AGENDA REPORT

Meeting Date:	December 1, 2009
Item Number:	G-7
To:	Honorable Mayor & City Council
From:	Dr. Scott G. Miller, Director of Administrative Services /CFO Mark Brower, Senior Management Analyst
Subject:	AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING REFERENCES IN THE BEVERLY HILLS MUNICIPAL CODE TO DEPARTMENTS, TITLES AND AREAS OF RESPONSIBILITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE
Attachments:	Ordinance

RECOMMENDATION

Staff recommends that the City Council move that full reading of the ordinance be waived and the ordinance entitled: "AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING REFERENCES IN THE BEVERLY HILLS MUNICIPAL CODE TO DEPARTMENTS, TITLES AND AREAS OF RESPONSIBILITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE" be introduced and read by title only. Adoption of this ordinance will ensure the Beverly Hill Municipal Code reflects the current form of City Government.

INTRODUCTION

The form of the City Government has changed in recent years to make it more efficient and to streamline the delivery of City services. The Beverly Hills Municipal Code has not always kept up with these changes and requires updating to reflect the current form of City Government, as well as updates to reflect changes in State and County Government.

DISCUSSION

The proposed changes in form and name will additionally clarify the roles and responsibility of City departments and staff. There is no direct community impact.

FISCAL IMPACT

A one-time cost of $200 will be incurred to codify the Municipal Code changes.

Dr. Scott G. Miller / CFO
Finance Approval

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING REFERENCES IN THE BEVERLY HILLS MUNICIPAL CODE TO DEPARTMENTS, TITLES, AND AREAS OF RESPONSIBILITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the form of the City government has changed in recent years to make it more efficient and to streamline the delivery of City services. The Beverly Hills Municipal Code has not kept up with these changes and requires updating to reflect the current form of City government, as well as updates to reflect changes in state and county government.

Section 2. The City Council finds that these changes in form and name will clarify the roles and responsibility of City departments and staff.

Section 3. The Beverly Hills Municipal Code is hereby amended to replace all references to outdated departments, positions, and responsibilities and to eliminate outdated Code sections. These amendments shall be as follows:

1. All references to the "Building and Safety Department" shall be changed to "Department of Community Development."
2. All references to the "Building and Safety Division" shall be changed to "Department of Community Development."
3. All references to the "Building Department" shall be changed to "Department of Community Development."
4. All references to the "Building Director" shall be changed to "Director of Community Development."
5. All references to the "Building Division" shall be changed to "Building and Safety Division of the Department of Community Development."

6. All references to the "California Department of Health Services" shall be changed to "California Department of Public Health."
7. All references to the "Building Inspector" shall be changed to "Director of Community Development."
8. All references to the "City Controller" shall be changed to "Chief Financial Officer or the Director of Administrative Services."
9. The reference to the "City Engineer" in section 2-2-1102 of Title 2 shall be deleted without replacement.
10. All references to the "Department of Building and Safety" shall be changed to "Department of Community Development," with the exception of the reference in section 10-4-659 of Title 10, where the reference to "Building and Safety" shall be deleted without replacement.
11. All references to the "Department of Finance Administration" shall be changed to "Department of Administrative Services."
12. All references to the "Department of Library and Community Services" shall be changed to "Department of Community Services."
13. All references to the "Department of Planning and Community Development" shall be changed to "Department of Community Development."
14. All references to the "Department of Public Works" shall be changed to "Department of Public Works and Transportation."
15. All references to the "Department of Transportation shall be changed to "Department of Public Works and Transportation."
16. All references to the "Director of Building and Planning" shall be changed to "Director of Community Development."
17. All references to the "Director of Building and Safety" shall be changed to "Director of Community Development."
18. All references to the "Director of Department of Public Works" in Title 4 shall be changed to "Director of Public Works and Transportation."
19. All references to the "Director of Finance" shall be changed to "Director of Administrative Services."
20. All references to the "Director of Finance Administration" shall be changed to "Director of Administrative Services."
21. All references to the "Director of Human Relations" shall be changed to "Director of Administrative Services or designee."
22. All references to the "Director of Human Services" shall be changed to "Director of Administrative Services or designee."
23. All references to the "Director of Planning" shall be changed to "Director of Community Development."
24. All references to the "Director of Planning and Community Development" shall be changed to "Director of Community Development."
25. All references to the "Director of Public Services" shall be changed to "Director of Public Works and Transportation."
26. All references to the "Director of Public Works" shall be changed to "Director of Public Works and Transportation."
27. All references to the "Director of Recreation and Parks" shall be changed to "Director of Community Services."

28. All references to the "Director of the Department of Public Works" shall be changed to "Director of Public Works and Transportation."
29. All references to the "Director of Traffic and Parking" shall be changed to "Director of Public Works and Transportation."
30. All references to the "Director of Transportation" shall be changed to "Director of Public Works and Transportation."
31. All references to the "Director of Transportation and Engineering" shall be changed to "Director of Public Works and Transportation."
32. All references to the "Human Services Department" shall be changed to "Director of Administrative Services."
33. All references to the "Library and Community Services Department" shall be changed to "Community Services Department."
34. All references to the "Planning Department" shall be changed to "Department of Community Development."
35. All references to the "Planning Director" shall be changed to "Director of Community Development."
36. All references to the "Public Services Department" shall be changed to "Department of Public Works and Transportation."
37. All references to the "Public Works Administrator" shall be changed to "Director of Public Works and Transportation."
38. All references to the "Public Works Department" shall be changed to "Department of Public Works and Transportation."
39. All references to the "Recreation and Parks Department" shall be changed to "Department of Community Services."
40. All references to the "Recreation Department" shall be changed to "Department of Community Services."
41. All references to the "Superintendent of the Building Department" shall be changed to "Department of Community Development."
42. All references to the "Transportation Department" shall be changed to "Department of Public Works and Transportation," with the exception of the reference in section 1-3-201 of Title 1, where the reference to "Transportation Department" shall be deleted without replacement.
43. All references to the "Transportation and Engineering Department" shall be changed to "Department of Public Works and Transportation."
44. All references to the "Transportation Official" shall be changed to "Director of Public Works and Transportation."
45. All references to the "Transportation/Engineering Official" shall be changed to "Director of Public Works and Transportation."
46. All references to the "Water Department" shall be changed to "Department of Public Works and Transportation."
47. All references to the "Water Manager" shall be changed to "Director of Public Works & Transportation."

Section 4. Article 5 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code shall be amended to read as follows:

"Article 5. Community Development Department

2-3-501: CREATION AND FUNCTIONS:

The Community Development Department is hereby established and shall be under the direction of the director of community development who shall be accountable to the city manager. The duties of the director of community development shall be as follows:

A. Supervise, administer, and enforce all technical codes including building, plumbing, electrical, mechanical, and property maintenance codes; all rules and regulations of the city, including zoning and sign laws; all state regulations governing construction including handicapped access, energy conservation, essential service buildings, historic buildings, sound insulation, and seismic safety regulations; and such other matters as may be designated;

B. Advise and assist in formulating proposals, policies, and procedures pertaining to regulatory codes including building, plumbing, mechanical, electrical, sign, and zoning codes relative to the development, use, and occupancy of property;

C. Recommend proposals and procedures pertaining to land use and development, to the use and development of public properties, and to special zoning matters; cooperate with the fire chief in coordinating fire protection, land use, and regulatory codes;

D. Conduct studies, investigations, and environmental assessments and prepare documentation as required by the California Environmental Quality Act; prepare development plans or zoning regulations for specified areas within the city at the request of or as required by the planning commission or city council; prepare site development plans for municipally owned property;

E. Issue permits in conformity with the regulatory codes and laws for buildings and structures, and in conformity with all state and local land use entitlements and zoning laws;

F. Oversee the maintenance of the city's general plan, zoning, and other planning and land use laws and policies in compliance with state requirements;

G. Advise the public on matters relating to planning and development procedures and receive and transmit to the proper authority requests of the public that are within the jurisdiction of the community development department;

H. Coordinate the work of the community development department with and provide technical assistance to the design review commission, the architectural commission, and the planning commission;

I. Maintain such maps, plans, and records as may be necessary for the fulfillment of the functions of the community development department;

J. Formulate and recommend to the city manager for approval policies and procedures for the management of the community development department;

K. Organize and maintain, subject to the approval of the city manager, such operating divisions in the community development department as the operations may require;

L. Coordinate with the director of public works and transportation in matters relating to land use, development, construction, transportation, traffic, and parking;

M. Be responsible for all functions assigned by law to the director of community development;

N. Perform such other duties as may be required by the city manager."

Section 5. Article 6 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code shall be amended to read as follows:

"Article 6: Administrative Services Department

2-3-601: CREATION AND FUNCTIONS:

The Administrative Services Department is hereby established and shall be under the direction of the director of administrative services who shall be accountable to the city manager. The duties of the director of administrative services shall be as follows:

A. Administer the personnel system rules and regulations;

B. Formulate and recommend for approval policies and procedures regarding the personnel management of the city;

C. Provide personnel services for city employees;

D. Provide staff assistance to the civil service commission;

E. Develop, implement, administer the city's self-insurance program;

F. Establish and administer a risk management program;

G. Act as ex officio finance director under provisions of the state Government Code and pursuant to section 40805.5 thereof perform the financial and accounting duties imposed on the city clerk commencing with section 40802, and pursuant to section 37209 perform the duties imposed on the city clerk relative to issuance of warrants commencing with section 37203;

H. Act as the accounting officer of the city, maintain records reflecting the current financial condition of the city, and furnish advice and reports on city financial matters as may be requested by the city manager;

I. Institute and administer a system of accounts and financial reports, and approve the payment of vouchers and the payroll;

J. Act as the purchasing agent of the city and perform such duties as may be imposed by law upon that position;

K. Administer the annual budget, interpret the purpose and intent of appropriations, and account for appropriations and expenditures;

L. Direct and supervise the administration of the accounting, cashier, data services, purchasing, licensing, and payroll and establish procedures and policies for their effective administration;

M. Prepare, promulgate, and enforce, with the approval of the city manager, such administrative regulations as are deemed necessary to accomplish assigned responsibilities; and

N. Perform such other duties as may be required by the city manager."

Section 6. The Title of Article 7 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code and Section 2-3-701 of the same Article are hereby amended to read as follows:

"Article 7. Community Services Department

2-3-701: CREATION AND FUNCTIONS:

The Community Services Department is hereby established and shall be under the direction of the director of community services who shall be accountable to the city manager. The duties of the director of community services shall be as follows:

A. Supervise and administer library programs, facilities, and services;

B. Organize and catalog all library collections of print and nonprint material to facilitate access by patrons;

C. Implement and maintain a circulation system that encourages patron use of library collections while also protecting and preserving the integrity of the collections;

D. Implement the rules and regulations governing the use of the library, including, but not limited to, the schedule of fees for the use of library services and the schedule of fines for violation of such rules and regulations;

E. Formulate and recommend for approval policies and procedures in connection with the management, programming, operation, and control of municipal and community recreation facilities and programs, such as parks, athletics, aquatics, and community centers, and the activities connected therewith, and to conduct such activities for the city;

F. Formulate and recommend for approval policies and procedures in connection with the management, programming, operation, and control of cultural, leisure, and park maintenance programs, and the activities connected therewith, and to conduct such activities for the city;

G. Plan, install, construct, plant, and maintain all cultivated and landscaped public grounds, and trees thereon;

H. Recommend a schedule of fees and charges for the special services of the community services department

I. Prepare, promulgate, and enforce, with the approval of the city manager, such administrative regulations as deemed necessary to accomplish the assigned responsibilities; and

J. Formulate and recommend to the city manager for approval policies and procedures for the management of the community services department;

K. Perform such other duties as may be required by the city manager."

Section 7. Section 2-3-703 of Article 7 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"2-3-703: CABLE TELEVISION SERVICES DIVISION:

The cable television services division is hereby established and shall be under the direction of the chief technology officer, or the chief's designee. The duties of the chief or the chief's designee shall be as follows:

A. Develop, implement, monitor, and evaluate all cable television activities and services;

B. Produce, or otherwise acquire and schedule for broadcast, all programming to be aired on the city's municipal cable television channel;

C. Administer and supervise regulation of the city's cable television franchise and the enforcement of the city's cable television franchise agreements;

D. Administer and supervise the development and coordination of municipal uses of cable television for public information dissemination and other applications involving the use of cable technology; and

E. Perform such other duties as may be required by the chief technology officer or the city manager."

Section 8. Article 8 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"ARTICLE 8. Public Works and Transportation Department

2-3-801: CREATION AND FUNCTIONS:

The public works and transportation department is hereby established and shall be under the direction of the director of public works and transportation who shall be accountable to the city manager. The duties of the director of public works and transportation shall be as follows:

A. Formulate and recommend to the city manager policies and procedures for the management of the traffic and parking functions;

B. Provide technical assistance to the traffic and parking commission;

C. Provide traffic engineering services, including, but not limited to, planning, scheduling, design, data and statistical compilation, retrieval, use, construction, supervision, operations and surveillance;

D. Provide for the installation and maintenance of traffic control and safety devices;

E. Provide for the planning, acquisition, and maintenance of on street and off street parking facilities;

F. Provide public education and information regarding traffic and parking safety;

G. Plan, design, and construct the city's public works facilities including storm drains, streets, alleys and sewers, and other facilities as may be required, and is designated street superintendent for purpose of the state Streets and Highways Code;

H. Perform or direct all phases of engineering work required in connection with the functions of the city, not otherwise assigned to another department, and prepare and maintain the engineering records of the city, and is designated city engineer for purposes of state law;

I. Issue permits and control the use of public rights of way and easements, except as otherwise specifically assigned to another department by the provisions of this code;

J. Inventory and maintain in current condition mapped and descriptive information on all interests owned or possessed by the city in real property located in the city, including easements in public streets;

K. Inspect, operate, and maintain the city's public works facilities, including storm drains, streets and sewers, and maintain all city installations where maintenance is not assigned to another department;

L. Maintain all city owned or operated mechanical equipment;

M. Maintain and have custody of all city owned or operated structures;

N. Administer the city water operations as provided in this code;

O. Administer the city refuse collection operations as provided in this code;

P. Perform such other duties as may be required by the city manager."

Section 9. Article 9 of Chapter 3 of Title 2 of the Beverly Hills Municipal Code is hereby deleted, and Articles 10 through 13 shall be appropriately renumbered.

Section 10.Article 2 of Chapter 1 of Title 4 of the Beverly Hills Municipal Code shall be amended to read as follows:

"Article 2. Identification Cards

4-1-201: IDENTIFICATION CARDS REQUIRED:

Certain types of business activities regulated by permit under this code require that any employee or agent thereof obtain an identification card. Prior to commencing employment or engaging in any of these designated businesses or activities, the person shall obtain an identification card issued by the Police Chief, Chief Financial Officer or designee.

4-1-202: REQUESTS FOR IDENTIFICATION CARDS:

Requests for identification cards shall be filed with the Police Department or Administrative Services Department and shall comply with the following requirements:

A. Completion of an application form as designated by the Police Chief and Chief Financial Officer, and signed by the applicant under penalty of perjury;

B. Identification of applicant;

C. Photograph and fingerprints of the applicant; and

D. Payment of the application fee as prescribed by council.

4-1-203: ISSUANCE OR DENIAL OF IDENTIFICATION CARDS:

An identification card shall be denied by the Police Chief or Chief Financial Officer if the applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics; or if the applicant makes false statements on the application. If the identification card is denied, the applicant shall be notified in writing of the denial and reasons thereof.

4-1-204: APPEAL TO COUNCIL:

Any decision of the Police Chief or Chief Financial Officer relative to issuance or denial of an identification card may be appealed to council in accordance with the procedure set forth in title 1, chapter 4, article 1 of this code.

4-1-205: IDENTIFICATION CARDS IN EMPLOYEE'S POSSESSION:

Every person required to have an identification card under the provisions of this code shall carry the identification card on their person at all times when engaged in the activity requiring such identification card. The identification card shall be displayed to any police officer or other authorized city employee upon request of such police officer or authorized city employee.

4-1-206: TERMS AND RENEWAL OF IDENTIFICATION CARDS:

Identification cards shall be valid for a period of three (3) years from date of issuance unless provided otherwise. The Police Chief and Chief Financial Officer shall promulgate rules/regulations governing identification cards, including provisions relating to change of employers, and processing of renewal identification cards."

Section 11. The City Clerk shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 12. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

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NANCY KRASNE
Mayor of the City of Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

Deborah Hartman (AD) for
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD, ICMA-CM
City Manager