

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REPLACING DUARTE MUNICIPAL CODE SECTIONS 2.20, 2.22, 2.24, 2.27, 2.28, 2.29, AND 2.30 IN THEIR ENTIRETY REGARDING THE ESTABLISHMENT OF COMMISSIONS AND ADDING SECTION 2.31 REGARDING AD HOC COMMITTEES

WHEREAS, the Duarte Municipal Code provides for the creation of the Planning Commission, Public Safety Commission, Parks and Recreation Commission, Economic Development Commission, Traffic Safety Commission, and Public Services Commission; and

WHEREAS, the City Council of the City of Duarte held a discussion session to discuss the creation of new commissions, amending the purposes of some commissions, and changing the requirements for commissioner appointments; and

WHEREAS, the City Council of the City of Duarte has determined that amending the commissions in the City will ensure more thoughtful consideration of issues affecting residents' quality of life and improve City function; and

WHEREAS, amending, replacing, or removing some commissions and their duties would save staff time and City funds; and

WHEREAS, the City of Duarte may sometimes find that an ad hoc committee shall be formed to discuss, review, and make recommendations regarding a variety of topics or issues of interest within the City of Duarte.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Duarte Municipal Code Sections 2.20, 2.22, 2.24, 2.27, 2.28, 2.29 are deleted and replaced in their entirety as demonstrated in Exhibit A.

SECTION 3. Duarte Municipal Code Section 2.31 is added as demonstrated in Exhibit A.

SECTION 4. The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment. In addition, the repeal is exempt under CEQA Guidelines section 15321, relating to the enforcement of a law.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the 13th day of December, 2022.

Margaret Finlay
Mayor

APPROVED AS TO FORM:

Thai Viet Phan
City Attorney

ATTEST:

Annette Juarez
City Clerk

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

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 913 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 13th day of December, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Annette Juarez
City Clerk

EXHIBIT A

Chapter 2.20 PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

Sections:

2.20.010 Commission created.

A planning and economic development commission for the City is created, which shall be known as the Planning and Economic Development Commission of the City of Duarte.

2.20.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the third Monday of each month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. If and as needed from time to time, the commission shall adjourn a regular meeting to a date and time certain, and on such specified date and time hold an adjourned regular meeting which, except as the planning commission may otherwise determine, shall be held on the first Monday of the following month at seven p.m. at the Duarte Community Center. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the City staff person assigned by the City Manager as the staff liaison to the commission.

2.20.030 Duties and functions.

Pursuant to Government Code Section 65100, the City Council hereby assigns the functions of the planning agency to the commission. The commission shall carry out those duties and functions of a planning agency under state law, duties and functions as may be provided in Title 19 of this code and in Section 2.30.100 of this code. The commission shall provide advice and make recommendations to the City Council and staff on economic development matters and such other duties and functions as may be provided by ordinance, resolution, or direction of the Council, or by law.

2.20.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the City Council.

Commissioners shall be appointed for terms of four years commencing on January 1 of odd years and terminating on the fourth occurring December 31 thereafter. Planning Commissioners whose current, existing terms expire on December 31, 2024, shall continue to serve on this newly formed Planning and Economic Development Commission until their original term expires. After such time, those Planning Commissioners shall be subject to reappointment in a manner consistent with Section 2.30.070 of this code.

If the term of a commissioner commences after January 1, the term shall be adjusted to a lesser period of time such that the end of the term shall occur on the fourth occurring December 31 after the January 1 when the term normally would have commenced. Notwithstanding anything in this section to the contrary, the City Council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

2.20.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

- (a) Be a resident of the City;
- (b) Have no felony convictions; and
- (c) File a City application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

Chapter 2.22 PUBLIC SAFETY COMMISSION

Sections:

2.22.010 Commission created.

A public safety commission for the City is created, which shall be known as the Public Safety Commission of the City of Duarte.

2.22.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the third Tuesday of each odd-numbered month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the City staff person assigned by the City Manager as the staff liaison to the commission.

2.22.030 Duties and functions.

The commission shall act in an advisory capacity in formulating recommendations pertaining to law enforcement, crime prevention and control, code enforcement, animal control, and emergency preparedness, other duties and functions as may be provided in Section 2.30.100 of this code, and such other duties and functions as may be provided by ordinance, resolution, or direction of the Council, or by law. The commission shall have an advisory role only and shall have no authority to control, supervise, or direct any City staff or any law enforcement personnel.

2.22.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the City Council.

Commissioners shall be appointed for terms of four years commencing on January 1 of odd years and terminating on the fourth occurring December 31 thereafter.

Commissioners whose current, existing terms end on December 31, 2023, shall have their terms extended to terminate on December 31, 2024.

If the term of a commissioner commences after January 1, the term shall be adjusted to a lesser period of time such that the end of the term shall occur on the fourth occurring December 31 after the January 1 when the term normally would have commenced. Notwithstanding anything in this section to the contrary, the City Council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

2.22.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

(a) Of the five members:

- (1) Duarte Unified School District Representative: One member who shall not be required to be a resident of the City but shall be a candidate nominated or recommended by the board of Duarte Unified School District, or by the superintendent of the Duarte Unified School District if the board has delegated that authority to the superintendent.
- (2) Residents: The four remaining members shall be residents of the City unless otherwise stated in subsection (a)(2)(A).

(A) One member of the four required resident members described in subsection (a)(2) may be appointed from among the following candidates:

- (i) A person who is not required to be a resident of the City but is a business owner or operator in the City of Duarte that is nominated or recommended by the Duarte Chamber of Commerce;
- (ii) A person who is not a resident of the City but who is a resident of the portion of the unincorporated area adjacent to Duarte that is within the boundaries of the Duarte Unified School District;
- (iii) A person who is not a resident of the City but who is nominated by, and who shall serve as a representative of, the Monrovia-Arcadia-Duarte town Council;
- (iv) A person who is not a resident of the City but who is nominated by, and who shall serve as a representative of the office of the supervisor of the supervisorial district of Los Angeles County within which the majority of Duarte is located; or
- (v) A person who is not a resident of the City but who is nominated by, and who shall serve as a representative of, the Los Angeles County Human Relations Commission.

(b) In addition to the requirements set forth in subsection (a) of this section, to be eligible for appointment as a member of the commission, the candidate must meet all of the following additional requirements:

- (1) Have no felony convictions; and

- (2) File a City application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

Chapter 2.24 PARKS AND RECREATION COMMISSION

Sections:

2.24.010 Commission created.

A parks and recreation commission for the City is created, which shall be known as the Parks and Recreation Commission of the City of Duarte.

2.24.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the second Monday of each odd-numbered month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the City staff person assigned by the City Manager as the staff liaison to the commission.

2.24.030 Duties and functions.

The duties and functions of the commission shall be to:

- (a) Act in an advisory capacity to the City Council and City Manager in all matters pertaining to parks, public recreation and other associated activities as prescribed by ordinances or resolutions of the City Council or other City Council action, and to cooperate with other governmental agencies and civic groups in the advancement of sound park and recreation planning and programming;
- (b) Formulate recommendations on recreation services for City Council adoption;
- (c) Advise the director of parks and recreation on problems of recreation areas, facilities, programs, and improved recreation services;
- (d) Aid in coordinating the creation of services with the programs of other governmental agencies and voluntary organizations;
- (e) Advise the director of parks and recreation on issues, programs, and facilities related to family fitness;
- (f) Receive input from a youth Council or committee if such is established from time to time by the City Council; and
- (g) Undertake such duties and functions as may be provided in Section 2.30.100 of this code, and such duties or functions as may be provided by ordinance, resolution, or direction of the City Council, or by law.

2.24.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the City Council.

Commissioners shall be appointed for terms of four years commencing on January 1 of odd years and terminating on the fourth occurring December 31 thereafter.

Commissioners whose current, existing terms end on December 31, 2023, shall have their terms extended to terminate on December 31, 2024.

If the term of a commissioner commences after January 1, the term shall be adjusted to a lesser period of time such that the end of the term shall occur on the fourth occurring December 31 after the January 1 when the term normally would have commenced. Notwithstanding anything in this section to the contrary, the City Council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

2.24.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

(a) Of the five members:

(1) Duarte Unified School District Representative: One member who shall not be required to be a resident of the City but shall be a candidate nominated or recommended by the board of Duarte Unified School District, or by the superintendent of the Duarte Unified School District if the board has delegated that authority to the superintendent.

(2) Residents: The four remaining members shall be residents of the City unless otherwise stated in subsection (a)(2)(A).

(A) One member of the four required resident members described in subsection (a)(2) may be a person who is a senior citizen who has been a user of one or more programs at the Duarte Senior Center but is not a resident of the City.

(b) In addition to the requirements set forth in subsection (a) of this section, to be eligible for appointment as a member of the commission, the candidate must meet all of the following additional requirements:

(1) Have no felony convictions; and

(2) File a City application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

Chapter 2.28 PUBLIC WORKS AND TRAFFIC SAFETY COMMISSION

Sections:

2.28.010 Commission created.

A public works and traffic safety commission for the City is created, which shall be known as the Public Works Traffic Safety Commission of the City of Duarte.

2.28.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the first Tuesday of each odd-numbered month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the City staff person assigned by the City Manager as the staff liaison to the commission.

2.28.030 Duties and functions.

The duties and functions of the commission shall be to act in an advisory capacity to the City Council and City Manager with respect to matters affecting and relating to the following: traffic laws; parking regulations; speed regulations; stop signs; traffic control signals; traffic calming measures; pavement markings; warning signs; crosswalks; school crossings; traffic safety issues arising from physical hazards, attractive nuisances, and other physical conditions; review the annual Capital Improvement Program and provide recommendations to the City Council relating thereto; other traffic safety and traffic engineering issues as requested for commission study and report by the City Council or the City Manager; such duties and functions as may be provided in Section 2.30.100 of this code; and such other duties and functions as may be provided by ordinance, resolution, or direction of the Council, or by law.

2.28.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the City Council.

Commissioners shall be appointed for terms of four years commencing on January 1 of odd years and terminating on the fourth occurring December 31 thereafter.

Commissioners whose current, existing terms end on December 31, 2023, shall have their terms extended to terminate on December 31, 2024.

If the term of a commissioner commences after January 1, the term shall be adjusted to a lesser period of time such that the end of the term shall occur on the fourth occurring December 31 after the January 1 the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the City Council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

2.28.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

- (a) Be a resident of the City;
- (b) Have no felony convictions; and
- (c) File a City application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

Chapter 2.29 PUBLIC UTILITIES, COMMUNICATIONS, AND TECHNOLOGY COMMISSION

Sections:

2.29.010 Commission created.

A public utilities, communications, and technology commission for the City is created, which shall be known as the Public Utilities, Communications, and Technology Commission of the City of Duarte.

2.29.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the second Wednesday of every odd-numbered month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the City staff person assigned by the City Manager as the staff liaison to the commission.

2.29.030 Duties and functions.

The duties and functions of the commission shall be to act in an advisory capacity to the City Council and City Manager with respect to matters affecting and relating to the following: telecommunications; cable and satellite communications; public access channels; audio and video services; broadband and internet services and issues; refuse and trash collection; recycling programs; transit; environmental quality; public utility services within the City; green technologies and advancing the “greening of Duarte”; to serve as a hearing board for subscriber complaints; such duties and functions as may be provided in Section 2.30.100 of this code; and such other duties and functions as may be provided by ordinance, resolution, or direction of the Council, or by law.

2.29.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the City Council.

Commissioners shall be appointed for terms of four years commencing on January 1 of odd years and terminating on the fourth occurring December 31 thereafter.

Commissioners whose current, existing terms end on December 31, 2023, shall have their terms extended to terminate on December 31, 2024.

If the term of a commissioner commences after January 1, the term shall be adjusted to a lesser period of time such that the end of the term shall occur on the fourth occurring December 31 after the January 1 the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the City Council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

2.29.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

- (a) Be a resident of the City;
- (b) Have no felony convictions; and
- (c) File a City application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

Chapter 2.30 COMMISSIONS AND STANDING COMMITTEES GENERALLY

Sections:

2.30.010 Applicability.

The provisions of this chapter shall apply to the Planning and Economic Development Commission, Public Safety Commission, Parks and Recreation Commission, Public Works and Traffic Safety Commission, and Public Utilities, Communications and Technology Commission, and to all other commissions, standing committees, or bodies whose members are appointed by the City Council.

2.30.020 Quorum.

The quorum for meetings of any commission or committee shall be a majority of all of the members of the commission or committee.

2.30.030 Compliance with laws and regulations.

The commission or committee and its members shall comply with all applicable laws and regulations, including but not limited to California Government Code Section 54950 et seq. (also known as the Brown Act) and California Government Code Section 81000 et seq. (also known as the Political Reform Act), in carrying out its duties and functions. Members of the commission or committee shall comply with the provisions of Section 2.44.030 if and to the extent applicable.

2.30.040 Appropriation of funds.

The City Council shall provide the funds, equipment, and facilities necessary for the work of the commission or committee. Expenditures shall be within the amounts appropriated for the respective purpose by the City Council. Any gifts or contributions received by a commission, committee, or commission or committee program shall be deemed a gift or contribution received by the City and the expenditure of such shall be as directed by the City Council.

2.30.050 Compensation.

Members of the commission or committee may receive compensation for the attendance at each meeting if compensation and the amount thereof is set forth in a resolution of the City Council.

2.30.060 Vacancies.

If vacancies occur, other than by expiration of term, they shall be filled by appointment by the City Council for: (i) the unexpired portion of the term; or (ii) for such lesser period of time than the full unexpired portion of the term as the City Council may determine, and in such event the City Council may make one or more subsequent appointments for a period or periods not to cumulatively exceed the unexpired portion of the term defined in clause (i). Nothing in this code requires the City Council to fill any vacancy.

2.30.070 Appointments—Reappointments.

Members of the City Council may nominate one or more persons to be members of the commission or committee. Appointment and reappointment of commissioners or committee members shall be by majority vote of all of the members of the City Council. Reappointments of a member of the commission or committee for a subsequent term shall be subject to the same process as for appointments, and incumbent commissioners and committee members shall compete with new candidates. Nothing in this code requires the City Council to make any appointments to the commission or committee or to make any specific number of appointments.

2.30.080 Removal of members.

Any commissioner may be removed from the commission or committee at any time by a majority vote of all of the members of the City Council. In addition, and without limiting the authority of the City Council set forth in the preceding sentence, if a member of any commission or committee shall be absent from two consecutive meetings of said commission or committee, with or without cause or excuse, or if such member shall be absent from more than one-fourth of the scheduled meetings of the commission or committee during any twelve-month period with or

without cause or excuse, the City Council may determine whether the term of such commissioner or committee member shall be terminated and the office deemed vacant.

2.30.090 Officers.

The commission or committee shall elect a chairperson and vice-chairperson from among its members for one year terms.

2.30.100 Additional duties and functions.

In addition to the duties and functions specified in this chapter, the commission or committee shall perform such duties as may be specified by ordinance or resolution of the City Council, or by law. Further, the commission or committee shall study and report to the City Council, or such other commission or committee as may be directed by the City Council, upon any matter referred to it for action by the City Council or City Manager or the City staff person performing the function of liaison with the commission or committee. The commission or committee, through its staff liaison, shall keep the City Council advised of all matters pending, and shall furnish any specific information or reports or materials which the City Council may request, including, but not limited to, holding an annual forum with the City Council in which a representative from each commission or committee provides a report on accomplishments from the previous year.

Chapter 2.31 AD HOC COMMITTEES

Sections

2.31.010 Applicability.

The provisions of this chapter shall apply to the ad hoc committees established for a limited purpose as outlined by City Council action and whose members are appointed by the City Council.

2.31.020 Quorum.

The quorum for meetings of the ad hoc committee shall be a majority of all of the members of the ad hoc committee.

2.31.030 Compliance with laws and regulations.

The ad hoc committee and its members shall comply with all applicable laws and regulations in carrying out its duties and functions, including the provisions of Section 2.44.030 to the extent applicable.

2.31.040 Appropriation of funds.

The City Council shall provide the funds, equipment, and facilities necessary for the work of the ad hoc committee. The expenditures of the ad hoc committee shall be within the amounts appropriated for the respective purpose by the City Council. Any gifts or contributions received

by the ad hoc committee or for an ad hoc committee program shall be deemed a gift or contribution received by the City and the expenditure of such shall be as directed by the City Council.

2.31.050 Compensation.

Members of the ad hoc committee may receive compensation for the attendance at each meeting if compensation and the amount thereof is set forth in a resolution of the City Council.

2.31.060 Vacancies.

If vacancies occur, the City Council may make one or more subsequent appointments for a vacancy on an ad hoc committee. Nothing in this code requires the City Council to fill any vacancy.

2.31.070 Appointments—Reappointments.

Members of the City Council may nominate one or more persons to be members of the ad hoc committee. Appointment and reappointment of ad hoc committee members shall be by majority vote of all of the members of the City Council. An ad hoc committee shall consist of two current City Councilmembers and three current commissioners from any established commission.

2.31.080 Removal of members.

Any ad hoc committee member may be removed from the ad hoc committee at any time by a majority vote of all of the members of the City Council. In addition, and without limiting the authority of the City Council set forth in the preceding sentence, if a member of any ad hoc committee shall be absent from two consecutive meetings of said ad hoc committee, with or without cause or excuse, or if such member shall be absent from more than one-fourth of the scheduled meetings of the ad hoc committee during any twelve-month period with or without cause or excuse, the City Council may determine whether the term of such ad hoc committee member shall be terminated and the office of such committee member deemed vacant.

2.31.090 Officers.

The ad hoc committee shall elect a chairperson and vice-chairperson from among its members for the duration of the ad hoc committee.

2.31.100 Additional duties and functions.

In addition to the duties and functions specified in this chapter, the ad hoc committee shall perform such duties as may be specified by ordinance or resolution of the City Council, or by law. Further, the ad hoc committee shall study and report to the City Council, or such other commission or committee as may be directed by the City Council, upon any matter referred to it for action by the City Council or City Manager or the City staff person performing the function of liaison with the ad hoc committee. The ad hoc committee, through its staff liaison, shall keep the City Council advised of all matters pending, and shall furnish any specific information or reports or materials which the City Council may request. Ad hoc committees shall terminate once the purpose for which they were created has been accomplished.

