executive ability and qualification. Subject to Section 2.04.240 hereof, they shall hold office for and during the pleasure of the City Council. All references to City Administrator in all City ordinances or resolutions shall hereafter be deemed to mean City Manager.”

Section 4. Section 2.04.060, Compensation, of Chapter 2.04 of Title 2 the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.060 - Compensation.

- A. The City Manager shall receive such compensation and expense allowances as the City Council from time to time determines, and said compensation and expenses shall be a proper charge against funds of the City as the City Council designates.
- B. In addition, the City Manager shall be paid for or reimbursed for all actual and necessary expenses incurred by them in the performance of their official duties, including those incurred when traveling on business pertaining to the City; reimbursement shall only be made, however, when an itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to and approved by the City Council”

Section 5. Section 2.04.070, Powers and Duties, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.070 - Powers and duties.

- A. The City Manager shall be the administrative head of the government of the City under the direction and control of the City Council. They shall be responsible for the efficient administration of all the affairs of the City which are under their control.
- B. The City Manager or their designee shall serve as the Personnel Officer and is granted the authority to administer personnel policies, implement and enforce

approved Memorandum of Understandings, Personnel Rules and Regulations, and other employee-related administrative functions.”

Section 6. Section 2.04.090, Authority of Employees, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.090 - Authority over employees.

It shall be the duty of the City Manager and they shall have the authority to control, order, and give direction to all department heads and to all subordinate employees of the City under their jurisdiction through the department heads. The City Manager shall periodically evaluate all department heads and employees under their direct supervision.”

Section 7. Section 2.04.110, Administrative Reorganization of Officers, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.110 - Administrative reorganization of officers.

It shall be the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions or units under their direction as may be indicated in the interest of efficient, effective and economical conduct of the City’s business.”

Section 8. Section 2.04.120, Ordinances, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.120 - Ordinances.

It shall be the duty of the City Manager to recommend to the City Council for adoption such measures and ordinances as they deem necessary.”

Section 9. Section 2.04.160, Purchasing Agent, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.160 - Purchasing agent.

It shall be the duty of the City Manager to purchase or oversee the purchasing of all supplies for all the departments or divisions of the City. No expenditures shall be submitted or recommended to the City Council except on report and approval of the City Manager.”

Section 10. Section 2.04.180, Public Buildings, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.180 Public buildings.

It shall be the duty of the City Manager to exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the City Council.”

Section 11. Section 2.04.190, Hours of Employment, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.190 - Hours of employment.

It shall be the duty of the City Manager to devote their entire work time to the duties of their office and in furthering the interests of the City.”

Section 12. Section 2.04.200, Additional Duties, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.200 - Additional duties.

It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated to them from time to time by ordinance or resolution or other official action of the City Council.”

Section 13. Section 2.04.210, Internal Relations with Council, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.210 - Internal relations with Council.

The City Council and its members shall deal with the administrative services of the City 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. The City Manager shall take their orders and instructions from a majority of the City Council only when sitting in a duly convened meeting of the City Council and no individual Council Member shall give any orders or instructions to the City Manager.”

Section 14. Section 2.04.230, Attendance at Commission Meetings, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.230 - Attendance at commission meetings.

The City Manager may attend any and all meetings of the planning commission, parks and recreation commission, and any other commissions, boards or committees created by the City Council, upon their own volition or upon direction of the City Council. At such meetings which the City Manager attends, they shall be heard by such commissions, boards or committees as to all matters upon which they wish to address the members thereof, and they shall inform said members as to the status of any matter being considered by the City Council, and they shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the City Council.”

Section 15. Section 2.04.240, Removal from Office, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.240 - Removal from office.

The removal of the City Manager shall be effected only by the affirmative vote of at least three members of the Council convened in a regular or special Council meeting.”

Section 16. Section 2.04.250, Limitation on Removal, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.04.250 - Limitation on removal.

Notwithstanding the provisions of Section 2.04.240, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety days after any general municipal held election held in the City at which election a member of the City Council is elected or after a member of the City Council is appointed in lieu of election. 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 their office. After the expiration of said ninety-day period aforementioned, the provisions of Section 2.04.240 shall apply and be effective.”

Section 17. Section 2.04.310, Administrative Authority, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby added to read as follows:

“2.04.310 - Administrative authority.

The City Manager shall have the authority to implement City programs, fees, charges, and regulations, and may make administrative determinations necessary to carry out the provisions of this Code and City policies.”

Section 18. Section 2.04.320, Powers and Duties, of Chapter 2.04 of Title 2 of the Scotts Valley Municipal Code is hereby added to read as follows:

“2.04.320 - Compromise of disputed charges.

The City Manager may waive, reduce, compromise, or settle disputed fees, penalties, charges, and claims owing to or against the City when the City Manager determines that such action is in the best interests of the City and the amount involved does not exceed \$25,000 in consultation with the City Attorney.”

Section 19. Chapter 2.08, The Director of Finance of Title 2 of the Scotts Valley Municipal Code, is hereby amended to read as follows:

“Chapter 2.08 Director of Finance and City Treasurer

2.08.010 - Established

2.08.020 - Powers and duties

2.08.010 - Established.

There are hereby established functions of Director of Finance and City Treasurer for the City. The City Manager may assign such functions to one or more City officers or employees as authorized by City policy, resolution, or administrative direction.

2.08.020 - Powers and duties.

The Director of Finance and/or City Treasurer, as designated by the City Manager or City Council, shall:

- A. Administer the financial affairs of the City;
- B. Maintain oversight of the accounting system and financial records of the City;
- C. Prepare, coordinate, and submit financial statements, treasury reports, budget reports, and other fiscal reports as required by law or City policy;
- D. Administer or oversee payroll, accounts payable, accounts receivable, treasury, debt administration, cash management, investment activities, and related financial functions of the City, including the coordination and oversight of professional advisors, consultants, trustees, fiscal agents, and other service providers retained by the City;
- E. Ensure compliance with applicable federal, state, and local laws, regulations, accounting standards, and financial reporting requirements;
- F. Coordinate independent audits and implementation of internal financial controls;
- G. Process and oversee authorized City expenditures, disbursements, warrants, and electronic payments;
- H. Supervise finance department personnel and delegate duties as appropriate to authorized staff;
- I. Perform such other duties as assigned by the City Manager or as directed by the City Council.”

Section 20. Chapter 2.12, Health Officer, of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.12 - Health Officer

2.12.010 - City Health Officer

2.12.020 - County Health Officer

2.12.030 - Duties

2.12.010 - City Health Officer.

The City Manager or their designee shall serve as the City Health Officer, carrying out all duties and responsibilities assigned to that position in this code.

2.12.020 County Health Officer.

“County Health Officer” shall refer to any representative acting on behalf of a Santa Cruz County department, agency, or special district in fulfilling duties related to health or safety concerns.

2.12.030 Duties.

In fulfilling their duties to enforce this code, the City Health Officer, or their designee has the authority to:

- A. Make arrests of a person without a warrant whenever they have reasonable cause to believe that person has committed a misdemeanor in their presence which is a violation of any ordinance, statute, or law, the enforcement of which is under the administration of the City Health Officer, pursuant to California Penal Code Section 836.5. Upon making such an arrest, the City Health Officer, or their designee, shall release the person arrested pursuant to Penal Code Section 853.6, the provisions of which are hereby adopted by reference as part of this chapter.
- B. Issue fines, fees, and abatement orders regardless of which authorized entity conducts the investigation or declares a public health nuisance.”

Section 21. Section 2.14.010, Created, of Chapter 2.14 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.14.010 - Created.

There is created within the City the position of Code Enforcement Officer. The City Manager shall designate and appoint an appropriate employee of the City as the Code Enforcement Officer.”

Section 22. Section 2.14.030, Powers and Duties, of Chapter 2.14 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.14.020 - Powers and Duties.

The Code Enforcement Officer is authorized, and it shall be their duty, to enforce the provisions of all ordinances, resolutions, rules and regulations of the City. For purposes of this section, the Code Enforcement Officer is authorized to arrest persons for violations of the provisions of any such ordinances or resolutions, to the extent permissible by law, all pursuant to, in accordance with, and subject to the applicable

provisions of the California Penal Code, including, without limitation, the provisions of Sections 19 and 836.5, as well as the applicable provisions of any other state law, all as the same may presently exist or hereafter be amended from time to time.”

Section 23. Section 2.16.30 Dismissal of Member, of Chapter 2.16 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.16.030 - Dismissal of member.

Any member of the City Planning commission who misses two consecutive Planning Commission meetings without prior approval of the secretary or chairperson of the Planning Commission may be removed by Council as a member of said Planning Commission, and if so removed, a successor shall be appointed in accord with this chapter.”

Section 24. Section 2.18.030, Executive Director, of Chapter 2.18 of Title 2 of the Scotts Valley Municipal Code shall hereby be amended to read as follows:

“2.18.030 - Executive Director.

The City Council hereby appoints the City Manager to serve as executive director of the Redevelopment Agency.”

Section 25. Section 2.19.020 - Members, of Chapter 2.19 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.19.020 - Members.

The Arts Commission shall be comprised of five members to be appointed by the City Council as provided in Section 2.21.010 of this title. All members of the Commission shall be residents in the Scotts Valley planning area and shall serve at the pleasure of the City Council and any member may be removed by the City Council at their sole discretion at any time.

The chairperson and vice-chairperson of the Commission shall be appointed annually by the Commission from amongst its voting members.”

Section 26. Section 2.20.020, Members, of Chapter 2.20 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.20.020 - Members.

- A. The Parks and Recreation Commission shall be comprised of five members to be appointed by the City Council as provided in Section 2.21.010 of this title. Members shall serve at the pleasure of the City Council and any member may be removed by the City Council at any time.

- B. In addition, the President of the Board of Trustees of the Scotts Valley Union School District may appoint one member of said Board of Trustees as an ex officio non-voting member of the Commission.
- C. All members of the Parks and Recreation commission shall be subject to the limitations set out in Section 2.21.030 of this title.
- D. A chairperson and vice-chairperson shall be appointed annually by the Commission from among its members entitled to vote.”

Section 27. Section 2.20.030, Duties, of Chapter 2.20 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.20.030 - Duties.

The Commission shall perform the following specific duties:

- A. Advise the City Council regarding policies for the acquisition, development, maintenance, and improvement of park facilities and make recommendations as appropriate
- B. Recommend to the City Council, fee schedules, policies, rules and regulations for park sites and other recreation facilities
- C. Recommend to the City Council a recreation and park program for the inhabitants of the City which emphasizes general education and recreational objective for children and adults of the City; promotes and stimulates public interest in parks and recreation programs; and which encourages to the fullest extent possible, the cooperation of the local school authorities and other public and/or private agencies or interests
- D. Advise the City Council regarding the recreation division and parks division budgets and make recommendations as appropriate
- E. Perform other duties relating to recreation and park matters as may be dictated from time to time by the City Council.”

Section 28. Section 2.21.030, Residency Requirements, of Chapter 2.21 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“2.21.030 - Residency Requirements.

- A. Except as expressly stated below, no person may be appointed to any commission, committee or board of the City unless that person unless that person resides within the adopted planning area of the City. If, after being appointed, a member of a commission, committee or board moves outside the adopted planning area of the City, that person’s seat shall automatically be deemed vacant.
- B. No person may be appointed to the Planning Commission of the City unless that person resides within the City limits. If, after being appointed, a member of the

Planning Commission moves outside the City limits, that person's seat shall automatically be deemed vacant.

- C. Except as provided below, no person may be appointed to, nor maintain membership on, the design review board of the City unless that person resides within the City limits.
- a. If any person already serving on the board moves out of the City, but into the City's planning area, that person may continue to serve so long as they remain in the planning area; and
 - b. Council may appoint individuals residing in the City's planning area if the individual is professionally employed in a field closely related to design review activities."

Section 29. The Table of Contents of Chapter 2.23, the Election of City Council Members of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"Chapter 2.23 Election of City Council Members

2.23.010 - Purposes

2.23.020 - Reserved

2.23.040 - Severability

2.23.050 - Date of Assuming Office"

Section 30. Section 2.23.020, Findings, of Chapter 2.23 of Title 2 of the Scotts Valley Municipal Code is hereby repealed.

Section 31. Section 2.23.050 - Date of Assuming Office, of Chapter 2.23 of Title 2 of the Scotts Valley Municipal Code, is hereby amended to read as follows:

"2.23.050 - Date of Assuming Office.

Candidates for City Council elected at the general City Council election shall assume office and be seated at the first regular meeting in January of the next calendar year.

Council Members appointed to fill vacancies will be sworn in upon the availability of the City Clerk but no later than the second City council meeting after the appointment of such Council Member. Council Members that are elected to fill vacancies in special elections will be sworn in at the first regular meeting following confirmation of election results."

Section 32. Chapter 2.28, Council Procedures, of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“Chapter 2.28 Council Procedures:

- 2.28.010 - Council name and applicability.**
- 2.28.020 - Meeting defined**
- 2.28.030 - Actions not to be invalidated**
- 2.28.040 - Agenda**
- 2.28.050 - Reserved**
- 2.28.060 - Roll Call**
- 2.28.070 - Quorum.**
- 2.28.080 - Reading of minutes.**
- 2.28.090 - Voting.**
- 2.28.100 - Mayor as presiding officer.**
- 2.28.110 - Powers and duties of presiding officer**
- 2.28.110 - Additional powers**
- 2.28.130 - Preparation of ordinances**
- 2.28.140 - Prior review by administrative staff.**
- 2.28.150 - Introduction for passage or approval.**
- 2.28.160 - Presiding Officer may debate.**
- 2.28.170 - Getting the floor.**
- 2.28.180 - Interruptions.**
- 2.28.190 - Privilege of closing debate.**
- 2.28.200 - Motion to reconsider.**
- 2.28.210 - Remarks of Council Member–Synopsis of debate.**
- 2.28.220 - Rules of order.**
- 2.28.230 - Failure to observe rules of order on debate.**
- 2.28.240 - Addressing the Council.**
- 2.28.250 - Manner of addressing Council.**
- 2.28.260 - Particular rules.**

2.28.270 - Public hearings general rules.

2.28.275 - Public hearings—Commencement time.

2.28.280 - Hearings on appeal from planning commission.

2.28.290 - Decorum and enforcement.

2.28.300 - By other persons.

2.28.310 - Reserved.

2.28.320 - Enforcement of decorum.

2.28.330 - Adjournment.

2.28.010 - Council name and applicability.

This ordinance shall be known as the “council procedure ordinance” of the City. It shall apply to all regular and special meetings of the City Council, and in addition, Sections 2.28.240 through 2.28.275 shall apply to all meetings of and public hearings before a Scotts Valley City Commission. Reference to “presiding officer”, “Council”, “Council Members”, and “City Clerk” in Sections 2.28.240 through 2.28.275 shall respectively mean, chairperson, the respective City Commission, Commissioner and Secretary of the respective city Commission when applied to City Commission meetings.

2.28.020 - Meeting defined.

The term “meeting” means the congregation of a majority of the members of the Council or City Commission at the same time and location, including teleconference in accordance with the requirements of Government code Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the City Council or City Commission.

Unless otherwise authorized by law to be held in private, all such meetings shall be open to the public.

A majority of the members of City Council or City Commission shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body unless otherwise authorized under Government Code Section 54952.2.

No other gathering of the person who constitute the City Council or City Commission, or any portion thereof, shall be considered a meeting. Any action or decision required by law to be taken or made at a meeting shall be invalid and of no force and effect if the same is not taken or made at a meeting as herein defined.

The foregoing shall not prevent less than a quorum, otherwise gathered at the time and place of a duly noticed meeting, from adjourning from time to time in accordance with law until a quorum is present.

If at any time the legislature of the State or the final decision of an appellate court of said state should define a meeting of a City Council or a City Commission other than as above set forth, such legislative or final judicial definition shall thereafter supersede the definition hereinabove set forth.

2.28.040 - Agenda.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council at their regular meeting shall be delivered to the City Clerk not later than 5:00 pm on the preceding Wednesday. The City Clerk shall prepare an agenda of all such matters according to the order of business and shall furnish each member of the Council, the City Manager, the City Attorney and each department head with a copy of the same prior to the Council meeting. Such copy may be provided electronically. Except as otherwise provided in this chapter, no matter not included on the agenda may be presented to the Council without first obtaining the unanimous consent of all Council Members present at the meeting and making the findings required by law.

2.28.050 - Reserved.

2.28.060 - Roll call.

Before proceeding with the business of the Council, the City Clerk or their deputy shall call the roll of the members, and the names of those present either physically or virtually shall be entered in the minutes.

2.28.070 - Quorum.

A majority of members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. The presence or absence of a quorum shall be determined by the presiding officer.

2.28.080 - Reading of minutes.

Unless a reading of the minutes of the Council meeting is requested in open meeting by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof. Notwithstanding the above, reading of the minutes may always be waived by a duly carried motion to waive the reading thereof.

2.28.090 - Voting.

A vote by roll call shall not be required unless a Council Member specifically requests a roll call after a motion is made and before the presiding officer calls for the vote. Unless a member of the Council audibly states they are not voting, their silence shall be, and shall be recorded as, an affirmative vote.

2.28.100 - Mayor as the presiding officer.

The presiding officer of the Council shall be the Mayor, or in their absence, the Vice Mayor. They shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Vice Mayor, the City Clerk shall call the Council to order, whereupon a temporary presiding officer shall be elected by the members of the Council present. Upon the arrival of the Mayor or Vice Mayor, the temporary presiding officer shall immediately relinquish the chair upon the conclusion of the particular business immediately before the Council at that time. Wherever in this chapter the term Mayor is used, it shall apply equally to the presiding officer as defined in this section.

2.28.110 - Powers and duties of presiding officer.

The presiding officer shall have a vote, but no veto power, and may move, second and debate from the chair. They shall preserve strict order and decorum at all regular and special meetings of the Council. They shall state, or call upon the Clerk to state, every question before the Council on all subjects. They shall decide all questions of order, subject however to an appeal to the Council or any Council Member, in which event a majority vote of the Council shall govern and conclusively determine such question of order. They shall have and exercise such other powers and duties as are contained elsewhere in this chapter, and as are authorized by law.

2.28.120 - Additional powers.

The presiding officer shall have power and authority in their discretion and without a vote of the Council, to:

- A. Refer any matter, whether or not on the agenda, to a committee for a study and report. Such power may not be exercised while a motion is on the floor covering such matter, until the motion is disposed of. Once a matter has been referred to committee and a report rendered thereon, it may not thereafter be referred to committee a second time under this power but only by Council action;
- B. Set time limits on Council discussion on any matter;
- C. Set time limits on any communications from members of the public to the Council;
- D. Declare the opening and closing of public hearings;

- E. Rule any motion on a subject not on the agenda as being out of order, in which case the motion shall thereafter be void and the Clerk shall set the subject matter thereof down on the agenda of the next regular or special Council meeting;
- F. Table any motion on any matter until the next regular or special meeting, whenever the City Attorney advises that there is a serious question as to the validity or constitutionality of the particular proposed course of action which is the subject matter of said motion;
- G. Require any witness testifying to facts at any public hearing to be sworn before proceeding further with any such testimony.

2.28.130 - Preparation of ordinances.

All ordinances shall be prepared by or under the direction of the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor or City Manager, or prepared by the City Attorney on their own initiative.

2.28.140 - Prior review by administrative staff.

Before presentation to the Council, all ordinances, written resolutions and contract documents shall have been approved as to form by the City Attorney or their own initiative.

2.28.150 - Introduction for passage or approval.

A. Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the Mayor, City Manager or City Attorney may present the same and any Council Member may assume the sponsorship thereof by moving that such ordinance resolution or matter or subject to be adopted; otherwise they shall not be considered.

B. Any ordinance may be introduced by the reading of the title only. All ordinances shall be read in full at least once prior to final passage and adoption, unless the reading thereof is dispensed with by the unanimous vote of the Council present at a regular meeting. Notwithstanding the above, all emergency ordinances shall be read in full prior to passage and adoption.

C. Resolutions may be presented in written or oral form. Where written, the resolution need only be read by title and number prior to action thereon, and only the motion adopting it need appear in the minutes. Where oral, the same shall be stated in full by the moving party, and if adopted, shall either:

1. Be transcribed in full in the minutes; or

2. Thereafter be reduced to written form separate from the minutes, executed by the presiding officer and attested by the City Clerk.

The presiding officer shall direct which final form a verbally presented resolution shall take.

2.28.160 - Presiding officer may debate.

The Mayor or such other member of the Council as may be acting as presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are set by these rules imposed upon all members. They shall not be deprived of any of the rights and privileges of a Council Member by reason of their being Mayor acting as presiding officer.

2.28.170 - Getting the floor.

Every Council Member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

2.28.180 - Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it be to call them to order, or as herein otherwise provided. If a member, while speaking, be called to order, they shall cease speaking until the question of order be determined, and, if in order, they shall be permitted to proceed.

2.28.190 - Privilege of closing debate.

The Council Member moving the adoption of an ordinance or resolution, or Council action, shall have the privilege of closing the debate.

2.28.200 - Motion to reconsider.

A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and shall have precedence over all other motions and shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

2.28.210 - Remarks of Council Member—Synopsis of debate.

A Council Member may request, through the presiding officer, the privilege of having an abstract of their statement on any subject under consideration by the Council entered in the minutes.

If the Council consents thereto, such statement shall be entered in the minutes. The Clerk may be directed by the presiding officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

2.28.220 - Rules of order.

Except as otherwise provided in this chapter, proceedings of the Council shall be governed under "Roberts' Rules of Order" on all matters pertaining to parliamentary law.

2.28.230 - Failure to observe rules of order on debate.

No action of the Council shall be invalidated nor the legality thereof affected by the failure or omission to observe or follow the within rules of debate or "Roberts' Rules of Order".

2.28.240 - Addressing the Council.

General. Any person desiring to address the Council shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any interested person or member of the public shall have the right to address the Council upon obtaining recognition by the presiding officer:

- A. *Written communications.* Interested parties or their authorized representatives may address the Council by written communication. If copies of said communications are furnished to each Council Member present, such written communications need not be read aloud at the meeting unless so ordered by a majority vote of the Council.
- B. *Oral communications.* Members of the public or their authorized legal representative may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control; provided, however, that preference shall be given to those persons who may have notified the City Clerk in advance of their desire to speak
- C. *Public hearings.* Interested persons, members of the public or their authorized representatives may address the Council by reading a protest, petition, or communication relating to matters the subject of public hearing under this category, and the order of presentation and the time thereof shall be under the direction and control of the presiding officer.

2.28.250 - Manner of addressing Council.

Each person addressing the Council shall stand and give their name and address in an audible tone of voice for the record, and shall speak into the microphone provided at all times that the electronic public address system is in operation. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No person shall address or question a Council Member, the City Attorney, the Director of Public Works, the City Manager or other official at the Council table without the prior consent of the presiding officer.

2.28.260 - Particular rules.

- A. Written communications on a particular matter for Council discussion shall be read by the Council at the time of such discussion rather than under the agenda item of "written communications"
- B. Written communications from the administrative staff shall not be read aloud unless requested by the writer or any Council Member.
- C. Anonymous communications shall not be read.
- D. The presiding officer shall not permit any communication, written or oral, to be made or read where it does not bear directly on an agenda item then under discussion
- E. After a motion is made by a Council Member, no person shall address the Council without first securing the permission of the Council to do so.

2.28.270 - Public hearings—General rules.

The following general rules shall be applicable to all public hearings by the Council (except hearings on appeal which are not de novo hearings), and to all public hearings by Scotts Valley City Commissions until such time as separate rules are adopted by ordinance for any City Commission public hearings:

- A. No written communication received by the Council or City Commission after the close of a public hearing shall be read or considered in determining the issue in question; unless prior to the close of such hearing, the presiding officer has specifically directed that such written communication be received.
- B. Referral to committee for report.
 - 1. Subject to the limitations hereafter set forth, the presiding officer may, and on hearings de novo on appeal to the Council on zoning variances, adjustments and use permits the presiding officer shall, prior to close of the hearing, refer the

matter to a committee for report and recommendation. The hearing shall be continued to such date as the report is ordered filed, and at that future time the continued hearing shall be restricted solely to the point raised in the committee report, and thereafter shall be closed

2. No matter the subject of a public hearing shall be referred to committee nor a report therefrom considered by the Council or City Commission after a public hearing is closed, unless the same is reopened on rendition of the report for the limited purpose, however, of discussing the report.

3. Any matter referred to committee for report may be acted on without such report if the same is not rendered at the time required.

C. Whenever in the approval of a tentative subdivision map or building site, the granting of a zoning variance or adjustment, or any use or other planning permits, conditions are imposed or to be imposed, a reasonable opportunity shall be provided the applicant to discuss such proposed conditions and the effect thereof prior to the imposition of the same.

“Reasonable opportunity” for the purposes of this section shall mean as follows:

1. Where the matter is referred to committee prior to action thereon, the committee shall discuss any proposed conditions with a representative of applicant prior to rendition of the report. A copy of such report shall be filed with the City Clerk, or secretary of the City Commission at least three days prior to the date of the continued hearing; or
2. Where the public hearing is closed and action taken directly thereon by the Council or City Commission without committee report, after a motion to approve with conditions and before a second to said motion, a single representative of applicant may address the Council and briefly discuss the proposed conditions; or
3. Such other reasonable method in lieu thereof as may be ordered by the presiding officer

2.28.275 - Public hearings—Commencement time.

A. All public hearings before the City Council shall commence at 6:00 pm on the meeting date in question or as soon thereafter as the course of business permits, regardless of position on the agenda

B. Notwithstanding the provisions of subsection A. of this section, the presiding officer with the consent of the majority of the Council Members present may designate an

earlier or later time for commencement of a particular public hearing to be held at any succeeding meeting of the Council. All public hearings shall be duly noticed as required by law.

2.28.280 - Hearings on appeal from Planning Commission.

Hearings de novo on appeal shall be conducted in the same manner as required for the original hearing before the Planning Commission. On other than de novo hearings, speakers for appellant and the respondent shall be limited to fifteen minutes per side in total. These limitations may be modified, changed or suspended by resolution of the Council at any time. Members of the public shall have the right to speak to the matter in accordance with state law.

2.28.290 - Decorum and enforcement.

While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt proceedings or the pace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

2.28.300 - By other persons.

Pursuant to California Government Code Section 54957.95, any person or group of persons who willfully disrupt, disturbs, impedes, or renders infeasible the orderly conduct of the meeting or engages in behavior that constitutes use of force or a true threat of force may be removed. Any such persons shall first receive a warning from the Presiding Officer or their designees, and failure to promptly cease disruptive behavior shall lead to removal.

2.28.310 - Reserved.

2.28.320 - Enforcement of decorum.

The Chief of Police of the City and their deputies, or such one of them as shall be present, shall be sergeant at arms of the Council meeting. They shall carry out all orders of the presiding officer for the purpose of maintaining order and decorum at the Council meetings. Upon instructions from the presiding officer, it shall be the duty of the sergeant at arms, or any of them present, to place any person who violated the order or the decorum of the meeting under arrest. And cause that person to be prosecuted under the provisions of this ordinance, the complaint to be signed by the presiding officer.

2.28.330 - Adjournment.

Any meeting may either be terminated, or continued to another time, place and/or date by adjournment, regardless of whether or not all matters on the agenda, or under

discussion have been covered, acted on or concluded. Notwithstanding the above, no meeting shall be terminated before closing all public hearings noticed for that meeting, without first continuing said public hearings to another time, place and date. Subject to the above, a motion to adjourn shall always be in order and decided without debate. Where a meeting is continued to a future date, if either the time or place, or both of them, is not stated in the order of adjournment, it shall be deemed to be at the hour and place specified for regular meetings of the Council.”

Section 33. Chapter 2.32, Bonds for City Clerk and Treasurer, of Title 2 of the Scotts Valley Municipal Code, is hereby amended to read as follows:

“Chapter 2.32 Bonds for City Clerk and Treasurer:

2.32.010 - Bond and fidelity coverage required

2.32.020 - Blanket bond coverage

2.32.010 - Bond and fidelity coverage required.

The City Clerk, City Treasurer, and such other officers and employees as determined by the City Manager or required by law shall be covered by faithful performance bonds, fidelity insurance, crime coverage, and other equivalent insurance protection as authorized by the City Council.

The amount and form of such coverage shall be established by resolution of the City Council or pursuant to the City’s insurance and risk management programs.

2.32.020 - Blanket bond coverage.

The City may maintain blanket fidelity or crime insurance coverage for officers, employees, and designated agents of the City in such amounts and under such terms as deemed appropriate by the City Council or the City’s insurance and risk management provider.”

Section 34. Chapter 2.40, Unclaimed Property in the Police Department, of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“Chapter 2.40 Unclaimed Property in the Police Department:

2.40.010 - Custody

2.40.020 - Safe-Keeping and Disposal

2.40.030 - Rights of Owner–Proof required

2.40.040 - Rights of Finder

2.40.050 - Money to be Deposited in General Fund

2.40.060 - Charges

2.40.070 - Proceeds to be Deposited in General Fund

2.40.080- Unsalable and unusable property

2.40.090 - Dangerous or perishable property

2.40.010 - Custody.

Any unclaimed property or money coming into the possession of the Police Department shall be held for the account of the owner thereof for at least ninety days after the receipt of the same, unless the owner thereof shall sooner claim the same. A receipt shall be issued to the person delivering such property or such money.

2.40.020 - Safe-Keeping and Disposal.

The property shall be stored in a safe place, and such money shall be deposited with the City Treasurer during the ninety-day period, unless sooner claimed by the legal owner or person lawfully entitled to possession, and shall then be deemed to be unclaimed property or unclaimed money if not claimed by the legal owner and be subject to disposal as provided in this chapter.

2.40.030 - Rights of Owner—Proof required.

During such ninety-day period, such property may be delivered or such money paid to the legal owner or person lawfully entitled to possession, upon proof of ownership satisfactory to the Chief of Police or their designee. If ownership cannot be determined to the satisfaction of the Chief of Police or their designee, they may refuse to deliver such property or money to anyone until ordered to do so by a court of competent jurisdiction. No property or money shall be returned to the owner until payment of all charges therefor, as in this chapter provided.

2.40.040 - Rights of Finder.

A. Any person who turns over to the police department any lost or unclaimed property or money may assert a written claim as a finder to such property or money, in the event the legal owner of said property or money has not been found or located within the time period prescribed in this chapter. If such finder fails to assert a written claim to the property or money as a finder at the time they deliver such property or money to the Police Department, they shall be deemed to have waived their rights as a finder.

B. In the event the legal owner of such unclaimed property shall not claim the same within a period of ninety days from the receipt thereof, the Chief of Police or their

designee may deliver such property or money to the finder, if they have indicated in writing that they wish to assert a claim to the property or money as the finder, and if they appear at the police station and demands the return of the property or money within ten days after the expiration of the ninety-day period hereinabove mentioned. Charges may be imposed as provided in this chapter.

2.40.050 - Money to be Deposited in General Fund.

A. All property so received by the Chief of Police or their designee and not delivered to the legal owner during the ninety-day period, or to the finder as hereinabove provided, shall be disposed of by public auction, or appropriated to the use of the City of Scotts Valley, whichever the City Manager determines to be in the best interests of the city

B. Notwithstanding subsection A, in the event said property is deemed to be of no value by the City Manager it shall be disposed of in the manner they determine to be in the best interests of the city

C. In the event an auction is held, there shall be published in a newspaper of general circulation, published in the city, at least five days prior to such sale, a notice announcing the date, time and place of the sale. If there is no such newspaper, notices shall be posted in at least three public places within the City.

2.40.060 - Charges.

Prior to returning any property or money to the legal owner or person lawfully entitled to possession, or, if the legal owner or person lawfully entitled to possession cannot be located, to the finder, the Chief of Police or the Chief's designee shall require payment of the actual, reasonable, and necessary costs incurred by the City in storing, safeguarding, preserving, transporting, or otherwise maintaining the property.

2.40.070 - Proceeds to be Deposited in General Fund.

After any auction authorized by this chapter is completed, the Chief of Police or their designee shall deliver the proceeds of the auction to the Ceity Treasurer for deposit in the general fund.

2.40.080 - Unsalable and unusable property.

Any property advertised and offered for sale but not sold and not suitable for appropriation to the use of the city shall be deemed to be of no value and shall be disposed of in such manner as the City Manager directs.

2.40.090 - Dangerous or perishable property.

Any property coming into the possession of the Chief of Police or their designee which is determined by the Chief of Police or their designee to be dangerous, unlawful to possess, perishable or hazardous to the public health may be disposed of immediately without notice, in such manner as they determined to be in the public interest.”

Section 35. Chapter 2.44, Public Employees’ Retirement System, of Title 2 of the Scotts Valley Municipal Code, is hereby amended to read as follows:

“Chapter 2.44: Public Employees’ Retirement System

2.44.010 - Participation authorized

2.44.020 - Authorized representatives

2.44.010 - Participation authorized.

The City is authorized to participate in the California Public Employees’ Retirement System (“CalPERS”) pursuant to applicable provisions of the California Government Code.

The City may enter into and amend contracts with the Board of Administration of CalPERS for retirement and related benefits for eligible officers and employees of the City.

2.44.020 - Authorized representatives.

The City Manager, Mayor, or their designee is authorized to execute CalPERS contracts, amendments, certifications, and related documents on behalf of the City as authorized by the City Council.”

Section 36. Chapter 2.48 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“Chapter 2.48: Emergency Preparedness

2.48.010 - Purposes

2.48.020 - Definitions

2.48.030 - Reserved

2.48.040 - Reserved

2.48.050 - Director of Emergency Services

2.48.060 - Powers of the Director

2.48.070 - Emergency Services Organization

2.48.080 - Divisions, Services, and Staff of the Organization

2.48.090 - Punishment of Violations

2.48.100 - Continuity of Government

2.48.010 - 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 this city in the event of an emergency and to provide for the coordination of the emergency services of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such emergency response 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.

2.48.020 Definitions.

A. Emergency. As used in this chapter, the term “emergency” means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, pandemic, riot, earthquake, sabotage, enemy attack or other similar public calamity.

B. Emergency Services. As used in this chapter, the term “emergency services” is the preparation for, and the execution of, all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from an emergency. It shall not include, nor does any provision of this chapter apply to, any condition relating to a labor controversy.

2.48.030 - Reserved

2.48.040 - Reserved

2.48.050 - Director of Emergency Services.

The City Manager of the City of Scotts Valley shall serve as the Director of Emergency Services of the City of Scotts Valley.

The Emergency Services Director is empowered to:

- A. Request the City Council to proclaim the existence or threatened existence of an emergency and the termination thereof if the City Council is in session, or to issue such a proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time;
- B. Request the Governor to proclaim a state of local emergency or a state of emergency when, in the opinion of the Emergency Services director, the resources of the area or region are inadequate to cope with the emergency.

- C. Control and direct the effort of the emergency services organization of this City for the accomplishment of the purposes of this chapter;
- D. Direct coordination and cooperation between departments, services and staff of the emergency services organization of this city, and to resolve questions of authority and responsibility that may arise between them;
- E. Represent the emergency services organization of this City in all dealings with public or private agencies pertaining to emergency services.

2.48.060 - Powers of the Director.

In the event of the proclamation of an emergency as herein provided, or the proclamation of a state of emergency by the Governor or the director of the California Governor's Office of Emergency, the Emergency Services Director is hereby empowered to:

- A. 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. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use;
- C. Require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency by the Governor in the region in which the City is located, to command the aid of as many citizens of this community as they think necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for emergency service workers.
- D. Requisition necessary personnel or material of any City Department or agency;
- E. Execute all of their ordinary powers are required by their official position within the City, all of the special powers conferred upon them by this chapter or by resolution adopted pursuant thereto, all powers conferred upon them, by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the constitution and general laws.

2.48.070 - Emergency Services Organization.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the

provisions of subsection C of Section 2.48.060 of this chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency services organization of the City.

2.48.080 - Divisions, services and staff of the organization.

The functions and duties of the emergency services organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution. The Council shall, concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, and the designation of officers and employees.

2.48.090 - Punishment of Violations.

It is a misdemeanor, punishable by a fine not to exceed five hundred dollars, 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 services 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 by virtue of this chapter;
- B. Do an act forbidden by any lawful rules or regulations issued pursuant to this chapter if such act is to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;
- C. To wear, carry, or display without authority any means of identification specified by the California Governor's Office of Emergency Services or the Emergency Services Director.

2.48.100 Continuity of Government.

During an emergency, City Council may have vacancies where a Council Member is unable to serve due to incapacitation or other situations arising from the emergency event. In order to preserve the function of local government in such a circumstance, the City will reconstitute its City Council based on the provisions of California Government Code Section 8635 through 8644."

Section 37. Chapter 2.52 of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"2.52 – Background Investigations and Criminal History Records

2.52.010 - Purpose and Findings

2.52.020 - Administrative Procedures

2.52.030 - Background Investigations

2.52.040 - Evaluation of Criminal History Information

2.52.050 - Compliance with Applicable Law

2.52.060 - Confidentiality

2.52.070 - Authorized Access to Criminal History Information

2.52.080 - Administrative Procedures

2.52.010 Purpose and Findings

A. The City Council finds that the City has a responsibility to protect public safety, safeguard public funds and property, preserve confidential information, maintain the integrity of municipal operations, and promote public confidence in City government.

B. The City Council further finds that individuals employed by, providing services to, volunteering for, conducting business with, or seeking authorization from the City may be entrusted with public resources, confidential information, City facilities, information technology systems, official records, direct interaction with members of the public, or participation in programs involving vulnerable populations.

C. The City Council finds that background investigations and criminal history record checks, when authorized by applicable law, are appropriate tools to assist the City in evaluating the suitability of individuals whose duties, activities, responsibilities, or privileges may affect the safety, security, or welfare of the public, City employees, or City operations.

D. The purpose of this chapter is to establish the City's authority to conduct background investigations, obtain criminal history information as authorized by law, evaluate individuals in a fair and consistent manner, and ensure compliance with applicable federal and state laws governing the use of criminal history information.

2.52.020 Applicability.

A. This chapter applies, as authorized by applicable law, to any individual seeking to obtain or maintain employment, appointment, volunteer status, internship, contract, consulting engagement, permit, license, authorization, certification, or any other relationship with the City for which a background investigation or criminal history records check is authorized, required, or determined by the City to be appropriate.

B. Individuals subject to this chapter may include, but are not limited to:

1. Applicants for employment;
2. Current employees;

3. Volunteers;
4. Interns;
5. Reserve personnel;
6. Consultants;
7. Independent contractors;
8. Employees of contractors assigned to perform services for or on behalf of the City;
9. Recreation instructors, coaches, camp counselors, and program leaders;
10. Applicants for permits, licenses, authorizations, or certifications when authorized or required by law or City policy;
11. Individuals providing services on behalf of the City; and
12. Any other person for whom a background investigation is authorized or required by federal, state, or local law or determined by the City to be appropriate for the protection of public safety, City resources, or the integrity of municipal operations.

C. Nothing in this chapter shall be construed to authorize the collection, use, or dissemination of criminal history information except as permitted by applicable law.

2.52.030 Background Investigations.

A. The City may require an individual subject to this chapter to successfully complete one or more background investigations or screening processes before appointment, employment, approval, issuance of a permit or license, authorization to perform services, or continued participation in a City program or activity.

B. Background investigations may include, as authorized by applicable law:

1. Fingerprint-based criminal history records checks;
2. State and federal criminal history records checks;
3. Employment history verification;
4. Education verification;
5. Professional license or certification verification;
6. Reference checks;
7. Driving history;
8. Credit history where authorized by law;
9. Verification of eligibility to work;
10. Verification of professional qualifications; and
11. Any other lawful inquiry reasonably related to determining an individual's suitability for the position, permit, license, authorization, contract, activity, or relationship with the City.

C. The scope and extent of any background investigation shall be reasonably related to the duties, responsibilities, privileges, or risks associated with the position, activity, or authorization.

2.52.040 Evaluation of Criminal History Information.

A. When authorized by applicable law, the City may consider criminal history information that is substantially related to the duties, responsibilities, privileges, or activities associated with the position or authorization.

B. Criminal conduct that may be considered includes, but is not limited to:

1. Fraud;
2. Theft;
3. Embezzlement;
4. Forgery;
5. Identity theft;
6. Bribery or corruption;
7. Misuse of public office or abuse of public trust;
8. Computer crimes or unauthorized access to information systems;
9. Misuse or unlawful disclosure of confidential information;
10. Violence, threats of violence, abuse, or sexual misconduct;
11. Controlled substance offenses or other offenses that bear a direct relationship to the duties or responsibilities of the position; and
12. Any other criminal conduct that may lawfully be considered and is substantially related to the position or activity.

C. In evaluating criminal history information, the City shall comply with applicable federal and state law and shall consider factors including:

1. The nature and gravity of the offense or conduct;
2. The time that has elapsed since the offense or completion of sentence;
3. The nature of the position, activity, permit, or authorization sought;
4. Evidence of rehabilitation;
5. Mitigating circumstances; and
6. Any other factors required by applicable law.

D. Nothing in this chapter shall require the disqualification of an individual based solely upon a criminal conviction unless otherwise required by law.

2.52.050 Compliance with Applicable Law.

A. The City shall conduct background investigations and evaluate criminal history information in accordance with all applicable federal, state, and local laws governing

employment practices, licensing, permitting, privacy rights, nondiscrimination, and the authorized use of criminal history information.

B. Where a specific statute establishes eligibility criteria, mandatory disqualifications, procedural requirements, or additional background investigation requirements for a particular position, permit, license, certification, volunteer activity, or other authorization, those requirements shall govern.

C. Individuals shall receive any notices, opportunities to respond, and procedural protections required by applicable law.

2.52.060 Confidentiality.

A. Criminal history information received from the California Department of Justice, the Federal Bureau of Investigation, or any other authorized source shall be maintained as confidential and used solely for the purpose for which it was obtained.

B. Criminal history information shall not be disclosed except as authorized or required by law.

C. Records obtained pursuant to this chapter shall be maintained in accordance with applicable law and the City's records retention requirements.

2.52.070 Authorized Access to Criminal History Information.

A. Pursuant to California Penal Code Section 11105 and other applicable law, the City Manager, Human Resources Manager, Chief of Police, City Clerk, City Attorney, and any employee or designee authorized by the City Manager to administer background investigations are authorized to request, receive, review, and utilize state summary criminal history information solely for authorized governmental purposes and in accordance with applicable law.

B. Access to criminal history information shall be limited to those individuals whose official duties require such access.

C. Nothing in this section shall be construed to expand or limit the authority granted under federal or state law.

2.52.080 Administrative Procedures.

A. The City Manager is authorized to adopt administrative rules, procedures, forms, and standards necessary to implement this chapter.

B. Administrative procedures may include, but are not limited to:

1. Categories of individuals subject to background investigations;

2. Levels and types of background investigations appropriate for various positions, permits, licenses, contracts, activities, or authorizations;
3. Standards and procedures for fingerprint-based criminal history records checks;
4. Criteria for evaluating criminal history information;
5. Confidentiality and records management requirements;
6. Procedures for obtaining required authorizations and releases;
7. Appeal or review procedures where required by law or City policy; and
8. Any other administrative requirements necessary to implement this chapter."

Section 38. Chapter 2.56, Elections, of Title 2 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"2.56 - Elections

2.56.010 - Holding of General Municipal Elections.

2.56.020 - Reserved

2.56.030 - City Clerk Requirements

2.56.010 - Holding of General Municipal Elections

All general elections in the City shall hereafter be held in accordance with the dates specified under Elections code Section 1000.

2.56.020 - Reserved.

2.56.030 - City Clerk Requirements

Pursuant to Elections Code Section 320, the City Clerk shall serve as the City election official and fulfil all duties set by the Elections Code."

Section 39. Chapter 2.70, Purchasing of Title 2 of the Scotts Valley Municipal Code, is hereby amended to read as follows:

"Chapter 2.70: Purchasing

2.70.010 - Purposes

2.70.020 - Definitions

2.70.030 - Procurement authority and responsibilities

2.70.040 - Contract award

2.70.050 - Procurement methods

2.70.060 - Exceptions to competitive bidding

2.70.070 - Bidding for public works projects

2.70.071 - Reserved

2.70.072 - Reserved

2.70.073 - Reserved

2.70.074 - Reserved

2.70.080 - Requisition and purchase order requirements

2.70.090 - Available funds

2.70.100 - Surplus or unused supplied, materials and equipment

2.70.110 - Environmentally preferable purchasing

2.70.120 - Local vendor preference

2.70.010 - Purposes.

The purpose of this chapter is to establish the City's procurement and contracting framework for the acquisition of goods, services, and public works projects using public funds. This chapter establishes contract award authority, promotes fair and efficient procurement practices, provides for appropriate financial controls, and authorizes the City Manager to establish administrative procurement policies and procedures consistent with this chapter and applicable law.

The City's procurement activities shall seek to obtain the best value for the public while promoting competition, transparency, accountability, and operational efficiency.

2.70.020 - Definitions.

For the purposes of this chapter:

“Best value procurement” refers to the application of evaluative factors in addition to price for the purpose of awarding a purchase contract for goods, services and/or Professional services.

“Contract” means all types of City agreements, regardless of what they may be called, for the procurement of goods, services or public works construction.

“Emergency” means any natural disaster, work stoppage or other action or activity that impairs public health, safety or both.

“Formal bidding” refers to the process by which sealed bids or proposals are solicited.

“Informal bidding” refers to the processes by which price quotations are solicited.

"Local vendor" means any wholesaler, distributor, dealer, or merchant or seller of goods and/or services with their primary place of business located within the city limits of Scotts Valley.

"Materials, supplies and/or equipment," also referred to as "goods," means all materials, supplies and/or equipment of whatever kind purchased by the City except materials, supplies and/or equipment for public works projects and governed by law related to bidding for public works projects

"Professional services" means the services of attorneys; physicians; architects; engineers; consultants; auditors; specialized printers; other individuals or organizations possessing a high degree of professional, unique, specialized, technical skill and/or expertise; individuals contracting for special activities or negotiating for the acquisition of land; individuals contracting to provide services related to insurance bonds or any other services of a similar nature engaged for a particular project or series of projects; or other governmental agencies.

"Purchasing Cooperative" refers to the use of another public entity's procurement process similar to that required by the City in order to purchase goods and/or services that result in time and/or cost savings or otherwise provide the best overall value. The practice of using another public entity's competitive solicitation process is also referred to as "piggybacking."

"Responsive bidding" means a person or entity who has submitted a bid that conforms in all material respects to the requirements set forth in the bidding documents.

"Responsible bidder" means a person or entity who possesses the demonstrated ability, fitness, quality, capacity, experience, trustworthiness and skill to deliver the required goods and/or services.

"Services" means all types of service except services provided by persons performing Professional services.

"Sole source" refers to a situation where a good or service can only be obtained from one source due to its proprietary or specialized nature, or a situation where product/service compatibility is an overriding consideration to price.

"Surplus property" means materials, supplies, or equipment that are no longer used or have become obsolete, to be sold, exchanged or donated in accordance with established procedures.

2.70.030 - Procurement authority and responsibilities.

- A. City Manager. The City Manager shall serve as the Purchasing Officer and shall have authority to:

1. Procure or contract for goods, services, Professional services and public works projects in accordance with this chapter, applicable provisions of the California Public Contract Code, and other applicable laws and regulations;
 2. Establish and administer procurement policies, procedures, and forms necessary to implement this chapter;
 3. Designate one or more City employees to perform purchasing functions on behalf of the Purchasing Officer;
 4. Negotiate, execute, and administer contracts consistent with the authority established by this chapter;
 5. Promote competition, obtain best value for public funds, and ensure compliance with applicable procurement requirements; and
 6. Administer the transfer, sale, trade, disposal, or other disposition of surplus City property in accordance with this chapter and applicable administrative policy.
- B. Responsibilities of City Departments. City departments shall comply with this chapter and applicable administrative procurement policies and procedures, identify procurement needs and available funding, and assist in procurement and contract administration activities as required by the Purchasing Officer.

2.70.040 - Contract award.

- A. City Manager. The City Manager shall be the award authority for contracts with a contract value not exceeding one hundred thousand dollars (\$100,000). The City Manager may approve and execute amendments, extensions, renewals, change orders, and other modifications to such contracts, provided the total contract value does not exceed the City Manager's authority established in this subsection.
- B. City Council. The City Council shall be the award authority for contracts with a total potential value exceeding one hundred thousand dollars (\$100,000). Following City Council approval of a contract and its authorized not-to-exceed amount, the City Manager may execute the contract and exercise any extensions, renewals, amendments, change orders, or other modifications authorized by the contract or approved by the City Council, provided such actions does not increase the contract value beyond the amount authorized by the City Council. Any action that would increase the contract value beyond the amount authorized by the City Council shall require City Council approval.

- C. **Determination of Contract Value.** For purposes of this section, contract value shall mean the total potential financial obligation of the City under the contract at the time of award, including the base term and all authorized renewal, extension, and amendment options. Where a contract permits price adjustments based on a consumer price index or other escalation formula, the estimated value of such adjustments shall be included in determining contract value.
- D. **Delegation of Contract Award Authority.** The authorities established in this section may be delegated as follows:
1. **City Manager.** For operational effectiveness, the City Manager may delegate contract award authority in writing to other City officials or employees for the procurement of goods, services, Professional services and public works projects. Any such delegation shall not exceed the City Manager's authority established in subsection A.
 2. **City Council.** The City Council may delegate its contract award authority to the City Manager if deemed necessary for operational effectiveness. Such delegation shall not be extended to City officials other than the City Manager unless expressly authorized by majority vote of the City Council.

2.70.050 - Procurement methods.

The City may utilize procurement methods including, but not limited to, open market purchases, informal bidding, formal bidding, purchasing cooperatives, requests for proposals, requests for qualifications, best value procurement, and other methods authorized by law or this chapter.

Procurements with a total contract value not exceeding one hundred thousand dollars (\$100,000) may be conducted using procurement methods established by administrative policy.

Except as otherwise authorized by this chapter, procurements with a total contract value exceeding one hundred thousand dollars (\$100,000) shall be conducted using a formal solicitation process.

The City Manager shall establish administrative policies and procedures governing procurement activities, including solicitation requirements, evaluation methods, award procedures, contract administration requirements, and other purchasing practices necessary for the efficient operation of the City.

Contracts shall be awarded by the appropriate award authority in accordance with Section 2.70.040.

Nothing in this chapter shall preclude the use of best value procurement methods when authorized by law and determined to be in the best interest of the City.

2.70.060 - Exceptions to competitive bidding.

The following procurement methods or situations may be exempt from competitive bidding, subject to approval by the Purchasing Officer and compliance with applicable state or federal laws.

- A. **Purchasing Cooperatives.** The City may procure goods and services through purchasing cooperatives, cooperative purchasing agreements, or other cooperative procurement programs. The use of purchasing cooperatives shall be administered in accordance with the City's Administrative Procurement Policy.
- B. **Emergency Purchases.** In the event of an emergency as defined in Section 2.70.020, the Purchasing Officer may purchase, or authorize the purchase, of goods and/or services in the open market without complying with the provisions of this chapter, unless competitive bidding is otherwise required by law and/or as a condition of grant reimbursement under emergency assistance programs.
- C. **Sole Source Purchases.** Purchases that are only available from one source may be made without competitive bidding when approved by the Purchasing Officer and supported by documentation required by the Administrative Procurement Policy.
- D. **Piggyback Contracting.** Subject to the appropriate approval authority, the City may enter into contracts for the purchase of goods and services through contracts previously awarded by another public agency. The use of piggyback contracts shall be administered in accordance with the City's Administrative Procurement Policy.
- E. **Other Exceptions.** Additional exceptions to competitive bidding may be established by administrative policy, provided such exceptions are authorized by applicable law.

2.70.070 - Bidding for public works projects.

By City Council Resolution Nos. 1137 and 1137.1, the City Council elected to be subject to the Uniform Public Construction Accounting Act (the "Act") (California Public Contract Code Section 22000 et seq.), as may be amended from time to time.

Public works projects subject to the Act shall be solicited, bid, awarded, and administered in accordance with the Act and applicable provisions of the California Public Contract Code.

The City shall maintain a list of qualified contractors and perform all other duties required by the Act.

The City Manager or Purchasing Officer may establish administrative policies and procedures necessary to implement and administer the requirements of the Act.

To the extent any provision of this chapter conflicts with the Act, the provisions of the Act shall control.

2.70.080 - Requisition and purchase order requirements.

The City Manager or Purchasing Officer shall establish administrative policies and procedures governing requisitions, purchase orders, purchasing documentation, approvals, and related procurement processes.

2.70.090 - Available funds.

Except in the event of an emergency authorized by this chapter, no purchase or contract shall be authorized unless sufficient appropriated funds are available for the expenditure.

2.70.100 - Surplus property.

The Purchasing Officer shall have authority to determine the disposition of surplus, obsolete, or unusable supplies, materials, equipment, and other personal property in accordance with administrative policy. Such property may be sold, exchanged, traded, donated, recycled, or otherwise disposed of as authorized by administrative policy and applicable law.

2.70.110 - Environmentally preferable purchasing.

To the extent practical and consistent with applicable law, the City shall encourage the purchase of environmentally preferable products and services when such products and services meet the City's operational needs and are available at a reasonable cost.

2.70.120 - Local vendor preference.

To the extent permitted by law, the City may provide a preference for qualified local vendors in the award of contracts for goods and services.

The City Manager or Purchasing Officer shall establish administrative policies and procedures governing the application of the local vendor preference, including eligibility requirements, documentation standards, and implementation procedures.

The local vendor preference shall not exceed five percent (5%) of the lowest responsive and responsible bid or proposal.”

Section 40. Title 2 of the Scotts Valley Municipal Code is hereby amended by adding Chapter 2.71, City Engineer, to read as follows:

“2.71 City Engineer

2.71.010 - Established

2.71.010 Established

There is hereby established the Office of the City Engineer which shall be designated by the City Manager.”

Section 41. CEQA COMPLIANCE. The proposed amendments are exempt pursuant to the CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendments are adopted to update existing provisions of the Municipal Code to comply with state and federal law and update policies and procedures.

Section 42. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 43. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict. To the extent the provisions of the Scotts Valley Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 44. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

Section 45. PUBLICATION. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and

against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

This Ordinance was introduced on the 5th day of August, 2026, and passed and adopted on the 19th day of August, 2026, at a duly held meeting of the City Council of the City of Scotts Valley by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Donna Lind, Mayor

ATTEST:

Cathie Simonovich, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

Title 2 Proposed Revisions.

2.04 - City Manager

2.04.010 Office of the ~~city manager~~ **City Manager** created.

The office of the ~~city manager~~ **City Manager** of the ~~city~~ **City** of Scotts Valley is hereby created and established pursuant to subdivision (a) of Government Code Section 34851 of the state of California. The ~~city manager~~ **City Manager** shall be appointed by the ~~city council~~ **City Council** and ~~his~~ **their** selection shall be made wholly on the basis of ~~his~~ **their** administrative and executive ability and qualification. Subject to Section 2.04.240 hereof, ~~he~~ **they** shall hold office for and during the pleasure of the ~~city council~~ **City Council**. All references to city administrator in all ~~city~~ **City** ordinances or resolutions shall hereafter be deemed to mean ~~city manager~~ **City Manager**.

2.04.020 ~~Residence.~~ **RESERVED**

~~Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment but, within one hundred eighty days thereafter, the city manager must become a resident of the city, unless the city council approves his residence outside the city.~~

2.04.060 Compensation.

A. The ~~city manager~~ **City Manager** shall receive such compensation and expense allowances as the ~~city council~~ **City Council** from time to time determines, and said compensation and expenses shall be a proper charge against funds of the ~~city~~ **City** as the ~~city council~~ **City Council** designates.

B. In addition, the ~~city manager~~ **City Manager** shall be paid for or reimbursed for all actual and necessary expenses incurred by ~~him~~ **them** in the performance of ~~his~~ **their** official duties, including those incurred when traveling on business pertaining to the ~~city~~ **City**; reimbursement shall only be made, however, when an itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to and approved by the ~~city council~~ **City Council**.

2.04.070 Powers and duties.

A. The ~~city manager~~ **City Manager** shall be the administrative head of the government of the ~~city~~ **City** under the direction and control of the ~~city council~~ **City Council**. ~~He~~ **They** shall be responsible for the efficient administration of all the affairs of the ~~city~~ **City** which are under ~~his~~ **their** control.

B. The City Manager of their designee shall serve as the Personnel Officer and is granted the authority to administer personnel policies, implement and enforce approved Memorandum of

Understandings, Personnel Rules and Regulations, and other employee-related administrative functions.

2.04.090 Authority over employees.

It shall be the duty of the ~~city manager~~ **City Manager** and ~~he~~ **they** shall have the authority to control, order and give direction to all department heads and to all subordinate employees of the ~~city~~ **City** under ~~his~~ **their** jurisdiction through the department heads. The ~~city manager~~ **City Manager** shall periodically evaluate all department heads and employees under ~~his~~ **their** direct supervision.

2.04.110 Administrative reorganization of officers.

It shall be the duty and responsibility of the ~~city manager~~ **City Manager** to conduct studies and effect such administrative 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~~ **City's** business.

2.04.120 Ordinances.

It shall be the duty of the ~~city manager~~ **City Manager** and ~~he~~ **they** shall recommend to the ~~city council~~ **City Council** for adoption such measures and ordinances as ~~he~~ **they** ~~deems~~ necessary.

2.04.160 Purchasing agent.

It shall be the duty of the ~~city manager~~ **City Manager** and ~~he~~ **they** shall be responsible for the purchase of all supplies for all the departments or divisions of the ~~city~~ **City**. No expenditures shall be submitted or recommended to the ~~city council~~ **City Council** except on report and approval of the ~~city manager~~ **City Manager**.

2.04.180 Public buildings.

It shall be the duty of the ~~city manager~~ **City Manager** and ~~he~~ **they** shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the ~~city council~~ **City Council**.

2.04.190 Hours of employment.

It shall be the duty of the ~~city manager~~ **City Manager** to devote ~~his~~ **their** entire work time to the duties of ~~his~~ **their** office and in furthering the interests of the ~~city~~ **City**.

2.04.200 Additional duties.

It shall be the duty of the ~~city manager~~ **City Manager** to perform such other duties and exercise such other powers as may be delegated to ~~him~~ **them** from time to time by ordinance or resolution or other official action of the ~~city council~~ **City Council**.

2.04.210 Internal relations with council.

The ~~city council~~ **City Council** and its members shall deal with the administrative services of the ~~city~~ **City** through the ~~city manager~~ **City Manager**, except for the purpose of inquiry, and neither the ~~city council~~ **City Council** nor any member thereof shall give orders to any subordinates of the ~~city manager~~ **City Manager**. The ~~city manager~~ **City Manager** shall take ~~his~~ **their** orders and instructions ~~from a majority of the city council~~ **from a majority of the City Council** only when sitting in a duly convened meeting of the ~~city council~~ **City Council** and no individual ~~council member~~ **Council Member** shall give any orders or instructions to the ~~city manager~~ **City Manager**.

2.04.230 Attendance at commission meetings.

The ~~city manager~~ **City Manager** may attend any and all meetings of the planning commission, parks and recreation commission, and any other commissions, boards or committees created by the ~~city council~~ **City Council**, upon his own volition or upon direction of the ~~city council~~ **City Council**. At such meetings which the ~~city manager~~ **City Manager** attends, ~~he~~ **they** shall be heard by such commissions, boards or committees as to all matters upon which ~~he~~ **they** ~~wishes~~ **wish** to address the members thereof, and ~~he~~ **they** shall inform said members as to the status of any matter being considered by the ~~city council~~ **City Council**, and ~~he~~ **they** shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the ~~city council~~ **City Council**.

2.04.240 Removal from office.

The removal of the ~~city manager~~ **City Manager** shall be effected only by the affirmative vote of at least three members of the ~~council~~ **Council** convened in a regular ~~or special council~~ **or special Council** meeting.

2.04.250 Limitation on removal.

Notwithstanding the provisions of Section 2.04.240, the ~~city manager~~ **City Manager** shall not be removed from office, other than for misconduct in office, during or within a period of ninety days next succeeding any general municipal election held in the ~~city~~ **City** at which election a member of the ~~city council~~ **City Council** is elected. The purpose of this provision is to allow any newly elected member of the ~~city council~~ **City Council** or a reorganized city council to observe the actions and ability of the ~~city manager~~ **City Manager** in the performance of the powers and duties of ~~his~~ **their** office. After the expiration of said ninety-day period aforementioned, the provisions of Section 2.04.240 shall apply and be effective.

2.04.310 Administrative authority.

The City Manager shall have the authority to implement City programs, fees, charges, and regulations, and may make administrative determinations necessary to carry out the provisions of this Code and City policies.

2.04.320 Compromise of disputed charges.

The City Manager may waive, reduce, compromise, or settle disputed fees, penalties, charges, and claims owing to or against the City when the City Manager determines that such action is in the best interests of the City and the amount involved does not exceed \$25,000 in consultation with the City Attorney.

2.08 - Director of Finance and City Treasurer

2.08.010 Established.

~~There is~~ ~~are~~ hereby established ~~the functions of office of director of finance of the city~~ Director of Finance and City Treasurer for the City. The City Manager may assign such functions to one or more City officers or employees as authorized by City policy, resolution, or administrative direction.

2.08.020 Powers and duties.

~~The director of finance~~ Director of Finance and/or City Treasurer ~~shall have the following powers and duties,~~ as designated by the City Manager or City Council, shall:

- A. ~~Countersign all city warrants;~~ Administer the financial affairs of the City;
- B. ~~Certify or approve payrolls or attendance records of all officers and employees of the city not otherwise approved by the department heads;~~ Maintain oversight of the accounting system and financial records of the City;
- C. ~~Coordinate and/or prepare financial reports and treasurer's reports and submit them to the city clerk for submission to the council;~~ Prepare, coordinate, and submit financial statements, treasury reports, budget reports, and other fiscal reports as required by law or City policy;
- D. ~~Coordinate and prepare and keep all financial records of the city;~~ Administer or oversee payroll, accounts payable, accounts receivable, treasury, debt administration, cash management, investment activities, and relates financial functions of the City, including the coordination and oversight of professional advisors, consultants, trustees, fiscal agents, and other service providers retained by the City;
- E. ~~All those powers and duties set forth in Chapter 4, Title 4, Division 3, Part 2 of the Government Code and any other applicable laws of the state;~~ Ensure compliance with applicable federal, state, and local laws, regulations, accounting standards, and financial reporting requirements;
- F. ~~Perform such other functions as may from time to time be delegated by the city clerk or the council.~~ Coordinate independent audits and implementation of internal financial controls;

- G. Process and oversee authorized City expenditures, disbursements, warrants, and electronic payments;
- H. Supervise finance department personnel and delegate duties as appropriate to authorized staff;
- I. Perform such other duties as assigned by the City Manager or as directed by the City Council.

2.12 - Health Officer

2.12.010 ~~Authorized to make arrest.~~

~~The health officer of the city and his designated subordinates, pursuant to the provisions of Penal Code Section 836.5 of the state, may arrest a person without a warrant whenever he has reasonable cause to believe that the person has committed a misdemeanor in his presence which is a violation of any ordinance, statute or law, the enforcement of which is under the administration of the health officer. Upon making such an arrest, the health officer, or his delegated subordinate, shall release the person arrested pursuant to Penal Code Section 853.6 of the state, the provisions of which are hereby adopted by reference as part of this chapter.~~

2.12.010 - City Health Officer.

The City Manager or their designee shall serve as the City Health Officer, carrying out all duties and responsibilities assigned to that position in this code.

2.12.020 County Health Officer.

“County Health Officer” shall refer to any representative acting on behalf of a Santa Cruz County department, agency, or special district in fulfilling duties related to health or safety concerns.

2.12.030 Duties.

In fulfilling their duties to enforce this code, the City Health Officer, or their designee has the authority to:

- A. Make arrests of a person without a warrant whenever they have reasonable cause to believe that person has committed a misdemeanor in their presence which is a violation of any ordinance, statute, or law, the enforcement of which is under the administration of the City Health Officer, pursuant to California Penal Code Section 836.5. Upon making such an arrest, the City Health Officer, or their designee, shall release the person arrested pursuant to Penal Code Section 853.6, the provisions of which are hereby adopted by reference as part of this chapter.
- B. Issue fines, fees, and abatement orders regardless of which authorized entity conducts the investigation or declares a public health nuisance.”

2.14 -Code Enforcement Officer

2.14.010 Created.

There is created within the ~~city~~**City** the position of ~~code enforcement officer~~**Code Enforcement Officer**. The ~~city administrator~~**City Manager** shall designate and appoint an appropriate employee of the ~~city~~**City** as the ~~code enforcement officer~~**Code Enforcement Officer**.

2.14.020 Powers and duties.

The ~~code enforcement officer~~**Code Enforcement Officer** is authorized, and it shall be ~~his~~**their** duty, to enforce the provisions of all ordinances, resolutions, rules and regulations of the ~~city~~**City**. For purposes of this section, the ~~code enforcement officer~~**Code Enforcement Officer** is authorized to arrest persons for violations of the provisions of any such ordinances or resolutions, to the extent permissible by law, all pursuant to, in accordance with, and subject to the applicable provisions of the California Penal Code including, without limitation, the provisions of Sections 19(~~d~~) and 836.5, as well as the applicable provisions of any other ~~state~~**State** law, all as the same may presently exist or hereafter be amended from time to time.

2.16 - City Planning Commission

2.16.030 Dismissal of member.

Any member of the ~~city planning commission~~**City Planning Commission** who misses two consecutive ~~planning commission~~**Planning Commission** meetings without prior approval of the secretary or ~~chairman~~**chairperson** of the ~~planning commission~~**Planning Commission** may be removed by ~~council~~**Council** as a member of said ~~planning commission~~**Planning Commission**, and if so removed, a successor shall be appointed in accord with this chapter.

2.18 - Redevelopment Agency

2.18.030 Executive director.

The ~~city council~~**City Council** hereby appoints the ~~city administrator~~**City Manager** to serve as executive director of the redevelopment agency.

2.19 - Arts Commission

2.19.020 Members.

The ~~commission~~ **Arts Commission** shall be comprised of five members to be appointed by the ~~city council~~ **City Council** as provided in Section 2.21.010 of this title. All members of the ~~commission~~ **Commission** shall be residents in the Scotts Valley planning area and shall serve at the pleasure of the city council and any member may be removed by the ~~city council~~ **City Council** at their sole discretion at any time.

The ~~chairman~~ **chairperson** and ~~vice-chairman~~ **vice-chairperson** of the ~~commission~~ **Commission** shall be appointed annually by the commission from amongst its voting members. ~~The appointments shall be made annually by the commission from among its members.~~

2.20 - Parks and Recreation Commission

2.20.020 Members.

- A. The ~~parks and recreation commission~~ **Parks and Recreation Commission** shall be comprised of five members to be appointed by the ~~city council~~ **City Council** as provided in Section 2.21.010 of this title. Members shall serve at the pleasure of the ~~city council~~ **City Council** and any member may be removed by the ~~city council~~ **City Council** at any time.
- B. In addition, the ~~president~~ **President** of the ~~board of trustees~~ **Board of Trustees** of the Scotts Valley Union School District may appoint one member of said ~~board of trustees~~ **Board of Trustees** as an ex officio nonvoting member of the commission.
- C. All members of the ~~parks and recreation commission~~ **Parks and Recreation Commission** shall be subject to the limitations set out in Section 2.21.030 A of this title.
- D. A ~~chairman~~ **chairperson** and ~~vice-chairman~~ **vice-chairperson** shall be appointed annually by the ~~commission~~ **Commission** from among its members entitled to vote.

2.20.030 Duties.

The ~~commission~~ **Commission** shall perform the following specific duties:

- A. Advise the ~~city council~~ **City Council** regarding policies for the acquisition, development, maintenance, and improvement of park facilities and make recommendations as appropriate.
- B. ~~Formulate and recommend~~ **Recommend** to the ~~city council~~ **City Council**, fee schedules, policies, rules and regulations for park sites and other recreation facilities.
- C. ~~Formulate and recommend~~ **Recommend** to the ~~city council~~ **City Council** a recreation and park program for the inhabitants of the ~~city~~ **City** which emphasizes general educational and recreational objectives for children and adults of the city; promotes and stimulates public interest in parks and recreation programs; and which encourages

- to the fullest extent possible, the cooperation of the local school authorities and other public and/or private agencies or interests.
- D. Advise the ~~city council~~ **City Council** regarding the acceptance or rejection of offers of donations of money, personal and/or real property to the ~~city~~ **City** for recreational, park purposes and use and make recommendations where appropriate.
 - E. Advise the ~~city council~~ **City Council** regarding the recreation division and parks division budgets and make recommendations as appropriate.
 - F. Perform other duties relating to recreation and park matters as may be dictated from time to time by the ~~city council~~ **City Council**.

2.21 - Commissions, Committees, and Boards

2.21.030 Residency requirements.

- A. Except as expressly stated below, no person may be appointed to any commission, committee or board of the ~~city~~ **City** unless that person resides within the adopted planning area of the ~~city~~ **City**. If, after being appointed, a member of a commission, committee or board moves outside the adopted planning area of the ~~city~~ **City**, that person's seat shall automatically be deemed vacant.
- B. No person may be appointed to the ~~planning commission~~ **Planning Commission** of the ~~city~~ **City** unless that person resides within the ~~city~~ **City** limits. If, after being appointed, a member of the ~~planning commission~~ **Planning Commission** moves outside the ~~city~~ **City** limits, that person's seat shall automatically be deemed vacant.
- C. Except as provided below, no person may be appointed to, nor maintain membership on, the design review board of the ~~city~~ **City** unless that person resides within the ~~city~~ **City** limits.
 - 1. If any person already serving on the board moves out of the city, but into the city's planning area, that person may continue to serve so long as ~~he or she~~ **they** remains in the planning area; and
 - 2. Council may appoint individuals residing in the ~~city's~~ **City's** planning area if the individual is professionally employed in a field closely related to design review activities.

2.23 - Election of City Council Members

2.23.020 Findings. — RESERVED

- ~~A. At the time of circulation of this petition, only two of the five member city council were elected by a vote of the people.~~
- ~~B. The majority of the city council is appointed and not elected.~~

- C. ~~The California Government Code provides that a city has the authority to fill every council vacancy by an election.~~
- D. ~~Section 36512.2 of the Government Code provides that a city has the authority to limit the term of office of a temporary appointee to the city council and the authority to call for an election to fill such council vacancy.~~
- E. ~~The city council knew of these laws and authorities at the time of each appointment to the city council and refused to exercise them.~~
- F. ~~Further, by the time they approved the third, majority, appointee, the council had four separate opportunities to enact these laws and authorities and four times refused to exercise them.~~
- G. ~~These actions created a nonrepresentative and nonelected majority on the city council.~~
- H. ~~This lack of elected representation on the city council is contrary to the intent of the United States and California Constitutions and deprives the citizens of the city of democratic rights~~

2.23.050 Date of assuming office.

~~Candidates for city council elected at any council election shall assume office and be seated at the next regular council meeting following certification of election results.~~

Candidates for City Council elected at the general City Council election shall assume office and be seated at the first regular meeting in January of the next calendar year.

Council Members appointed to fill vacancies will be sworn in upon the availability of the City Clerk but no later than the second City council meeting after the appointment of such Council Member. Council Members that are elected to fill vacancies in special elections will be sworn in at the first regular meeting following confirmation of election results.”

2.28 - Council Procedures

2.28.010 Council name and applicability.

This ordinance shall be known as the "council procedure ordinance" of the ~~city~~ **City**. It shall apply to all regular and special meetings of the **City Council** ~~council of the city~~, and in addition, Sections 2.28.240 through ~~2.28.280~~ **2.28.275** shall apply to all meetings of and public hearings before the Scotts Valley Planning Commission. Reference to "presiding officer", "~~Council~~council", "~~councilmen~~**Council Members**" and "~~city clerk~~**City Clerk**" in Sections 2.28.240 through 2.28.~~275~~**270** shall respectively mean, ~~chairman~~**chairperson**, ~~planning commission~~**the respective City Commission**, ~~commissioner~~**Commissioner** and ~~secretary~~

~~Secretary of the planning commission~~ **the respective City Commission** when applied to ~~planning commission~~ **City Commission** meetings.

2.28.020 Meeting defined.

~~The term "meeting" means the gathering together of a majority of the members of the council or planning commission, each member within normal hearing distance of the other, at the time and place established by ordinance or resolution for regular meetings, or at such other time and place as authorized by law for special meetings, for the purpose of acting in their official capacity as the legislative body of the city in the case of the council, and in their official capacity as the planning commission in the case of the planning commission. Unless otherwise authorized by law to be held in private, all such meetings shall be open to the public.~~

~~No other gathering of the persons who constitute the city council or planning commission, or any portion thereof, shall be considered a meeting. Any action or decision required by law to be taken or made at a meeting shall be invalid and of no force and effect if the same is not taken or made at a meeting as herein defined.~~

~~The foregoing shall not prevent less than a quorum, otherwise gathered at the time and place and for the purpose of conducting a meeting, from adjourning from time to time in accord with law until a quorum is present.~~

~~If at any time the legislature of the state or the final decision of an appellate court of said state should define a meeting of a city council or a city planning commission other than as above set forth, such legislative or final judicial definition shall thereafter supersede the definition hereinabove set forth.~~

The term "meeting" means the congregation of a majority of the members of the Council or City Commission at the same time and location, including teleconference in accordance with the requirements of Government code Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the City Council or City Commission.

Unless otherwise authorized by law to be held in private, all such meetings shall be open to the public.

A majority of the members of City Council or City Commission shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body unless otherwise authorized under Government Code Section 54952.2.

No other gathering of the person who constitute the City Council or City Commission, or any portion thereof, shall be considered a meeting. Any action or decision required by law to be

taken or made at a meeting shall be invalid and of no force and effect if the same is not taken or made at a meeting as herein defined.

The foregoing shall not prevent less than a quorum, otherwise gathered at the time and place of a duly noticed meeting, from adjourning from time to time in accordance with law until a quorum is present.

If at any time the legislature of the State or the final decision of an appellate court of said state should define a meeting of a City Council or a City Commission other than as above set forth, such legislative or final judicial definition shall thereafter supersede the definition hereinabove set forth.

2.28.040 Agenda.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the ~~council~~ **Council** at their regular meeting shall be delivered to the ~~city clerk~~ **City Clerk** not later than 5:00 on the preceding ~~Thursday~~ **Wednesday**. The ~~city clerk~~ **City Clerk** shall prepare an agenda of all such matters according to the order of business and shall furnish each member of the ~~council~~ **Council**, the ~~city administrator~~ **City Manager**, the ~~city attorney~~ **City Attorney** and each department head with a copy of the same prior to the ~~council~~ **Council** meeting. Except as otherwise provided in this chapter, no matter not included on the agenda may be presented to the ~~council~~ **Council** without first obtaining the unanimous consent of all ~~councilmen~~ **Council Members** present at the meeting **and making the findings required by law.**

2.28.050 ~~Order of business.~~ RESERVED

~~The business of the council shall be taken up for consideration and disposition in the following order, unless otherwise changed by order of the city council:~~

- ~~Call to Order (6:00 p.m.)~~
- ~~Pledge of Allegiance~~
- ~~Roll Call~~
- ~~Committee Reports~~
- ~~City Manager Report~~
- ~~Public Comment Time~~
- ~~Additions/Deletions to Consent Agenda~~
- ~~Additions/Deletions to Regular Agenda~~
- ~~Consent Agenda~~
- ~~Regular Agenda~~
- ~~Public Hearings (6:30 p.m.)~~
- ~~Regular Agenda (resumed, if necessary)~~
- ~~Future Agenda Items~~

~~Closed Session (if necessary)~~

~~Adjournment~~

~~The above order of business may be changed from time to time by the council. In addition, the regular order of business may, for any particular meeting, be suspended for any purpose by the presiding officer with consent of a majority of the council members present.~~

2.28.060 Roll call.

Before proceeding with the business of the ~~council~~ **Council**, the ~~city clerk~~ **City Clerk** or ~~his~~ **their** deputy shall call the roll of the members, and the names of those ~~physically present~~ **either physically or virtually** shall be entered in the minutes.

2.28.070 Quorum.

A majority of all the members elected to the ~~council~~ **Council** shall constitute a quorum at any regular or special meeting of the ~~council~~ **Council**. The presence or absence of a quorum shall be determined by the presiding officer.

2.28.080 Reading of minutes.

Unless a reading of the minutes of the ~~council~~ **Council** meeting is requested in open meeting by a member of the ~~council~~ **Council**, such minutes may be approved without reading if the ~~clerk~~ **Clerk** has previously furnished each member with a copy thereof. Notwithstanding the above, reading of the minutes may always be waived by a duly carried motion to waive the reading thereof.

2.28.090 Voting.

A vote by roll call shall not be required unless a ~~council member~~ **Council Member** specifically requests a roll call after a motion is made and before the presiding officer calls for the vote. Unless a member of the council audibly states ~~he is~~ **they are** not voting, ~~his~~ **their** silence shall be, and shall be recorded as, an affirmative vote.

2.28.100 Mayor as presiding officer.

The presiding officer of the ~~council~~ **Council** shall be the ~~mayor~~ **Mayor**, or in ~~his~~ **their** absence, the ~~mayor pro tempore~~ **Vice Mayor**. ~~He~~ **They** shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the ~~council~~ **Council** to order. In the absence of the ~~mayor~~ **Mayor** or ~~mayor pro tempore~~ **Vice Mayor**, the ~~city clerk~~ **City Clerk** shall call the ~~council~~ **Council** to order, whereupon, a temporary presiding officer shall be elected by the members of the ~~council~~ **Council** present. Upon the arrival of the ~~mayor~~ **Mayor** or ~~mayor pro tempore~~ **Vice Mayor** the temporary presiding officer shall immediately relinquish the chair upon the conclusion of the particular business immediately before the ~~council~~ **Council** at that time. Wherever in this ~~ordinance~~ **chapter** the term ~~mayor~~ **Mayor** is used, it shall apply equally to the presiding officer as defined in this section.

2.28.110 Powers and duties of presiding officer.

The presiding officer shall have a vote, but no veto power, and may move, second and debate from the chair. ~~He~~ **They** shall preserve strict order and decorum at all regular and special meetings of the ~~council~~ **Council**. He shall state, or call upon the ~~clerk~~ **Clerk** to state, every question before the ~~council~~ **Council** on all subjects. ~~He~~ **They** shall decide all questions of order, subject however to an appeal to the ~~council~~ **Council** or any ~~councilman~~ **Council Member**, in which event a majority vote of the council shall govern and conclusively determine such question of order. ~~He~~ **They** shall have and exercise such other powers and duties as are contained elsewhere in this ordinance, and as are authorized by law.

2.28.120 Additional powers.

The presiding officer shall have power and authority in ~~his~~ **their** discretion and without a vote of the council, to:

- A. Refer any matter, whether or not on the agenda, to a committee for study and report. Such power may not be exercised while a motion is on the floor covering such matter, until the motion is disposed of. Once a matter has been referred to committee and a report rendered thereon, it may not thereafter be referred to committee a second time under this power but only by ~~council~~ **Council** action;
- B. Set time limits on ~~council~~ **Council** discussion on any matter;
- C. Set time limits on any communications from members of the public to the ~~council~~ **Council**;
- D. Declare the opening and closing of public hearings;
- E. Rule any motion on a subject not on the agenda as being out of order, in which case the motion shall thereafter be void and the ~~clerk~~ **Clerk** shall set the subject matter thereof down on the agenda of the next regular or special ~~council~~ **Council** meeting;
- F. Table any motion on any matter until the next regular or special council meeting, whenever the ~~city attorney~~ **City Attorney** advises that there is a serious question as to the validity or constitutionality of the particular proposed course of action which is the subject matter of said motion;
- G. Require any witness testifying to facts at any public hearing to be sworn before proceeding further with any such testimony.

2.28.130 Preparation of ordinances.

All ordinances shall be prepared by or under the direction of the ~~city attorney~~ **City Attorney**. No ordinance shall be prepared for presentation to the ~~council~~ **Council** unless ordered by a majority vote of the ~~council~~ **Council**, or requested by the ~~mayor~~ **Mayor** or ~~city administrator~~ **City Manager**, or prepared by the ~~city attorney~~ **City Attorney** on ~~his~~ **their** own initiative.

2.28.140 Prior review by administrative staff.

Before presentation to the ~~council~~ **Council**, all ordinances, written resolutions and contract documents shall have been approved as to form by the ~~city attorney~~ **City Attorney** on ~~his~~ **their** own initiative.

2.28.150 Introduction for passage or approval.

- A. Ordinances, resolutions and other matters or subjects requiring action by the ~~council~~ **Council** must be introduced and sponsored by a member of the ~~council~~ **Council**, except that the ~~mayor~~ **Mayor**, ~~city administrator~~ **City Manager** or ~~city attorney~~ **City Attorney** may present the same and any ~~councilman~~ **Council Member** may assume the sponsorship thereof by moving that such ordinance, resolution or matter or subject be adopted; otherwise, they shall not be considered.
- B. Any ordinance may be introduced by the reading of the title only. All ordinances shall be read in full at least once prior to final passage and adoption, unless the reading thereof is dispensed with by the unanimous vote of the ~~council~~ **Council** present at a regular meeting. Notwithstanding the above, all emergency ordinances shall be read in full prior to passage and adoption.
- C. Resolutions may be presented in written or oral form. Where written, the resolution need only be read by title and number prior to action thereon, and only the motion adopting it need appear in the minutes. Where oral, the same shall be stated in full by the moving party, and if adopted, shall either:
 - 1. Be transcribed in full in the minutes; or
 - 2. Thereafter be reduced to written form separate from the minutes, executed by the presiding officer and attested by the ~~city clerk~~ **City Clerk**.

The presiding officer shall direct which final form a verbally presented resolution shall take.
- D. The presiding officer shall call all motions to a vote except those which have not been seconded.
- E. All motions for enactment of any ordinance, resolution or other council action which do not receive the required vote for passage shall nevertheless be entered in the minutes.

2.28.160 Presiding officer may debate.

The ~~mayor~~ **Mayor** or such other member of the ~~council~~ **Council** as may be acting as presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. ~~He~~ **They** shall not be deprived of any of

the rights and privileges of a ~~councilman~~ **Council Member** by reason of ~~his~~ **their** being ~~mayor~~ **Mayor** or acting as presiding officer.

2.28.170 Getting the floor.

Every ~~council member~~ **Council Member** desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine ~~himself~~ **themselves** to the question under debate, avoiding all personalities and indecorous language.

2.28.180 Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it be to call ~~him~~ **them** to order, or as herein otherwise provided. If a member, while speaking, be called to order, ~~he~~ **they** shall cease speaking until the question of order be determined, and, if in order, ~~he~~ **they** shall be permitted to proceed.

2.28.190 Privilege of closing debate.

The ~~councilman~~ **Council Member** moving the adoption of an ordinance or resolution, or ~~council~~ **Council** action, shall have the privilege of closing the debate.

2.28.200 Motion to reconsider.

A motion to reconsider any action taken by the ~~council~~ **Council** may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and shall have precedence over all other motions and shall be debatable. Nothing herein shall be construed to prevent any member of the ~~council~~ **Council** from making or remaking the same or any other motion at a subsequent meeting of the ~~council~~ **Council**.

2.28.210 Remarks of ~~councilmen~~ **Council Members—Synopsis of debate.**

A ~~councilman~~ **Council Member** may request, through the presiding officer, the privilege of having an abstract of ~~his~~ **their** statement on any subject under consideration by the ~~council~~ **Council** entered in the minutes.

If the ~~council~~ **Council** consents thereto, such statement shall be entered in the minutes. The ~~clerk~~ **Clerk** may be directed by the presiding officer, with consent of the ~~council~~ **Council**, to enter in the minutes a synopsis of the discussion on any question coming regularly before the ~~council~~ **Council**.

2.28.220 Rules of order.

Except as otherwise provided in this chapter, proceedings of the ~~council~~ **Council** shall be governed under "Roberts' Rules of Order" on all matters pertaining to parliamentary law.

2.28.230 Failure to observe rules of order on debate.

No action of the ~~council~~ **Council** shall be invalidated nor the legality thereof affected by the failure or omission to observe or follow the within rules of debate or "Roberts' Rules of Order".

2.28.240 Addressing the council.

General. Any person desiring to address the ~~council~~ **Council** shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any ~~qualified and~~ interested person **or member of the public** shall have the right to address the ~~council~~ **Council** upon obtaining recognition by the presiding officer:

- A. *Written communications.* Interested parties or their authorized representatives may address the ~~council~~ **Council** by written communication. If copies of said communications are furnished to each ~~councilman~~ **Council Member** present, such written communications need not be read aloud at the meeting unless so ordered by a majority vote of the ~~council~~ **Council**.
- B. *Oral communications.* ~~Taxpayers or residents of the city~~ **Members of the public** or their authorized legal representative may address the ~~council~~ **Council** by oral communications on any matter concerning the ~~city's~~ **City's** business, or any matter over which the ~~council~~ **Council** has control; provided, however, that preference shall be given to those persons who may have notified the ~~city clerk~~ **City Clerk** in advance of their desire to speak.
- C. *Public hearings.* Interested persons, **members of the public** or their authorized representatives may address the ~~council~~ **Council** by reading a protest, petition, or communication relating to matters the subject of public hearing under this category, and the order of presentation and the time thereof shall be under the direction and control of the presiding officer.

2.28.250 Manner of addressing ~~council~~Council.

Each person addressing the ~~council~~ **Council** shall stand and give ~~his~~ **their** name and address in an audible tone of voice for the record, and shall speak into the microphone provided at all times that the electronic public address system is in operation. All remarks shall be addressed to the ~~council~~ **Council** as a body and not to any member thereof. No person, other than the ~~council~~ **Council** and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the ~~council~~ **Council**, without the permission of the presiding officer. No person shall address or question a ~~council member~~ **Council Member**, the ~~city attorney~~ **City Attorney**, the ~~director of public works~~ **Director of Public Works**, the ~~city administrator~~ **City Manager** or other official at the ~~council~~ **Council** table without the prior consent of the presiding officer.

2.28.260 Particular rules.

- A. Written communications on a particular matter for ~~council~~ **Council** discussion shall be read by the ~~council~~ **Council** at the time of such discussion rather than under the agenda item of "written communications".
- B. Written communications from the administrative staff shall not be read aloud unless requested by the writer or any ~~councilman~~ **Council Member**.
- C. Anonymous communications shall not be read.
- D. The presiding officer shall not permit any communication, written or oral, to be made or read where it does not bear directly on an agenda item then under discussion.
- E. After a motion is made by a ~~councilman~~ **Council Member**, no person shall address the ~~council~~ **Council** without first securing the permission of the ~~council~~ **Council** to do so.

2.28.270 Public hearings—General rules.

The following general rules shall be applicable to all public hearings by the ~~council~~ **Council** (except hearings on appeal which are not de novo hearings), and to all public hearings by the ~~the~~ Scotts Valley ~~Planning~~ **City** ~~Commissions~~ until such time as separate rules are adopted by ordinance for ~~any City Commission~~ **planning-commission** public hearings:

- A. No written communication received by the ~~council~~ **Council** or ~~planning commission~~ **City Commission** after the close of a public hearing shall be read or considered in determining the issue in question; unless prior to the close of such hearing, the presiding officer has specifically directed that such written communication be received.
- B. Referral to committee for report.
 - 1. Subject to the limitations hereafter set forth, the presiding officer may, and on hearings de novo on appeal to the ~~council~~ **Council** on zoning variances, adjustments and use permits the presiding officer shall, prior to close of the hearing, refer the matter to a committee for report and recommendation. The hearing shall be continued to such date as the report is ordered filed, and at that future time the continued hearing shall be restricted solely to the point raised in the committee report, and thereafter shall be closed.
 - 2. No matter the subject of a public hearing shall be referred to committee nor a report therefrom considered by the ~~council~~ **Council** or ~~planning-commission~~ **City Commission** after a public hearing is closed, unless the same is reopened on rendition of the report for the limited purpose, however, of discussing the report.

3. Any matter referred to committee for report may be acted on without such report if the same is not rendered at the time required.
- C. Whenever in the approval of a tentative subdivision map or building site, the granting of a zoning variance or adjustment, or of a ~~any~~ use or ~~architectural and site control~~ ~~other~~ ~~planning~~ permits, conditions are imposed or to be imposed, a reasonable opportunity shall be provided the applicant to discuss such proposed conditions and the effect thereof prior to the imposition of the same.

"Reasonable opportunity" for the purposes of this section shall mean as follows:

1. Where the matter is referred to committee prior to action thereon, the committee shall discuss any proposed conditions with a representative of applicant prior to rendition of the report. A copy of such report shall be filed with the ~~city clerk~~ ~~City Clerk~~, or secretary of the ~~planning commission~~ ~~City Commission~~ at least three days prior to the date of the continued hearing; or
 2. Where the public hearing is closed and action taken directly thereon by the ~~council~~ ~~Council~~ or planning commission without committee report, after a motion to approve with conditions and before a second to said motion, a single representative of applicant may address the council and briefly discuss the proposed conditions; or
 3. Such other reasonable method in lieu thereof as may be ordered by the presiding officer.
- D. In all other respects the rules for addressing the ~~council~~ ~~Council~~ shall be applicable to public hearings.

2.28.275 Public hearings—Commencement time.

- A. All public hearings before the ~~city council~~ ~~City Council~~ shall commence at ~~6:30~~ ~~6:00~~ p.m. on the meeting date in question or as soon thereafter as the course of business permits, regardless of position on the agenda.
- B. Notwithstanding the provisions of subsection A. of this section, the presiding officer with the consent of the majority of the ~~council members~~ ~~Council Members~~ present may designate an earlier or later time for commencement of a particular public hearing to be held at any succeeding meeting of the ~~council~~ ~~Council~~. All public hearings shall be duly noticed as required by law.

2.28.280 Hearings on appeal from planning commission.

Hearings de novo on appeal shall be conducted in the same manner as required for the original hearing before the planning commission. On other than de novo hearings, ~~no member of the public may address the council save for one speaker for the~~ ~~one for the respondent~~ ~~shall with a limitation of~~ ~~be limited to~~ fifteen minutes per side in total.

These limitations may be modified, changed or suspended by resolution of the ~~council~~ **Council** at any time. **Members of the public shall have the right to speak to the matter in accordance with State law.**

2.28.290 Decorum and enforcement.

While the ~~council~~ **Council** is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt proceedings or the pace of the ~~council~~ **Council** nor disturb any member while speaking or refuse to obey the orders of the ~~council~~ **Council** or its presiding officer, except as otherwise herein provided.

2.28.300 By other persons.

~~Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.~~

Pursuant to California Government Code Section 54957.95, any person or group of persons who willfully disrupt, disturbs, impedes, or renders infeasible the orderly conduct of the meeting or engages in behavior that constitutes use of force or a true threat of force may be removed. Any such persons shall first receive a warning from the Presiding Officer or their designees, and failure to promptly cease disruptive behavior shall lead to removal.

2.28.310 ~~Council contempt.~~ RESERVED

~~While the council is in session, any person who acts in a disorderly, contemptuous or insolent manner towards the council or any council member thereof, or who becomes boisterous while addressing the council or any council member thereof, which conduct tends to interrupt the due course of the meeting; or any member of the public in attendance who fails, on demand of the presiding officer, to comply with any rule set forth in Sections 2.28.240 through 2.28.280 of this chapter, or any order of the presiding officer made in accord with the authority of this chapter shall be guilty of a misdemeanor.~~

2.28.320 Enforcement of decorum.

The ~~chief of police~~ **Chief of Police** of the city **City** and ~~his~~ **their** deputies, or such one of them as shall be present, shall be sergeant at arms of the ~~council~~ **Council** meeting. ~~He, or They,~~ shall carry out all orders of the presiding officer for the purpose of maintaining order and decorum at the ~~council~~ **Council** meetings. Upon instructions from the presiding officer, it shall be the duty of the sergeant at arms, or any of them present, to place any person who violates the order or the decorum of the meeting under arrest, and cause ~~him~~ **that person** to be prosecuted under the provisions of this ordinance, the complaint to be signed by the presiding officer.

2.28.330 Adjournment.

Any meeting may either be terminated, or continued to another time, place and/or date by adjournment, regardless of whether or not all matters on the agenda, or under discussion have been covered, acted on or concluded. Notwithstanding the above, no meeting shall be terminated before closing all public hearings noticed for that meeting, without first continuing said public hearings to another time, place and date. Subject to the above, a motion to adjourn shall always be in order and decided without debate. Where a meeting is continued to a future date, if either the time or place, or both of them, is not stated in the order of adjournment, it shall be deemed to be at the hour and place specified for regular meetings of the ~~council~~ **Council**.

2.32 - Bonds for City Clerk and Treasurer

2.32.010 ~~Designated~~ Bond and fidelity coverage required.

~~Pursuant to Government Code Section 36518 of the state, the bond of the city clerk is hereby fixed at five thousand dollars corporate surety, and the bond of the city treasurer is hereby fixed at five thousand dollars corporate surety. Each bond shall be 2.32 approved by the council.~~
The City Clerk, City Treasurer, and such other officers and employees as determined by the City Manager or required by law shall be covered by faithful performance bonds, fidelity insurance, crime coverage, and other equivalent insurance protection as authorized by the City Council.

The amount and form of such coverage shall be established by resolution of the City Council or pursuant to the City's insurance and risk management programs.

2.32.020 Blanket bond coverage.

~~The mayor, the mayor pro tempore, the deputies of the city clerk and city treasurer, and all other department heads and their deputies, exclusive of the city clerk and the city treasurer, shall be covered by a blanket primary commercial fidelity bond in the sum of eighty thousand dollars.~~
The City may maintain blanket fidelity or crime insurance coverage for officers, employees, and designated agents of the City in such amounts and under such terms as deemed appropriate by the City Council or the City's insurance and risk management provider.

2.40 - Unclaimed Property in the Police Department

2.40.010 ~~Holding time—Disposition~~ Custody.

~~All unclaimed property shall be held by the police department of the city for at least four months, except for unclaimed bicycles, which shall be held for at least three months. Should any of such property remain unclaimed by the true owner for such period, it shall thereafter be transferred to the city purchasing and stores agency for sale to the public at public auction;~~

~~provided, however, that the city purchasing and stores agency may determine that any such property transferred to it for sale is needed for public use and if such determination is made, such property may be retained by the city and need not be sold. The provisions of this section and chapter are specifically made subject to the provisions of Section 2080.3 of the Civil Code of the state, as they presently exist or may hereafter be amended from time to time.~~ Any unclaimed property or money coming into the possession of the Police Department shall be held for the account of the owner thereof for at least ninety days after the receipt of the same, unless the owner thereof shall sooner claim the same. A receipt shall be issued to the person delivering such property or such money.

2.40.020 ~~Purchasing and stores agency designated~~ Safe-Keeping and Disposal.

~~The city administrator of the city or his designated representative, is designated as the city's purchasing and stores agency, pursuant to Civil Code Section 2080.4 and other applicable laws.~~ The property shall be stored in a safe place, and such money shall be deposited with the City Treasurer during the ninety-day period, unless sooner claimed by the legal owner or person lawfully entitled to possession, and shall then be deemed to be unclaimed property or unclaimed money if not claimed by the legal owner and be subject to disposal as provided in this chapter.

2.40.030 ~~Regulations by state code.~~ Rights of Owner—Proof required.

~~All property which is subject to the Penal Code of the state and regulated thereby shall be handled in accordance with such provisions, notwithstanding any provisions of this chapter.~~ During such ninety-day period, such property may be delivered or such money paid to the legal owner or person lawfully entitled to possession, upon proof of ownership satisfactory to the Chief of Police or their designee. If ownership cannot be determined to the satisfaction of the Chief of Police or their designee, they may refuse to deliver such property or money to anyone until ordered to do so by a court of competent jurisdiction. No property or money shall be returned to the owner until payment of all charges therefor, as in this chapter provided.

2.40.040 - Rights of Finder.

A. Any person who turns over to the police department any lost or unclaimed property or money may assert a written claim as a finder to such property or money, in the event the legal owner of said property or money has not been found or located within the time period prescribed in this chapter. If such finder fails to assert a written claim to the property or money as a finder at the time they deliver such property or money to the Police Department, they shall be deemed to have waived their rights as a finder.

B. In the event the legal owner of such unclaimed property shall not claim the same within a period of ninety days from the receipt thereof, the Chief of Police or their designee may deliver such property or money to the finder, if they have indicated in writing that they wish to assert a claim to the property or money as the finder, and if they appear at the police station and demands

the return of the property or money within ten days after the expiration of the ninety-day period hereinabove mentioned. Charges may be imposed as provided in this chapter.

2.40.050 - Money to be Deposited in General Fund.

A. All property so received by the Chief of Police or their designee and not delivered to the legal owner during the ninety-day period, or to the finder as hereinabove provided, shall be disposed of by public auction, or appropriated to the use of the City of Scotts Valley, whichever the City Manager determines to be in the best interests of the city

B. Notwithstanding subsection A, in the event said property is deemed to be of no value by the City Manager it shall be disposed of in the manner they determine to be in the best interests of the city

C. In the event an auction is held, there shall be published in a newspaper of general circulation, published in the city, at least five days prior to such sale, a notice announcing the date, time and place of the sale. If there is no such newspaper, notices shall be posted in at least three public places within the City.

2.40.060 - Charges.

Prior to returning any property or money to the legal owner or person lawfully entitled to possession, or, if the legal owner or person lawfully entitled to possession cannot be located, to the finder, the Chief of Police or the Chief's designee shall require payment of the actual, reasonable, and necessary costs incurred by the City in storing, safeguarding, preserving, transporting, or otherwise maintaining the property.

2.40.070 - Proceeds to be Deposited in General Fund.

After any auction authorized by this chapter is completed, the Chief of Police or their designee shall deliver the proceeds of the auction to the City Treasurer for deposit in the general fund.

2.40.080 - Unsalable and unusable property.

Any property advertised and offered for sale but not sold and not suitable for appropriation to the use of the city shall be deemed to be of no value and shall be disposed of in such manner as the City Manager directs.

2.40.090 - Dangerous or perishable property.

Any property coming into the possession of the Chief of Police or their designee which is determined by the Chief of Police or their designee to be dangerous, unlawful to possess,

perishable or hazardous to the public health may be disposed of immediately without notice, in such manner as they determined to be in the public interest.

2.44 - Public Employee's Retirement System

2.44.010 ~~Contract with city~~ Participation authorized.

~~A contract between the council of the city and the Board of Administration, California Public Employees' Retirement System is authorized. A copy of the contract is on file in the office of the city clerk.~~ The City is authorized to participate in the California Public Employees' Retirement System ("CalPERS") pursuant to applicable provisions of the California Government Code.

The City may enter into and amend contracts with the Board of Administration of CalPERS for retirement and related benefits for eligible officers and employees of the City.

2.44.020 ~~Mayor authorized~~ Authorized representatives.

~~The mayor of the council is authorized, empowered, and directed to execute the contract for and on behalf of said agency.~~ The City Manager, Mayor, or their designee is authorized to execute CalPERS contracts, amendments, certifications, and related documents on behalf of the City as authorized by the City Council.

2.48 - ~~Civil Defense and Disasters~~ Emergency Preparedness

2.48.010 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 this city in the event of a disaster and to provide for the coordination of the civil defense and disaster functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster 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.~~ 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 this city in the event of an emergency and to provide for the coordination of the emergency services of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such emergency response 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.

2.48.020 Definitions.

- A. ~~Civil Defense. As used in this chapter, the term "civil defense" means preparation for and carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.~~ **Emergency.** As used in this chapter, the term "emergency" means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, pandemic, riot, earthquake, sabotage, enemy attack or other similar public calamity.
- B. ~~Disaster. As used in this chapter, the term "disaster" means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.~~ **Emergency Services.** As used in this chapter, the term "emergency services" is the preparation for, and the execution of, all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from an emergency. It shall not include, nor does any provision of this chapter apply to, any condition relating to a labor controversy.

2.48.030 Council membership ~~RESERVED.~~

~~The Scotts Valley civil defense and disaster council is created and shall consist of the following:~~

- ~~A. The mayor, who shall be chairman;~~
- ~~B. The director of civil defense and disaster, who shall be vice chairman;~~
- ~~C. The deputy director appointed by the director of civil defense with the advice of the council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be assigned by the director;~~
- ~~D. Such assistant directors and chiefs of civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter;~~
- ~~E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council.~~

2.48.040 Council ~~RESERVED.~~

~~It shall be the duty of the Scotts Valley civil defense and disaster council, and it is empowered, to review and recommend for adoption by the council, civil defense and disaster 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 civil defense and disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon the call of the vice chairman.~~

2.48.050 ~~Director of civil defense and disaster—Powers and duties~~ Director of Emergency Services.

~~There is created the office of director of civil defense and disaster. Such officer shall be appointed by the mayor with the advice and consent of the city council.~~ **The City Manager of the City of Scotts Valley shall serve as the Director of Emergency Services of the City of Scotts Valley.**

The ~~director~~ **Emergency Services Director** is empowered to:

- A. ~~Request the council to proclaim the existence or threatened existence of a disaster or an emergency and the termination thereof if the council is in session, or to issue such proclamation if the council is not in session, subject to confirmation by the council at the earliest practicable time;~~ **Request the City Council to proclaim the existence or threatened existence of an emergency and the termination thereof if the City Council is in session, or to issue such a proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time;**
- B. ~~Request the governor to proclaim a state of disaster or a state of extreme emergency when, in the opinion of the director, the resources of the area or region are inadequate to cope with the disaster;~~ **Request the Governor to proclaim a state of local emergency or a state of emergency when, in the opinion of the Emergency Services director, the resources of the area or region are inadequate to cope with the emergency;**
- C. ~~Control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this chapter;~~ **Control and direct the effort of the emergency services organization of this City for the accomplishment of the purposes of this chapter;**
- D. ~~Direct coordination and cooperation between divisions, services and staff of the civil defense and disaster organization of this city, and to resolve questions of authority and responsibility that may arise between them;~~ **Direct coordination and cooperation between departments, services and staff of the emergency services organization of this city, and to resolve questions of authority and responsibility that may arise between them;**
- E. ~~Represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster.~~ **Represent the emergency services organization of this City in all dealings with public or private agencies pertaining to emergency services.**

2.48.060 Powers of ~~director~~ **the Director**.

~~In the event of the proclamation of a disaster or emergency as herein provided, or the proclamation of a state of disaster or a state of extreme emergency by the governor or the director of the California Disaster Office, the director is hereby empowered to:~~ **In the event of the proclamation of an emergency as herein provided, or the proclamation of a state of emergency by the Governor or the director of the California Governor's Office of Emergency, the Emergency Services Director is hereby empowered to:**

- A. ~~Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council.~~ **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. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the ~~city~~ **City** for the fair value thereof, and if required immediately, to commandeer the same for public use;
- C. ~~Require emergency services of any city officer or employee and, in the event of the proclamation of a state of disaster or a state of extreme emergency by the governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks 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 civil defense and disaster service volunteers;~~ **Require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency by the Governor in the region in which the City is located, to command the aid of as many citizens of this community as they think necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for emergency service workers.**
- D. Requisition necessary personnel or material of any ~~city~~ **City** ~~department~~ **Department** or agency;
- E. Execute all of his their ordinary powers as required by his their official position within the ~~city~~ **City**, all of the special powers conferred upon ~~him~~ **them** by this chapter or by resolution adopted pursuant thereto, all powers conferred upon ~~him~~ **them** by any statute, agreement approved by the ~~city council~~ **City Council**, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise

complete authority over the ~~city~~ **City** and to exercise all police power vested in the ~~city~~ **City** by the constitution and general laws.

2.48.070 ~~Civil defense and disaster organization~~ Emergency Services Organization.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during a ~~an disaster~~ **emergency**, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of subsection C of Section 2.48.060 of this chapter, be charged with duties incident to the protection of life and property in this ~~city~~ **City** during such ~~disaster~~ **emergency**, shall constitute the ~~civil defense and disaster~~ **emergency services** organization of the ~~city~~ **City**.

2.48.080 Divisions, services and staff of the organization.

The functions and duties of the ~~civil defense and disaster~~ **emergency services** organization shall be distributed among such divisions, services and special staff as the ~~city council~~ **City Council** shall prescribe by resolution. The ~~council~~ **Council** shall, concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, and the designation of officers and employees. ~~Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the civil defense and disaster agencies of the federal government and the state of California.~~

2.48.090 Punishment of violations.

It is a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person during a ~~an disaster~~ **emergency** to:

- A. Wilfully obstruct, hinder or delay any member of the ~~civil defense and disaster~~ **emergency services** 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 by virtue of this chapter;
- B. Do any act forbidden by any lawful rules or regulations 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~~ **City**, or to prevent, hinder or delay the defense or protection thereof;
- C. To wear, carry or display without authority any means of identification specified by the ~~civil defense and disaster agency of the state~~ **California Governor's Office of Emergency Services or the Emergency Services Director**.

2.52 - ~~Use of Criminal History~~ Background Investigations and Criminal History Records

2.52.010 Criminal conduct—Ineligibility for employment.

- A. ~~Except as otherwise provided in this section, conviction (including pleas of guilty and nolo contendere) of a felony or a misdemeanor shall be prima facie disqualification of an applicant for employment by the city; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:~~
- ~~1. The classification, including its sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;~~
 - ~~2. The nature and seriousness of the offense;~~
 - ~~3. The circumstances surrounding the conviction;~~
 - ~~4. The length of time elapsed since the conviction;~~
 - ~~5. The age of the person at the time of the conviction;~~
 - ~~6. The presence or absence of rehabilitation or efforts at rehabilitation;~~
 - ~~7. Contributing social or environmental conditions.~~
- B. ~~The appointing authority shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application for employment.~~
- C. ~~An applicant who is disqualified for employment under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the city clerk within ten days of the date of notice of disqualification. The city council shall hear and determine the appeal within ninety days after it is filed. The determination of the city council on the appeal shall be final.~~
- D. ~~Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant has been convicted of a felony or misdemeanor.~~
- E. ~~Pursuant to Section 11105 of the Penal Code of the state, the following officers of the city are authorized to have access to and to utilize state summary criminal history information when it is needed to assist them in fulfilling employment duties set forth in this section: City administrator, city clerk, chief of police, and city attorney.~~

2.52.010 Purpose and Findings

- A. The City Council finds that the City has a responsibility to protect public safety, safeguard public funds and property, preserve confidential information, maintain the integrity of municipal operations, and promote public confidence in City government.
- B. The City Council further finds that individuals employed by, providing services to, volunteering for, conducting business with, or seeking authorization from the City may be

entrusted with public resources, confidential information, City facilities, information technology systems, official records, direct interaction with members of the public, or participation in programs involving vulnerable populations.

C. The City Council finds that background investigations and criminal history record checks, when authorized by applicable law, are appropriate tools to assist the City in evaluating the suitability of individuals whose duties, activities, responsibilities, or privileges may affect the safety, security, or welfare of the public, City employees, or City operations.

D. The purpose of this chapter is to establish the City's authority to conduct background investigations, obtain criminal history information as authorized by law, evaluate individuals in a fair and consistent manner, and ensure compliance with applicable federal and state laws governing the use of criminal history information.

~~2.52.020 Criminal conduct—Ineligibility for city licenses and permits.~~

~~A. Except as otherwise provided in this section, conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of an applicant for the following city licenses or permits:~~

~~1. Business licenses and entertainment permits.~~

~~B. The city licensing authority, however, may disregard such conviction if it is found and determined by such licensing authority that mitigating circumstances exist. In making such determination, the city licensing authority shall consider the following factors:~~

- ~~1. The type of business license or permit for which the person is applying;~~
- ~~2. The nature and seriousness of the offense;~~
- ~~3. The circumstances surrounding the conviction;~~
- ~~4. The length of time elapsed since the conviction;~~
- ~~5. The age of the person at the time of the conviction;~~
- ~~6. The presence or absence of rehabilitation or efforts at rehabilitation;~~
- ~~7. Contributing social or environmental conditions.~~

~~C. The city licensing authority shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.~~

~~D. An applicant who is disqualified for a city business license or permit under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the city clerk within ten days of the date of the notice of disqualification. The city council shall hear and determine the appeal within ninety days after it is filed. The determination of the city council on the appeal shall be final.~~

E. ~~Pursuant to Section 11105 of the Penal Code of the state, the following officers of the city are authorized to have access to and to utilize state summary criminal history information when it is needed to assist them in fulfilling licensing duties set forth in this section: city administrator, city clerk, chief of police, and city attorney.~~

2.52.020 Applicability.

A. This chapter applies, as authorized by applicable law, to any individual seeking to obtain or maintain employment, appointment, volunteer status, internship, contract, consulting engagement, permit, license, authorization, certification, or any other relationship with the City for which a background investigation or criminal history records check is authorized, required, or determined by the City to be appropriate.

B. Individuals subject to this chapter may include, but are not limited to:

1. Applicants for employment;
2. Current employees;
3. Volunteers;
4. Interns;
5. Reserve personnel;
6. Consultants;
7. Independent contractors;
8. Employees of contractors assigned to perform services for or on behalf of the City;
9. Recreation instructors, coaches, camp counselors, and program leaders;
10. Applicants for permits, licenses, authorizations, or certifications when authorized or required by law or City policy;
11. Individuals providing services on behalf of the City; and
12. Any other person for whom a background investigation is authorized or required by federal, state, or local law or determined by the City to be appropriate for the protection of public safety, City resources, or the integrity of municipal operations.

C. Nothing in this chapter shall be construed to authorize the collection, use, or dissemination of criminal history information except as permitted by applicable law.

~~2.52.030 Copy of regulations to Department of Justice.~~

~~The city clerk shall forward a certified copy of the ordinance codified in this chapter to the Department of Justice Criminal Records Security Unit.~~

2.52.030 Background Investigations.

A. The City may require an individual subject to this chapter to successfully complete one or more background investigations or screening processes before appointment, employment, approval, issuance of a permit or license, authorization to perform services, or continued participation in a City program or activity.

B. Background investigations may include, as authorized by applicable law:

1. Fingerprint-based criminal history records checks;
2. State and federal criminal history records checks;
3. Employment history verification;
4. Education verification;
5. Professional license or certification verification;
6. Reference checks;
7. Driving history;
8. Credit history where authorized by law;
9. Verification of eligibility to work;
10. Verification of professional qualifications; and
11. Any other lawful inquiry reasonably related to determining an individual's suitability for the position, permit, license, authorization, contract, activity, or relationship with the City.

C. The scope and extent of any background investigation shall be reasonably related to the duties, responsibilities, privileges, or risks associated with the position, activity, or authorization.

2.52.040 Evaluation of Criminal History Information.

A. When authorized by applicable law, the City may consider criminal history information that is substantially related to the duties, responsibilities, privileges, or activities associated with the position or authorization.

B. Criminal conduct that may be considered includes, but is not limited to:

1. Fraud;
2. Theft;
3. Embezzlement;
4. Forgery;
5. Identity theft;
6. Bribery or corruption;
7. Misuse of public office or abuse of public trust;
8. Computer crimes or unauthorized access to information systems;
9. Misuse or unlawful disclosure of confidential information;
10. Violence, threats of violence, abuse, or sexual misconduct;
11. Controlled substance offenses or other offenses that bear a direct relationship to the duties or responsibilities of the position; and
12. Any other criminal conduct that may lawfully be considered and is substantially related to the position or activity.

C. In evaluating criminal history information, the City shall comply with applicable federal and state law and shall consider factors including:

1. The nature and gravity of the offense or conduct;
2. The time that has elapsed since the offense or completion of sentence;
3. The nature of the position, activity, permit, or authorization sought;
4. Evidence of rehabilitation;
5. Mitigating circumstances; and
6. Any other factors required by applicable law.

D. Nothing in this chapter shall require the disqualification of an individual based solely upon a criminal conviction unless otherwise required by law.

2.52.050 Compliance with Applicable Law.

A. The City shall conduct background investigations and evaluate criminal history information in accordance with all applicable federal, state, and local laws governing employment practices, licensing, permitting, privacy rights, nondiscrimination, and the authorized use of criminal history information.

B. Where a specific statute establishes eligibility criteria, mandatory disqualifications, procedural requirements, or additional background investigation requirements for a particular position, permit, license, certification, volunteer activity, or other authorization, those requirements shall govern.

C. Individuals shall receive any notices, opportunities to respond, and procedural protections required by applicable law.

2.52.060 Confidentiality.

A. Criminal history information received from the California Department of Justice, the Federal Bureau of Investigation, or any other authorized source shall be maintained as confidential and used solely for the purpose for which it was obtained.

B. Criminal history information shall not be disclosed except as authorized or required by law.

C. Records obtained pursuant to this chapter shall be maintained in accordance with applicable law and the City's records retention requirements.

2.52.070 Authorized Access to Criminal History Information.

A. Pursuant to California Penal Code Section 11105 and other applicable law, the City Manager, Human Resources Manager, Chief of Police, City Clerk, City Attorney, and any employee or designee authorized by the City Manager to administer background investigations are authorized to request, receive, review, and utilize state summary criminal history information solely for authorized governmental purposes and in accordance with applicable law.

B. Access to criminal history information shall be limited to those individuals whose official duties require such access.

C. Nothing in this section shall be construed to expand or limit the authority granted under federal or state law.

2.52.080 Administrative Procedures.

A. The City Manager is authorized to adopt administrative rules, procedures, forms, and standards necessary to implement this chapter.

B. Administrative procedures may include, but are not limited to:

1. Categories of individuals subject to background investigations;
2. Levels and types of background investigations appropriate for various positions, permits, licenses, contracts, activities, or authorizations;
3. Standards and procedures for fingerprint-based criminal history records checks;
4. Criteria for evaluating criminal history information;
5. Confidentiality and records management requirements;
6. Procedures for obtaining required authorizations and releases;
7. Appeal or review procedures where required by law or City policy; and
8. Any other administrative requirements necessary to implement this chapter.”

2.56 - Elections

2.56.010 Holding of general municipal elections.

~~All general municipal elections in the city shall hereafter be held on the same day as the statewide general election, on the first Tuesday after the first Monday in November of each even-numbered year. (Gov. Code § 36503.5)~~

All general elections in the City shall hereafter be held in accordance with the dates specified under Elections code Section 1000.

2.56.020 County approval ~~RESERVED~~.

~~Following its adoption by the city council, this chapter shall become operative upon its approval by the Santa Cruz County board of supervisors as provided in Government Code Section 36503.5.~~

2.56.030 City clerk-Clerk requirements-Requirements.

~~The city clerk shall perform the requirements of Government Code Section 36503.5(e). Pursuant to Elections Code Section 320, the City Clerk shall serve as the City election official and fulfil all duties set by the Elections Code.~~

2.68-Resource Management Policy RESERVED

2.68.010 Statement of policy.

~~The city declares its scarce resources to be significant to the well being of the city and valuable to manage wisely. To fulfill this aim, the council adopts this policy to assure all actions taken by the council will be made with a full and complete understanding of the consequences a decision will have on the city's scarce resources.~~

2.68.020 Preparation of resource inventory—Annual review by council.

~~The planning director shall prepare an inventory of valuable environmental resources upon which the city relies, and the council shall review the availability of these resources at least once every year. The planning director shall update this inventory as appropriate.~~

2.68.030 Council review.

~~Following the presentation of the report prepared by the community development director as provided in this section, the city council shall hold a public hearing on the availability of resources within the city. These resources which are reviewed shall include, but not be limited to:~~

~~A. Infrastructure:~~

- ~~1. Traffic carrying capacity for roads and intersections within the city,~~
- ~~2. Average daily trips on roads within the city,~~
- ~~3. Capacity of the city's wastewater treatment plant, and~~
- ~~4. Capacity of the city's recycled water facility;~~

~~B. Economy:~~

- ~~1. Number of businesses and employees within the city,~~
- ~~2. Number of businesses and employees with a city business license,~~
- ~~3. Tax revenues for the fiscal year, and~~
- ~~4. Vacant land inventory by type of use within the city;~~

~~C. Housing:~~

- ~~1. Market rate housing type and sales price for the year,~~
- ~~2. Rental housing type and rental rate for the year,~~

3. ~~Affordable housing type and sales price for the year,~~
4. ~~Affordable rental housing type and rental rate for the year, and~~
5. ~~Compare jobs to housing balance;~~

~~D. Community:~~

1. ~~Number of city schools (public and private), school capacity, enrollment figures and average class sizes,~~
2. ~~Number and type of existing public and private parks and recreation facilities within the city, and~~
3. ~~Number of sites with historic or cultural value within the city;~~

~~E. Natural Environment:~~

1. ~~Water supply and demand capacity in each water purveyors district supplying water within the city, and~~
2. ~~Air quality within the city.~~

2.68.040 Community development director report.

- A. ~~The community development director shall prepare a written report which shall be made available to the council and the public at the first regular council meeting in March. The report shall be prepared with the input from all agencies serving the city, as well as other city departments. The report shall include an analysis of city resources formatted in the following fashion:~~
1. ~~Present availability of each resource;~~
 2. ~~Projected demand for the coming year, for five years and for ten years into the future; and~~
 3. ~~Recommended limitations, restrictions or allocations, if any, upon the use or reuse of each resource for purposes of short term and long term planning for the growth of the city in an orderly, efficient and environmentally sound use of resources.~~
- B. ~~The report shall contain information outlined in a "method of reporting" which shall be adopted by the council by resolution.~~

2.68.050 Evaluation of report—Criteria for resource consumption.

~~Following review of the planning director's report and any oral or written testimony provided at the public hearing, the council shall evaluate the information and determine which resource supply, if any, is or soon will be, threatened by over consumption or use. To effectively manage the available resources, the council may establish criteria for consumption of the resources. Based on the council's criteria, and upon the council's sole discretion, certain threatened resources may be preserved by methods such as allocation of land use permits,~~

~~limitations in growth, or other land use planning tools which will prevent premature, unnecessary or unsustainable over consumption of resources within the city.~~

2.70 - Purchasing

2.70.010 - Purposes.

~~This chapter establishes the policy requirements to be followed for the purchase of goods, services and public works construction using public funds. This chapter enumerates the contracting authority of the city council, the city manager, and designated employees.~~

~~The purpose of this chapter is to facilitate efficient procedures for the purchase of services, materials, supplies and/or equipment (goods) for the city at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, and to clearly define authority for the purchasing function to assure the quality of purchases.~~

The purpose of this chapter is to establish the City's procurement and contracting framework for the acquisition of goods, services, and public works projects using public funds. This chapter establishes contract award authority, promotes fair and efficient procurement practices, provides for appropriate financial controls, and authorizes the City Manager to establish administrative procurement policies and procedures consistent with this chapter and applicable law.

The City's procurement activities shall seek to obtain the best value for the public while promoting competition, transparency, accountability, and operational efficiency.

2.70.020 - Definitions.

For the purposes of this chapter:

"Best value procurement" refers to the application of evaluative factors in addition to price for the purpose of awarding a purchase contract for goods, services and/or Professional services.

"Contract" means all types of ~~city~~**City** agreements, regardless of what they may be called, for the procurement of goods, services or public works construction.

~~"Cooperative purchasing" refers to the use of another public entity's procurement process similar to that required by the city in order to purchase goods and/or services that result in time and/or cost savings or otherwise provide the best overall value. The practice of using another public entity's competitive solicitation process can be referred to as "piggybacking."~~

"Emergency" means any natural disaster, work stoppage or other action or activity that impairs public health, safety or both.

"Formal bidding" refers to the process by which sealed bids or proposals are solicited.

"Informal bidding" refers to the processes by which price quotations are solicited.

"Local vendor" means any wholesaler, distributor, dealer, merchant or seller of goods and/or services with their primary place of business located within the city limits of Scotts Valley.

"Materials, supplies and/or equipment," also referred to as "goods," means all materials, supplies and/or equipment of whatever kind purchased by the ~~city~~ **City** except materials, supplies and/or equipment for public works projects and governed by law related to bidding for public works projects.

"Professional services" means the services of attorneys; physicians; architects; engineers; consultants; auditors; specialized printers; other individuals or organizations possessing a high degree of professional, unique, specialized, technical skill and/or expertise; individuals contracting for special activities or negotiating for the acquisition of land; individuals contracting to provide services related to insurance bonds or any other services of a similar nature engaged for a particular project or series of projects; or other governmental agencies.

"Purchasing Cooperative" refers to the use of another public entity's procurement process similar to that required by the City in order to purchase goods and/or services that result in time and/or cost savings or otherwise provide the best overall value. The practice of using another public entity's competitive solicitation process is also referred to as "piggybacking."

"Responsive bidding" means a person or entity who has submitted a bid that conforms in all material respects to the requirements set forth in the bidding documents.

"Responsible bidder" means a person or entity who possesses the demonstrated ability, **fitness, quality capacity**, experience, **trustworthiness** and skill to deliver the required goods and/or services.

"Services" means all types of service except services provided by persons performing professional services.

"Sole source" refers to a situation where a good or service can only be obtained from one source due to its proprietary or specialized nature, or a situation where product/service compatibility is an overriding consideration to price.

"Surplus property" means materials, supplies, or equipment that is no longer used or has become obsolete, to be sold, exchanged or donated in accordance with established procedures.

2.70.030 - Procurement authority and responsibilities.

A. City Manager. The ~~city manager~~ **City Manager** shall be designated as the ~~purchasing officer~~ **Purchasing Officer** and shall have the authority to:

1. ~~Purchase or contract for public works construction, services, materials, supplies and/or equipment (goods) required by any city department in accordance with purchasing requirements contained in this chapter;~~ **Procure or contract for goods, services, Professional services and public works projects in accordance with this chapter, applicable provisions of the California Public Contract Code, and other applicable laws and regulations;**
2. ~~Adopt, or submit for adoption to the city council as may be required, such administrative regulations necessary to effectively and efficiently administer the purchasing function;~~ **Establish and administer procurement policies, procedures, and forms necessary to implement this chapter;**
3. ~~Designate another city employee or employees to function as, or perform the functions of, the purchasing officer;~~ **Designate one or more City employees to perform purchasing functions on behalf of the Purchasing Officer;**
4. ~~Negotiate and recommend execution of contracts for the purchase of services, materials, supplies and/or equipment;~~ **Negotiate, execute, and administer contracts consistent with the authority established by this chapter;**
5. ~~Procure for the city the needed quality in services, materials, supplies and/or equipment for the best overall value in exchange for public funds;~~ **Promote competition, obtain best value for public funds, and ensure compliance with applicable procurement requirements; and**
6. ~~Endeavor to obtain as full and open competition as possible on all purchases;~~ **Administer the transfer, sale, trade, disposal, or other disposition of surplus City property in accordance with this chapter and applicable administrative policy.**
7. ~~Prepare and recommend revisions and amendments to the purchasing ordinance based on best practices or to comply with changes in the law;~~
8. ~~Keep informed of current developments in the field of purchasing, prices, market conditions and new products;~~
9. ~~Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other purchasing rules and regulations;~~
10. ~~Supervise the inspection of all services, materials, supplies and/or equipment purchased to insure conformance with specifications;~~
11. ~~Authorize the transfer of surplus or unused supplies, materials and/or equipment between city departments as needed and the sale or trade of all supplies, materials and/or~~

~~equipment which cannot be used by any city department or which have become unsuitable for city use; and~~

~~12. Maintain bidders' lists, vendor catalog files and records needed for the efficient operation of the purchasing office, as required.~~

B. Responsibilities of City Departments. City departments shall comply with this chapter and applicable administrative procurement policies and procedures, identify procurement needs and available funding, and assist in procurement and contract administration activities as required by the Purchasing Officer.

~~B. Responsibilities of End Users.~~ End users of the purchasing system shall:

- ~~1. Comply at all times with the requirements of this chapter and associated administrative policies and procedures;~~
- ~~2. Identify procurement needs and the availability of funding;~~
- ~~3. Submit to the designated approver accurate specifications and bidding documents for required goods, services or public works construction;~~
- ~~4. Participate in the evaluation of submitted bids and proposals, as required;~~
- ~~5. Inspect goods delivered and services performed to verify conformity with bidding requirements and contractual obligations, and authorize payment for conforming goods and/or services; and~~
- ~~6. Report non-conforming goods and/or services and surplus property available for disposal to designated approvers.~~

2.70.040 - Contract award authority.

~~A. City Manager. The city manager shall be the award authority for contracts up to one hundred thousand dollars. This provision shall apply to modifications to contracts awarded by the city manager so long as the total of such modifications does not exceed the city manager's award threshold.~~ **City Manager.** The City Manager shall be the award authority for contracts with a contract value not exceeding one hundred thousand dollars (\$100,000). The City Manager may approve and execute amendments, extensions, renewals, change orders, and other modifications to such contracts, provided the total contract value does not exceed the City Manager's authority established in this subsection.

~~B. City Council. The city council shall be the award authority for all contracts greater than one hundred thousand dollars, or subsequent modifications to such council-approved contracts. This provision shall apply to modifications to contracts awarded under the city manager's authority if such modifications result in the contract exceeding the city manager's award threshold.~~ **City Council.** The City Council shall be the award authority for contracts with a total potential value

exceeding one hundred thousand dollars (\$100,000). Following City Council approval of a contract and its authorized not-to-exceed amount, the City Manager may execute the contract and exercise any extensions, renewals, amendments, change orders, or other modifications authorized by the contract or approved by the City Council, provided such actions does not increase the contract value beyond the amount authorized by the City Council. Any action that would increase the contract value beyond the amount authorized by the City Council shall require City Council approval.

~~C. Delegation of Contract Award Authority. The authorities established in this section may be delegated as follows.~~

~~1. City Manager. For operational effectiveness, the city manager may delegate contract award authority in writing to other city officials and staff to procure goods and/or services and public works construction. Such delegated authority shall not exceed the city manager's contract award authority established in Section 2.70.040.A.~~

~~2. City Council. The city council may delegate its contract award authority to the city manager if deemed necessary for operational effectiveness. Such delegation shall not be extended to city officials other than the city manager unless expressly authorized by majority vote of the city council.~~ **Determination of Contract Value.** For purposes of this section, contract value shall mean the total potential financial obligation of the City under the contract at the time of award, including the base term and all authorized renewal, extension, and amendment options. Where a contract permits price adjustments based on a consumer price index or other escalation formula, the estimated value of such adjustments shall be included in determining contract value.

~~D. Delegation of Contract Award Authority. The authorities established in this section may be delegated as follows:~~

~~A. City Manager. For operational effectiveness, the City Manager may delegate contract award authority in writing to other City officials or employees for the procurement of goods, services, Professional services and public works projects. Any such delegation shall not exceed the City Manager's authority established in subsection A.~~

~~B. City Council. The City Council may delegate its contract award authority to the City Manager if deemed necessary for operational effectiveness. Such delegation shall not be extended to City officials other than the City Manager unless expressly authorized by majority vote of the City Council.~~

2.70.050 - Procurement methods.

~~A. Open Market Procedure. Any single purchase of contractual goods and/or services of an estimated value of up to ten thousand dollars, may be made by the purchasing officer in the open~~

market without the necessity of competitively bidding. However, nothing shall preclude the use of prudent judgment and conducting price comparisons in order to obtain the best possible value.

~~B. Informal Bidding Procedures. Any single purchase of goods and/or services of an estimated value between ten thousand one dollars and one hundred thousand dollars may be made by the purchasing officer by observing the following procedures:~~

~~1. Inviting Informal Bids. The purchasing officer may solicit bids by written requests to prospective vendors, by telephone or by public notice posted on a public bulletin board in the Scotts Valley City Hall or by any other means deemed reasonably effective.~~

~~2. Written Bids Required. Solicitations, whether requested verbally or in writing, must be submitted in writing as price quotations or on bidding forms, as deemed appropriate by the purchasing officer. The purchasing officer may accept sealed bids if deemed appropriate.~~

~~3. Minimum Number of Bids. Purchases shall, wherever possible, be based on the solicitation of at least three informal bids, and shall be awarded to the lowest responsive and responsible bidder except as provided by this chapter.~~

~~C. Formal Bidding Procedures. Except as otherwise provided in this chapter, purchases of goods and/or services of an estimated value in excess of one hundred thousand dollars shall be formally bid as provided hereinafter.~~

~~1. Notice Inviting Bids. Notice inviting bids shall be published at least ten days before the date set for opening the bids. Notice shall be published at least once in a trade paper, magazine or a newspaper of general circulation. Notices inviting bids shall include a general description of the required goods and/or services, where and how bidding documents can be obtained, and the time and place for opening bids.~~

~~2. Sealed Bids. Bids shall be submitted in sealed envelopes by the due date and time set by the city to receive the bids, in further accordance with bidding instructions contained in the bidding documents.~~

~~3. Bidders' Security. When deemed necessary by the purchasing officer, bidders' security shall be required as set forth in public notices inviting bids. Unsuccessful bidders shall be entitled to return of their bid security. The successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten days after the notice of award has been issued by the city. The city council may, on refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest responsive and responsible bidder.~~

~~4. Bid Opening Procedure. Bids shall be opened at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection as soon as practicable following the bid opening.~~

5. ~~Rejection of Bids.~~ Competitive bids not conforming to the solicitation requirements may be rejected by the purchasing officer as non-responsive. Notwithstanding any relevant provisions in state law, the city may, in its discretion reject any or all bids presented, readvertise for bids, or waive the bidding procedure if deemed necessary and approved by a four-fifths vote of the city council. Minor irregularities in bids may be waived by the purchasing officer if the irregularity does not materially affect bid pricing or result in a competitive advantage.

6. ~~Award of Contract.~~ A contract shall be awarded to the lowest responsive and responsible bidder by the appropriate award authority, except as otherwise provided in this chapter.

7. ~~Tie Bids.~~ If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit for delay to readvertise for bids, the appropriate award authority may, upon successful negotiation or recommendation by the purchasing officer, accept the bid that provides the best overall value to the city.

~~D. Best Value Procurement.~~ Nothing in this chapter shall preclude the use of formal or informal solicitation processes to procure goods, services and/or professional services based on the best overall value obtained in exchange for public funds. In these situations, contracts are awarded based on factors in addition to price, the evaluation criteria of which are included in the solicitation document and determined by the purchasing officer. The following methods are representative of best value procurements.

1. ~~Request for Proposals.~~ The request for proposals (RFP) process is used to procure goods and/or services that require specialized technical knowledge or professional expertise that cannot be exactly specified for the purpose of determining the lowest bid.

2. ~~Request for Qualifications.~~ The request for qualifications (RFQ) process is used mainly to procure professional services where demonstrated competence and expertise are overriding considerations, and where pricing is not typically requested until a top rated proposer or proposers are identified. Unless otherwise determined by the purchasing officer, the solicitation document used for the RFQ process shall request statements of qualifications (SOQ) from prospective proposers for evaluating qualifications and experience.

The City may utilize procurement methods including, but not limited to, open market purchases, informal bidding, formal bidding, purchasing cooperatives, requests for proposals, requests for qualifications, best value procurement, and other methods authorized by law or this chapter.

Procurements with a total contract value not exceeding one hundred thousand dollars (\$100,000) may be conducted using procurement methods established by administrative policy.

Except as otherwise authorized by this chapter, procurements with a total contract value exceeding one hundred thousand dollars (\$100,000) shall be conducted using a formal solicitation process.

The City Manager shall establish administrative policies and procedures governing procurement activities, including solicitation requirements, evaluation methods, award procedures, contract administration requirements, and other purchasing practices necessary for the efficient operation of the City.

Contracts shall be awarded by the appropriate award authority in accordance with Section 2.70.040.

Nothing in this chapter shall preclude the use of best value procurement methods when authorized by law and determined to be in the best interest of the City.

2.70.060 - Exceptions to competitive bidding.

~~The following procurement methods or situations may not require competitive bidding, subject to purchasing officer authorization and applicable state or federal laws.~~ The following procurement methods or situations may be exempt from competitive bidding, subject to approval by the Purchasing Officer and compliance with applicable state or federal laws.

- A. ~~Purchasing Cooperatives. Use of purchasing cooperatives is a best procurement practice and is encouraged as a way of obtaining goods and services by aggregating volume, securing value pricing, and reducing administrative overhead. Measured use of purchasing cooperatives can significantly reduce the time and resources needed to competitively bid goods and services contracts. There are numerous purchasing cooperatives the staff can evaluate for use. Some leading cooperatives include state contracts such as California Multiple Award Schedules (CMAS) of the Department of General Services (DGS); OMNIA Partners, Public Sector (formerly U.S. Communities); Sourcewell (formerly National Joint Partners Alliance); and NASPO ValuePoint (formerly WSCA NASPO, or the Western States Contracting Alliance National Association of State Procurement Officials).~~ Purchasing Cooperatives. The City may procure goods and services through purchasing cooperatives, cooperative purchasing agreements, or other cooperative procurement programs. The use of purchasing cooperatives shall be administered in accordance with the City's Administrative Procurement Policy.
- B. Emergency Purchases. In the event of an emergency as defined in Section [2.70.020](#), the ~~purchasing officer~~ Purchasing Officer may purchase, or authorize the purchase, of goods and/or services in the open market without complying with the provisions of this chapter, unless competitive bidding is otherwise required by law and/or as a condition of grant reimbursement under emergency assistance programs.

- C. Sole Source Purchases. Purchases that are only available from one source may be made without competitive bidding ~~in accordance with instructions required by, and approval obtained from, the purchasing officer~~ **when approved by the Purchasing Officer and supported by documentation required by the Administrative Procurement Policy.**
- D. Piggyback Contracting. Subject to the appropriate approval authority, the ~~city~~**City** may enter into contracts **for the purchase of** goods and services ~~purchases, the pricing and terms of which have been previously established by another public agency~~ **through contracts previously awarded by another public agency. The use of piggyback contracts shall be administered in accordance with the City's Administrative Procurement Policy. The following requirements apply to piggyback contracts, and must be verified by the purchasing officer prior to contract award:**
 - ~~a. The parties to the original contract agree to the piggyback~~
 - ~~b. The contract is for identical or nearly identical goods and/or services~~
 - ~~c. The original contract resulted from competitive bidding or proposal procedures similar to those required by the city~~
 - ~~d. The original contract was awarded within two years of the city's purchase, or written justification is provided to support the use of an older solicitation~~
 - ~~e. The price of the purchase is comparable to that estimated by the requesting department~~
- E. **Other Exceptions. Additional exceptions to competitive bidding may be established by administrative policy, provided such exceptions are authorized by applicable law.**

~~Provided that the above conditions are met, and the purchase is approved by the appropriate award authority, the purchasing officer will issue a purchase order and execute a separate contract with the vendor selected by the originating agency which incorporates by reference the original solicitation, terms, conditions and prices.~~

2.70.070 - Bidding for public works projects.

By ~~city council~~**City Council** Resolution Nos. 1137 and 1137.1, the ~~city council~~**City Council** elected to be subject to the **Uniform Public Construction Accounting Act (the "Act") (California Public Contract Code Section 2200 et seq.), as may be amended from time to time.**~~uniform construction accounting procedures set forth in [Article 2](#) (commencing with Section 22010) of the California Public Contract Code (the "Act").~~ Public projects of the public works department, as defined in the Act (Section 22002), or as those sections may be amended from time to time by the state legislature, shall be advertised, bid and awarded in accordance with ~~[Article 3](#) (commencing with Section 22030) of the Act. To the extent Sections [2.70.071](#) through [2.70.074](#) are inconsistent with the Act, the provisions of the Act shall prevail.~~

Public works projects subject to the Act shall be solicited, bid, awarded, and administered in accordance with the Act and applicable provisions of the California Public Contract Code.

The City shall maintain a list of qualified contractors and perform all other duties required by the Act.

The City Manager or Purchasing Officer may establish administrative policies and procedures necessary to implement and administer the requirements of the Act.

To the extent any provision of this chapter conflicts with the Act, the provisions of the Act shall control.

2.70.071- Informal bid procedures for public works projects. RESERVED

~~Public projects, as defined in the Act, of less than two hundred thousand dollars, or such amount established in Section 22032 of the Act, may be let as set forth in Section 22032, et seq., of the Act.~~

2.70.072 - Contractors list for public works projects. RESERVED

~~A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Act and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (the "commission").~~

2.70.073 - Notice inviting informal bids for public works projects. RESERVED

~~When a public project is to be performed that is subject to Section 2.70.071, a notice inviting informal bids will be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2.70.072. Additional contractors or construction trade journals may be notified at the discretion of the department soliciting bids; provided however:~~

~~A. If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission; and~~

~~B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to that contractor or contractors.~~

2.70.074 - Award of informal bid contracts. RESERVED

~~The city council will award informal contracts under Section 2.70.071 or designate a specific city officer to make the award on a project by project basis.~~

2.70.080 Requisition and purchase order requirements.

~~Unless otherwise specified by the purchasing officer, city departments requiring goods and/or services, or public works construction, shall submit requests to the purchasing officer by standard requisition forms and purchase orders shall be issued prior to receiving the required goods and/or services or initiating construction work.~~

The City Manager or Purchasing Officer shall establish administrative policies and procedures governing requisitions, purchase orders, purchasing documentation, approvals, and related procurement processes.

2.70.090 - Available funds.

~~Except in the event of an emergency as outlined in Section 2.70.060.B of this chapter, the purchasing officer shall not issue any purchase order for services, materials, supplies and/or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.~~ Except in the event of an emergency authorized by this chapter, no purchase or contract shall be authorized unless sufficient appropriated funds are available for the expenditure.

2.70.100 - ~~Surplus or unused supplies, materials and equipment~~ Surplus property.

~~All city departments shall submit to the purchasing officer, at such times and in such manner as he/she may prescribe, reports showing all supplies, materials and/or equipment which are no longer used or which have become obsolete or no longer usable by the city. The purchasing officer shall have authority to sell, exchange or trade supplies, materials and/or equipment which no longer can be used by any city department or which are unsuitable for city use, or trade the same for new supplies, materials and/or equipment.~~ The Purchasing Officer shall have authority to determine the disposition of surplus, obsolete, or unusable supplies, materials, equipment, and other personal property in accordance with administrative policy. Such property may be sold, exchanged, traded, donated, recycled, or otherwise disposed of as authorized by administrative policy and applicable law.

2.70.110 Environmentally preferable materials and supplies.

~~Whenever available at a reasonably comparable price, quality and fitness for intended use, or as otherwise required by law or order of the purchasing officer, environmentally preferable materials and supplies shall be purchased.~~

To the extent practical and consistent with applicable law, the City shall encourage the purchase of environmentally preferable products and services when such products and services meet the City's operational needs and are available at a reasonable cost.

2.70.120 - Local vendor preference.

~~The purchasing officer shall establish and maintain procedures which provide for award of contracts for services, materials, supplies and/or equipment to local vendors in the city so long as their bid is no greater than five percent over the otherwise lowest bid.~~

To the extent permitted by law, the City may provide a preference for qualified local vendors in the award of contracts for goods and services.

The City Manager or Purchasing Officer shall establish administrative policies and procedures governing the application of the local vendor preference, including eligibility requirements, documentation standards, and implementation procedures.

The local vendor preference shall not exceed five percent (5%) of the lowest responsive and responsible bid or proposal.”

NEW: 2.71 - City Engineer

2.71.010 Established

There is hereby established the Office of the City Engineer which shall be designated by the City Manager.”