

Title 2 - ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04 - CITY COUNCIL

Sections:

2.04.010 - Meetings.

A.

Time. The regular meetings of the city council shall be held on the second and fourth Wednesdays of each month at such times, or on such other days and times, as may be established by resolution of the council. Special, emergency and other meetings of the city council, and all meetings of its subordinate bodies, shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.) as presently constituted or as hereafter amended.

B.

The place of all regular meetings of the council shall be in the Council Chambers in Colfax City Hall or at such other location within the city as the council may establish by resolution. If for any reason the designated regular meeting place is not available or suitable, the mayor shall designate an alternative place of meeting within the city. The mayor shall notify, in writing or personally, each member of the council at least three hours before the time of such meeting and shall cause such other notice of the changed meeting place to be given as required by law.

(Prior code §§ 2-1.01, 2-1.02)

(Ord. No. 505, § 1, 9-8-09)

2.04.020 - Attendance

A.

If a city councilmember is absent without permission from all regular city council meetings for sixty (60) days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

B.

When a councilmember knows that he/she will be absent from a regularly scheduled meeting, the councilmember shall so advise the council during a regular meeting or shall call the mayor or the city manager and so advise. During roll call at the missed meeting, the mayor or city manager will advise the council of the absence and it will be noted in the minutes as an excused absence unless a determination is otherwise made.

C.

If a vacancy occurs in the city council, the council shall, within thirty (30) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than one hundred fourteen (114) days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(Ord. 497 § 1, 2008)

Chapter 2.08 - CITY MANAGER

Sections:

2.08.010 - Office created.

There is created the position of city manager, who shall be a person selected by the city council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience and knowledge of accepted practice with respect to the duties of the office as set forth in this chapter. The city manager shall serve directly under the supervision and control of the city council as a whole.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.601)

2.08.020 - Absence of city manager.

The city manager shall have the authority to designate and appoint a city department head to act and serve as acting city manager whenever the city manager deems such to be necessary by virtue of temporary absence from the city or disability to perform the duties, except that in the event such an acting appointment and designation is anticipated to be for longer than fifteen (15) consecutive days and the city council has not approved the designation and appointment of the acting city manager, the appointment and designation shall be confirmed by the city council at their next regular council meeting. Any person so designated and appointed as acting city manager shall receive no increase in compensation over that received for the position they otherwise occupy within the framework of city government unless and until such increase in compensation is approved by the city council. Any person appointed and designated as acting city manager shall have all of the powers and duties of the city manager as specified in this chapter while acting in such capacity, except that no officer or employee of the city shall be appointed, removed, promoted, demoted, suspended or otherwise disciplined by the acting city manager without the prior approval of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.602)

2.08.030 - Appointment, tenure and removal.

The city manager shall be appointed by the city council and shall hold office for and during the pleasure of the city council.

Removal of the city manager shall be only by a majority vote of the whole council as then constituted, convened in a regular council meeting and shall be subject to the following provisions:

- A. The city manager may be removed at any time with or without cause.
- B. If the removal of the city manager is for cause, the removal shall be effective immediately or at such other time thereafter as the city council may determine.
- C. If the removal is not for cause, it shall be effective thirty (30) days thereafter or at such later date as may be determined by the city council.
- D. If the removal of the city manager is without cause, the city council may, in its sole option and discretion, elect to remove all of the manager's duties or surrender his or her office. However, the city manager shall still be paid a minimum of thirty (30) days salary, notwithstanding the removal of his or her powers and duties. This salary shall be paid on the next normal pay day of the city employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.603)

2.08.040 - Removal—Limitations.

Notwithstanding the provisions of Section 2.08.030 of this chapter, the city manager shall not be removed from office, other than for misconduct in office, during or within a period of thirty (30) days prior and ninety (90) days next succeeding any general or special municipal election held in the city, at which election a member of the council is elected or when a new council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of any council or a reorganized 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 such ninety (90) day period, the provisions of Section 2.08.030 as to the removal of the city manager shall apply and be effective.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.604)

2.08.050 - Compensation and expenses.

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and such compensation and expenses shall be a proper charge against funds of the city as the city council shall designate. The city manager shall be reimbursed for all sums, authorized by budget appropriation, necessarily incurred or paid in the performance of his or her duties or incurred when traveling on business pertaining to the city under the direction of or with the express consent of the city council. Reimbursement shall be made only in accordance with an itemized claim setting forth the sums expended or obligations incurred in the manner provided by the city council for the presentation of claims for reimbursement of expenses of other city officers and employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.605)

2.08.060 - 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. He or she shall be responsible for the efficient administration of all of the affairs of the city which are under his or her control. In addition to the general powers as administrative head contained in the Government Code and not as a limitation thereof, it shall be his or her duty and he or she shall have the following powers:

- A. General Supervision. To execute, on behalf of the city council, its administrative supervision and control of such affairs of the city as may be placed in his or her charge or which are not otherwise provided for by the city council.
- B. Personnel and Organization. To appoint competent, qualified officers and employees to the administrative service (which term is inclusive of all positions except contract personnel) and to dismiss, suspend and discipline such officers and employees, consistent with the policies of the city council; to recommend to the city council such reorganization of officers, departments or divisions as may be indicated in the interest of efficient, effective and economical conduct of the city's business and to effect such reorganization when authorized by appropriate ordinance, resolution or motion of the city council. The city manager is required to consult with the department head of the department involved in any decision to hire, dismiss, suspend or discipline any employee. If the department head does not concur with the city manager's decision, the decision of the city manager shall be binding unless the department head shall appeal such decision to the city council at its next regularly scheduled meeting. The city manager may delegate authority to a department head to discipline an employee for minor infractions of rules and responsibilities in accordance with personnel rules of the city.
- C. Authority Over Officers and Employees. To control order and give directions to all heads of departments and to subordinate offices and employees of the city under his or her jurisdiction through their department heads when available.
- D. Custodian of City Property. To immediately upon taking office and annually thereafter, inventory and appraise the

value of all real estate, buildings, furnishings and fixtures, supplies and moveable property of every kind and nature belonging to the city; and to require each officer or department head to inventory the same of any portion thereof and maintain and perpetual inventory. One copy of such annual inventory shall be filed with the city council and one with the city clerk. To act as and be custodian of all city property, custody of which has not otherwise been provided for.

E.

Compensation Plan. To prepare and to recommend to the city council from time to time desirable revisions of the compensation plan of the city.

F.

To Aid City Council. To attend all meetings of the city council and to report upon and discuss any matter concerning the affairs of the department, services of activities under his or her supervision upon which, in his or her judgment, the city council should be informed or upon which his or her views or opinions are requested by the city council.

G.

Enforcement of Laws. To see to the enforcement within the city of the laws of the state and all laws and ordinances of the city.

H.

Contracts, Franchises, Etc. To investigate and see to the faithful performance and observation of all contracts of the city and of all franchises, permits, licenses and privileges granted by the city and to report any and all violations to the city council.

I.

Citizen Complaints. To investigate all complaints in relation to matters concerning the administration of city government; to adjust all proper grievances within the scope of authority provided by the city laws and policies and to report to the city council all injustices suffered by reason of defects or omissions in the laws, policies or practices of the city which he or she is authorized to rectify.

J.

Public Property. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city council, when the general supervision thereof is not specifically delegated to a particular officer; and to exercise general supervision over all city-owned public utilities operated within the city.

K.

Community Relations. To explain to the public the actions, purposes and policies of the city government.

L.

Community Projects. To cooperate within lawful limits with all community organizations whose aim and purpose it is, in whole or in part, to advance the interests of the city and its people and to provide them, within lawful limits, with assistance in such aim and purpose through the city government.

M.

Contracts. To execute, in the name of the city council and city any contract authorized or approved by the city council, unless the city council shall expressly provide for other manner of execution of such contract.

N.

Appearance Before Subordinate Agencies. To appear before and address any commission or agency appointed by the city council whenever he or she deems it advisable and whenever the interests of the city so require.

O.

To Oversee Personnel Officer. To oversee the personnel officer of the city who prepares and keeps the necessary records of personnel attendance, vacations and other such activities and to take applications for employment with the city and make recommendations to the city council of qualified persons to fill vacancies in the city service for the council's approval, when such approval is necessary.

P.

Employee Negotiations. To act as the chief negotiator on behalf of the city council in all negotiations with city employees and/or their representatives; provided, however, that the city manager is not authorized to enter into any agreements which will bind the city and all agreements reached in employee negotiations shall be conditional upon final approval of the written agreement by the city council.

Q.

Appear Before Public Agencies. To appear before and address any public agency or commission as the representative of in the furtherance of the city's interest or as directed by the city council.

R.

Other Duties and Powers. To perform such other duties and exercise such other powers as are necessarily incident to the above powers or as may be assigned or delegated to him or her from time to time by action of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.606)

2.08.070 - Limitations on powers.

The city manager shall act as the agent for the council in the discharge of its administrative functions, but shall not exercise any policy making or legislative functions whatsoever nor attempt to commit or bind the council or any member thereof, to any action, plan or program requiring official council action. It is not intended by this chapter to grant any authority to or impose any duty upon, the city manager which is vested in or imposed by general law or valid city ordinances in any other city commission, board, department, officer or employee.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.607)

2.08.080 - Standard of performance.

In the discharge of his or her duties as city manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his or her contact with the public, with the city council and all city commissions, boards, departments, officers and employees and shall use his or her best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city, to the end that the highest possible standards of public services shall be continuously maintained.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.608)

Chapter 2.12 - CITY CLERK

Sections:

2.12.010 - Office created.

The voters having adopted ballot Measure S in November 2002, set the position of city clerk as an appointed position.

The city clerk will be appointed by the city council, upon recommendation of the city manager. The position is open to all adults. The position shall be open to all qualified adults, without regard to whether they are residents of the city.

(Ord. 487 (part), 2006)

2.12.020 - Duties.

The city clerk shall perform those duties as required by law including those duties specifically set forth in California Government Code Sections 40801, 40806, and 40811 and 40814. The city clerk shall report directly to the city manager. He or she may be assigned other duties, which may be established by ordinance pursuant to California Government Code Section 40812 from time to time. The city clerk shall attend all meetings of the city council and keep a correct record of its proceedings. The city manager shall determine whether the city clerk position shall be a contract or city employee position, after consultation with the city council.

(Ord. 487 (part), 2006: Ord. 437 § 2 (part), 1996: prior code § 2-4.202)

2.12.030 - Financial and accounting duties transferred.

The financial and accounting duties imposed upon the city clerk by California Government Code Sections 40802 through 40805 are transferred to the director of finance.

(Ord. 437 § 2 (part), 1996: prior code § 2-4.203)

2.12.040 - Compensation.

The compensation for the office of the city clerk shall be as established by resolution of the city council.

(Ord. 437 § 2 (part), 1996: prior code § 2-4.204)

Chapter 2.13 - CITY TREASURER

2.13.010 - Elected official.

The city treasurer is an elected position.

(Ord. 498 § 1 (part), 2008)

2.13.020 - Compensation.

The city treasurer shall receive such compensation as the city council shall from time to time determine by resolution.

(Ord. 498 § 1 (part), 2008)

2.13.030 - Duties

The city treasurer shall perform the following duties in coordination with the city finance officer, if any:

- A. Oversee the receipt and safekeeping of all money coming into the city;
- B. Comply with all laws governing the deposit and securing of public funds and the handling of trust funds;
- C. Authorize payment only on warrants signed by legally designated persons;
- D. Regularly, at least once each month, the city treasurer shall submit to the city manager a written report and

accounting of all receipts, disbursements and fund balances for the preceding month, a copy of which shall be filed with the city council; and

E.

Any other provisions of law applicable to deposit, investment and safekeeping of public funds of the city.

(Ord. 498 § 1 (part), 2008)

Chapter 2.16 - CITY ATTORNEY

Sections:

2.16.010 - Office created.

The office of the city attorney is created and established.

(Prior code § 2-4.501)

2.16.020 - Appointment—Qualifications.

The city attorney shall be appointed by the council wholly on the basis of his or her legal ability and experience, particularly in the municipal law field. The city attorney shall be an attorney-at-law licensed to practice law in the state.

(Prior code § 2-4.502)

2.16.030 - Eligibility of councilmembers for position.

No member of the council shall be eligible for appointment as city attorney until one year has elapsed after such councilmember has ceased to be a member of the council.

(Prior code § 2-4.503)

2.16.040 - Compensation.

A.

The city attorney shall receive such compensation as the council shall from time to time determine. In addition, the city attorney shall be reimbursed for all the actual and necessary expenses incurred by him or her in the performance of his or her official duties.

B.

When the city attorney is directed by the council to enforce city laws and regulations through office hearings and court proceedings, both civil and criminal, when directed to appear on behalf of the city before such legislative committees and regulatory agencies and when directed to represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made, then the city manager shall negotiate with the city attorney for additional legal fees, not to include the monthly retainer.

C.

On the termination of the employment of the city attorney by reason of involuntary removal from service, other than for wilful misconduct in office, the city attorney shall receive cash severance pay in a lump sum equal to one month's pay for each of the first three years of continuous service or fraction thereof as city attorney, not to exceed a total of three months pay, such pay to be computed at the highest salary received by the city attorney during his or her service with the city. "Involuntary removal from service" shall include reductions in pay not applicable to all employees of the city.

(Prior code § 2-4.504)

2.16.050 - Powers and duties.

The city attorney shall be the chief legal officer of the city under the direction and control of the council, except as otherwise provided in this chapter and shall have the following powers and duties:

A.

To advise the council, its committees, its various boards and commissions or any city officer, when requested, upon all legal questions arising in the conduct of city business;

B.

To prepare or revise ordinances or resolutions when so requested by the council or by the city manager;

C.

To make recommendations for ordinances, resolutions or other documents or procedures affecting the legal position of the city;

D.

To give his or her opinion upon any legal matter or question submitted to him or her by the council, any board or commission of the city, the city manager or any other city officer;

E.

To attend all council meetings, unless excused by the council, for the purpose of giving the council any legal advice requested by its members;

F.

To attend such meetings of other boards and commissions of the city as he or she shall deem necessary and proper

or as the council may direct;

G.

To prepare for execution or approve as to form, all contracts and instruments to which the city is a party and to approve as to form and for filing all bonds and insurance policies submitted to the city;

H.

To make the following reports:

1.

To immediately report the outcome of any litigation in which the city has an interest to the city manager and the council; and

2.

To make an annual report to the city manager and the council as of July 31st of each year of all pending litigation in which the city has an interest and the condition thereof and the state of his or her office;

I.

To enforce city laws and regulations through office hearings and court proceedings, both civil and criminal;

J.

To review and analyze all state and federal legislation affecting the city;

K.

To appear on behalf of the city before such legislative committees and regulatory agencies as the council may direct;

L.

To represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made;

M.

To perform such other duties as may be imposed by statute, by any ordinance of the city or by other action of the council; and

N.

To deliver all records, documents and property of every description in his or her possession belonging to his or her office or to the city to his or her successor in office.

(Prior code § 2-4.505)

2.16.060 - Council and city attorney relations.

The city attorney shall take his or her orders and instructions from the council only when sitting in a duly convened meeting of the council and no individual councilmember shall give any orders or instructions to the city attorney. However, any councilmember, as an individual, may request pertinent information on municipal affairs from the city attorney. Such requests shall be answered promptly.

(Prior code § 2-4.506)

2.16.070 - Departmental cooperation.

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city manager to assist the city attorney in carrying out the functions of his or her office.

(Prior code § 2-4.507)

2.16.080 - Removal.

The removal of the city attorney shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting. In case of his or her intended removal by the council, the city attorney shall be furnished with a written notice citing the council's action to remove him or her at least thirty (30) days before the effective date of removal. If the city attorney so requests, the council shall provide in writing reasons for the removal, which shall be provided the city attorney within seven days after the receipt of such request from the city attorney and at least fifteen (15) days prior to the effective date of such removal. After furnishing the city attorney with written notice of removal, the council may suspend him or her from duty, but his or her compensation shall continue until the date of his or her removal has been established by action of the council. The removal of the city attorney shall be subject to the following provisions:

A.

Hearing. Within seven days after the delivery to the city attorney of such notice of intention to remove, he or she may, by written notification to the city clerk, request a hearing before the council. Thereafter, the council shall fix a time for the hearing, which shall be held at its usual place but before the expiration of the thirty (30) day period, at which the city attorney shall appear and be heard, with or without counsel.

B.

Suspension Pending Hearing. After furnishing the city attorney with written notice of intended removal, the council may suspend him or her from duty, but his or her compensation shall continue until his or her removal by action of the council passed subsequent to the hearing provided for in subsection A of this section.

C.

Discretion of the Council. In removing the city attorney, the council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which

is to allow the city attorney to present to the council his or her grounds of opposition to his or her removal prior to its action.

(Prior code § 2-4.508)

2.16.090 - Removal—Limitations.

Notwithstanding the provisions of Section 2.16.080 of this chapter, the city attorney shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general or special municipal election held in the city, at which election a member of the council is elected or when a new council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of any council or a reorganized council to observe the actions and ability of the city attorney in the performance of the powers and duties of his or her office. After the expiration of such ninety (90) day period, the provisions of Section 2.16.080 as to the removal of the city attorney shall apply and be effective.

(Prior code § 2-4.509)

2.16.100 - Agreements on employment.

Nothing in this chapter shall be construed as a limitation on the power or authority of the council to enter into any supplemental agreement with the city attorney delineating additional terms and conditions of employment not inconsistent with any provision of this chapter.

(Prior code § 2-4.510)

2.16.110 - Resignation.

The city attorney shall provide written notice, in the event of his or her resignation, to the council at least thirty (30) days prior to his or her termination date. The council may waive this provision at its sole discretion.

(Prior code § 2-4.511)

2.16.120 - Management and control of office.

The city attorney shall have the management and control over his or her office.

(Prior code § 2-4.512)

2.16.130 - Employment of special counsel.

Whenever the council deems it to be in the best interests of the city, it may employ special counsel to handle particular legal matters of the city upon such terms as the council shall deem proper.

(Prior code § 2-4.513)

Chapter 2.20 - DIRECTOR OF FINANCE

Sections:

2.20.010 - Powers and duties.

The director of finance shall be the chief finance officer. The director shall supervise and control the finance department and be responsible for the performance of all functions of the department. The functions of the finance department shall be as follows:

- A. To perform the duties and obligations described in Government Code Sections 40802 through 40805, inclusive;
- B. To perform or supervise the performance of all accounting of funds, revenues, receipts, expenditures and financial commitments of the city;
- C. To prepare budget figures for the financial activities of the city; and
- D. To perform such other functions relating to fiscal matters as may be required.

(Ord. 438 (part), 1996)

2.20.020 - Transfer of duties to city manager.

The city manager shall determine whether the finance director position shall be a contract or city employee position, after consultation with the city council. The director of finance shall be a department head reporting to the city manager and subject to the city manager's supervision.

(Ord. 487 (part), 2006)

Chapter 2.24 - OFFICER BONDS AND SALARIES

Sections:

2.24.010 - Bond required—Amounts.

Before entering upon the duties of their respective offices, the following named officers shall execute official bonds to the city with two or more good and sufficient sureties in the following penal sum of one thousand dollars (\$1,000.00):

- A. The city clerk and ex-officio assessor in the penal sum of one thousand dollars (\$1,000.00);
 - B. The city treasurer in the penal sum of four thousand dollars (\$4,000.00);
 - C. The chief of police and ex-officio tax and license collector in the penal sum of two thousand five hundred dollars (\$2,500.00);
 - D. The building inspector in the penal sum of one thousand dollars (\$1,000.00); and
 - E. The sewer clerk in the penal sum of one thousand dollars (\$1,000.00).
- Such bonds shall be approved by the council.

(Prior code § 2-4.101)

2.24.020 - Filing.

The bond of the city clerk shall be filed with the mayor and the bonds of the other officers shall be filed with the city clerk.

(Prior code § 2-4.102)

2.24.030 - City council salaries.

Members of the city council shall receive a salary in the following amounts: mayor, one hundred fifty dollars (\$150.00) per month; other city councilmembers, one hundred dollars (\$100.00) each per month.

(Ord. 445 § 2, 1997: Ord. 413 § 2, 1993: prior code § 2-1.201)

Chapter 2.28 - FIRE DEPARTMENT

Sections:

2.28.010 - Established.

A voluntary fire department is established in and for the city to consist of a fire chief and not more than thirty (30) active members.

(Prior code § 2-3.101)

2.28.020 - Fire chief—Appointment and removal.

The fire chief shall be appointed by the city manager, with the approval of a majority of the council. The fire chief shall serve at the pleasure of the city manager and may be removed by the city manager at any time thereafter with the consent of a majority of the city council. The fire chief may be removed with or without cause.

(Ord. 423 § 1, 1994: prior code § 2-3.102)

2.28.030 - Compensation.

None of the officers or members of the fire department shall receive any compensation for their services, except the fire chief, who shall receive a monthly salary, the amount of which shall be fixed by resolution of the council.

(Prior code § 2-3.103)

2.28.040 - Fire chief—Supervision and control.

The city manager shall be the immediate supervisor of the fire chief and all policies, directives and orders from the city government to the fire chief shall be made by or transmitted through the city manager as the executive head of the city government. The fire chief shall report directly to the city manager and not to the council, to individual members thereof or to any other committee or commission.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.104)

2.28.050 - Fire chief—Powers and duties.

The fire chief shall direct the administration and operations of the fire department and, in addition to policies transmitted to him or her by the city manager, shall establish such other policies, directives, rules and regulations for the administration and operations of the fire department as he or she sees fit. The fire chief shall serve as the appointing authority for appointments to

positions within the fire department, other than his or her own and shall have the power to suspend or dismiss any employee consistent with the provisions of this code.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.105)

2.28.060 - Fire chief—Responsibilities.

The fire chief shall lead by professional example and by participating as a member of the city management team. He or she shall organize the fire department to accomplish its mission and shall coordinate and control the operations of major divisions within the fire department, as well as its relations with other firefighting agencies. Other responsibilities shall include such activities as:

- A. The review and evaluation of fire department procedures and policies;
- B. Conducting staff meetings and inspections to evaluate and improve departmental performance and efficiency;
- C. The direction of the fire department toward meeting goals and objectives;
- D. Planning for departmental needs and programs;
- E. Providing advice and counsel to the city manager on matters pertaining to the fire department;
- F. Providing information and maintaining external relations with the public;
- G. The preparation and control of the annual operating budget for the fire department;
- H. The fire chief shall have the supervision and control of the use and care of all fire hoses, fire engines, fixtures, apparatus and equipment; and
- I. Any other responsibilities which may be delegated by the city manager.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.106)

2.28.070 - Badges.

The fire department shall provide a suitable badge and identification for the use by its active members and which shall remain in the personal possession of the member while engaged in city business.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.107)

2.28.080 - Interference.

Any person interfering with the work of the fire department at the time of a fire shall be guilty of a misdemeanor. During the time of a fire, the chief of police and other police officers shall lend their active aid to the officers and members of the fire department to procure the strict enforcement of the provisions of this chapter, if requested by the officer then in charge of the fire department.

(Ord. 423 § 2 (part), 1994: prior code § 2-3.108)

2.28.090 - Fundraising.

The city shall not have any control over use of funds raised for special purposes by the fire department or its members through donations, entertainments or social affairs, but such funds shall be used in the sole discretion of the fire department members in accordance with the public purpose for which they were raised. The funds shall be held in trust for the public and not inure to the benefit of any individual. A quarterly accounting of the funds raised and expenditures shall be provided to the city council and shall be subject to and included in the annual audit.

(Ord. 423 § 3, 1994: prior code § 2-3.109)

Chapter 2.32 - POLICE DEPARTMENT

Sections:

2.32.010 - Created.

There is created a police department for the city which shall consist of a chief of police and as many employees as the council may designate from time to time.

(Prior code § 2-3.201)

2.32.020 - Chief of police—Appointment and removal.

The chief of police shall be appointed by the city manager, with the approval of a majority of the council, from a list of eligible

candidates supplied by the personnel board. The chief of police shall serve at the pleasure of the city manager and may be removed by the city manager at any time thereafter with the consent of a majority of the council.

(Prior code § 2-3.202)

2.32.030 - Chief of police—Supervision and control.

The city manager shall be the immediate supervisor of the chief of police and all policies, directives and orders from the city government to the chief of police shall be made by or transmitted through the city manager as the executive head of the city government. The chief of police shall report directly to the city manager and not to the council, to individual members thereof or to any other committee or commission.

(Prior code § 2-3.203)

2.32.040 - Chief of police—Powers and duties.

The chief of police shall direct the administration and operations of the police department and, in addition to policies transmitted to him or her by the city manager, shall establish such other policies, directives, rules and regulations for the administration and operations of the police department as he or she sees fit. The chief of police shall serve as the appointing authority for appointments to any position within the police department, other than his or her own and shall have the power to suspend or dismiss any employee consistent with the provisions of this code.

(Prior code § 2-3.204)

2.32.050 - Chief of police—Responsibilities.

The chief of police shall lead by professional example and by participating as a member of the city management team. He or she shall organize the police department to accomplish its mission and shall coordinate and control the operations of major divisions within the police department, as well as its relations with other law enforcement agencies. Other responsibilities shall include such activities as:

- A. The review and evaluation of police department procedures and policies;
- B. Conducting staff meetings and inspections to evaluate and improve departmental performance and efficiency;
- C. The direction of the police department toward meeting goals and objectives;
- D. Planning for departmental needs and programs;
- E. Providing advice and counsel to the city manager on matters pertaining to law enforcement;
- F. Providing information and maintaining external relations with the public;
- G. The preparation and control of the annual operating budget for the police department; and
- H. Any other responsibilities which may be delegated by the city manager.

(Prior code § 2-3.205)

2.32.060 - Reserve officers—Designation as peace officers.

Pursuant to the provisions of Section 832.6(b) of the California Penal Code, all reserve officers of the Colfax police department who have been issued a Level 1 reserve officer certification prior to January 1, 1981, are determined to be qualified to perform general law enforcement duties by reason of their training and experience and are designated as peace officers and shall have the full powers and duties of peace officers as provided in Section 830.1 of the California Penal Code.

(Ord. 436 § 1, 1995; prior code § 2-3.206)

Chapter 2.36 - PLANNING COMMISSION

***Editor's note—**

Ord. No. 500, Exh. A, adopted June 9, 2009, repealed the former Ch. 2.36, §§ 2.36.010—2.36.070, and enacted a new Ch. 2.36, §§ 2.36.010—2.36.050 as set out herein. The former Ch. 2.36 pertained to similar subject matter and derived from Prior code § 2-2.101—2-2.106; Ord. 408, 1993; and Ord. 485, 2006.

Sections:

2.36.010 - Created.

There is created a planning commission to promote and insure the comprehensive and adequate planning of the city and to

perform the functions delegated to it by the zoning provisions of this code.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.020 - Membership, applications, qualifications, appointment, terms, vacancies and removal from office.

A.

Membership. The planning commission shall consist of five voting members and one alternate member who may vote only when seated as an acting commissioner when one or more of the regular commissioners disqualifies themselves from participating on any matter before the commission or is absent.

B.

Applications. Interested citizens shall file an application for planning commission appointment with the city clerk's office. All applications shall be kept on file a minimum of three years from the date of filing.

C.

Qualifications.

a.

Three planning commissions shall consist of residents of the city.

b.

Two planning commissions shall be residents of the city or owners of businesses in the city limits.

c.

The alternate planning commissioner shall be a resident.

D.

Appointment. All planning commissioners shall be appointed by a majority vote of the city council.

E.

Terms. The term of office of a planning commissioner shall be four years. In the event that a term of office has expired and a new appointment has not been made for that office, the commissioner whose term of office has expired shall automatically continue to serve until such time a new appointment has been made. Appointment terms shall be split by alternating two years as follows:

1.

Two resident and one business or resident appointment term to January 31, 2010, and then four-year terms thereafter.

2.

One resident, one business or resident and one alternate appointment term to January 31, 2013, and then four years thereafter.

F.

Vacancies. In the event of a vacancy in the planning commission, other than vacancies caused by expiration of terms of members, a person shall be appointed by majority vote of the city council to fill the unexpired term.

G.

Removal from office. Any planning commissioner may be removed with or without cause by a majority vote of the city council. The city's Commissions and Committees Manual Setting Forth Policies and Procedures shall govern attendance. In the event a planning commission office is declared vacant, the appointment of a successor shall be made for the unexpired term in a manner provided in this section.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.030 - Financing.

The council shall provide the funds, equipment and accommodations necessary for the work of the planning commission.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.040 - Meetings—Records—Rules and regulations.

The planning commission shall meet regularly and keep public record of its resolutions, findings and determinations pursuant to the City of Colfax Commissions and Committees Manual Setting Forth Policies and Procedures.

(Ord. No. 500, Exh. A, 6-9-09)

2.36.050 - Powers and duties.

The planning commission shall have all the powers, functions and duties provided for by State Planning Law, the laws of the city and as delegated in accordance with all other applicable laws.

(Ord. No. 500, Exh. A, 6-9-09)

Chapter 2.40 - PARKS AND RECREATION COMMISSION

Sections:

2.40.010 - Establishment.

There is created a parks and recreation commission consisting of five members. The parks and recreation commission members shall be appointed as follows:

- A. Four members to be appointed by majority vote of the city council;
- B. One member to be appointed by majority vote of the city council upon recommendation of the Colfax Elementary School District or Colfax High School;
- C. In addition to the five members of the commission, a youth ad hoc position will be added to the commission. The youth ad hoc member will be appointed by majority vote of the city council and shall attend all meetings and serve as a liaison with the youth of the community. The ad hoc member will have all discussion rights of a commissioner, with no voting powers.

(Ord. 484 (part), 2006: Ord. 408 § 3, 1993: prior code § 2-2.200)

2.40.020 - Members—Terms of office.

The members of the parks and recreation commission shall serve for terms of four years and shall serve with compensation as established by the council for boards and commissions. Members of the first commission appointed shall determine their respective term of office by lot so that two shall serve for a term of one year, two shall serve for a term of two years and one shall serve for a term of three years. All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received his or her original appointment. The youth ad hoc representative shall serve a term of one year.

(Ord. 484 (part), 2006: Prior code § 2-2.201)

2.40.030 - Members—Qualifications.

Two members of the parks and recreation commission shall be residents of the city, two members of the commission shall be a residents of the city or the city's sphere of influence, and one member shall be a representative of the Colfax Elementary School or Colfax High School and shall be nominated by the respective district, and appointed by the city council.

All members shall be over twenty-one (21) years of age and shall have some familiarity with public recreation at the time of their appointment to office.

(Ord. 484 (part), 2006: Prior code § 2-2.202)

2.40.040 - Organization of the commission.

Immediately after their appointment, the members of the parks and recreation commission shall meet and organize by electing one of their members as chairperson and such other officers as may be necessary annually thereafter. The commission shall meet in regular session and elect successors to such offices. The commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the city. The commission shall have regular meetings at least once each month on the first Monday of each month at 6:30 pm and shall determine the manner in which special meetings may be held and notice given. A majority of the members shall constitute a quorum.

(Ord. 484 (part), 2006: Prior code § 2-2.203)

2.40.050 - Absences from meetings.

If a member of the parks and recreation commission shall be absent from three successive meetings of the commission without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the secretary of the commission shall immediately inform the council of such terminations.

(Ord. 484 (part), 2006: Prior code § 2-2.204)

2.40.060 - Absences for cause.

An absence due to illness or an unavoidable absence from the city, because of business or otherwise, shall notify the city manager of an absence for cause no later than 12:00 noon the day of the meeting

(Ord. 484 (part), 2006: Prior code § 2-2.205)

2.40.070 - Records.

The parks and recreation commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it. Such record shall be maintained as are public records of other bodies and agencies.

(Ord. 484 (part), 2006: Prior code § 2-2.206)

2.40.080 - Duties and responsibilities.

The parks and recreation commission shall have the following duties and responsibilities:

- A. To coordinate all of the park and recreation activities of the city and the school districts, other than those activities included within the regular program of activities of the school districts;
- B. To act in an advisory capacity to the council in all matters pertaining to recreation and parks;
- C. To encourage a sound program of park and playground acquisition, development and maintenance;
- D. To foster the close coordination of school and playground development to avoid the duplication of facilities;
- E. To interpret community park and recreation programs to public officials and to the general citizenship in order to promote understanding and financial support from public and private sources;
- F. To act in an advisory capacity to the city manager in making plans for and conducting recreational activities;
- G. To recommend to the council the establishment of general policies with respect to a park and recreation department;
- H. To consider recommendations and requests originating from any source;
- I. Require that at least annually the commission as a body will inspect park and recreation facilities;
- J. To assist the council in the acquisition, development, beautification and maintenance of park and recreation facilities in the city as part of a sound master park and recreational plan in keeping with the community needs and future growth;
- K. To aid the council in coordinating the parks and recreation services with the programs of other government agencies and voluntary organizations;
- L. To advise, with the assistance of the city manager, in the preparation of the annual budget and a long-range parks and recreation capital improvement program for submission to the council;
- M. To advise the council on the problems of the development of recreation areas, facilities, programs and improved recreation services; and
- N. The commission to meet annually in joint session with the city council.

(Ord. 484 (part), 2006: Prior code § 2-2.207)

Chapter 2.44 - CODE OF ETHICS

Sections:

2.44.010 - Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public offices not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the city and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purposes of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city and for the protection of the public health, safety and welfare of its citizens.

(Prior code § 2-1.301)

2.44.020 - Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, the state and the city and thus to foster respect for all government. Public officials and employees are bound to observe in their official acts the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal consideration. Recognizing that the public interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(Prior code § 2-1.302)

2.44.030 - Dedicated service.

A.

All officials and employees of the city owe a duty of loyalty to the political objectives expressed by the electorate and the programs developed by the council to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

B.

Officials and employees should not exceed their authority or breach the law or ask others to do so and owe a duty to cooperate fully with other public officials and employees, unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

(Prior code § 2-1.303)

2.44.040 - Fair and equal treatment.

A.

Interest in Appointments. Canvassing members of the council, directly or indirectly, in consideration or in connection with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the council.

B.

Use of Public Property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

C.

Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Prior code § 2-1.304)

2.44.050 - Conflicts of interest.

No councilmember or other official or employee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interests or would tend to impair his or her independence or judgment or action in the performance of his or her official duties. "Personal", as distinguished from "financial", interest shall include an interest arising from blood or marriage relationships or close business associations.

A.

Reportable Interests. Positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest shall be required to report the specific investments, business positions, interests in real property and sources of income if the business entity in which the investment or business position is held, the interest in real property or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

B.

Positions Designated to Report.

1.

Positions designated as being required to report financial interests shall include councilmembers, commissioners and designated employees. Designated employees shall include the city manager, city attorney, city planner, city engineer, department heads and consultants as determined on a case by case basis by the city manager.

2.

The city manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The city manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

C.

Reporting Schedule.

1.

An initial statement shall be filed by each designated employee or position within thirty (30) days after the effective date of the conflict of interest code disclosing investments, business positions and interests in real property held on the effective date of the conflict of interest code and income received during the twelve (12) months before the effective date of the conflict of interest code. Thereafter, each new designated employee or position shall file a statement within thirty (30) days after assuming office disclosing investments, business positions and interests in real property held on and income received during the twelve (12) months before, the date of assuming office or the date of being appointed or nominated, respectively.

2.

Each designated employee or position shall file an annual statement by April 1st disclosing reportable investments, business positions, interest in real property and income held or received at any time during the

previous calendar year or since the date the designated employee or position took office if during the calendar year.

3.

Every designated employee or position who leaves office or employment shall file within thirty (30) days of leaving office a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

D.

Reporting Forms. Reportable interests shall be reported on forms supplied by the city clerk.

E.

Requirement Deemed Met by Forms 721 or 730. Designated employees and positions required to report reportable interests shall be deemed to have met the requirement of this section if they currently file Statements of Economic Interests with the Fair Political Practices Commission as required by the Government Code.

F.

Specific conflicts of interest are enumerated as follows for the guidance of officials and employees:

1.

Incompatible Employment. No councilmember or other official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgement or action in the performance of his or her official duties.

2.

Disclosures of Confidential Information. No councilmember or other official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the city, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

3.

Gifts and Favors. No councilmember or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee accept any gift, favor or thing of value which may tend to influence him or her in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value.

4.

Representing Private Interests Before City Agencies and Courts. No councilmember or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party. A councilmember may appear before city agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. No official or employee shall accept a retainer or compensation which is contingent upon a specific action by a city agency.

5.

Contracts With the City. No councilmember or city official or employee shall have a financial interest in any business transaction or contract with the city or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state (Sections 1090 et seq. of the Government Code of the state).

6.

Disclosures of Interest in Legislation. A councilmember who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

Any other city official or employee who has a financial or other private interest and who participates in discussions with or gives an official opinion to, the council concerning pending legislation, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

(Ord. 390, 1992: prior code § 2-1.305)

2.44.060 - Political activities.

A.

No appointive official or employee shall orally, by letter or otherwise, solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the city and shall at all times conform to the provisions of the Government Code of the state.

B.

No official or employee, whether elected or appointed, shall promise an appointment to any position with the city as a reward for any political activity.

(Prior code § 2-1.306)

2.44.070 - Applicability of code.

When a councilmember or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, he or she should apply to the council for an advisory opinion and be guided by that opinion when given. Such councilmember or other official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by the provisions of this chapter, except when superseded by applicable statutory provisions or when the application of a statutory provision is discretionary but determined to be more appropriate and desirable.

(Prior code § 2-1.307)

2.44.080 - Ex parte communications.

No official or employee shall encourage, make or accept any ex parte or other unilateral application or communication which excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence the official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. The purpose of this provision is to guarantee that all interested parties to any matter shall have an equal opportunity to express their interests. Any written ex parte communication received by an official or employee in a matter where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also made a part of the record. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

(Prior code § 2-1.308)

2.44.090 - Avoidance of impressions of corruptibility.

Public officials and employees, whether appointed or elected, full time or part-time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his or her public duties. Such officials or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. They should not be a source of embarrassment to that government and should avoid even the appearance of conflict between their public duties and private interests.

(Prior code § 2-1.309)

2.44.100 - Discrimination in appointments.

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to, any appointive administrative office because of the person's race, age, religion, national origin or political affiliation if otherwise qualified for the position or office. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment of a person holding such a position, subject to review by the council.

(Prior code § 2-1.310)

2.44.110 - Investments in conflict with official duties.

No councilmember or other official or employee, whether paid or unpaid, shall possess any substantial or controlling investment, direct or indirect, in any financial, business, commercial or other private transaction which creates or may create a conflict with his or her official duties, nor shall he or she invest to such degree in any business regulated or licensed by or doing business with the city in which he or she is employed or be a party to any transaction on which he or she may be called to make a decision in an official capacity, subject only to the exceptions provided in the conflict of interest sections of the Government Code of the state (Sections 1190 et seq.).

(Prior code § 2-1.311)

2.44.120 - Disclosures of income.

An official or employee, whether paid or unpaid, who has a direct financial or other interest in any transaction, the disposition of which may be influenced by the officer's or employee's official position or action, shall disclose all sources of income and the nature and extent of any personal interest in such transaction as an official, agent, member or owner of any business entity or other association which is subject to regulation by the city when such income or interest may represent a substantial conflict of interest with his or her official duties. Such disclosure shall be made on the records of the council or to the appointing authority. Such disclosure may be made periodically at the times designated for all such classes of officials or employees. Such disclosure shall remove any presumption of a conflict of interest for any transaction where the information disclosed is pertinent.

(Prior code § 2-1.312)

2.44.130 - Future employment.

It shall be improper for any former officer or employee to appear as a compensated representative at any time before the council or any of its agencies, by which he or she was formerly employed in connection with any case or other matter with which such former officer or employee was duly connected in a policy-making capacity while an officer or employee of the city for six months following the termination of the officer or employee. Such officer or employee may be released from the obligation imposed

by this section upon the submission of a written request to the council in advance of his or her proposed appearance and his or her certification that, while an officer or employee of the city, he or she took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee or at the time of the presentation.

(Prior code § 2-1.313)

2.44.140 - Giving testimony.

It shall be the duty of municipal employees to answer questions submitted to them by respectfully constituted authority which questions may reflect upon the employee's fitness for municipal office or employment. If any city officer or employee, after reasonable notice and opportunity to answer, is called upon or requested to give testimony or to produce evidence upon relevant matters pertaining to his or her office or position in connection with any lawful or constitutional inquiry conducted by the council, the Placer County grand jury, any state or federal legislative committee or the Attorney General of the state, such officer or employee, to the best of his or her ability, shall answer such inquiries or shall submit a statement of reasons for the refusal thereof to the council for its consideration. The council, where permitted by law, shall thereafter inform such officer or employee whether or not such officer or employee is required as a condition of continued employment to answer such questions. If the council instructs such officer or employee to answer such questions and the officer or employee continues to refuse to answer the questions thus propounded, such officer or employee shall resign on the request of the council or shall forfeit his or her position at the suit of the city.

Nothing in this provision shall be construed to impair a constitutional civil right.

(Prior code § 2-1.314)

2.44.150 - Sanctions.

In addition to any other penalties or remedies provided by law, any violation of this code of ethics shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and a hearing conducted by the appropriate appointed authority or, in the case of the council, a majority of the council.

If a councilmember misses more than one regular or special meeting per month or dismisses himself or herself from a meeting in progress, except for good cause, then disciplinary action may be taken by a majority of the council.

(Prior code § 2-1.315)

Chapter 2.48 - PERSONNEL SYSTEM

Sections:

2.48.010 - Adoption of the personnel system.

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness and to provide a reasonable degree of security for qualified employees, the personnel system set out in this chapter is adopted.

(Prior code § 2-4.701)

2.48.020 - Competitive service.

The provisions of this chapter shall apply to all offices, positions and employments in the service of the city, except:

- A. The city manager;
- B. Elective officers;
- C. Members of appointive boards, commissions and committees;
- D. All department heads;
- E. Persons engaged under contract to supply expert, professional, technical or any other services;
- F. Volunteer personnel, such as volunteer firefighters;
- G. City attorney;
- H. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property;
- I. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions.

(Prior code § 2-4.702)

2.48.030 - Adoption and amendment of rules.

Personnel rules shall be adopted by resolution of the city council after notice of such action has been publicly posted in at least three public places designated by the city council and at least five days prior to city council consideration. The city clerk shall give reasonable written notice to each recognized employee organization affected by the ordinance, rule, resolution or regulation or amendment thereof proposed to be adopted by the city council. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the personnel rules. The rules shall establish regulations governing the personnel system including:

- A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;
- B. Public announcement of all interviews and acceptance of applications of employment;
- C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
- D. Certification and appointment of persons from employment list and the making of provisional appointments;
- E. Establishment of probationary periods;
- F. Evaluation of employees during the probationary period;
- G. Transfer, promotion, demotion, reinstatement, punitive action and layoff of employees in the competitive service;
- H. Separation employees from the city services;
- I. The establishment of adequate personnel record;
- J. The establishment of appeal procedures concerning the interpretation or application of this chapter and any rules adopted hereunder; and
- K. The establishment of a grievance procedure.

(Prior code § 2-4.703)

2.48.040 - Appointments.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude test, written tests, personal interview test, physical ability test, evaluation of daily work performance, work samples or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical and medical tests may be given as a part of an examination.

(Prior code § 2-4.704)

2.48.050 - Probationary period.

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months, nor more than two years. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing.

(Prior code § 2-4.705)

2.48.060 - Applicability of rule to certain exempt positions.

The provisions of the personnel rules relating to attendance and leaves shall apply to incumbents of full-time exempt positions, unless otherwise specified.

(Prior code § 2-4.706)

2.48.070 - Improper political activity.

The political activities of the city employees shall conform to pertinent provisions of state law.

(Prior code § 2-4.707)

2.48.080 - Discrimination.

No person in the competitive service or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex or because of the exercise of his or her rights under Section 3502 of the Government Code.

(Prior code § 2-4.708)

Chapter 2.52 - PEACE OFFICER TRAINING

Sections:

2.52.010 - State aid.

The city declares that it desires to qualify to receive aid from the state pursuant to the provisions of Chapter I of Title 4 of Part 4 of the Penal Code of the state.

(Prior code § 2-4.401)

2.52.020 - Standards for recruitment and training.

Pursuant to the provisions of Section 13522 of Chapter I of Title 4 of Part 4 of the Penal Code of the state, the city will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Prior code § 2-4.402)

Chapter 2.56 - INSPECTION OF PUBLIC DOCUMENTS

Sections:

2.56.010 - Requests.

All requests for public information shall be presented to the city clerk.

(Prior code § 2-7.01)

2.56.020 - Time for review by city officials.

As soon as possible, the city clerk shall determine whether the requested information is exempt from disclosure.

(Prior code § 2-7.02)

2.56.030 - Determination.

If the clerk determines the records are exempt from disclosure in part or in full, the reasons for the decision shall be given in writing to the person making the request.

(Prior code § 2-7.03)

2.56.040 - Partial availability estimated costs.

In the event the records are only partially exempt from disclosure, the clerk shall determine whether the nonexempt portions are segregable and if so, shall notify the person making the request of the estimated costs of segregating the exempt and nonexempt portions of the records. A deposit of one hundred (100) percent of the estimated costs shall be made with the clerk before the clerk shall undertake any acts to segregate the records.

(Prior code § 2-7.04)

2.56.050 - Notification of time for inspection.

If the records are to be inspected only, the clerk shall make all nonexempt public records available for inspection as soon as possible during regular business hours.

(Prior code § 2-7.05)

2.56.060 - Estimated costs for copies.

Whenever copies are requested, the clerk shall give the person making the request an estimate of the fees to be charged for copying any such records. A one hundred (100) percent deposit shall be paid prior to copying any such records.

(Prior code § 2-7.06)

2.56.070 - Audio tapes.

Anyone desiring to listen to a taped session of the council's meeting shall notify the clerk of the specific tape needed. As soon as possible, the clerk shall make a duplicate of the requested tape and make the duplicate tape available.

(Prior code § 2-7.07)

2.56.080 - Removal of records prohibited.

Records other than fully paid-for copies, may not be removed from the city clerk's office, nor shall they be rearranged or in any manner defaced, mutilated or otherwise tampered with.

(Prior code § 2-7.08)

2.56.090 - Costs.

Costs for researching, segregating records and copying records shall be as follows:

- A. The costs for researching the archives and segregating documents, if any, shall be twelve dollars (\$12.00) per hour. The minimum charge shall be ten dollars (\$10.00).
- B. The costs for photocopying documents shall be fifty cents (\$0.50) per page.
- C. The costs for duplicating tape recordings of council meetings shall be ten dollars (\$10.00) per tape.

(Prior code § 2-7.09)

Chapter 2.60 - EMERGENCY SERVICES

Sections:

2.60.010 - Purposes.

The declared purposes of this chapter are as follows:

- A. To provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency;
- B. To provide for the direction of the emergency organization; and
- C. To provide for the coordination of the emergency functions of the city with all other public agencies, corporations organizations and affected private persons.

(Prior code § 4-2.01)

2.60.020 - Emergency defined.

For the purposes of this chapter, "emergency" means 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 the 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.

(Prior code § 4-2.02)

2.60.030 - Emergency response staff—Created—Membership.

- A. The city manager shall be designated as the emergency response manager and is authorized to activate the Colfax emergency plan. At his or her option, he or she may designate an alternate to serve in his or her stead.
- B. Emergency response staff shall further be comprised of department representatives designated in the current emergency plan of the city adopted by resolution pursuant to the provisions of this chapter.

(Prior code § 4-2.03)

2.60.040 - Emergency response staff—Powers and duties—Meetings.

It shall be the duty of the emergency response staff and it is empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such laws, resolutions, rules and regulations as are necessary to implement such plans and agreements. The emergency response manager or in his or her absence from the city or inability to call such a meeting, upon the request of the person designated in the city emergency plan.

(Prior code § 4-2.04)

2.60.050 - Emergency response manager—Office created—Powers and duties.

There is created the office of emergency response manager. The city manager or his or her designate shall be the emergency response manager and he or she is empowered to:

- A. Determine the existence or threatened existence of a "local emergency" and institute the city emergency plan.
- B. 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.
- C. Control and direct the effort of the emergency organization of the city for the accomplishment of the purposes of this chapter.
- D. Direct cooperation between and coordination of the services and staff of the emergency organization of the city and resolve questions of authority and responsibility that may arise between them.
- E. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies.
- F. In the event of the proclamation of a "local emergency," as provided in this section, the proclamation of a "state of emergency" by the Governor or the Director of the Office of Emergency Services of the state or the existence of a "state of war emergency," the manager is empowered to:
 1. 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 shall be confirmed at the earliest practicable time by the city council;
 2. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
 3. Require the emergency service 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 or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all the privileges, benefits and immunities as are provided by state laws for registered disaster service workers;
 4. Requisition the necessary personnel or materials of any city department or agency; and
 5. Execute all of his or her ordinary powers, all of the special powers conferred upon him or her by the provisions of this chapter or by resolution or the emergency plan adopted pursuant to the provisions of this chapter and all powers conferred upon him or her by any statute, any agreement approved by the city council or by any other lawful authority. The emergency response manager shall designate the order of succession to that office, which order of succession shall take effect in the event the manager is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the city council.

(Prior code § 4-2.05)

2.60.060 - Emergency organization—Composition.

The emergency organization of the city shall consist of all officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency and all groups organizations and persons who, by agreement or operation of law, including persons pressed into service pursuant to the provisions of Section 2.60.050(F)(3) of this chapter, may be charged with duties incident to the protection of life and property in the city during such emergency.

(Prior code § 4-2.06)

2.60.070 - Emergency plan.

The Colfax emergency response staff shall be responsible for the development of the city emergency plan, which shall provide for the effective mobilization of all the resources of the city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency and which plan shall also provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

(Prior code § 4-2.07)

2.60.080 - Expenditures.

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

(Prior code § 4-2.08)

2.60.090 - Violation—Penalty.

It shall be a misdemeanor, punishable as set forth in Chapter 1.24 of this code, for any person during an emergency to:

A.

Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to the provisions of this chapter or in the performance of any duty imposed upon him or her by virtue of the provisions of this chapter;

B.

Do any act forbidden by any lawful rule or regulation issued pursuant to the provisions of this chapter if such act is of such 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; or

C.

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

(Prior code § 4-2.09)