

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF SECTIONS 2-32, 2-407, 42-36 THROUGH 42-39, 50-37 THROUGH 50-43, 54-36 THROUGH 54-44, 55-1 THROUGH 55-8 AND DELETING DIVISIONS 2, 3, AND 6 OF ARTICLE V OF CHAPTER 2 OF THE AZUSA MUNICIPAL CODE RELATING TO THE MAKEUP AND DUTIES OF VARIOUS CITY OF AZUSA BOARDS AND COMMISSIONS

WHEREAS, the City of Azusa, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, by virtue of the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City appoints citizens to various boards and commissions to assist in City governance; and

WHEREAS, from time to time the City Council desires to update the provisions governing these boards and commissions to ensure continued compliance with state law and City policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. The following sections of the Azusa Municipal Code are hereby amended to read as set forth in Exhibit A (deletions shown in ~~striketrough~~, additions shown in underline), attached hereto and made a part of this Ordinance by this reference:

1. Section 2-32
2. Section 2-407
3. Sections 42-36 through 42-39
4. Sections 50-37 through 50-43
5. Sections 54-36 through 54-44
6. Sections 55-1 through 55-8

SECTION 3. Deletion. The following divisions of the Azusa Municipal Code are hereby deleted in full, as set forth in Exhibit A, attached hereto and made a part of this Ordinance by this reference:

1. Division 2 of Article V of Chapter 2 (Architectural Barriers Commission)
2. Division 3 of Article V of Chapter 2 (Art in Public Places Commission)

3. Division 6 of Article V of Chapter 2 (Human Relations Commission)

SECTION 4. Amendment. Chapter 2 of Article II, V, Chapter 42 of Article II, Chapter 50 of Article II, Chapter 54 of Article II and Chapter 55 of Article I of the Azusa Municipal Code is hereby amended as set forth in Exhibit A (deletions shown in ~~striketrough~~, additions shown in underline), attached hereto and made a part of this Ordinance by this reference

SECTION 5. CEQA Compliance. This ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) under the State CEQA Guidelines because the proposed action as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment as it pertains only to administrative provisions governing City boards and commissions. Further, this ordinance is exempt from CEQA as there is no possibility that this ordinance or its implementation would have a significant effect on the environment. 14 Cal. Code Regs. § 15061(b)(3).

SECTION 6. Severability. If any section, sentence, clause or phrase of this ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council of the City of Azusa hereby declares that it would have adopted this ordinance and each section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 8. Publication. The City Clerk shall certify to the adoption of this ordinance. Not later than 15 days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

PASSED, APPROVED and ADOPTED this 16th day of October, 2023.

/s/ Robert Gonzales, Mayor

ATTEST:

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF AZUSA)

I HEREBY CERTIFY I, City Clerk of the City of Azusa hereby certify that the foregoing Ordinance No. 2023-05, was duly introduced and placed upon its first reading at a regular meeting of the City Council of the City of Azusa held on the 2nd day of October 2023, and that thereafter, said ordinance was duly adopted and passed at a regular meeting on the 16th day of October 2023, by the following vote of the Council:

AYES: COUNCILMEMBERS: GONZALES, ALVAREZ, AVILA, BECKWITH
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: MENDEZ

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

APPROVED AS TO FORM:

/s/ Best, Best & Krieger, LLP, City Attorney

EXHIBIT A

CHAPTER 2. - ADMINISTRATION

ARTICLE II. - CITY COUNCIL

Sec. 2-32. - Appointment and removal of members of city commissions and boards.

The appointment of persons to and the removal of members from the planning commission, parks and recreation commission, cultural and ~~historical landmark~~historic preservation commission, personnel board, ~~public~~-library commission and such other bodies as the council may designate as a board or commission shall be in accordance with the following procedures:

- (1) At least ten working days prior to selection of a person to fill a vacancy on a board or commission, the council shall announce the vacancy and shall establish a period for the filing of applications by persons interested in filling the vacancy.
- (2) All persons interested in filling the vacancy, including incumbents, shall file an application on a form approved by the council within the designated filing period. A person may file one application for all vacancies which may occur on particular boards or commissions within the calendar year that the application is received, provided that a new application must be filed for vacancies in succeeding calendar years.
- (3) Following the end of the filing period described in subsection (1), the city council may interview the candidates in a manner as it may establish from time to time, and, the mayor of the city with a majority vote of the city council, shall appoint a person from the applications submitted and interviews who, in their judgment, is best qualified to fill the vacancy.
- (4) Members of boards and commissions appointed by the mayor of the city with a majority vote of the city council shall serve at the pleasure of the mayor and council and may be removed from office ~~for reason~~ at any time without cause by a majority vote of the council.
- (5) A board member or commissioner's seat will be deemed vacant whenever such board member or commissioner, without excuse, misses three consecutive meetings or misses one-third or more of all regular meetings within any six-month period. To obtain an excused absence, commissioners must notify commission staff, who will then inform the city clerk's office. Attendance of less than fifty percent of any meeting will be counted as an absence.
- (6) All board members or commissioners are required to complete, as required by Government Code Section 53235, Assembly Bill 1234 Ethics Training within 60 days of being appointed, and every other year thereafter. Failure to complete AB 1234 Ethics Training may result in removal from the board or commission by a majority vote of the council.
- (57) Commission or board members shall hold office until their reappointment or until their successors have been appointed and have qualified. If a vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired portion of the term, pursuant to this section.

CHAPTER 2. – ADMINISTRATION

ARTICLE V. – BOARDS AND COMMISSIONS

DIVISION 2. - ARCHITECTURAL BARRIERS COMMISSION

This Division is hereby deleted in its entirety and replaced with the word: [RESERVED].

CHAPTER 2. – ADMINISTRATION

ARTICLE V. – BOARDS AND COMMISSIONS

DIVISION 3. - ART IN PUBLIC PLACES COMMISSION

This Division is hereby deleted in its entirety and replaced with the word: [RESERVED].

CHAPTER 2. – ADMINISTRATION

ARTICLE V. – BOARDS AND COMMISSIONS

DIVISION 4. - PERSONNEL BOARD

Sec. 2-407. - Appointment; council procedures.

The two members of the board are to be appointed by the mayor of the city with a majority vote of the city council ~~the city council shall be appointed to~~ and may be removed from the board pursuant to section 2-32.

CHAPTER 2. – ADMINISTRATION

ARTICLE V. – BOARDS AND COMMISSIONS

DIVISION 6. - HUMAN RELATIONS COMMISSION

This Division is hereby deleted in its entirety and replaced with the word: [RESERVED].

CHAPTER 42. - LIBRARY

ARTICLE II. - LIBRARY COMMISSION

Sec. 42-36. - Creation; composition; appointment, term of members.

The Commission shall consist of five members, none of whom shall be officers or employees of the Ceity. The terms of office shall be three years. Expiration dates of the terms shall be staggered in such a manner that one seat shall be available upon the adoption of this section, two seats shall expire the following fiscal year, and the remaining two seats shall expire the fiscal year thereafter. Appointments to the Commission and removal from office shall be pursuant to section 2-32. Members should have an interest in the development and improvement of equitable and community-centered library services. Prior or current community service is desirable.

Sec. 42-37. - Residency.

Every member of the Library Commission shall have been a resident of the Ceity for one year prior to appointment and shall remain a resident of the Ceity while serving as a commissioner.

Sec. 42-38. - Responsibilities.

The Ceity Library Commission shall ~~advise the city council~~ be advisory in nature and provide the City Council with recommendations and vetted community input with respect to the Library services, administration and operation of the city library. It shall recommend to the city council the adoption of rules and regulations which it deems necessary to facilitate the operation of the library and its use by the public. The City Library Commission will also act as an advocacy board to help promote, champion, and support Library programming. It shall also advise Library Administration on the development of necessary policies that facilitate the operation of the library and its use by the public.

Sec. 42-39. - Compensation.

Each member of the Ceity Library Commission shall receive compensation in an amount to be established by resolution of the city council. ~~be paid for his services as such member \$25.00 for each regular, special or adjourned meeting of the commission attended by him during the month but not to exceed \$50.00 in any one month.~~

CHAPTER 50. – PARKS AND RECREATION

ARTICLE II. – PARKS AND RECREATION COMMISSION

Sec. 50-37. - Appointment.

The commission shall consist of five members, none of whom shall be officers or employees of the city. The members of the commission shall serve ~~four~~three-year terms, except when appointed pursuant to section 2-32(~~57~~) to fill an unexpired term. All members shall be appointed by the mayor of the city with a majority vote of the city council and shall serve pursuant to section 2-32. Members of the commission may be removed from office pursuant to section 2-32.

Sec. 50-38. - Terms. [NO CHANGES.]

Sec. 50-39. - Vacancies.

Vacancies occurring on the park and recreation commission shall be filled in the same manner as provided for in the initial appointment. The appointee is to serve only for the unexpired term of office of the member whom he or she replaces.

Sec. 50-40. – Advisory members.

In addition to the members of the park and recreation commission, ~~the city council shall appoint one member thereof as an advisory member of the commission.~~ The superintendent of the Azusa Unified School District, or his or her designee, shall be an advisory member and one member of the Azusa Unified School District governing board, to be selected by the board annually, shall be an advisory member. All advisory members serve at the pleasure of the appointing power. Advisory members may participate in the deliberations of the commission but shall have no vote.

Sec. 50-41. – Powers and duties.

The powers and duties of the park and recreation commission shall be to:

- (1) Act in an advisory capacity to the city council in all matters pertaining to the acquisition, improvement, maintenance and use of all public parks and parkways in the city.
- (2) Act in an advisory capacity in coordinating and reviewing the plans and conduct of the director(s) of the parks and recreation divisions, and the department of community services in the improvement and maintenance of all parks and parkways, recreation programs and services, and facilities relevant to the delivery of these programs.
- (3) Act in an advisory capacity to the city council in all matters pertaining to public parks and recreation in the city.

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- (4) Advise the director(s) of ~~overseeing the~~ parks and recreation ~~divisions and the~~ department of community services in the formulating and conducting of all recreational activities.
- (5) Act in an advisory capacity to the city council in all matters pertaining to the planting, pruning, care and removal of all trees in streets and parkways in the city.
- (6) Act in an advisory capacity in coordinating and reviewing plans and conduct of the director(s) of ~~the~~ parks and recreation ~~divisions and the~~ department of community services in the maintenance of all street trees.
- (7) Advise the city council concerning relations with other governmental agencies and civic groups in the advancement of good park and recreation planning and programming.
- (8) Advise the city council with respect to the powers and duties of the commission listed in subsections (1) through (7) of this section.
- (9) Review the annual budget covering all park, recreation and street tree activities and act in an advisory capacity concerning such to the city council.
- (10) Perform such other advisory functions as may be referred to or requested of it by the city council.

Sec. 50-42. – Rules for park use. [NO CHANGES.]

Sec. 50-43. – Compensation.

Each member of the commission shall receive compensation in an amount to be established by resolution of the city council. Each member may also be reimbursed for any reasonable and necessary expenses incurred in the performance of commission duties. ~~Each member of the park and recreation commission shall be paid \$25.00 for his services as such member for each regular, special or adjourned meeting of the park and recreation commission attended by him during the month, but not to exceed \$50.00 in any one month.~~

CHAPTER 54. - PLANNING

ARTICLE II. - PLANNING COMMISSION

Sec. 54-36. - Appointment; membership.

The ~~P~~planning ~~C~~ommission shall consist of five members, none of whom shall be officers or employees of the city. Appointments to the commission and removal from office, shall be pursuant to ~~S~~ection 2-32. The director of community development or his/her designee shall serve as advisor to the commission.

Sec. 54-37. - Terms; vacancy.

The members of the planning commission shall serve four-year terms, except when appointed pursuant to ~~S~~ection 2-32(57) to fill an unexpired term. Planning commission members are appointed and shall serve pursuant to ~~S~~ection 2-32.

Sec. 54-38. - Officers.

The ~~P~~planning ~~C~~ommission shall elect its ~~C~~hairman and ~~V~~ice-~~C~~hairman from among the appointed members for a term of one year and, subject to other provisions of law, may create and fill such other offices as it may determine.

Sec. 54-39. - Meeting times, place.

(a) The ~~P~~planning ~~C~~ommission shall hold at least one regular meeting in each month. Until such time as otherwise fixed by resolution of the planning commission, the place of meeting of the commission shall be the ~~council chambers in the city hall~~ Azusa Auditorium, and the time of such meetings shall be fixed by the planning commission. An alternative location may be provided where there is a conflict with the scheduling of the Azusa Auditorium, the time and location shall be provide via a duly noticed agenda.

(b) Special meetings may be called at any time by the ~~C~~hairman or three members of the ~~P~~planning ~~C~~ommission by a written notice served upon each member of the commission not less than 24 hours before the time specified for the proposed special meeting. ~~Four members of the commission shall constitute a quorum for the transaction of business for a special meeting.~~

Sec. 54-40. - Meeting rules, records; personnel.

The ~~P~~planning ~~C~~ommission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations. ~~The ~~P~~planning ~~C~~ommission may, with the approval of the council, appoint such officers, planning consultants and employees as it may deem necessary for its work.~~

Sec. 54-41. - Funds for expenditures.

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The council shall provide the funds, equipment and accommodations necessary for the work of the Planning Commission, and the expenditures of the commission, exclusive of gifts to the commission, shall be within the amounts appropriated for the respective purposes.

Sec. 54-42. - Powers and duties.

~~The planning commission functions and its powers and duties shall be such as may be provided by state law and ordinances or resolutions adopted by the council.~~

(a) The purpose of the Planning Commission is to advise the City Council on the preparation and review of the general plan, as well as the adoption or implementation of programs under the plan, including the creation of districts and zones, modification to and administration of zoning regulations, review of the capital improvements program, and review of other programs and projects which affect city development.

(b) The Planning Commission's function is to:

(1) Prepare and adopt a comprehensive long-term general plan for the physical development of the city and of any land outside its boundaries which, in the commission's judgment, bears relation to its planning. Such plan shall be known as the general plan and shall include elements as may be required by law and such additional elements which in the commission's judgment relate to the physical development of the city. The Planning Commission shall conduct an annual review of the general plan and make recommendation to the City Council regarding any necessary additions, deletions or amendments. A report on this review shall be included in the commission's annual report;

(2) Recommend to the officers of the city reasonable and practical means for putting into effect the general plan or any part thereof in order that it will serve as a pattern and guide for the orderly physical growth and development of the city;

(3) Consult with and advise public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally about carrying out the general plan;

(4) Initiate, consider and make recommendations to the City Council regarding each of the following matters:

(i) The acquisition, establishment, opening, widening, narrowing, straightening, abandoning, vacating or sale of any public right-of-way, publicly owned open space, airport or heliport, public building site, or other public way, including proposed freeways, or other public property;

(ii) The location of any bridge, viaduct, subway, tunnel or elevated structure for the use of pedestrians or vehicular traffic or any public building;

(iii) The creation of districts or zones or the acquisition of property for off-street parking;

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(iv) The creation of districts or zones, in accordance with the general plan, for the purpose of regulating the use of lands, density of population, the height, bulk, location or use of buildings therein, or the size of yards, open spaces or setbacks adjacent to buildings, or the changing, amending or altering of any such zones, districts or regulations.

(5) Perform such other duties as may be prescribed by the ordinances of the city or by state law.

(c) No ordinance, order, or resolution shall be adopted by the City Council ordering or involving any of the matters enumerated in subparagraphs (b)(1) through (b)(4) of this section unless and until such ordinance, order, or resolution shall first have been submitted to the Planning Commission for report and recommendation. The Planning Commission shall report and make recommendation to the City Council upon the matter within the time specified by the City Council or, if not specified, in a timely manner. Upon request by the Planning Commission, additional time for report and recommendation may be granted by the City Council. If the Planning Commission does not report and recommend within the period specified by the City Council, or otherwise within a reasonable time, the City Council may thereafter proceed to act upon the matter without such report and recommendation after first making the finding that the Planning Commission failed to act within a reasonable time period. Zoning matters shall be governed by the provisions of Chapters 65 and 88 of this Code.

Sec. 54-43. - Compensation.

Each member of the planning commission shall be paid for his services as such member \$25.00 for each regular, special or adjourned meeting of the planning commission attended by him during the month, but not to exceed \$50.00 in any one month. The members of the Planning Commission shall receive compensation in an amount to be established by city council resolution for their services as members of the commission. Members shall also be reimbursed for any reasonable and necessary expenses incurred by them in the performance of their duties as members of the commission in an amount established by resolution of the city council.

Sec. 54-44. - Residency requirements.

Every member of the planning commission shall have been a resident of the Ceity for one year prior to appointment and shall remain a resident of the city while serving as a commissioner.

CHAPTER 55. – HISTORIC PRESERVATION

ARTICLE I. - CULTURAL AND HISTORIC PRESERVATION COMMISSION

Sec. 55-1. - Creation.

A Ceultural and Hhistoric Preservation Commission is hereby created to lead in the application, enforcement, and education of the historic preservation regulations as set forth in this article.

Sec. 55-2. - Guiding mission.

The protection, appreciation and preservation of the cultural and historic resources of the city shall be the guiding mission and fundamental purpose of the Ceultural and Hhistoric Preservation Commission. The Ceultural and Hhistoric Preservation Commission shall work in partnership with other governmental agencies, property owners/residents, the business sector and the community at large to retain and protect those cultural and historic resources which will preserve and enhance the community.

Sec. 55-3. - Membership; composition; qualification; residency.

(a) The commission shall consist of five members, none of whom shall be officers or employees of the city. The members of the commission shall serve four-year terms, except when appointed pursuant to section 2-32(§7) to fill an unexpired term. All members shall be appointed by majority vote of the city council and shall serve pursuant to section 2-32. Members of the commission may be removed from office pursuant to section 2-32.

(b) Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership shall also include other persons who have demonstrated special interest, knowledge, or experience in the history, architecture or cultural heritage of the city as will provide for an adequate and qualified commission.

(c) Every member of the Ceultural and Hhistoric Preservation Commission shall have been a resident of the city for ~~three~~ one years prior to appointment and shall remain a resident of the city while serving as a commissioner.

Sec. 55-4. - Membership; term; appointment; compensation.

(a) Members of the commission shall serve at the pleasure of the Ceity Council. Commissioners shall serve terms of four years. If a vacancy occurs, it shall be filled by appointment pursuant to section 2-32. Members of the commission may be removed from office pursuant to section 2-32.

~~(b) No member of the commission shall serve more than two consecutive terms as an appointed member of the Cult~~Ceultural and Hhistoric Preservation Commission. For the

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~~purpose of this article, a person appointed to fill a vacancy for any unexpired portion of a term shall be deemed to have served a full term where such unexpired portion of the term exceeds one year.~~

(eb) The members of the commission shall receive compensation in an amount to be established by city council resolution for their services as members of the commission. Members shall also be reimbursed for any reasonable and necessary expenses incurred by them in the performance of their duties as members of the commission in an amount established by resolution of the city council.

(dc) Nothing in this Section shall preclude a person from subsequently applying for appointment to the commission after first leaving the commission at the expiration of that person's second consecutive term. Such an application shall be subject to the city's normal selection process, however, and former commissioners shall receive no preference, favor or additional credit in the selection process.

(ed) The terms of not more than three members of the commission shall expire in any one year.

(fe) Initial appointment. The initial term of appointment at formation of the commission shall be as follows: Three members for an initial term of two years, two members for an initial term of three years and one member for an initial term of four years. Thereafter, each commissioner's term shall be four years.

Sec. 55-5. - Rules; regulations; records. [NO CHANGES.]

Sec. 55-6. - Meetings; quorum.

(a) The commission shall hold meetings, the frequency, date and time thereof to be established by resolution of the commission.

(b) Special meetings may be called at any time by the chair or any two members of the commission in accordance with the requirements of California Government Code section 54950 et seq.

(c) Three members of the commission shall constitute a quorum for the transaction of business.

(d) To the extent allowed by law and the rule of the commission, meetings may be conducted in a manner similar to a workshop or study session.

(e) Special meetings may be called at any time by the chair or three members of the commission by a written notice served upon each member of the commission not less than 24 hours before the time specified for the proposed special meeting. ~~Four members of the commission shall constitute a quorum for the transaction of business.~~

Sec. 55-7. - Powers and duties. [NO CHANGES.]

Sec. 55-8. - Use of city staff.

- (a) Within the limitations of funds appropriated in the annual budget, the Director of Economic and Community Development may designate such employees of the city to assist the Commission in a manner deemed necessary and appropriate by the Director.
- (b) Employees of the city designated as support staff to the commission shall provide assistance to the extent specified by the director in order to assist the commission in fulfilling its responsibilities and the policies of the city as specified by the city council.