

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.01 Definitions**
- 2.02 City Council**
- 2.03 City Manager**
- 2.04 Personnel Procedures**
- 2.05 Planning Commission**
- 2.06 Community Development Department**
- 2.07 Department of Public Works**
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Chapter 01

DEFINITIONS

Section:

2.01.010 Definitions.

2.01.010 Definitions.

“Agenda packet” means the agenda for a particular meeting along with all of the relevant supporting documents for the agenda.

“Agenda” means a document that informs the public about a meeting, published in advance of the meeting, which, at a minimum:

1. Identifies the legislative body conducting the meeting;
2. Specifies the time and location of the meeting; and
3. Lists each item of business to be discussed or transacted.

“Brown Act” means Government Code section 54950 et seq., as it may be amended from time to time.

“Building Official” means the Chief Building Official as further defined in 2.14.

“Chief of Police” means the Chief of Police or Police Chief of the City or his or her designee.

“City Clerk” means the City Clerk of the City or the City Clerk’s designee.

“City Council” means the City Council of the City of Ceres.

“City Engineer” means the Director of Engineering Services Department/City Engineer, or Engineering Services Department Director of the City or the duly authorized representative of said Director.

“City Manager” means the City Manager of the City or the City Manager’s designee.

“City official” means any elected or appointed member of the Ceres City Council or Ceres Planning Commission or any other City board or commission established by ordinance or City Council policy.

“Closed session” means a meeting that begins with a public comment period, followed by a session that excludes the public as permitted by state law, and ends with an open session during

which a public report is made, to the extent required by state law.

“Community Development Department” means the Community Development Department of the City of Ceres.

“Emergency” means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.

“Employee” means a person employed by the City of Ceres and includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

“Engineering Services Department” means the Engineering Services Department of the City of Ceres.

“Finance Director” means the Finance Director or Director of Finance of the City of Ceres, or the duly authorized representative of said Director.

“Fire Chief” means the Fire Chief of the City or his or her designee.

“Human Resources Director” means the Human Resources Director or Director of Human Resources of the City of Ceres, or the duly authorized representative of said Director.

“Legislative body” or “legislative bodies” means the City Council; and the City’s commissions, committees, boards, and other bodies, whether permanent or temporary, decision making or advisory, created by ordinance, resolution, or formal action of a legislative body. However, advisory committees composed solely of the members of a legislative body that are less than a quorum of a legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction or a meeting schedule fixed by ordinance, resolution, or formal action of a legislative body are legislative bodies.

“Mayor” means the Mayor for the City of Ceres.

“Planning Commission” shall mean the Planning Commission for the City of Ceres.

“Public Works Director” means the Public Works Director or Director of Public Works of the City of Ceres, or the duly authorized representative of said Director.

Chapter 02

CITY COUNCIL

Sections:

- 2.02.010 Meetings.**
- 2.02.020 Enumeration of Officers and Terms.**
- 2.02.030 Establishment of Council Districts.**
- 2.02.040. Method of Election.**

2.02.010 Meetings

The regular meeting of the Ceres City Council shall be held on the second and fourth Mondays of each month at six o'clock p.m. (6:00 p.m.) in the council chambers in the Ceres Community Center at 2701 Fourth Street, Ceres, California. Closed sessions may begin earlier than 6:00 p.m. as needed, as long as the closed session items are agendaized and the time for their consideration is specified on the agenda.

2.02.020 Enumeration of Officers and Terms

A. The elective officers of the City of Ceres shall be a Mayor and four (4) Council members. The City Council shall consist of the Mayor and four (4) Council members, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council. The term of office of the Mayor shall be four (4) years, and the term of office of each Council member shall be four (4) years.

B. The City's general municipal election shall be held on the first Tuesday after the first Monday in even-numbered years to coincide with the statewide general elections.

2.02.030 Establishment of Council Districts

A. The districting plan establishing four (4) Council districts shall be approved by the voters of the city at large. The districting plan shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the City. The boundaries and the number of each of the four (4) electoral districts for City Council are set forth in, Ordinance 2015-1029, that includes a map of the districts, which is incorporated herein by reference. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

B. The City of Ceres is divided into four (4) districts for purposes of electing Council members to the Council. The districting plan adjusted for census data shall include boundaries for each of the four (4) Council member election districts for use in the November 2017 and November 2019 regular municipal elections. The Council members in districts One and Two shall be elected by district in November of 2017 for a term of four (4) years. The Council members in districts Three

and Four shall be elected by district in November 2019 for a term of four (4) years. After the approval of the ordinance from which this Section derived, at the regular municipal election of November 2015 all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

C. Consistent with the addition of Section 2.02.020B above, the terms of office of those Council members presently serving whose terms would have expired in 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election. The terms of office of those Council members who would have expired in November 2017, shall instead continue in their offices until certification of the results and administration of the oaths of office after the November 2018 general municipal election.

D. A period of transition from at-large elections to District elections will occur from the time of adoption of the first districting plan to the time that the by-district elections are held for all Council member districts. During this period of transition, each Council member elected at-large in the regular municipal election of November 2013 will be designated by the Council as the Council member representing one of Districts One and Two in the districting plan whether or not that Council member resides in the district. The first by-district elections for Districts Three and Four shall occur during the regular municipal election in November 2015. The first by district elections for Districts One and Two shall occur during the regular municipal election in November 2017. Nothing contained herein shall prevent an incumbent Council member at the time of the effective date of the ordinance from which this section derived from running for a Council district in which that Council member resides other than the district for which that member currently holds office, if the councilmember is otherwise eligible to run in that district and vacates the office of Council member for the district of non-residency if elected. No Council member may hold office in more than one district. Each incumbent Council member elected at-large shall be allowed to complete the term for which they were elected regardless of the district of residency so long as they otherwise remain eligible to hold the office and have not been removed for cause or elected to another office. For purposes of this section, "by-district" shall mean that the Council member shall reside within the district and be elected by the voters of that district only.

2.02.040. Method of Election.

A. The Mayor shall continue to be elected at the regular municipal election in November of 2015 and every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. Beginning in November of 2020, the Mayor shall be elected every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. The term of the Mayor which would have previously expired in November of 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election.

B. One member of the City Council shall reside in each of the four (4) electoral districts established by the ordinance from which this Section derived and shall be elected by a vote of the voters of that district only. Each district shall elect one Council member. A Council member

of each district must live in that district and must be a registered voter in that district to be eligible to hold the office of Council member for that district, and a candidate for any district must live in that district and must be a registered voter in that district to be eligible to run for the office of Council member for that district. Only voters who live in a district shall be eligible to vote in the election for Council member of that district. Each Council member must reside within the district for the full term of office; termination of residency within the district shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days of termination of residency.

C. The members of the Council in office at the time the ordinance from which this Section derived takes effect shall continue in office until the expiration of their terms and until their successors are elected and qualified. If a tie vote makes it impossible to determine which of two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. No candidate shall file for more than one elective office. Any member of the Council may run for the office of Mayor, and upon election as Mayor shall forfeit the office of Council member of any district.

Chapter 03

CITY MANAGER

Sections:

- 2.03.010** **Position Created.**
- 2.03.020** **"City Administrator" Deemed to Mean "City Manager."**
- 2.03.030** **Removal Procedure.**
- 2.03.040** **Powers and Duties.**
- 2.03.050** **City Manager; Council Table.**
- 2.03.060** **Manager Pro Tempore.**
- 2.03.070** **Residence Requirements.**
- 2.03.080** **Eligibility.**
- 2.03.090** **Bond.**
- 2.03.100** **Compensation.**
- 2.03.110** **Internal Relations.**
- 2.03.120** **Agreements on Employment.**

2.03.010 **Position Created.**

The position of the City Manager is created and established. The City Manager shall be appointed by the City Council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office at the pleasure of the City Council.

2.03.020 **"City Administrator" Deemed to Mean "City Manager."**

Whenever a reference is made to "City Administrator" in this Code, or in any other City ordinance, that reference shall be deemed to mean "City Manager." The ordinance codified in this Chapter supersedes all other City ordinances in which the term "City Administrator" may appear.

2.03.030 **Removal Procedure.**

A. The City Council shall appoint the City Manager for an indefinite term and may remove that person at any time by a three (3) member vote of the City Council, convened at either a regular or special Council meeting.

B. Notwithstanding the provisions of subsection A of this Section, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days after any general Municipal election held in the City, at which election a member of the City Council is elected or when a new City Council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his or her office. After the expiration of said ninety (90) day period aforementioned, the provisions of subsection A of this Section as to removal of the

City Manager shall apply and be effective.

2.03.040 Powers and Duties.

The City Manager shall be the administrative head of the government of the City under the direction and control of the City Council except as otherwise provided in this Chapter. He or she shall be responsible for the efficient administration of all the affairs of the City which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation. The City Manager shall have the following duties and responsibilities:

A. Law Enforcement: It shall be the duty of the City Manager to enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed.

B. Authority over Department Heads and Transfer of Employees: To order and give directions to all heads of departments, subordinate officers and employees of the City, except elected officials, and to transfer employees from one department to another; and to consolidate or confine officers, positions, departments or units under his or her direction.

C. Power of Appointment and Removal: All department heads of the City shall serve at the pleasure of the City Manager and the City Council. The term "Department Heads" as used herein, shall include the Director of Finance, Police Chief, Fire Chief, the Director of Engineering Services/City Engineer, the Director of Community Development, the Director of Human Resources, Public Works Director and such other department heads as may be from time to time created. The City Manager shall have the power to appoint, remove, promote, and demote all department heads. Any such action by the City Manager shall require ratification of the City Council.

All other officers and employees of the City, except the City Treasurer, the City Attorney and all elected officials shall be appointed, removed, promoted and demoted by the City Manager in accordance with the employee merit system rules and regulations of the City.

D. Administrative Reorganization of Offices: 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 his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

E. Ordinances: It shall be the duty of the City Manager and he or she shall recommend to the City Council for adoption such measures, resolutions and ordinances as he or she deems necessary.

F. Attendance at Council Meetings: It shall be the duty of the City Manager to attend all meetings of the City Council unless he or she is excused by the Mayor individually or the City Council.

G. Financial Reports: It shall be the duty of the City Manager to keep the City Council at all

times fully advised as to the financial condition and needs of the City; and, at the end of each fiscal year, present a complete report to the City Council on the finances and administrative activities of the City.

H. Budget: It shall be the duty of the City Manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval.

I. Expenditure Control and Purchasing: It shall be the duty of the City Manager to see that no expenditures shall be submitted or recommended to the City Council except on approval of the City Manager or his or her authorized representative. The City Manager, or his or her authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the City; further, it shall be the duty of the City Manager to maintain a purchasing system for all City offices, departments and agencies.

J. Investigations and Complaints: It shall be the duty of the City Manager to make investigations into the affairs of the City and any City department or division, and any contract or the proper performance of any obligations of the City; further, it shall be the duty of the City Manager to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City.

K. Public Buildings: It shall be the duty of the City Manager and he or she shall exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the City Council.

L. Exclusion of City Attorney from Scope of Surveillance. In addition to the elective officers and their respective staffs, the position of City Attorney shall be excluded from the scope of the City Manager's surveillance; however, the services and facilities of that officer shall be made available to the City Manager.

M. 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 him or her from time to time by ordinance or resolution or other official action of the City Council.

N. Pursuant to Government Code section 36510, the City Council vests with the City Manager the authority to appoint the City Clerk. The City Clerk is not required to be a resident or elector of the City. The City Clerk shall serve under the supervision and direction of the City Manager and may be removed or disciplined by the City Manager in accordance with the employee merit system rules and regulations of the City.

2.03.050 City Manager; Council Table.

The City Manager shall be provided a seat at the City Council dais and shall be entitled to participate in the deliberations of the City Council but shall not have a vote.

2.03.060 Manager Pro Tempore.

The City Manager shall appoint, from time to time, one of the other officers or department heads

of the City to serve as Acting City Manager during any temporary absence or disability of the City Manager.

2.03.070 Eligibility.

No member of the City Council shall be eligible for appointment as City Manager until two (2) years have elapsed after such Councilmember has ceased to be a member of the City Council.

2.03.080 Bond.

The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as herein prescribed. Any premium for such bond shall be proper charge against the City.

2.03.090 Compensation.

The City Manager shall receive such compensation as the City Council shall from time to time determine.

2.03.100 Internal Relations.

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

2.03.110 Agreements on Employment.

Nothing in this Chapter shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this Chapter.

Chapter 04

PERSONNEL PROCEDURES

Sections:

- 2.04.010 Merit System of Employment.**
- 2.04.020 Merit System Application and Exceptions.**
- 2.04.030 Age Limits.**

2.04.010 Merit System of Employment.

A merit system of employment is hereby established. The City Council shall adopt personnel rules by resolution to implement this system. The rules shall include:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the City service, including employment standards and qualifications for each class;

B. Preparation, revision, and administration of a plan of compensation directly correlated with a position classification plan, providing a rate or range of pay for each class;

C. Public announcement of all vacancies, acceptance of applications for employment and preparation and conduct of examinations;

D. Making of provisional and emergency appointments;

E. Evaluation of employees during the probationary period and periodically as specified in the personnel rules;

F. Transfer, promotion, demotion, reinstatement, disciplinary action, separation, and layoff of employees in the City service;

G. Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training;

H. The establishment of adequate personnel records;

I. The establishment of grievance and appeal procedures.

2.04.020 Merit System Application and Exceptions.

The provisions of the merit system established by this Chapter and accompanying rules and regulations shall apply to all positions and employments in the municipal service except:

A. Elective officers;

B. The City Attorney;

C. Members of appointive boards, commissions and committees;

D. Persons engaged under contract to supply expert, professional, and technical services;

E. The City Manager;

F. All department heads.

2.04.030 Age Limits.

A minimum or maximum age limit shall not be established as a qualification for employment with the City except for the employment of police officers or where Federal or State law restricts employment of minors. Age shall not be a minimum qualification for any other City employment or for eligibility to take any examination required for City employment. No rules shall be adopted prohibiting the employment of any person otherwise qualified, solely because of age.

Chapter 05

PLANNING COMMISSION

Sections:

- 2.05.010** **Creation.**
- 2.05.020** **Composition.**
- 2.05.030** **Terms.**
- 2.05.040** **Powers and Duties.**
- 2.05.050** **Compensation for Expenses.**
- 2.05.060** **Removal.**
- 2.05.070** **Residency Requirement.**

2.05.010 **Creation.**

The Planning Commission in and for the City of Ceres is established and created pursuant to Government Code section 65101.

2.05.020 **Composition.**

The City Planning Commission shall consist of six (6) members: five (5) members not officials of the City and one nonvoting student commissioner. The members of the Commission shall be appointed by the Mayor with the approval of the City Council and shall serve at the pleasure of the City Council.

2.05.030 **Terms.**

The term of office of all members shall be for four (4) years. In the event a member of the Planning Commission is appointed to fill an unexpired term of a member, the member may serve the remainder of the unexpired term to which he or she was appointed, and in addition thereto, if reappointed by the Mayor, may then serve four (4) year terms.

2.05.040 **Powers and Duties.**

The powers and duties of the City Planning Commission shall be as follows:

- A. To hold hearings on all zoning matters as prescribed in the zoning ordinance.
- B. To conduct such other hearings as are provided by law and in accordance with the City's rules and regulations.
- C. To report its decisions and recommendations in writing to the City Council.
- D. To consider, formulate and propose surveys, maps and plans designed to provide for, regulate and direct the future growth, development and beautification of the City in order to secure to the City and its inhabitants better sanitation, adequate and suitable parks and open spaces, proper location of public buildings, and to secure a permanent and comprehensive plan for the most

economic, healthful and harmonious growth of the City.

E. To prepare and recommend the adoption of a comprehensive long-term General Plan for the physical development of the City as such plans are defined in “the Planning and Zoning Law” of the State.

F. To make any and all recommendations to the City Council relating to the above matters, including changes or amendments to the General Plan and the zoning ordinance or any portion thereof.

G. The Commission shall be charged with such additional or further duties as may from time to time be prescribed by ordinance.

2.05.050 Compensation for Expenses.

The members of the Planning Commission, except for the student commissioner, shall each be paid a sum monthly as established from time to time by resolution of the City Council.

2.05.060 Removal.

The members of the Planning Commission shall automatically be removed from the Planning Commission if they miss two (2) consecutive regularly scheduled meetings, except in the event of illness or absence excused by the chairman with the concurrence of a majority of the Commission.

2.05.070 Residency Requirement.

Members of the Planning Commission shall be residents of the City. If a City Planning Commission member moves his place of residency from the City of Ceres, it shall be considered an automatic termination of that person's position as a Planning Commission member.

Chapter 06

COMMUNITY DEVELOPMENT DEPARTMENT

Sections:

- 2.06.010** **Creation and Function.**
- 2.06.020** **Organization and Direction.**
- 2.06.030** **Administration.**

2.06.010 **Creation and Function.**

A Community Development Department is established for the City. The functions of the Community Development Department shall include:

A. Performance of staff work for the Planning Commission, receiving and processing communications, preparing meeting agenda, documents, charts, maps pertaining to planning matters; surveying and analyzing information and data and recommending procedures and courses of action relative to planning, matters including preparation of supporting and descriptive data, reports and cartographic presentations.

B. Advise the Chief Building Official, the Fire Department, and Police Department in matters relating to enforcement of zoning regulations.

C. Direct surveys, data gathering, prepare reports, charts, maps, analysis and graphic illustrations pursuant to revision and amendment of the Ceres General Plan including such additions and amendments required by state or federal statutes.

D. The performance of such other duties as may be directed by the City Manager.

2.06.020 **Organization and Direction.**

There shall be a Director of Community Development who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this title, and who shall serve at the pleasure of the City Manager and the City Council. The Director of Community Development, subject to approval of the City Manager, shall organize and maintain such divisions in the department as in his or her judgment operations may require and shall be responsible for the direction and control of all functions assigned to the department.

2.06.030 **Administration.**

In the absence or disability of the Director of Community Development, the City Manager may designate a person to perform the duties and exercise the powers of the Director of Community Development.

Chapter 07

DEPARTMENT OF PUBLIC WORKS

Sections:

- 2.07.010** **Creation and Function.**
- 2.07.020** **Organization and Direction.**
- 2.07.030** **Administration.**

2.07.010 **Creation and Function.**

A Department of Public Works is established for the City. The functions of the Department of Public Works shall include: building maintenance services; sewer, water, and wastewater treatment services; construction, and maintenance services; park and grounds maintenance services; and other such related services as may from time to time be required by the City.

2.07.020 **Organization and Direction.**

There shall be a Director of Public Works who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this title, and who shall serve at the pleasure of the City Manager and the City Council. The Director of Public Works, subject to approval of the City Manager, shall organize and maintain such divisions in the department as in his or her judgment operations may require and shall be responsible for the direction and control of all functions assigned to the department.

2.07.030 **Administration.**

In the absence or disability of the Director of Public Works, the City Manager may designate a person to perform the duties and exercise the powers of the Director of Public Works.

Chapter 08

POLICE DEPARTMENT

Sections:

- 2.08.010** **Creation and Function.**
- 2.08.020** **Organization and Direction.**
- 2.08.030** **Administration.**

2.08.010 **Creation and Function.**

A Police Department for the City of Ceres is established. The Police Department shall be responsible for the administration and provision of law enforcement services for the citizens of Ceres.

2.08.020 **Organization and Direction.**

There is created the position of Police Chief who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this Code, and who shall serve at the pleasure of the City Manager. The Police Chief shall perform all duties as may be legally required of a Police Chief pursuant to the laws of this state and will further be charged with the responsibility for administering and directing the Police Department. The Police Chief shall report to and administer the Department under the supervision of the City Manager. The Police Chief, subject to approval of the City Manager, shall organize and maintain departments or positions within the Police Department, and shall further be responsible for the direction and control of all functions of the Police Department.

2.08.030 **Administration.**

In the absence or disability of the Police Chief, the City Manager may designate a person to perform the duties and exercise the powers of the Police Chief.

Chapter 09

LAW ENFORCEMENT OFFICERS

Sections:

- 2.09.010** **Desire to Qualify for State Aid.**
- 2.09.020** **Standards for Recruitment and Training.**
- 2.09.030** **Recruitment and Designation of Reserve Police Officers.**

2.09.010 **Desire to Qualify for State Aid.**

The City Council declares that it desires to qualify to receive aid from the State of California under the provisions of Penal Code section 13520 et seq.

2.09.020 **Standards for Recruitment and Training.**

Pursuant to Penal Code section 13522, the City will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training while receiving aid from the State of California pursuant to Penal Code section 13520 et seq., and as that section may be amended from time to time.

2.09.030 **Recruitment and Designation of Reserve Police Officers.**

A. The Chief of Police, or his or her authorized designee, has the authority to select and appoint any reserve police officer within the "Reserve Police Officer 1" job classification as a "designated" reserve police officer as provided by Penal Code section 830.6(a)(2). The authority of the reserve police officer so designated includes the full powers and duties of a peace officer as provided by Penal Code section 830.1.

B. Any reserve police officer within the "Reserve Police Officer 1" job classification not appointed as a "designated" reserve police officer as provided in subsection A. of this section, is a "non-designated" reserve police officer as provided by Penal Code section 830.6(a)(1). The authority of a non-designated reserve police officer shall extend only for the duration of the reserve officer's specific assignment.

Chapter 10

FIRE DEPARTMENT

Sections:

- 2.10.010** **Creation and Function.**
- 2.10.020** **Organization and Direction.**
- 2.10.030** **Administration.**

2.10.010 **Creation and Function.**

A Fire Department for the City of Ceres is established. The Fire Department shall be responsible for the administration and provision of fire protection and related services for the citizens of Ceres.

2.10.020 **Organization and Direction.**

There is created the position of Fire Chief who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this Code, and who shall serve at the pleasure of the City Manager. The Fire Chief shall perform all duties as may be legally required of a fire chief pursuant to the laws of this State and will further be charged with the responsibility for administering and directing the Fire Department. The Fire Chief shall report to and administer the Department under the supervision of the City Manager. The Fire Chief, subject to approval of the City Manager, shall organize and maintain departments or positions within the Fire Department, and shall further be responsible for the direction and control of all functions of the Fire Department.

2.10.030 **Administration.**

In the absence or disability of the Fire Chief, the City Manager may designate a person to perform the duties and exercise the powers of the Fire Chief.

Chapter 11

FINANCE DEPARTMENT

Sections:

- 2.11.010** **Creation and Function.**
- 2.11.020** **Organization and Direction.**
- 2.11.030** **Duties Transferred from City Clerk.**
- 2.11.040** **Administration.**
- 2.11.050** **Bond Required.**

2.11.010 **Creation and Function.**

A Finance Department for the City of Ceres is established. There shall be a Director of Finance for the City, who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this Code, and who shall serve at the pleasure of the City Manager and the City Council.

2.11.020 **Organization and Direction.**

The Director of Finance shall perform all duties required of this office by state law, the ordinances of the City, and such other duties not in conflict therewith as may be required by the City Council. In addition, the Director of Finance shall have the following powers and duties:

A. Administration of Financial Affairs: The Director of Finance shall have charge of the administration of the financial affairs of the City.

B. Accounting System: The Director of Finance shall maintain a general accounting system for the City government and of each of the offices, departments and agencies.

C. Disbursements: The Director of Finance shall supervise and be responsible for the disbursements of all moneys; audit all purchase orders before issuance; audit all bills, invoices, payrolls, demands and other charges against the City government.

D. Financial Reports: The Director of Finance shall submit to the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report to the City Manager.

E. Property Inventory: The Director of Finance shall supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

F. Other Delegated Duties: The Director of Finance shall perform all the financial and accounting duties heretofore imposed upon the City Clerk, and the City Clerk is relieved of all such duties imposed upon the City Clerk by Government Code section 37201 et seq. and sections

40802-40805.

G. The Director of Finance shall demand and receive all moneys and fees owing to the City whenever any person is indebted to the City in any manner, when the means of collection of such debt is not otherwise provided for by law. When any moneys and fees shall not be collectable by other methods, he shall report the same to the City Attorney for prosecution.

H. The Director of Finance shall supervise the collection and billing of water, sewer and garbage accounts, bicycle license fees, dog license fees, building permit fees, disposal area dumping fees, and all other miscellaneous income receipts to the City.

I. The Director of Finance shall prepare City business licenses and supervise the issuance of business licenses and the collection of fees therefor.

J. Other Functions: The Director of Finance shall perform such other functions as the City Council may from time to time specify, or such other functions as may be prescribed from time to time by action of the City Council.

2.11.030 Duties Transferred from City Clerk.

The finance and accounting duties imposed upon the City Clerk by Government Code sections 40802-40805 are transferred to the Director of Finance in accordance with section 40805.5 of the Government Code.

2.11.040 Administration.

In the absence or disability of the Director of Finance, the City Manager may designate a person to perform the duties and exercise the powers of the Director of Finance.

2.11.050 Bond Required.

The Director of Finance, upon the entry to his or her duties of office, shall execute a bond to the City conditioned upon the faithful performance of his or her duties and in conformity with bonds of public officers, in accordance with the provisions of the Government Code sections 36518, 37209. The amount of the bond is to be determined by the City Council by resolution. Any premium on such bond shall be a proper charge against the City.

Chapter 12

ENGINEERING SERVICES DEPARTMENT

Sections:

- 2.12.010 Creation and Function.**
- 2.12.020 Organization and Direction.**
- 2.12.030 Administration.**

2.12.010 Creation and Function.

The Engineering Services Department is established for the City. The functions of the Engineering Services Department shall include: planning, design and construction of Capital Improvement Projects; traffic engineering; review and approve new development maps and construction plans; issuance of encroachment permits; and other such related services as may from time to time be required by the City.

2.12.020 Organization and Direction.

There shall be a Director of Engineering Services/City Engineer who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this title, and who shall serve at the pleasure of the City Manager and the City Council. The Director of Engineering Services/City Engineer, subject to approval of the City Manager, shall organize and maintain such divisions in the department as in his or her judgment operations may require and shall be responsible for the direction and control of all functions assigned to the department.

2.12.030 Administration.

In the absence or disability of the Director of Engineering Services/City Engineer, the City Manager may designate a person to perform the duties and exercise the powers of the Director of Engineering Services/City Engineer.

Chapter 13

HUMAN RESOURCES DEPARTMENT

Sections:

- 2.13.010** **Creation and Function.**
- 2.13.020** **Organization and Direction.**
- 2.13.030** **Administration.**

2.13.010 **Creation and Function.**

A Human Resources Department is established for the City. The functions of the Department of Human Resources shall include: new employee recruitment and selection; job analysis and classification; compensation and benefits administration; employee development, discipline, negotiations and administration of bargaining unit agreements; risk management operations, including liability, property, and worker's compensation programs; and other such related services as may from time to time be required by the City.

2.13.020 **Organization and Direction.**

There shall be a Director of Human Resources who shall be appointed by the City Manager in accordance with the provisions of Section 2.03.040 of this title, and who shall serve at the pleasure of the City Manager and the City Council. The Director of Human Resources, subject to approval of the City Manager, shall organize and maintain such divisions in the department as in his or her judgment operations may require and shall be responsible for the direction and control of all functions assigned to the department.

2.13.030 **Administration.**

In the absence or disability of the Director of Human Resources, the City Manager may designate a person to perform the duties and exercise the powers of the Director of Human Resources.

Chapter 14

BUILDING OFFICIAL

Sections:

2.14.010 Building Official.

2.14.020 Powers and Duties.

2.14.010 Building Official.

The Chief Building Official for the County of Stanislaus shall serve as the Building Official for the City pursuant to the contractual agreement between the City and the County of Stanislaus.

2.14.020 Powers and Duties.

The Building Official is authorized to perform all acts as may be authorized by law regarding the administration of the City's Building Code, Plumbing Code, Electrical Code and such other related building and construction codes adopted by the City.

Chapter 15

COUNCIL COMPENSATION

Sections:

- 2.15.010 Compensation and Benefits of Councilmembers and Mayor.**
- 2.15.020 City Population.**
- 2.15.030 Reimbursement for Councilmembers' Expenses.**
- 2.15.040 Bonds of Clerk and Treasurer.**
- 2.15.050 Fixed by Council.**

2.15.010 Compensation and Benefits of Councilmembers and Mayor.

A. The compensation paid to all Councilmembers shall be five hundred dollars (\$500.00) per month.

B. In addition to the compensation received as a Councilmember, the Mayor shall receive the additional sum of two hundred dollars (\$200.00) per month.

C. In addition to the compensation provided to Councilmembers and the Mayor as provided in this Section, they shall be entitled to elect to receive the health, dental, and vision coverage offered by the City to its non-safety bargaining group employees.

D. Any member of the City Council or the Mayor shall have the right to waive any and all of the salary or reimbursement provided for in this section.

2.15.020 City Population.

The population of the City shall be determined by the last decennial census as amended annually by the State Department of Finance.

2.15.030 Reimbursement for Councilmembers' Expenses.

All Councilmembers are entitled to and shall be reimbursed for actual and necessary expenses incurred within the scope of their duties as a City Councilmember.

2.15.040 Bonds of Clerk and Treasurer.

A. Pursuant to the requirements of Government Code section 36518 and any other applicable state laws, the City Clerk and the City Treasurer shall, respectively, before entering upon the duties of their respective offices, each execute a bond in accordance with the requirements of the provisions of the Government Code and any other laws of the State applying or relating to bonds of public officers. The penal sum of such respective bonds shall be and the same is hereby respectively fixed by the City Council as follows:

1. City Clerk. The official bond of the City Clerk shall be in the penal sum or amount of ten thousand dollars (\$10,000.00).

2. City Treasurer. The official bond of the City Treasurer shall be in the penal sum or amount of one thousand dollars (\$1,000.00).

B. In the event that the bonds are executed by the City Clerk and City Treasurer pursuant to subsection A of this section, the bonds shall be joint and several in form and shall be signed by the respective principals and by the corporate surety, which surety must be authorized as provided by law to transact a general surety business in the State, and each of the bonds must be conditioned as provided by law. Each of the bonds shall be subject to the approval of the City Council as to sufficiency of the surety and as to provisions, and by the City Attorney as to form.

C. The bonds or other security of the City Treasurer and the City Clerk shall be filed in accordance with the requirements of the Government Code.

2.15.050 Fixed by Council.

The compensation of all appointive officers and employees of the City shall be such sums as the City Council may from time to time fix by resolution or employment agreement.

Chapter 16

EMERGENCY MANAGEMENT

Sections:

- 2.16.010 Purposes.**
- 2.16.020 Definition.**
- 2.16.030 Disaster Council Membership.**
- 2.16.040 Disaster Council Powers and Duties.**
- 2.16.050 Operational Area Council.**
- 2.16.060 Meetings.**
- 2.16.070 State of War, State of Emergency, or Local Emergency.**
- 2.16.080 Plan and Agreement Preparation.**
- 2.16.090 Emergency Organization.**
- 2.16.100 Punishment of Violations.**
- 2.16.110 Expenditures.**
- 2.16.120 Director and Assistant Director of Emergency Services–Office Created.**
- 2.16.130 Powers and Duties of Director and Assistant Director of Emergency Services.**

2.16.010 Purposes.

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

2.16.020 Definition.

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

2.16.030 Disaster Council Membership.

A combined City/County Disaster Council is hereby created. Annually, the Ceres City Council will appoint an elected official to serve on the City/County Disaster Council. The City/County Disaster Council shall also consist of the following:

- A. The Chair of the Board of Supervisors, who shall be Chair of the Disaster Council;
- B. The Director of Stanislaus County Emergency Services, who shall be Vice-Chairman;

- C. The Assistant Director of Stanislaus County Emergency Services, who shall be Secretary; and
- D. One elected official from each city in Stanislaus County.

2.16.040 Disaster Council Powers and Duties.

The Disaster Council shall have power to:

A. Oversee the preparedness activities of the various County departments and other jurisdictions in the Stanislaus County operational area. This includes preparation of emergency and disaster plans, policies, and procedures, and ensuring unity of purpose. The Council will be responsible to ensure unity of purpose. The Council will be responsible to ensure compliance with the National Incident Management System, the Standardized Emergency Management System, and the Incident Command System.

B. Approve to form all proposed emergency operations procedures, plans, and other documents related to emergency preparedness and planning.

C. Hear proposals from any agency, department, or interested party in emergency and disaster preparedness. Prior to any formal action, the proposal shall have the approval of the Operational Area Council for operational and procedural conformity with the Stanislaus County emergency operations plan, policies, and procedures.

D. Be required to have a majority of the members present for approval and/or review of any plan, policies, or issues and a simple majority vote will carry the recommended action. Thereafter, the recommended action will be forwarded to the appropriate board, commission, or executive representative.

E. Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance. The Disaster Council does not have operational duties or powers during emergencies, disasters or other events or incidents.

2.16.050 Operational Area Council.

The Stanislaus County Operational Area Council is created under the authority of Government Code section 8605 and shall consist of the Assistant Director of Emergency Services and Joint Powers Agreement (JPA) members that represent each city within Stanislaus County. Generally, the JPA member will be the emergency manager from his/her jurisdiction. The Operational Area Council will:

A. Coordinate, review, and recommend for approval all emergency or disaster response policies, procedures, plans, and other influencing factors or events that would affect the Stanislaus operational area.

B. Review all disaster plans by any agency or jurisdiction in Stanislaus County for approval to form and compliance with the National Incident Management System, the Standardized Emergency Management System, and the Incident Command System. After review of the

proposed plans, policies, and procedures relating to emergency management, the Operational Area Council will then make its recommendation to the Disaster Council.

C. Be the lead agency for the multi-agency emergency operations center management team and the multi-agency incident management team(s).

D. Foster an effective flow of disaster information and emergency preparedness on a day-to-day basis through training, exercises uniformity in planning, and response plans and policies.

E. Standing task forces may be appointed to include:

1. Special needs population;
2. Public Health Emergency Preparedness Committee;
3. Faith-based representation.

The Operation Area Council does not have operational duties or powers during an event or emergency and is created to serve in the preparedness and planning phases only.

2.16.060 Meetings.

A. The Disaster Council shall meet a minimum of twice annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for open meetings and local legislative bodies.

B. The Operational Area Council shall meet quarterly or upon call of the Assistant Director of Emergency Services.

2.16.070 State of War, State of Emergency, or Local Emergency.

During a "state of war", "state of emergency", or "local emergency", the Chair of the Disaster Council or the Director of Emergency Services may call upon the Disaster Council to meet with the Emergency Operations Center policy group to act as an advisory group on issues as determined by the Director of Emergency Services or the Disaster Council Chair.

2.16.080 Plan and Agreement Preparation.

It shall be the duty of the Stanislaus County Disaster Council to review and recommend for adoption by the City Council, emergency plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

2.16.090 Emergency 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 be agreement or operation of law be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the Emergency Organization of the City.

2.16.100 Punishment of Violations.

It shall be a misdemeanor, punishable as set forth in the Ceres Municipal Code, for any person, during an emergency, to:

A. Willfully obstruct, hinder or delay any member of the Emergency Organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him by virtue of this Chapter.

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

C. Wear, carry, or display, without authority, any means of identification specified by the Emergency Agency of the State.

2.16.110 Expenditures.

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

2.16.120 Emergency Manager, Director and Assistant Director of Emergency Services—Office Created.

A. Director of Emergency Services. There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

B. Assistant Director of Emergency Services. There is hereby created the office of Assistant Director of Emergency Services who shall be appointed by the Director.

2.16.130 Powers and Duties of Director and Assistant Director of Emergency Services.

A. The Director is hereby empowered to:

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

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

3. Control and direct the effort of the Emergency Organization of the City for the accomplishments of the purposes of this Chapter.

4. Direct cooperation between and coordination of services and staff of the Emergency

Organization of the City; and resolve questions of authority and responsibility that may arise between them.

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

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

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

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

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

d. To requisition necessary personnel or material of any City department or agency; and

e. To execute all of the special powers conferred upon him by this Chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

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

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

Chapter 17

CIVILITY CODE

Sections:

- 2.17.010 Purpose.**
- 2.17.020 Definitions.**
- 2.17.030 Chair Shall Preside Over Meetings.**
- 2.17.040 Conduct of City Officials.**
- 2.17.050 Conduct of Staff.**
- 2.17.060 Harassment.**
- 2.17.070 Conduct of Public at Meetings.**
- 2.17.080 Rules of Civility.**
- 2.17.090 Sergeant-at-Arms.**
- 2.17.100 Public Decorum.**
- 2.17.110 Enforcement of a City Official's Misconduct.**
- 2.17.120 Rules Committee.**
- 2.17.130 Admonishment.**
- 2.17.140 Reprimand.**
- 2.17.150 Censure.**
- 2.17.160 Mayor's Misconduct.**
- 2.17.170 Application of this Chapter.**

2.17.010 Purpose.

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the City's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility. The purpose of this chapter is to establish a code of civility to ensure government efficiency, protect the public's right to participate in the process, and preserve the public's right to freedom of speech.

2.17.020 Definitions.

For the purposes of this chapter, terms shall have the following meanings:

“Admonishment” means a formal reminder of the rules and is appropriate for allegations of a violation of law or City policy. An admonishment is not disciplinary in nature.

“Censure” means a formal resolution to reprimand an individual Councilmember or Mayor for misconduct and is a disciplinary action.

“Chair” means the individual authorized by law, the Ceres Municipal Code or City policy to oversee, direct and preside over the public meeting of the City Council, Planning Commission or any other City board or commission.

“City Council” means the governing body of the City of Ceres, comprised of four (4) Councilmembers and one (1) Mayor.

“City official” means any elected or appointed member of the Ceres City Council or Ceres Planning Commission or any other City board or commission established by ordinance or City Council policy.

“Councilmember” means a member of the Ceres City Council.

“Mayor” means the Mayor for the City of Ceres.

“Reprimand” means a formal reminder that is appropriate when the Council finds that a Councilmember has committed misconduct but determines that the misconduct does not rise to the level of requiring censure.

2.17.030 Chair Shall Preside Over Meetings.

Public meetings of the City Council, Planning Commission or any City boards or commissions shall be presided over and conducted by a Chair. Meetings of the City Council shall be presided over and conducted by the City’s Mayor. Meetings of the Planning Commission shall be presided over and conducted by the Planning Commission Chair. The Chair shall maintain order, decorum, and the fair and equitable treatment of all speakers. The Chair shall keep discussions and questions focused on the specific agenda item under consideration.

2.17.040 Conduct of City Officials.

A. City officials shall obey the rules of civility provided in this chapter. In the event that a City official fails to obey the rules of civility in this chapter during a public meeting or while carrying out his or her official duties on behalf of the City, he or she shall be subject to disciplinary measures, including but not limited to admonishment, reprimand, or censure.

B. City officials shall serve as models of leadership and civility in the community and shall demonstrate honesty and integrity in every action and statement.

C. City officials shall perform their duties in accordance with the City’s processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by City staff.

D. City officials shall work together collaboratively, assisting each other in conducting the affairs of the City.

E. City officials shall fully participate in public meetings, in both the open and closed sessions, while demonstrating respect and courtesy to others. City officials shall stay focused, stay on topic and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

F. At public meetings, City officials shall respect the dignity, style, values, and opinions of each

person present. City officials should avoid personal comments or personal attacks that could offend other City officials, City staff and members of the public. City officials shall commit to practice civility and decorum in discussions and debates. City officials shall commit to honoring the role of the Chair in maintaining order, keeping discussion on track, and focusing discussion on agenda items at hand.

G. A City official shall not speak on behalf of his or her respective commission or board without consent from the other members. A Councilmember shall not speak on behalf of the City Council without consent from the majority of the City Council.

H. City officials shall not interfere with the administrative functions of the City or the professional duties of City staff. City officials shall not impair the ability of City staff to implement City Council policy decisions and should refrain from disrupting staff from the conduct of their jobs.

I. City officials shall not use City resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

J. The provisions of this chapter shall only apply to City officials acting in their official capacities and in the discharge of their duties for and on behalf of the City.

2.17.050 Conduct of Staff.

Members of City staff must comply with the rules of civility outlined in this chapter while attending public meetings. Any member of City staff who violates this chapter is subject to discipline by any method permitted in this chapter or in the City's personnel rules and regulations.

2.17.060 Harassment.

No person shall engage in harassment of another person during a public meeting. Harassment includes but is not limited to:

A. Verbal harassment such as racial epithets, derogatory comments, or slurs;

B. Physical harassment such as assault, impeding or blocking movement, or any other physical interference or threat directed at an individual;

C. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interfere with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

2.17.070 Conduct of Public at Meetings.

Members of the public have a right to attend open public meetings. While attending a public meeting, members of the public must obey the rules of civility outlined in this chapter.

2.17.080 Rules of Civility.

During public meetings, all present shall:

- A. Preserve safety and order;
- B. Not block the audience or camera from viewing the proceedings;
- C. Not engage in behavior that will disrupt, disturb or otherwise impede the orderly conduct of the meeting, including but not limited to: heckling, whistling, yelling, and other similar demonstrations;
- D. Not willfully disrupt the peace and order of the meeting;
- E. Listen to others respectfully and not interrupt those who are speaking;
- F. Avoid the use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct;
- G. Not use unlawful physical force. Physical force includes but is not limited to: grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body;
- H. Not harass any other person in any way, including but not limited to types of harassment described in section 2.17.060;
- I. Avoid obscene gestures or motions that could be viewed as threatening or as an effort to intimidate. Unacceptable gestures include but are not limited to: those of a sexual nature, finger pointing and fist shaking in an overly aggressive or accusatory manner, miming the use of weapons or other violent acts;
- J. Avoid raising voices beyond what is necessary to be heard by the audience; and
- K. Act in accordance with all provisions of this chapter.

2.17.090 Sergeant-at-Arms.

The Chief of Police or his or her designee shall act as the Sergeant-at-Arms at City Council meetings and shall carry out instructions by the Mayor to enforce the rules of civility. The Chief of Police may designate any member of the Ceres Police Department to act as the Sergeant-at-Arms at any public meeting of the Planning Commission or other City boards or commissions.

2.17.100 Public Decorum.

If a member of the public or audience disrupts a public meeting or violates the rules of civility described in this chapter, the City has the following recourse:

- A. The Chair can call a point of order;

B. A City official present at the public meeting may move to require the Chair to enforce the rules and upon majority vote, the Chair shall be required to do so;

C. The Chair may instruct the Sergeant-at-Arms to enforce the rules by ordering an individual to sit, refrain from addressing the City Council, board, or commission, or remove the disruptive person from the meeting.

2.17.110 Enforcement of a City Official's Misconduct.

When a City official violates this chapter, he or she is subject to disciplinary measures including, but not limited to, admonishment, reprimand, or censure. An appointed City official may be removed from his or her position on a board or commission by a majority vote of the City Council. A Councilmember, who has been appointed or selected to represent the City on any committee, working group or any other position in his or her official capacity, may be removed from any such position by a majority vote of the City Council. A City Councilmember may not be removed from his or her position on the City Council except as allowed by State law.

2.17.120 Rules Committee.

Through majority vote, the City Council will select from among its members three (3) Councilmembers to serve as the Rules Committee. A Councilmember who is under review for violations of this chapter may not serve on the Rules Committee during the evaluation of the alleged violation. If a Councilmember is under review, he or she shall be automatically removed from the Rules Committee for the duration of the review. In the event that a member of the Rules Committee is recused, the Mayor shall appoint another member of the City Council to act pro tempore. If more than one (1) member of the Rules Committee is the subject of the review, then the investigation will automatically advance to the five (5) member ad hoc committee appointed by the Mayor, which will be staffed by administrative staff. The City Council may replace a member of the Rules Committee at any time through majority vote.

2.17.130 Admonishment.

Any City official may submit a written request for admonishment to the City Council with the specific language of the proposed admonition. An admonishment need not be directed at an individual City official but may also be directed at a member of the public. By a majority vote of the City Council, it may elect to approve the admonishment.

2.17.140 Reprimand.

A. Any City official may submit a written request to reprimand a City official to the Rules Committee. The request should contain specific allegations of conduct that, if true, violate this chapter.

B. This request shall be personally served upon the accused City official along with notice of the time, place, and date of the Rules Committee meeting and notice of the accused City official's right to submit oral or written evidence at least seventy-two (72) hours before the Rules Committee meeting where the request will be evaluated.

C. The accused City official will have the opportunity to respond to the accusations at the Rules Committee meeting. After the meeting, the Rules Committee shall make one (1) of the following findings:

1. The matter should be investigated further and set for a separate public hearing by the City Council; or
2. No further investigation is required, and the matter should be dismissed.

D. The Rules Committee shall deliver its report to the City Council and the accused within ten (10) business days of the Rules Committee meeting on the matter through mail, personal delivery, or a form of electronic transmittal that is approved by the accused.

E. If the Rules Committee decides to recommend action by the City Council, the matter shall be set for hearing at the next regularly scheduled City Council meeting that is at least thirty (30) days after the date the Rules Committee report is sent to the accused.

F. At the City Council meeting, the accused City official shall have an opportunity to respond to the findings of the report.

G. Based on the report and the comments by the accused, the City Council, excluding the accused City official if he or she is a Councilmember under investigation, will vote. A reprimand action must be approved by a majority vote.

2.17.150 Censure.

A. Any City official may submit a written request to censure a City official to the Rules Committee. The request should contain specific allegations of conduct that, if true, violates this chapter.

B. This request shall be personally served upon the accused City official along with notice of the time, place, and date of the Rules Committee meeting and notice of the accused City official's right to submit oral or written evidence at least seventy-two (72) hours before the Rules Committee meeting where the request will be evaluated.

C. The accused City official will have the opportunity to respond to the accusations at the Rules Committee meeting. After the meeting, the Rules Committee shall make one (1) of the following findings:

1. The matter should be investigated further and set for a separate public hearing by the City Council; or
2. No further investigation is required, and the matter should be dismissed.

D. The Rules Committee shall deliver a copy of the report to the accused and the City Council within ten (10) business days of the meeting through mail, personal delivery, or a form of

electronic transmittal that is approved by the accused.

E. If the Rules Committee recommends the matter be dismissed, no further action will be taken unless the City Council directs that an additional investigation is necessary at the next regularly scheduled City Council meeting after receiving the report.

F. If the Rules Committee recommends further investigation, the Mayor shall appoint a five (5) member ad hoc committee to determine if there is substantial evidence that the conduct occurred. If the Mayor is the party accused of misconduct, the City Council shall appoint the ad hoc committee. The ad hoc committee may be staffed by administrative staff.

G. The ad hoc committee, being advised by the City Attorney, will investigate the matter and issue a public report based on its findings within thirty (30) days.

H. The ad hoc committee report shall be served upon the accused with a notice of the hearing that will take place at the next regularly scheduled City Council meeting that is no less than twenty (20) days after the notice and report are sent.

I. The City Council will hold a public hearing where it will consider all evidence, including the ad hoc committee report.

J. At the hearing, the accused City official shall be allowed to make an opening and closing statement and shall be allowed to question the accuser(s). The accused City official may be represented by counsel. After the hearing, the City Council shall vote on whether to adopt a resolution approving the censure.

K. At the hearing, in order to approve a censure, at least two-thirds (2/3) of the City Council must vote to adopt a resolution censuring the accused City official. If the City Council decides to dismiss the complaint, no further action will be taken. If the City Council determines that an admonishment or reprimand is sufficient, it may issue an admonishment or reprimand at the same hearing with a majority vote.

2.17.160 Mayor's Misconduct.

When the Mayor violates this chapter, the Mayor shall be subject to disciplinary measures, including but not limited to: admonishment, reprimand, or censure. The procedure for disciplining the Mayor shall be the same as the procedure set forth in this chapter regarding all other City officials.

2.17.170 Application of this Chapter.

The rules, regulations, and codes of conduct set forth in this chapter apply to all City Council meetings as well as all other City meetings or hearings including meetings and hearings by any City commission, board, or advisory group.

Chapter 18

UNCLAIMED PROPERTY

Sections:

- 2.18.010** **Defined.**
- 2.18.020** **Bicycles.**
- 2.18.030** **Sale at Public Auction.**
- 2.18.040** **Notice of Auction Sale.**

2.18.010 **Defined.**

Within the meaning of this Chapter, "unclaimed property" means all personal property coming into the possession of the Police Department , which in the opinion of the Police Chief need not be preserved as evidence to be used in connection with the investigation or prosecution of crime, the owner of which property are unknown or cannot be located after appropriate inquiry and to which no valid claim of ownership is made.

2.18.020 **Bicycles.**

All unclaimed property as defined in Section 2.18.010 except unclaimed bicycles hereof shall be held by the Police Department for a period of at least four (4) months. All unclaimed bicycles shall be held by the Police Department for a period of at least three (3) months. During this period herein provided, upon proof of ownership, the Police Department shall restore the property to its rightful owner or owners.

2.18.030 **Sale at Public Auction.**

Whenever any unclaimed property shall remain unclaimed in the possession of the Police Department for a period longer than provided by Section 2.18.020, the Police Chief may sell such property at public auction to the highest bidder, or, if the Police Chief determines that any such property is needed for a public use, such property may be retained and need not be sold. All money received from the sale of unclaimed property shall be paid into the City Treasury at the times and in the manner that fees collected by the Police Chief are required to be paid and shall be credited to the General Fund of the City. In the event such property is offered for sale at public auction, but no purchaser appears and offers to bid on the property, then the Police Chief may destroy or arrange for the destruction of any unclaimed property.

2.18.040 **Notice of Auction Sale.**

Notice of the time and place of the sale at public auction of any unclaimed property, containing a general description of the property, shall be given by the Police Chief at least five (5) days before the time fixed for such sale by publication once in a newspaper of general circulation, published in Stanislaus County.

Chapter 19

HOLIDAYS

Sections:

2.19.010 Determination.

2.19.020 Closure of Public Offices.

2.19.010 Determination.

Pursuant to the authority of section 6702 of the Government Code, the City shall henceforth determine public holidays by means of such resolutions as now, or henceforth, enumerate such holidays.

2.19.020 Closure of Public Offices.

Upon the holidays enumerated in resolutions pursuant to this Chapter as now, or as henceforth may be made, the public offices of the City will be closed.