

NOTICE

Members of the public may address the City Council on any item shown on the agenda or matter of the Council's authority after completion of "Request to Address the Council Form" available in the lobby of the Council Chambers or in the City Clerk's office. This form must be completed 15 minutes prior to the scheduled meeting time. Pursuant to Section 54957.5 of the California Government Code, Any writings (Except for those writings which are exempt from disclosure) which are distributed to all or a majority of the members of the City Council are available for public inspection in the lobby of the City Council Chambers and in the office of the City Clerk during regular business hours.

**COMPTON CITY COUNCIL
AGENDA
Tuesday, December 16, 2008
7:00 PM**

HEARING(S)

OPENING

ROLL CALL

APPROVAL OF MINUTES

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. PRESENTATION TO BEAUTIFICATION AWARD WINNERS (4th District)

ORAL AND WRITTEN COMMUNICATIONS

2. Dennis Lord, Southern California Gas Company (Winter Gas Bill Program)

CONSENT AGENDA

Consent items are routine and expected to be non-controversial. They will be acted upon by the Council at one time without discussion unless a Council Member requests an item be removed or discussed.

REPORTS OF OFFICERS AND COMMISSIONS

CITY MANAGER/CITY ATTORNEY REPORTS

3. REQUEST OF EL CAMINGO COLLEGE COMPTON CENTER TO HANG BANNERS (January 26, 2009 - February 11, 2009 - Long Beach Blvd./Alondra and Compton Blvd/Alameda)

CITY MANAGER

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE CITY MANAGER'S FISCAL YEAR 2008-2009 BUDGET AND TRANSFERRING FUNDS BETWEEN ACCOUNTS TO ADD (2) MANAGEMENT AIDE POSITIONS

HUMAN RESOURCES

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING CLASSIFICATION SPECIFICATIONS AND ESTABLISHING A SALARY RANGE FOR THE POSITION OF PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

PLANNING AND ECONOMIC DEVELOPMENT

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$94,295.81 IN FUNDING TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON
7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FY 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$58,352 IN FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE'S JUSTICE ASSISTANCE GRANT PROGRAM (JAG)

WATER DEPARTMENT

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF WESTERLY METER SERVICE FOR FURNISHING AND DELIVERY OF WATER METERS

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

9. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY **(SECOND READING)**
10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY **(SECOND READING)**

NEW BUSINESS

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE CITY CHARTER, TO BE CONSOLIDATED WITH THE REGULAR PRIMARY NOMINATING ELECTION IN SAID CITY FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS TO BE HELD ON THE 21ST DAY OF APRIL, 2009 **(ADOPT)**
12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING MARTIN AND CHAPMAN COMPANY TO RENDER SPECIFIED SERVICES AND SUPPLIES FOR THE PRIMARY NOMINATION AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON APRIL 21, 2009 AND JUNE 2, 2009, RESPECTIVELY
13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A (PRIMARY) (GENERAL) MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009 AND JUNE 2, 2009, RESPECTIVELY

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO A BAN ON THE POSSESSION, STORAGE, SALE AND/OR USE OF FIREWORKS WITHIN THE CITY OF COMPTON AT THE PRIMARY ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009, AS CALLED BY ORDINANCE
15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING AMENDING VARIOUS SECTIONS OF THE CITY CHARTER TO DELETE OBSOLETE AND UNCLEAR LANGUAGE AND TO CONFORM TO CURRENT LAW AND EXISTING CITY POLICIES AT THE PRIMARY ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009

APPROVAL OF WARRANTS

16. **Warrant #169397 - Date - 12/9/08 - Name - ASAP Sign Company - Description - Monument Signs Lighting - Amount - \$61,361.40 - Requested by: City Manager**

Warrant #169459 - Date - 12/9/08 - Name - Pacific Coast Waste and Recycling - Description - Waste Management Services Residential/Commercial for November 2008 - Amount - \$652,471.75 - Requested by: Water Department

Warrant #169508 - Date - 12/10/08 - Name - University Park Campus Description - General Plan Update - Amount - \$30,000.00 - Requested by: Economic Development

AUDIENCE COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, December 23, 2008 @ 3:00 PM.

Visit our website at <http://www.comptoncity.org>

December 16, 2008

TO: MAYOR AND COUNCIL MEMBERS
FROM: CITY MANAGER
SUBJECT: REQUEST TO HANG BANNERS

Summary

El Camino College Compton Center Outreach Department is requesting approval to display the Compton Center College Banner over Long Beach Boulevard/Alondra Avenue and over Compton Boulevard/Acacia Street during peak periods of the Winter/Spring Registration.

The Banner Display will be between January 26, 2009 through February 6, 2009 or January 26, 2009 through February 11, 2009.

Statement of the Fact

During the January period, I see maybe one event that will require our banner poles, the Mardi Gras celebration the first of February.

Recommendation

Council's recommendation of approval and/or denial is needed regarding this request.

CHARLES EVANS
CITY MANAGER

December 16, 2008

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING THE CITY MANAGER'S FISCAL YEAR
2008-2009 BUDGET AND TRANSFERRING FUNDS BETWEEN
ACCOUNTS TO ADD (2) MANAGEMENT AIDE POSITIONS**

SUMMARY

The City Council will consider approving an amendment to the City Manager's Fiscal Year 2008-2009 Budget and transferring funds between accounts to add (2) Management Aide positions.

BACKGROUND

The City Manager's Office requires additional staff to maintain management efficiency. Moreover, additional staff will contribute to the efficiency of a variety of projects and management assistance. Inasmuch, the Office of the City Manager requests an addition of (2) Management Aide positions.

STATEMENT OF THE ISSUE

The City Manager requests amending the City Manager's FY 2008/2009 departmental budget in order to add (2) Management Aide positions.

FINANCIAL IMPACT

There is no fiscal impact to the General Fund for the addition of the (2) Management Aide part-time positions. The total cost for the positions is \$ 60,222.51. The City Manager's Fiscal Year 2008/2009 departmental budget must be amended to accommodate the salary and fringe benefit expenditures.

#4.

City Manager Budget Amendment
December 16, 2008
Page Two

RECOMMENDATIONS

Staff recommends that the Council adopt the attached Resolution.

**CHARLES EVANS
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING THE CITY MANAGER’S FISCAL YEAR
2008-2009 BUDGET AND TRANSFERRING FUNDS BETWEEN
ACCOUNTS TO ADD (2) MANAGEMENT AIDE POSITIONS

WHEREAS, the Office of the City Manager requires additional part-time staff to assist with management functions; and

WHEREAS, acquiring additional staff will allow the Office of the City Manager to be more efficient in management analysis and daily operations; and

WHEREAS, the Office of the City Manager requests two (2) Management Aides in order to meet these staffing needs; and

WHEREAS, the City Manager’s Fiscal Year 2008/2009 Departmental Budget must be amended for the addition of two (2) Management Aide positions; and

WHEREAS, associated funds must be transferred within the City Manager’s Fiscal Year 2008/2009 Departmental Budget to accommodate these part-time personnel additions.

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

SECTION 1. That the City Council of the City of Compton hereby amends the City Manager’s Fiscal Year 2008/2009 Departmental Budget by adding two (2) Management Aide positions part-time as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
1001-510-000-4103	1001-510-000-4101	\$35,735.04
1001-510-000-4103	1001-510-000-4190	\$306.92
1001-510-000-4103	1001-510-000-4191	\$11251.00
1001-510-000-4103	1001-510-000-4192	\$ 6832.54
1001-510-000-4103	1001-510-000-4193	\$2,858.80
1001-510-000-4103	1001-510-000-4194	\$196.80
1001-510-000-4103	1001-510-000-4195	\$1256.52
1001-510-000-4103	1001-510-000-4196	\$187.00
1001-510-000-4103	1001-510-000-4197	\$336.00
1001-510-000-4103	1001-510-000-4198	\$689.73
1001-510-000-4103	1001-510-000-4199	<u>\$518.16</u>
TOTAL		\$60,222.51

SECTION 2. That a copy of this Resolution shall be filed with the Offices of the City Clerk, City Attorney, City Controller, City Manager and Human Resources.

SECTION 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2008.

RESOLUTION NO. _____
PAGE TWO

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBER –
NOES: COUNCIL MEMBER –
ABSENT: COUNCIL MEMBER –
ABSTAINS: COUNCIL MEMBER –

CITY CLERK OF THE CITY OF COMPTON

December 16, 2008

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING CLASSIFICATION SPECIFICATIONS AND ESTABLISHING A SALARY RANGE FOR THE POSITION OF PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

BACKGROUND

The City Council will consider a resolution adopting classification specifications and a salary range for Planning and Economic Development Director.

STATEMENT OF PROBLEM

Pursuant to the Compton City Charter, Sections 1010 and 1103, the Personnel Board reviewed and approved the proposed amendment to the Position Classification Plan at a public hearing that was held on April 30, 2007.

The City has also met with the Compton Management Employees' Association, AFSCME, Local 2325 and both have agreed that the salary for Planning and Economic Development Director should be established.

Attached are copies of the proposed classification specifications for this position for your review.

FINANCIAL IMPACT

The adoption of this resolution will not have a financial impact on the City's 2008-2009 fiscal year budget.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution to approve the proposed classification specifications and establish a salary range for the position of Planning and Economic Development Director.

CHARLES EVANS
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING CLASSIFICATION SPECIFICATIONS AND ESTABLISHING A SALARY RANGE FOR THE POSITION OF PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

WHEREAS, the City Manager authorized a review of the Position Classification Plan; and

WHEREAS, the Personnel Board of the City of Compton, pursuant to the provisions of Sections 1010 and 1103 of the Compton City Charter did, on April 30, 2007, conduct a public hearing relative to a proposed amendment to the Position Classification Plan, as proposed by the City Manager; and

WHEREAS, following the close of the aforementioned public hearing, the Personnel Board did vote to recommend to the City Council the adoption of the proposed amendment to the Position Classification Plan.

WHEREAS, the City has met with the Compton Management Employees' Association, AFSCME, Local 2325 and both have agreed that the salary for Planning and Economic Development Director should be established.

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

Section 1. That the proposed classification specifications for Planning and Economic Development Director are hereby approved and added to the Position Classification Plan of the City of Compton.

Section 2. That effective December 1, 2008, the salary for Planning and Economic Development Director shall be established as follows:

<u>Classification Title</u>	<u>Salary Range</u>
Planning and Economic Development Director	191

Section 3. That a duly certified copy of this Resolution shall be delivered to the offices of the City Manager, City Controller and Human Resources.

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

Resolution No. _____
Page Two

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof, held on the _____ day of _____, 2008.

That said Resolution was adopted by the following vote, to wit:

AYES: Council Members–
NOES: Council Members–
ABSENT: Council Members–
ABSTAIN: Council Members–

CITY CLERK OF THE CITY OF COMPTON

#5.

CITY OF COMPTON

PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

DEFINITION:

Under administrative direction, the Planning and Economic Development Director plans, directs, organizes, coordinates, reviews, and evaluates the work of personnel engaged in the planning, economic development and grants management activities to meet community development goals and needs.

DISTINGUISHING CHARACTERISTICS:

Develops and directs all professional, technical and clerical personnel conducting planning, economic development and grants management activities, projects, programs, goals, objectives, policies and priorities including, but not limited to supervising the collection, interpretation and assemblage of critical data for various reports and correspondence relating to land use, environmental compliance, advanced planning, economic development, business development, grants management, program monitoring, legislative analysis, permit processing and other work as required.

ESSENTIAL JOB FUNCTIONS:

- Directs planning, and economic development functions to achieve goals within budgeted funds and available personnel;
- Plans and organizes workloads and staff assignments, reviews progress, directs changes in priorities and schedules as needed to assure work is completed in an efficient and timely manner;
- Provides managerial leadership and directs the selection, supervision and evaluation of department staff;
- Conducts or oversees performance evaluations, and initiates and implements disciplinary actions as warranted;
- Establishes policies, procedures, work rules, and performance standards to assure the efficient and effective operation of economic development programs in compliance with City standards and federal, state, and local laws;
- Directs the preparation and administration of the department budget based on staffing and resource requirements, cost estimates, and program objectives and goals;
- Monitors the budget to assure compliance with approved budget levels and standards;
- Directs and develops short and long range plans, goals and objectives for planning projects and programs;

- Directs the management of a variety of programs and services such as the Compton Development Block Grant program, that are funded by other agencies.
- Coordinates department operations with other City departments and outside agencies;
- Provides technical support and policy advice to the City Manager, Mayor, and City Council including the interpretation and application of policy and procedure, developing recommendations regarding comprehensive planning, zoning, and economic development;
- Oversees or performs the collection, interpretation, and preparation of data for studies, reports, and recommendations on a variety of economic development projects;
- Develops and manages the department intergovernmental and citizen relations efforts; represents the City with outside agencies, citizen groups, the media, and others concerning economic development programs and plans
- Addresses civic, professional, and public groups and organizations on community development matters and serves as staff advisor to the City Manager and various Boards and Commissions;
- Assures proper application and enforcement of City planning and zoning ordinances; provides administrative control and guidance;
- Participates as a member of the Chief Executive Group to provide input on City operations and communications; directs the integration of assigned functions into overall City goals, objectives, and strategies;
- Analyzes and recommends improvements to existing operating systems of the department;
- Develops and maintains systems and records that provide for proper evaluation, control and documentation of assigned operations.

OTHER JOB FUNCTIONS

- Reviews local, state and federal legislation to determine impact on departmental plans, policies and strategies; prepares and coordinates responses and recommendations as appropriate.
- Directs the resolution of inquiries, complaints, problems, or emergencies affecting the availability or quality of services.
- Responds to the most sensitive or complex inquiries of service complaints.
- Performs other related duties as assigned.

#5.

Planning and Economic Development Director
City of Compton
Page 3

WORKING CONDITIONS:

Duties are primarily performed in an office environment but also require traveling to meetings and job sites.

QUALIFICATIONS:

Knowledge of:

- Practices, principles, procedures, regulations, and techniques of City planning, zoning, and land use.
- Community involvement methods and practices.
- Fiscal management, including budget preparation, expenditure control, and record keeping.
- Management and supervisory principles and practices.
- Current and proposed legislation and laws of the local, state, and federal governments that affect Community Development programs.

Ability to:

- Plan, organize and oversee assigned functions including evaluating the work of subordinates.
- Develop departmental goals and objectives and to direct, conduct and implement planning activities.
- Analyze and evaluate department operations and develop and implement corrective action to resolve problems.
- Establish and maintain effective working relationships with senior City management, employees, Council members, other agencies, and the general public.
- Communicate effectively, both orally and in writing, with individuals and groups regarding complex or sensitive issues or regulations.
- Physical ability to perform the essential job functions.

EDUCATION AND EXPERIENCE:

Graduation from an accredited college or university with a Bachelor's degree in planning, urban planning, land use planning, public/business administration, or related field and six (6) years of management and/or supervisory experience, including (3) years in a supervisory or managerial role. A Masters Degree in Planning or a related field and/or membership in the American Institute of Certified Planners is highly desirable.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Human Resources

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AN AMENDMENT TO THE POSITION CLASSIFICATION PLAN BY ADOPTING CLASSIFICATION SPECIFICATIONS AND ESTABLISHING A SALARY RANGE FOR THE POSITION OF PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/2/2008 5:01:47 PM
DATE

Willie Norfleet
CITY CONTROLLER

12/4/2008 9:34:48 PM
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$94,295.81 IN FUNDING TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON

SUMMARY

Staff would like Council to consider amending the Municipal Law Enforcement Services' Fiscal Year 2008-2009 Budget to accept and appropriate \$94,295.81 in grant funding from the State of California, Office of Traffic Safety, to conduct sobriety checkpoints in the City of Compton.

BACKGROUND

In November 2008, the City was awarded a \$94,295.81 Sobriety Checkpoint grant. The grant was received from the State of California, Office of Traffic Safety through the University of California, Berkeley Traffic Safety Center. The goal of the Sobriety Checkpoint Program is to reduce the number of victims killed and injured in alcohol involved crashes. The Los Angeles County Sheriff's Department, Compton Station, would be responsible for carrying out the program, which would include a checkpoint operation conducted during the Winter Holiday Mobilization Period of December 12, 2008 – January 3, 2009; the Labor Day Mobilization Period of August 21, 2009 – September 7, 2009; and up to five additional checkpoint conducted before September 8, 2009. All of the grant funds would go to pay for overtime personnel costs.

FISCAL IMPACT

The Municipal Law Enforcement Services' 2008-2009 Fiscal Year Budget would increase by \$94,295.81.

RECOMMENDATIONS

Staff recommends that Council adopt the attached resolution.

**GAY MORRIS, AICP, INTERIM DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**CHARLES EVANS
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES’ FISCAL YEAR 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$94,295.81 IN FUNDING TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON

WHEREAS, the City of Compton shares the State of California’s goal of reducing the number of victims killed and injured in alcohol involved crashes; and

WHEREAS, the City was awarded a \$94,295.81 grant from the State of California through the University of California, Berkeley Traffic Safety Center, to conduct sobriety checkpoints in Compton over the period of October 1, 2008 through September 2009; and

WHEREAS, the Los Angeles County Sheriff’s Department, Compton Station, would be responsible for conducting the checkpoints; and

WHEREAS, the Municipal Law Enforcement Services’ Fiscal Year 2008-2009 Budget must be amended to appropriate these funds.

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

Section 1: That the City shall accept the \$94,295.81 grant from the University of California, Berkeley Traffic Safety Center.

Section 2: That the City shall amend the Municipal Law Enforcement Services’ Fiscal Year 2008-2009 Budget in the amount of \$94,295.81 to appropriate these funds.

Section 3: That the City shall increase its Fiscal Year 2008-2009 grant revenue and expenditures as follows:

2668-00-0000-3569	Other State Grants	\$94,295.81
2668-67-0000-4269	Other Contract Services	\$94,295.81

Section 4: That a copy of this resolution shall be filed in the office of the City Manager, City Controller, City Clerk, Municipal Law Enforcement Services, and Planning and Economic Development Department.

RESOLUTION NO. _____
Page 2 of 2

Section 5: That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor, and attested to by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

**AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-**

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT:	Planning
RESOLUTION TITLE:	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$94,295.81 IN FUNDING TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FY 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$58,352 IN FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE'S JUSTICE ASSISTANCE GRANT PROGRAM (JAG)

SUMMARY

Staff would like Council to consider amending the Municipal Law Enforcement Services (MLES)' Fiscal Year 2008-09 budget to appropriate \$58,352 in funding from the U.S. Department of Justice's Justice Assistance Grant Program (JAG) for law enforcement services.

BACKGROUND

In August 2008, the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant Program (JAG) awarded the City of Compton a \$58,352 grant. JAG funds may be used to support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. The City plans to use its 2008 JAG funding allocation to contract with the Los Angeles County Sheriff's Department to provide special targeted enforcement in the areas of gangs, prostitution, illicit narcotics sales, illegal street vendors, and other "hot topic/pressure cooker" issues as they arise. Special enforcement measures would include stings, sweeps, undercover operations, decoys, surveillances, and others activities. These additional measures are needed to help reduce crime and improve the quality of life for the residents of Compton.

FISCAL IMPACT

MLES' 2008-09 Fiscal Year Budget would increase by \$58,352.

RECOMMENDATION

Staff recommends that Council adopt the attached resolution.

**GAY MORRIS, AICP, INTERIM PLANNING DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**CHARLES EVANS
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES’ FY 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$58,352 IN FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE’S JUSTICE ASSISTANCE GRANT PROGRAM (JAG)

WHEREAS, the City of Compton applied to the U.S. Department of Justice for Justice Assistance Grant (JAG) Program funding to support its law enforcement efforts;

WHEREAS, the U.S. Department of Justice (DOJ) awarded the City \$58,352 in 2008 JAG Program funding for this purpose; and

WHEREAS, the Municipal Law Enforcement Services’ Fiscal Year 2008-2009 Budget must be amended to appropriate these funds.

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

- Section 1.** That the City shall accept the \$58,352 in 2008 JAG Program funding.
- Section 2.** That the City shall amend its Fiscal Year 2008-2009 Budget in the amount of \$58,352 to appropriate these funds.
- Section 3.** That the City shall increase its Fiscal Year 2008-2009 grant revenue and expenditures as follows:
- | | | |
|-------------------|-------------------------|----------|
| 1061-00-0000-3565 | Other Federal Grants | \$58,352 |
| 1061-67-0000-4269 | Other Contract Services | \$58,352 |
- Section 4.** That a certified copy of this Resolution shall be filed in the offices of the City Manager, City Controller, City Clerk, Municipal Law Enforcement Services Department, and the Planning and Economic Development Department.
- Section 5.** That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

RESOLUTION NO. _____
PAGE 2 OF 2

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor and attested to by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Planning

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FY 2008-2009 BUDGET TO ACCEPT AND APPROPRIATE \$58,352 IN FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE'S JUSTICE ASSISTANCE GRANT PROGRAM (JAG)

<ManagersName>
DEPARTMENT MANAGER'S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney's review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON ACCEPTING THE BID OF WESTERLY METER
SERVICE COMPANY FOR FURNISHING AND DELIVERY OF
WATER METERS**

SUMMARY

This resolution authorizes the Compton Municipal Water Department to accept the Bid of Westerly Meter Service Company for furnishing and delivery of Water Meters. Although HD Supply Water Works' bid was the lowest their bid did not meet the bid specifications; therefore it was determined that Westerly Meter Company was the most responsible bidder. Also, Westerly Meter is a local company.

BACKGROUND

The Water Department is responsible for installing and replacing water meters in the City. The Department has depleted its inventory and must stock meters for daily routine activities and emergencies. The water meters will be stored at the vendor's facility and delivered as needed upon a twenty-four (24) hour notice and the vendor will bill the City after delivery of meters.

The department received sealed bids on August 27, 2008, as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
HD Supply Water Works	\$ 103,335.23
Westerly Meter Company	\$ 114,014.31
Brandon Supply	\$132,265.00

Staff reviewed all bids submitted and determined that the bid of Westerly Meter Service Company is the most responsible bidder. The bid of HD Supply Water Works was the lowest, however, the bid submitted was non-responsive to the bid specification. The meter that HD Supply Water Works provides did not pass the meter test according to the bid specification.

#8.

**Accepting the Bid of Marden Susco
December 16, 2008
Page Two**

FINANCIAL IMPACT

Funds have been allocated in the Water Department's Fiscal Year 2008-2009 Budget in Account Number 5000-880-000-4764, to be paid in increments as billed by invoice.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution.

**KAMBIZ SHOOGHI
GENERAL MANAGER**

**CHARLES EVANS
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COMPTON ACCEPTING THE BID OF WESTERLY METER
SERVICE FOR FURNISHING AND DELIVERY OF WATER METERS

WHEREAS, the Water Department advertised for bids for furnishing and delivery of Water Meters for Fiscal Year 2008-2009; and

WHEREAS, bids were received on August 27, 2008 as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
HD Supply Water Works	\$103,335.23
Westerly Meter Service	\$114,014.31
Brandon Supply Company	\$132,265.00

WHEREAS, staff reviewed the bids submitted and determined that the bid of Westerly Meter Service is the most responsible bidder; and

WHEREAS, the bid of HD Supply Water Works was the lower, however, the bid submitted was non-responsive to the bid specification; and

WHEREAS, funds have been allocated in the Water Department’s Fiscal Year 2008-2009 Budget in Account Number 5000-880-000-4764 for this purchase.

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

SECTION 1. That the bid of Westerly Meter Service Company for the furnishing and delivery of Water Meters is hereby accepted.

SECTION 2. That the City Manager is hereby authorized to issue a purchase order in the amount of One Hundred Fourteen Thousand & Fourteen Dollars and Thirty-one Cents (\$114,014.31) to Westerly Meter Service, to be paid in increments as billed by invoice.

SECTION 3. That funds for these purchases are available in the Water Department’s Fiscal Year 2008-2009 budget in Account Number 5000-880-000-4764.

SECTION 4. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and Municipal Water Department.

SECTION 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

RESOLUTION NO. _____
PAGE TWO

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was signed by the Mayor and adopted by the City Council at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Water Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ACCEPTING THE BID OF WESTERLY METER SERVICE FOR FURNISHING AND DELIVERY OF WATER METERS

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/2/2008 5:00:44 PM
DATE

Willie Norfleet
CITY CONTROLLER

12/4/2008 9:32:50 PM
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING CHAPTER 20 OF THE COMPTON
MUNICIPAL CODE BY ADDING A NEW SECTION 20-5
REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY.**

SUMMARY:

The City Council will consider adopting an Ordinance amending Chapter 20 of the Compton Municipal Code by adding a new Section 20-5, regulating newsracks on the public right-of-way.

BACKGROUND:

Newspaper vending machines on public right-of-ways are a means of distributing speech which cannot be wholly prohibited without violating the First Amendment to the Constitution of the United States of America. However, city ordinances which regulate and license newsracks generally will be upheld against constitutional challenge when the regulations are aimed at preventing the secondary effects of such newsracks on the surrounding neighborhood and community. The courts have held that regulation of such matters as the height, size and shape of newsracks and restrictions on the exposure of minors to the display of adult publications in unsupervised vending machines located in a public place are constitutional as long as certain procedural safeguards are contained within the regulating legislation.

STATEMENT OF ISSUE:

Currently, the only regulations that newsracks located within the City of Compton are subject to are the Compton Zoning Ordinance, which limits their location to within Limited Commercial (C-L), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), and Heavy Manufacturing (M-H) zones, and an annual business license fee. The City has no legislation which regulates location standards for newsracks on public property; standards for the proper securing and removal of newsracks; the number of newsracks that can be located within a particular area; the content of the publications in the newsrack; the maintenance of newsracks; or, physical standards of newsracks.

**Staff Report Re Ordinance Add §20-5
Regulation of Newsrack on Public ROW
December 16, 2008, page 2**

Some of the features of this proposed ordinance are:

- Requires a permit for the installation and maintenance of any newsrack located upon, in or over any part of a public sidewalk or parkway.
- Sets physical standards for newsracks on the public right-of-way; such as, maximum height, width and depth specifications; requires continuous maintenance of newsracks in a reasonably neat, clean condition and in good repair; and, uniform installation specifications of newsracks on the public right-of-way.
- Sets standards for the removal of newsracks from the public right-of-way so as to require the permittee to eliminate any potential hazards to the public and restoration of the area to the same or similar condition as any adjoining public right-of-way, level and free of protrusions and depressions.
- Sets locational standards of newsracks; such as, prohibiting projection into or on any roadway; prohibiting placement of newsracks within a specified distance of any marked crosswalk, fire hydrant, traffic signal, driveway, bus stop, bus shelter, and other newsracks.
- Prohibits placement or maintenance of publications or materials which contain material harmful to minors (as defined by Section 313 of California Penal Code to include matter which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors).
- Requires that the newsrack permittee execute an indemnification and hold harmless agreement in favor of the City and maintain a policy of public liability insurance, naming the City as an 'additional insured.'
- Provides a mechanism for the City to remove newsracks that have been abandoned or installed, used or maintained in violation of the ordinance.
- Provides for procedural safeguards (i.e. appeal process) for any person or entity aggrieved by actions of the City; such as, the denial, suspension or revocation of a permit or the City's removal of a newsrack.

**Staff Report Re Ordinance Add §20-5
Regulation of Newsrack on Public ROW
December 16, 2008, page 3**

FISCAL IMPACT:

Annual permit fees will be established by City Council resolution. Additionally, fees for all reasonable costs of reinspection and City removal of any newsracks shall be recoverable. Thus, this Ordinance will allow for at least partial recovery of costs expended by the City for the processing of permit applications and enforcing permit requirements.

RECOMMEDATION:

Staff recommends that the City Council adopt the attached Ordinance, which will amend Chapter 20 of the Compton Municipal Code by adding a new Section 20-5 regulating newsracks on the public rights-of-way.

**L. ALAN PYEATT, ACTING DIRECTOR
PUBLIC WORKS DEPARTMENT**

**CHARLES EVANS
CITY MANAGER**

Staff report.amend ordinance.regulate newsracks.prow
CE:LAP::RAR:rar

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY
ADDING SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC
RIGHTS-OF-WAY.

WHEREAS, the City of Compton is authorized by Article XI, Section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council of the City of Compton has determined that the public health, safety and welfare of the residents of the City will be promoted and the environmental setting of the City will be maintained and improved through enforcement of laws regulating newsracks on the public right-of-way.

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

Section 1. That Chapter 20 of the Compton Municipal Code is hereby amended to add **Section 20-5 – “Regulation of Newsracks on Public Rights-of-Way”** to read as follows:

20-5.1 Findings. The City Council of the City of Compton finds and determines as follows:

- a. That the uncontrolled proliferation and placement of newsracks in the public right-of-way constitutes a threat to public health, safety and general welfare including impeding pedestrian, wheelchair and vehicular traffic; interfering with ingress and egress to and from buildings, vehicles and public transportation; obstructing views of traffic signs and street-crossing pedestrians; and impeding performance of essential utility, traffic control and emergency services; and
- b. That unreasonably deteriorated or inadequately maintained newsracks threaten the public health and safety; and
- c. That newsracks not reasonably maintained in a neat and clean condition threaten the general welfare including the aesthetic appearance of the public right-of-way; and
- d. That the intent of these provisions is to ensure the public health, safety and general welfare is protected without unreasonably restricting the dissemination of constitutionally protected information; and
- e. That it is not the intent of these provisions to regulate the placement of newsracks on private property. It shall remain the responsibility of the permittee to determine the property lines and ensure newsracks are placed within the public right-of-way in compliance with this Chapter.

20-5.2 Definitions. As used in this Chapter:

- a. “Applicant” or “permittee” means the publisher or distributor, or custodian, employee, officer or other person who, as an agent of the publisher or distributor, has applied for (applicant) or been grant (permittee) a permit pursuant to the provisions of this Chapter.

b. "City Manager" means the City Manager or the City Manager's designee(s).

c. "Director" means the Director of the Department of Public Works, or his/her designee.

d. "Harmful matter" has the meaning set forth in Section 313 of the California Penal Code, or in any successor provision.

e. "Minor" means any natural person under eighteen years of age.

f. "Newsrack" means any self-service container or coin-operated box, storage unit or other dispenser that rests or projects, in whole or in part, in or upon any portion of the public right-of-way, and is installed, used or maintained for the display, sale or distribution of any publication listed in the permit granted under this Chapter. Unless otherwise stated in this Chapter, the term newsrack includes shared newsrack and combination dispenser and the same standards and regulations apply to all three.

g. "Operable element" means any component of a newsrack requiring handling or manipulation to obtain the publication therein including the door or coin mechanism.

h. "Parkway" means that area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and property line adjacent thereto. Parkway also includes any area within the roadway which is not open to vehicular travel.

i. "Permit" means a permit issued pursuant to this Chapter allowing the placement of a newsrack within a specifically designated portion of a public sidewalk or parkway.

j. "Person" means any individual, company, corporation, association, business, firm, partnership or other legal entity.

k. "Public right-of-way" means any area used or intended for use by the public for pedestrian or vehicular travel within the City, including but not limited to public streets, highways, roadways, sidewalks, median strips, parkways, plazas or alleys.

l. "Roadway" means that part of a public right-of-way that is designated and used primarily for vehicular travel.

m. "Shared newsrack" means a single newsrack housing more than one publication, and is subject to the same standards and regulations as a newsrack, unless otherwise stated in this Chapter.

n. "Shared permit" means a permit issued to a person as a primary applicant providing for the sharing of a newsrack among specified publications as long as all of the standards of this Chapter are otherwise met. The primary applicant shall be considered the permittee for all purposes under this Chapter except as explicitly set forth.

o. "Sidewalk" means that part of a public right-of-way that is designated and used primarily for pedestrian travel.

p. "Street" means all areas dedicated to public use for public street purposes and includes but is not limited to roadways, parkways, alleys and sidewalks.

20-5.3 **General Prohibition.** No person shall install, use or maintain any newsrack or other related structure which projects onto, into or over any part of the roadway or which rests wholly or in part upon, along or over any portion of the roadway.

20-5.4 **Display of Certain Matter Prohibited.** No person or entity shall knowingly place or maintain in any newsrack which rests in whole or in part, upon, in or on any portion of a public right-of-way, or which projects onto, into or over any part of a public right-of-way, any publication or material exposed to public view which contains material harmful to minors.

20-5.5 **Permit Requirements and Standards.** It is unlawful for any person to install or permit the installation or maintenance of any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway without first obtaining a Permit from the City.

a. General Provisions. One permit will be issued per applicant covering all newsracks in each application. Each permit may be amended quarterly by submitting an Amendment of Permit Application to the Director, provided fees are paid for additional newsracks. A condition of any permit issued under this Chapter is that the permittee shall keep on file with the City an accurate record readily identifying the locations of its newsracks. This information may be used to check the accuracy of information provided in the permit application or compliance with conditions of any existing permit or this Chapter.

b. Initial Permit Application. Applicants interested in installing newsracks shall first submit to the Director a Permit Application available from the Public Works Department. Applications that do not include all of the requested information and/or documents shall be deemed incomplete. Incomplete applications shall not be processed and shall not automatically be deemed approved under the circumstances specified in subsection (d) below. Applications shall contain the following as to each newsrack:

- (1) The name, address and telephone number of the owner of the newsrack;
- (2) The name, address and telephone number of the responsible person whom the City may notify or contact at any time concerning the newsrack;
- (3) The number of newsracks and the exact proposed location of each newsrack shown on an eight and one-half inch by 11 inch diagram (to scale), and identifying all items in the public right-of-way, including but not limited to bus benches, street poles and posts, fire hydrants, fire call boxes, driveways, wheelchair ramps, crosswalks, curb returns, buildings, landscaping, other newsracks, and any other public or private improvements within a 20 feet radius of the proposed location. The above required document shall also be submitted in a digital format that is AUTO cad compatible;
- (4) A photograph and/or model number of the type of newsrack being used;
- (5) The name of the publication(s) to be contained in each newsrack;
- (6) An Indemnification and Hold Harmless Agreement pursuant to Section 20-5.9 below, and agreement to conform to the requirements of this Chapter;
- (7) A Certificate of Insurance pursuant to Section 20-5.10 below;

(8) The date that said newsrack(s) is proposed to be installed;

(10) An application and processing fee, as established by resolution of the City Council; and

(11) Any additional information which the Director may deem necessary for the proper disposition of the application.

(12) In the case of a shared permit, all of the information set forth above must be supplied for all publications sharing the newsrack. In addition, the primary applicant shall assume responsibility and authority for complying with all of the standards of this Chapter for the shared permit, and all publications sharing the newsrack must assent to the assumption of responsibility and authority for the primary applicant.

c. Permit Renewal Applications. If a permittee is in compliance with this Chapter, a permit may be automatically renewed for each successive fiscal year by timely payment of the renewal fee established by resolution of the City Council and the filing of a complete Permit Renewal Application by or before the first day of July of each year. Applications that do not include all of the requested information or documents shall be deemed incomplete, shall not be processed, and shall not automatically be deemed approved under the circumstances specified in subsection (d) below.

d. Review of Permits. Once submitted, a complete permit application will be reviewed and acted upon within fifteen business days. If the applicant is not notified in writing by the fifteenth business day of approval, denial or extension of the permit review period, the permit application shall be deemed approved.

e. Issuance of Permits. Upon a finding by the Director that the application is complete, accurate and in compliance with this Chapter, a permit shall be issued. Approval of a newsrack permit shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title or interest in the public property upon, in or over which the newsrack is located, or any part thereof, shall vest or accrue in the distributor or owner of the newsrack by reason of approval of a newsrack permit.

f. Denial of Permit. If an application or portion of an application for a permit is denied, the Director shall promptly notify the applicant in writing of the specific cause for such denial.

g. Permit Revocation. A permit may be revoked if the permittee is found to be in violation of the provisions of this Chapter. Any permit issued in error may be revoked without liability to the City.

h. Sale or Transfer of Permits. Permits shall not be sold or transferred except as a part of the sale of a majority of the related business assets of the permittee. The proposed new permittee shall notify the Director in writing within ten business days that the permit has been sold or transferred. The notification shall include the name and contact information for the proposed new permittee. No transfer or sale shall be effective until the proposed new permittee executes an Indemnification and Hold Harmless Agreement in favor of the City as required in Section 20-5.9 below, and obtains the requisite insurance coverage pursuant to Section 20-5.10 below. Until such time, the existing permittee shall maintain the required insurance coverage and shall remain liable for any personal injury or property damage caused by or related to the permittee's newsrack(s).

20-5.6 Physical Standards for Newsracks. Newsracks shall comply with the following standards:

- a. Any operable element of a newsrack shall not exceed 48 inches in height or be less than 15 inches above the public right-of-way on which it is located.
- b. No newsrack or shared newsrack shall exceed 48 inches in height, 30 inches in width or 24 inches in depth. No combination dispenser shall exceed 60 inches in height, 120 inches in width or 30 inches in depth. The top of the coin mechanism shall not be more than 6 inches above the top of the newsrack.
- c. No exterior or interior component of any newsrack shall advertise, publicize or promote anything other than the display, sale or purchase of the publication(s) therein.
- d. Newsracks shall only contain current editions of the publication(s) for which the permit was issued.
- e. Coin-operated newsracks shall be equipped with a functional coin-return mechanism.
- f. Each newsrack shall have permanently affixed in a readily visible place the current name, address and telephone number of the permittee.
- g. Each newsrack shall have a door, covering and/or other appropriate device(s) preventing the publications therein from getting wet or falling out due to rain, wind or similar environmental conditions.
- h. Each newsrack shall be continuously maintained in a reasonably neat and clean condition and in good repair including: (1) reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents and grease; (2) reasonably free of chipped, faded, peeling and cracked paint in any visible painted areas; (3) reasonably free of rust and corrosion in any visible unpainted metal areas; (4) any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratched, dents, blemishes and discoloration; (5) any paper or cardboard parts or inserts shall be reasonably free of tears, peeling or fading; and (6) no structural components shall be broken or unduly misshapen. A maintenance log documenting the permittee's inspection of each newsrack shall be maintained by the permittee and available for inspection upon request of the City.
- i. Newsrack shall be installed on a single pedestal or a multiple post using drop-in type anchor bolts to secure newsracks to the public right-of-way, and shall be constructed, installed and maintained in a safe and secure condition approved by the Director.
- j. Newsracks shall not be chained, bolted or otherwise attached to any property or to any permanently fixed object not owned by the owner of the newsrack unless consent of the owner of such property or object is obtained in writing and presented with the permit application or permit renewal application.
- k. All newsracks attached as a group must open in the same direction.
- l. Newsracks shall comply with the Americans with Disabilities Act of 1980, as amended, and all regulations adopted thereunder.

20-5.7 Standards for Proper Removal of Newsracks. Upon removal of any newsrack, the permittee, at its expense, shall eliminate any potential hazards to the public, such as bolts, brackets or holes, and shall restore any disturbed area of the

public right-of-way to the same or reasonably similar condition as any adjoining public right-of-way by removing any protrusions, cleaning the cavity of debris, filling the cavity with high strength epoxy or grout to meet the elevation of the adjoining public right-of-way, and avoiding potential depressions by taking into account shrinkage and settlement of the new material. The public right-of-way shall be level and free of protrusions or depressions. The permittee shall match as closely as reasonably possible the color, texture and material of any adjoining public right-of-way surface.

20-5.8 **Location Standards for Newsracks.** Newsracks shall be located in accordance with the following:

- a. No portion of any newsrack shall project into or be located in any roadway.
- b. Newsracks shall be placed no closer than 6 inches of the roadway edge of any curb painted red.
- c. Newsracks shall be located only adjacent to the curb (if there is no curb, then to the edge of the roadway), or the wall of a building.
- d. Except as stated in subsection (b) above, newsracks located adjacent to the curb (or edge of the roadway) shall be located no less than 18 inches or more than 24 inches from the roadway edge and shall not open toward the roadway.
- e. Newsracks located adjacent to a building shall be located parallel to and not more than 6 inches from the wall. The Director may approve a distance of more than 6 inches if required for proper maintenance of surface behind the newsrack, and the safe flow of pedestrian or wheelchair traffic is not impaired.
- f. No portion of a newsrack shall be located directly in front of any display window except near the curb.
- g. No newsrack shall be located directly opposite another newsrack on the same public right-of-way.
- h. Newsracks may be placed next to each other, provided no group of newsracks extends more than 10 feet along a curb and a clear paved space of at least 4 feet separates each group of newsracks. If the Director determines a violation exists, priority to remain shall be given first to newsracks evidencing the earliest date of installation, followed by newsracks with the highest frequency of publication, followed by a lottery.
- i. No newsrack of shared newsracks shall weigh, in the aggregate, in excess of 125 pounds when empty.
- j. No newsrack shall be placed, installed, used or maintained:
 - (1) Within 5 feet of any marked crosswalk;
 - (2) Within 15 feet of the curb return of any unmarked crosswalk;
 - (3) Within 5 feet of fire hydrant, fire call box, fire lane, police call box, traffic signal controller, traffic signals or other emergency facility;
 - (4) Within 10 feet of a driveway or alley approach;
 - (5) Within 5 feet ahead of and 25 feet to the rear of any sign marking a designated bus stop;

- (6) Within 6 feet of any bus bench or transit advertising shelter;
- (7) At any location reducing the clear space for the passage of pedestrians to less than 4 feet. When feasible, newsracks should be placed to allow the widest path of travel;
- (8) Within 3 feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping approved by the City;
- (9) Within 150 feet of another newsrack containing the same publication and located on the same side of the public right-of-way in the same block;
- (10) Within 5 feet of a curb painted blue, or within 3 feet of a curb painted yellow or white; or
- (11) So as to unreasonably obstruct or interfere with: the flow of pedestrian, wheelchair or vehicular traffic; sites used for public utility purposes or other government use; the ingress or egress to or from any residence or building; or the use of poles, traffic signs and signals, hydrants, mailboxes or other objects permitted by the City at that site.

20-5.9 Indemnification Requirement. The Permit Application and any Permit Renewal Application shall include an Indemnification and Hold Harmless Agreement in favor of the City in substantial compliance with this Chapter, which must be executed by every permittee, and person on a shared permit, prior to issuance of any permit under this Chapter. Pursuant to the Indemnification and Hold Harmless Agreement, the permittee shall agree to defend, indemnify, protect and hold the City, and its elected officials, officers, representatives, agents and employees harmless from and against all claims asserted or liability established for damages or injuries to any person or property, including its own employees, agents or officers which arise from or are connected with or are caused or claimed to be caused by any newsrack owned by or attributable to the permittee; provided however, that the permittee's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or sole willful misconduct of the City.

20-5.10 Insurance Requirements. A condition for issuance of a permit pursuant to this Chapter, is that every permittee, and person on a shared permit, agrees to maintain a policy of public liability insurance, naming the City of Compton, its officials, officers and employees as an "additional insured," in an amount of not less than \$500,000.00 combined singled limit for any injury to persons and/or damage to property by reason of installation, use and maintenance of such newsrack on public property. The policy shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without the City having been given 30 days' prior written notice thereof by such carrier. The permittee shall provide and keep in force that policy of public liability insurance during such time as it continues to operate any newsrack under the terms of this Ordinance. If the insurance is canceled at any time during the term of the permit, it shall be grounds for revocation of the permit. No newsrack may be installed, used or maintained until permittee provides the City with evidence of the requisite insurance, including proof on the endorsement page(s) that the City is an "additional Insured."

20-5.11 Newsracks in Violation of Chapter.

a. Notwithstanding any condition upon which summary removal is available, enforcement action may be initiated upon determination by the Director that a newsrack has been abandoned as set forth in Section 20-5.14 below, or installed, used,

or maintained in violation of this Chapter or any condition of the permit. The permittee will be notified in writing of the alleged violation, the intent of the City to remove the newsrack if the violation is not corrected or a hearing not requested within 5 business days after the giving of such notice of violation and intent to remove, and the procedure for requesting an appeal hearing. Failure to properly correct the violation or to appeal the notice within 5 business days of the date of the notification shall result in the newsrack being summarily removed and stored by the Public Works Department. Appeals shall be processed pursuant to Section 20-5.15 below. A removal and storage fee, as established by City Council resolution, shall be assessed against each newsrack removed. A timely request for an appeal hearing shall stay removal; provided, however, if the violation is not corrected within 5 calendar days after the decision of the City Manager, the City may remove the newsrack in accordance with subsection (b) of this section.

b. Whenever a newsrack is removed by the City and stored, the Director shall notify the permittee by mailing a notice of removal, stating the date the newsrack was removed, the reasons therefore, the procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing, if desired. Any newsrack removed and stored pursuant to the provisions of this subsection shall be released to the permittee if claimed within 30 continuous calendar days from the date of notice of removal and on payment of reasonably incurred removal and storage fees. Upon the failure of the permittee to claim such newsrack and pay the fees within 30 continuous calendar days after the mailing of the written notice of removal, the newsrack shall be deemed abandoned property in possession of the City and may be disposed of pursuant to law.

c. If the Director determines that the condition or placement of a newsrack poses an imminent threat to the safety of pedestrians or wheelchair users, or the safe flow of vehicles; or that a newsrack is located within the public right-of-way without a permit, the Director may cause the newsrack to be summarily removed without prior notice.

d. Upon the summary removal of a newsrack, the Director shall notify the permittee by mailing a notice of summary removal, stating the date the newsrack was removed, the reasons therefore, the procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing, if desired. Any newsrack removed and stored pursuant to the provisions of this subsection shall be released to the permittee if claimed within 30 continuous calendar days from the date of notice of summary removal and on payment of reasonably incurred removal and storage fees. Upon the failure of the permittee to claim such newsrack and pay the fees within 30 continuous calendar days after the mailing of the written notice of removal, the newsrack shall be deemed abandoned property in possession of the City and may be disposed of pursuant to law.

e. If the permittee or otherwise responsible party can not be readily contacted based exclusively on information provided in a current permit, related permit application or information affixed to the newsrack, no further action on behalf of the City is required. If the responsible party thereafter notifies the Director to reclaim the offending newsrack, and the newsrack has not been deemed abandoned and disposed of, a notice of summary removal and procedure for obtaining a post-removal hearing shall be served in accordance with subsection (d) above, unless waived by the responsible party.

20-5.12 **Permit Fees.** All newsracks require timely payment of an annual permit fee established by the City Council. No refunds are provided for newsracks taken out of service. Permit fees are due and payable annually on the first day of July of each year, and shall be prorated for any partial year. Annual permit fees shall be delinquent after 30 days past due. A late payment fee shall be assessed on all

delinquent amounts in accordance with Section 9-1.6. The fee is based on the total number of newsracks in service in the public right-of-way. This fee shall be sufficient to recover the costs of processing the permit application and enforcing permit requirements.

20-5.13 Recovery of Costs, Fees and Penalties. The City Council may set fees on an annual basis to recover all reasonable costs of reinspection and removal of newsracks. Any time a newsrack is caused to be removed, summarily or otherwise, due to violations of this Chapter, the City may recover all reasonable costs to include:

- a. Cost of the investigative and administrative staff to process the case.
- b. Cost of newsrack removal including the costs of any necessary sidewalk repair and/or storage of the newsrack.

20-5.14 Abandonment. A newsrack shall be deemed abandoned if it: (1) is removed pursuant to Section 20-5.11 above, and unclaimed for thirty (30) continuous calendar days from the date of notification of removal; or (2) remains empty or without a permitted publication for thirty (30) continuous calendar days. Newsracks deemed abandoned may be disposed of pursuant to law. The City may dispose of a newsrack and shall not be responsible for any newsrack, including its contents, deemed abandoned for sixty continuous calendar days.

20-5.15 Appeal. Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this Chapter may appeal the same by filing an appeal. An appeal must be perfected within 5 business days after receipt of notice of any protested finding, determination, notice, order or action by filing with the City Manager a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than fifteen business days after receipt of the letter of appeal unless appellant requests a longer time period. The City Manager shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the finding, determination, notice, order or action should not be upheld. Within thirty (30) calendar days of the conclusion of the hearing, the City Manager shall affirm, overrule or modify the finding, determination, notice, order or action. The decision of the City Manager shall be final and conclusive.

20-5.16 Business License. A permit issued under this Chapter shall not substitute for any business license otherwise required under this Code.

20-5.17 Penalty. Any violation of the provisions of this Chapter is an infraction, and upon conviction thereof, shall be subject to a fine not to exceed fifty dollars (\$50.00) for a first violation; a fine not exceeding one hundred dollars (\$100.00) for a second violation in the same calendar year; and a fine not exceeding two hundred dollars (\$200.00) for each additional violation in the same calendar year. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

20-5.18 Applicability of Chapter Provisions.

a. The provisions of this Chapter shall apply to all newsracks, whether installed and maintained prior to or after the effective date of this Ordinance. Those newsracks installed prior to the effective date of this Ordinance shall be brought into compliance with the provisions of this Chapter within 90 calendar days of the effective date of this Ordinance.

b. Any newsracks not brought into compliance within 90 days after the effective date of this Ordinance shall be deemed to be in violation of this Chapter.

c. The City Clerk shall notify all publications or distributors who, prior to the effective date of this Ordinance, have newsracks located within the City of the enactment of this Ordinance by mailing a copy thereof to each such distributor or publication.

Section 2. That if any provision of this Ordinance is determined by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provision of this Ordinance which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 3. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Public Works Department, Municipal Law Enforcement Services Department, Building & Safety Department, Planning and Economic Development Department, City Treasurer and the Los Angeles County Sheriff's Department, Compton Station.

Section 4. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Ordinance was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on _____ day of _____, 2008.

#9.

Ordinance No. _____

That said Ordinance was adopted by the following vote, to wit:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY.

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

SUMMARY

The City Council will consider an Ordinance that will amend Sections 8-2.3 and 8-2.4 of Chapter 8 of the Compton Municipal Code so as to authorize the job classifications of Director and Deputy Director of the Municipal Law Enforcement Services Department to issue citations and/or make arrests and carry firearms while on authorized duty.

BACKGROUND

On July 8, 2008, the City Council adopted Ordinance No. 2,173 (codified at CMC §8-2). That legislation consolidated provisions of the Compton Municipal Code relating to Municipal Law Enforcement Services, Security Services and Parking Control Services under the same Chapter.

STATEMENT OF THE ISSUE

While Ordinance No. 2,173 identifies those job classifications and division employees within the Municipal Law Enforcement Services Department which are authorized, during the course and within the scope of their employment, to exercise the power to issue citations and/or make arrests and the authorization to carry a firearm, inadvertently, the classifications of Director and Deputy Director were inadvertently omitted from the authorization sections.

DISCUSSION

While the job classifications of Director and Deputy Director within the Municipal Law Enforcement Services Department may function primarily in an administrative capacity, were the need to arise, it would be necessary and

#10.

**Staff Report Re Ordinance Amending
§§ 8-2.3 & 8-2.4 of Chapter 8 – Authorize
Director/Deputy Director to Arrest/Carry Firearms
December 16, 2008, page 2**

appropriate for the individuals employed in these positions to be authorized to issuance citations, make arrests and carry firearms while on authorized duty and during the course and within the scope of their employment. This proposed Ordinance amendment will correct the inadvertent omission of these job classifications.

RECOMMENDATION

It is the recommendation of this office that the Council adopt the attached Ordinance.

**CRAIG J. CORNWELL
CITY ATTORNEY**

**CHARLES EVANS
CITY MANAGER**

Attachments: Proposed Ordinance
CJC:CE:RAR:rar

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 AND 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

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

Section 1. That Section 8-2.3 (Employees Authorized to Arrest) of Chapter 8 of the Compton Municipal Code is hereby amended to read as follows:

8-2.3 Employees Authorized to Arrest. Any person employed by the City in the Municipal Law Enforcement Services Department in the classifications of Director, Deputy Director, Business License Inspector, Code Enforcement Officer, License Coordinator, Park Patrol Officer, Parking Control Officer and Security Officer, assigned to enforcement of the City's municipal ordinances and laws and/or the laws of the State of California is authorized, during the course and within the scope of their employment, to exercise the powers contained in California Penal Code Section 836.5, including the power to arrest without warrant upon reasonable cause and the power to issue citations, whenever such employee has reasonable cause to believe that the person to be arrested or cited has committed a violation of the provisions of the City's municipal ordinances or other statute such employee is required to enforce, provided that such employee has satisfactorily completed the peace officers standards and training course and possesses a valid certificate of completion for P.O.S.T. certified courses provided for in California Penal Code Section 832.

Section 2. That Section 8-2.4 (Authorization to Carry Firearms) of Chapter 8 of the Compton Municipal Code is hereby amended to read as follows:

8-2.4 Authorization to Carry Firearms. The Director, Deputy Director and those employees of the Code Enforcement Services Division, Park Patrol Services Division and Security Services Division of the Municipal Law Enforcement Services Department are authorized by the City to carry a firearm while on authorized duty and during the course and within the scope of their employment, provided that such employees have satisfactorily completed the peace officers standards and training course and possesses a valid certificate of completion for P.O.S.T. certified courses provided for in California Penal Code Section 832.

Section 3. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect.

Section 4. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Service Department and the Compton Station of the Los Angeles County Sheriff's Department.

Section 5. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said Ordinance was adopted by the following vote, to wit:

AYES: **COUNCIL MEMBERS –**
NOES: **COUNCIL MEMBERS –**
ABSTAIN: **COUNCIL MEMBERS –**
ABSENT: **COUNCIL MEMBERS –**

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

December 16, 2008

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY CLERK

**SUBJECT: ORDINANCE CALLING AND GIVING NOTICE OF A SPECIAL ELECTION
AND PRIMARY NOMINATING ELECTION TO BE HELD ON TUESDAY,
APRIL 21, 2009**

The Primary Nominating Election/Special Municipal Election for the City of Compton will be held on Tuesday, April 21, 2009.

It is requested that the City Council adopt the attached ordinance calling for and giving notice of a Special Municipal Election to fill a vacancy to be consolidated with the Primary Nominating Election for the purpose of nominating and/or electing municipal officers.

**ALITA L. GODWIN, CMC
CITY CLERK
CITY OF COMPTON**

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE CITY CHARTER, TO BE CONSOLIDATED WITH THE REGULAR PRIMARY NOMINATING ELECTION IN SAID CITY FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS TO BE HELD ON THE 21ST DAY OF APRIL, 2009

WHEREAS, a vacancy in the office of City Councilmember District 4 was created by the resignation of Isadore Hall on December 9, 2008

WHEREAS, the term of office in which the vacancy occurs ends June 30, 2011,

THE CITY COUNCIL OF THE CITY OF COMPTON DOES ORDAIN AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Compton, California, on Tuesday, April 21, 2009, a Special Municipal Election for the purpose of the election of a City Councilmember for the term of office in which the vacancy was created by the resignation of Isadore Hall which ends June 30, 2011.

SECTION 2. That the City Council of the City of Compton does hereby find, determine and declare as follows:

- (a) That pursuant to the provisions of applicable law, a Primary Nominating Municipal Election will be held in this City on Tuesday, the 21st day of April, 2009, for the purpose of nominating and/or electing certain Municipal officers; and
- (b) That the officers to be nominated and/or elected at said election are as follows:
 - (1) Mayor of the City of Compton for a full term of four (4) years
 - (2) Member of the City Council for District Number 2 of said City, for a full term of four (4) years;
 - (3) Member of the City Council for District Number 3 of said City, for a full term of four (4) years;
 - (4) Member of the City Council for District Number 4 of said City, for a short term of two (2) years;
 - (5) City Attorney of the City of Compton for a full term of four (4) years;
 - (6) City Clerk of the City of Compton for a full term of four (4) years;
 - (7) City Treasurer of the City of Compton for a full term of four (4) years;

- (c) That said election shall be held and conducted in accordance with the Provisions of this Ordinance, and all laws applicable thereto.

SECTION 3. That notice is hereby given that on the 21st day of April, 2009, a Special Municipal Election to be consolidated with the Primary Nominating Election will be held and conducted in the City of Compton, County of Los Angeles, State of California, for the purpose of nominating and/or electing qualified persons to the following municipal offices:

- For a Mayor of said City, for a full term of four (4) years;
- For a member of the City Council for District Number 2 of said City, for a full term of four (4) years;
- For a member of the City Council for District Number 3 of said City, for a full term of four (4) years;
- For a member of the City Council for District Number 4 of said City, for a short term of two (2) years;
- For a City Attorney of said City for a full term of four (4) years;
- For a City Clerk of said City for a full term of four (4) years;
- For a City Treasurer of said City for a full term of four (4) years

SECTION 4. That for the purpose of said election, above described, the voting precincts, polling places and election officers shall be as set forth in Exhibit “A”, attached hereto and incorporated herein by this reference as if set forth in full.

The Compensation for the precinct board officers shall be set as follows:

Inspector	\$100.00
Clerk	\$ 80.00

If the payment of a rental fee and/or custodial charge is required for the use of any polling place, the City Clerk is hereby authorized to contract for the same on behalf of the City; such charges to be a maximum of \$25.00; and shall constitute a proper charge against City funds.

SECTION 5. That for the purpose of said election, above described, twenty-nine (29) precincts shall be established.

SECTION 6. That the polling places utilized for the purpose of said election, above described, shall be open from 7:00 a.m. on April 21, 2009, and shall remain continuously open until 8:00 p.m. on said date.

Ordinance No. _____
Page 3

SECTION 7. That this Ordinance shall take effect immediately upon adoption.

SECTION 8. That the Mayor shall sign and the City Clerk shall certify to the adoption of this Ordinance and shall cause same to be published according to law.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON ss**

I, Alita L. Godwin, City Clerk of the City of Compton, hereby certify that the foregoing ordinance was duly adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said Ordinance was adopted by the following vote, to wit:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –

CITY CLERK OF THE CITY OF COMPTON

Ordinance No. _____
Page 4

EXHIBIT “A”

TOTAL NUMBER OF PRECINCTS: 29

Voting Precinct 1, comprising regular election precinct Number 1. The polling place is the **Compton Neighborhood Center 600 N. Alameda**. The election officers are:

Inspector:
Clerks:

Voting Precinct 3, comprising regular election precinct Number 3. The election officers are:

Inspector:
Clerks:

Voting Precinct 6, comprising regular election precinct Numbers 6 and 7. The polling place is **Christ First Missionary Baptist Church** located at **701 N. Long Beach Blvd.** The election officers are:

Inspector:
Clerks:

Voting Precinct 8, comprising regular election precinct Numbers 8 and 305. The polling place is **First Charity Missionary Baptist Church, 925 E. Rosecrans Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 10, comprising regular election precinct Numbers 10 and 45. The polling place is **Enterprise Jr. High School, 2600 W. Compton Blvd.** The election officers are:

Inspector:
Clerks:

Voting Precinct 18, comprising regular election precinct Numbers 18 and 142. The election officers are:

Inspector:
Clerks:

Voting Precinct 20, comprising regular election precinct Numbers 20 and 43. The election officers are:

Inspector:
Clerks:

Voting Precinct 22, comprising regular election precinct Numbers 22 and 144. The polling place is **Emerson Elementary School, 1011 E. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 24, comprising regular election precinct Numbers 24, 147 and 148. The polling place is **Centennial High School, 2606 N. Central Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 27, comprising regular election precinct Number 27. The polling place is **McNair Elementary, 1450 W. El Segundo**. The election officers are:

Inspector:
Clerks:

Voting Precinct 28, comprising regular election precinct Number 28. The polling place is **Willowbrook Jr. High School, 2601 N. Wilmington Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 30, comprising regular election precinct Number 30. The polling place is **Washington Elementary School, 1421 N. Wilmington Avenue**. The election officers are:

Inspector:
Clerks:

Voting Precinct 33, comprising regular election precinct Number 33. The polling place is **Dollarhide Center, 1108 N. Oleander**. The election officers are:

Inspector:
Clerks:

Voting Precinct 34, comprising regular election precinct Numbers 34 and 118. The polling place is **Tibby Elementary School, 1400 W. Poplar**. The election officers are:

Inspector:
Clerk:

Ordinance No. _____
Page 6

Voting Precinct 36, comprising regular election precinct Numbers 36 and 40. The polling place is **Davis Jr. High School, 621 W. Poplar**. The election officers are:

Inspector:
Clerk:

Voting Precinct 42, comprising regular election precinct Number 42. The election officers are:

Inspector:
Clerk:

Voting Precinct 52, comprising regular election precinct Numbers 52, 53 and 154. The polling place is **Compton Airport, 901 W. Alondra Blvd**. The election officers are:

Inspector:
Clerks:

Voting Precinct 62, comprising regular election precinct Number 62. The polling place is **Compton High School, 601 S. Acacia**. The election officers are:

Inspector:
Clerks:

Voting Precinct 91, comprising regular election precinct Number 91. The polling place is **Bursch Elementary School, 2505 W. 156th Street**. The election officers are:

Inspector:
Clerks:

Voting Precinct 113, comprising regular election precinct Numbers 113 and 167. The polling place is **Tucker Park, 650 W. Laurel St**. The election officers are:

Inspector:
Clerks:

Voting Precinct 132, comprising regular election precinct Numbers 132 and 133. The polling place is a **resident** at **225 E. Bennett Street**. The election officers are:

Inspector:
Clerks:

Voting Precinct 136, comprising regular election precinct Numbers 136 and 164. The polling place is **Heavenly Rest Baptist Church** located at **1715 N. Bullis Road**. The election officers are:

Inspector:
Clerks:

Voting Precinct 137, comprising regular election precinct Numbers 137, and 149. The polling place is **Roosevelt Elementary School, 700 N. Bradfield**. The election officers are:

Inspector:
Clerks:

Voting Precinct 140, comprising regular election precinct Numbers 140 and 141. The polling place is **Kelly Park, 2317 E. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 152, comprising regular election precinct Numbers 152 and 160. The polling place is **Caldwell Elementary School, 2300 W. Caldwell**. The election officers are:

Inspector:
Clerks:

Voting Precinct 153, comprising regular election precinct Numbers 153 and 163. The polling place is **Kennedy Elementary School, 1305 S. Oleander**. The election officers are:

Inspector:
Clerks:

Voting Precinct 155, comprising regular election precinct Numbers 155. The polling place is **Walton Jr. High School, 800 W. Greenleaf**. The election officers are:

Inspector:
Clerks:

Ordinance No. _____
Page 8

Voting Precinct 157, comprising regular election precinct Number 157.
The polling place is **Longfellow Elementary School, 1101 S. Dwight**. The
election officers are:

Inspector:
Clerks:

Voting Precinct 300, comprising regular election precinct Number 300.
The polling place is the **Willard Elementary School, 310 E. El Segundo
Blvd**. The election officers are:

Inspector:
Clerks:

December 16, 2008

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALITA GODWIN, CITY CLERK

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING MARTIN AND CHAPMAN COMPANY TO RENDER SPECIFIED SERVICES AND SUPPLIES FOR THE PRIMARY NOMINATION AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON APRIL 21, 2009 AND JUNE 2, 2009, RESPECTIVELY ELECTION SUPPLIER

It is herewith requested that the City Council adopt the attached Resolution authorizing the services of Martin and Chapman Election Suppliers, for furnishing election supplies and services for the Primary Nominating and General Elections, to be held on April 21, 2009 and June 2, 2009, respectively.

Alita L. Godwin, CMC
City Clerk of Compton

AG/dd

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING MARTIN AND CHAPMAN COMPANY TO RENDER SPECIFIED SERVICES AND SUPPLIES FOR THE PRIMARY NOMINATION AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON APRIL 21, 2009 AND JUNE 2, 2009, RESPECTIVELY

THE CITY COUNCIL OF THE CITY OF COMPTON DOES RESOLVE AS FOLLOWS:

SECTION 1. That the services of Martin and Chapman Election Suppliers are hereby accepted to furnish supplies and services for the Primary Nominating and General Municipal Elections to be held on April 21, 2009 and June 2, 2009, respectively.

SECTION 2. That the Election Official is hereby authorized to expend funds required to conduct said elections.

SECTION 3. That the funds are available in account number 1001480000426.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____ 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita L. Godwin, City Clerk of the City of Compton hereby certify that the foregoing resolution was adopted by the City Council of said City, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote to wit:

**AYES: COUNCILMEMBERS -
NOES: COUNCILMEMBERS -
ABSENT: COUNCILMEMBERS -**

CITY CLERK OF THE CITY OF COMPTON

December 16, 2008

TO: MAYOR AND CITY COUNCIL

FROM: CITY CLERK

SUBJECT: ELECTION SERVICES

It is herewith requested that the City Council adopt the attached resolution authorizing Los Angeles County to provide certain necessary election supplies and services such as, voting booths, voting machines, street indexes and precinct maps.

It is requested that the City Council adopt the attached resolution.

Alita L. Godwin, CMC
City Clerk of Compton

AG/dd

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A (PRIMARY) (GENERAL) MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009 AND JUNE 2, 2009, RESPECTIVELY

THE CITY COUNCIL OF THE CITY OF COMPTON DOES RESOLVE AS FOLLOWS:

SECTION 1. That the City Council of the City of Compton does hereby find, determine and declare as follows:

- (a) That Primary Nominating & General Elections will be held in said City April 21, 2009 and June 2, 2009; and
- (b) That pursuant to law, certain election material must be prepared for mailing to each registered qualified voter of said City prior to said elections; and
- (c) That certain other election material must be obtained for said elections; and
- (d) That the public interest, convenience and necessity require that this City Council request permission of the Board of Supervisor to allow the Registrar of Voters of said County, to perform certain hereinafter specified services, for and on behalf of said City in conjunction with said elections: and
- (e) That the cost of said services, upon the completion thereof, shall be a proper charge against the City.

SECTION 2. That the services requested by and on behalf of said City to be performed by the said Registrar of Voter, shall be as follows:

- (a) That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council hereby requests the Board of Supervisors of said County to permit the Registrar of Voters to prepare and furnish to said City for use in conducting said elections the computer record of the names and addresses of all eligible registered voters in said City in order that the City may print labels to be attached to selfmailer sample ballot booklets; and will also furnish to the City printed indexes of the voters to be used by the Board at the polling place; and will make available to the City additional election equipment and assistance according to state law.

SECTION 3. That the City Clerk shall certify the adoption of this resolution and shall forward certified copies hereof, to the Clerk of the Board of Supervisor, and to the Registrar of Voters of the County of Los Angeles. The City shall promptly furnish to said Registrar materials necessary to permit the said Registrar to perform the services describe in Section 2.

Resolution No. _____
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SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON:

I, Alita L. Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council of said City, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES: COUNCILMEMBERS -
NOES: COUNCILMEMBERS -
ABSENT: COUNCILMEMBERS -

CITY CLERK OF THE CITY OF COMPTON

December 16, 2008

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY ATTORNEY'S OFFICE

SUBJECT: ADOPTING A RESOLUTION ORDERING THE
SUBMISSION TO VOTERS OF THE CITY A
MEASURE AMENDING THE CITY'S CHARTER TO
BAN THE POSSESSION, STORAGE, SALE, AND/OR
USE OF FIREWORKS WITHIN THE CITY OF
COMPTON AT THE PRIMARY NOMINATING
ELECTION TO BE HELD ON APRIL 21, 2009

SUMMARY

The proposed resolution submits to voters at the City's Primary Nominating Election on April 21, 2009, a City Charter amendment to ban the possession, storage, sale, and/or use of any fireworks within the City of Compton. The City Council is authorized to submit amendments to the City's Charter to the voters. (Cal. Gov't Code § 34458; Cal. Elec. Code § 9255). If a majority of voters vote in favor of the charter amendments, the amendments shall take effect upon acceptance and filing by the California Secretary of State. (Cal. Gov't Code § 34460).

BACKGROUND

California law permits the City to prohibit or regulate the sale, use or discharge of fireworks within the City. (Cal. Health & Safety Code § 12541). The City's Municipal Code currently prohibits the use of fireworks in public parks without a permit and regulates the sale and use of fireworks within the City. (City of Compton Municipal Code, Chapter XVIII, 18-2.4; Chapter XXII, 22-2 *et seq.*).

Fireworks are dangerous to the public peace, health, and safety because they are made of combustible materials which easily ignites to grow into dangerous fires. The use of fireworks also increases the potential for injuries related to fireworks. The City has experienced the effects of fireworks because the use of fireworks within the City creates smoke filled skies and utilizes law enforcement and fire protection resources to address injuries and fires related to the use of fireworks. A complete ban on the possession, sale, and/or use of all fireworks within the City will reduce the ignition potential of dangerous fires, and decrease the likelihood of bodily injury. Accordingly, as directed, the City Attorney has prepared the text of a ballot measure to ban fireworks within the City's jurisdiction.

#14.

The text of the ballot measure is herein attached as Exhibit A. In summary, the proposed amendment will make it unlawful for any person to possess, store, offer for sale, expose for sale, sell for retail, use, discharge, or explode any fireworks within the City. A violation of the ban is a misdemeanor punishable by a fine not exceeding one-thousand dollars (\$1,000.00) or prison term not exceeding six months, or both, as currently authorized by state law for the punishment of misdemeanor crimes.

If the measure is adopted by a majority of the voters, it will prevail over all City regulations and policies currently governing the sale and use of fireworks.

FISCAL IMPACT

There is no Fiscal Impact.

CONCLUSION

It is recommended that the City Council adopt the Resolution placing the charter amendment banning the possession, storage, sale, and/or use of fireworks within the City.

CRAIG CORNWELL
CITY ATTORNEY
1178211.1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO A BAN ON THE POSSESSION, STORAGE, SALE AND/OR USE OF FIREWORKS WITHIN THE CITY OF COMPTON AT THE PRIMARY ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009

WHEREAS, a Primary Election on Tuesday, April 21, 2009 has been called by Ordinance adopted on December 16, 2008; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to a ban on the possession, storage, sale and/or use of all fireworks within the City; and

WHEREAS, the use, discharge and explosion of fireworks, which are currently permitted under the City's Municipal Code, creates smoke filled skies and an imminent fire danger within the City; and

WHEREAS, the use, discharge and explosion of fireworks within the City necessitates the attention and resources of law enforcement and fire protection personnel to address injuries and fires resulting from the fireworks; and

WHEREAS, any type of firework creates sufficient heat energy to ignite a dangerous fire and increase the likelihood of bodily injury.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the City Council, pursuant to its rights and authority, does hereby order submitted to the voters at said Regular Election the following question:

Shall the City Charter be amended to add a new Section 1704 to ban the possession, storage, sale and/or use of all fireworks within the City of Compton?	Yes
	No

Section 2. That the proposed measure submitted to the voters is attached as Exhibit A.

Section 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

RESOLUTION NO. _____

Section 4. The following constitutes the synopsis of the measure to be voted on for the purpose of meeting the publication requirements of Elections Code Section 12111:

A measure to amend Charter of the City of Compton by adding a new Section 1704 which bans the possession, storage, sale and/or use of all fireworks within the City.

Section 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

Adopted this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita L. Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor, and attested to by the City Clerk at a regular meeting thereof held on _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –

CITY CLERK OF THE CITY OF COMPTON

EXHIBIT A – A PROPOSED CHARTER AMENDMENT

Section 1704. Ban on Fireworks. It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell for retail, use, discharge, or explode any fireworks within the City of Compton.

December 16, 2008

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY ATTORNEY'S OFFICE

SUBJECT: ADOPTING A RESOLUTION PLACING A CHARTER
AMENDMENT ON THE APRIL 21, 2009 PRIMARY
NOMINATING ELECTION BALLOT TO DELETE
OBSOLETE AND UNCLEAR LANGUAGE OF THE
CITY'S CHARTER AND TO CONFORM TO
CURRENT LAW AND EXISTING CITY POLICIES

SUMMARY

The proposed resolution submits to voters at the City's Primary Nominating Election on April 21, 2009, a Charter amendment to update various sections of the Charter of the City of Compton to delete obsolete and unclear language and to conform to current law and existing City policies. The City Council is authorized to submit amendments to the City's Charter to the voters. (Cal. Gov't Code § 34458; Cal. Elec. Code § 9255.) If a majority of voters vote in favor of the charter amendments, the amendments shall take effect upon acceptance and filing by the California Secretary of State. (Cal. Gov't Code § 34460.)

BACKGROUND

The City's Charter was last substantially updated in 1983. Since that time, changes have been made to California law and regulations and City policies and procedures. The City Council directed the City Attorney to prepare the text of a ballot measure to update the City's Charter to reflect current law and policy. The text of the ballot measure is herein attached as Exhibit A.

In summary, the amendments to the City's Charter include:

- Deleting all references to the "Board of Education;
- Authorizing the City to redress any violation of a City ordinance by administrative action (Section 612);
- Specifically enumerating Council appointed boards and commissions and establishing the compensation for such appointments by Council ordinance (Section 1000, 1005);

#15.

- Removing the residency requirement for City emergency personnel and persons employed by the City (Section 1104.1);
- Increasing the competitive bidding threshold for public works projects from \$7,500 to \$25,000 (Section 1409); and,
- Making updates to conform with California law, including the Brown Act, the Political Reform Act, the California Tort Claims Act, and other provisions of California law regulating the governance of the City (Section 604-606, 609, 612, 614, 1109, 1202, 1418, 1600, 1702).

The amendments also clarify and update Charter language to reflect current City practices and policies.

FISCAL IMPACT

There is no Fiscal Impact.

CONCLUSION

It is recommended that the City Council adopt the Resolution placing the Charter amendment related to various sections of the City Charter to delete obsolete and unclear language and to conform to current law and existing City policies and practices.

CRAIG CORNWELL
CITY ATTORNEY
1178032.1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING AMENDING VARIOUS SECTIONS OF THE CITY CHARTER TO DELETE OBSOLETE AND UNCLEAR LANGUAGE AND TO CONFORM TO CURRENT LAW AND EXISTING CITY POLICIES AT THE PRIMARY ELECTION TO BE HELD ON TUESDAY, APRIL 21, 2009

WHEREAS, a Primary Election on Tuesday, April 21, 2009 has been called by Ordinance, adopted on December 16, 2008, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to amendments to various sections of the City of Compton Charter to delete obsolete and unclear language and to conform to current law and existing city policies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the City Council, pursuant to its rights and authority, does hereby order submitted to the voters at said Regular Election the following question:

Shall the City Charter be amended at various sections to delete obsolete and unclear language and to conform to current law and existing City policies?	Yes
	No

Section 2. That the proposed measure submitted to the voters is attached as Exhibit A.

Section 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 4. The following constitutes the synopsis of the measure to be voted on for the purpose of meeting the publication requirements of Elections Code Section 12111:

A measure to amend various sections of the Charter of the City of Compton to delete obsolete and unclear language and to conform to current law and existing City policies.

RESOLUTION NO. _____

Section 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

Adopted this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita L. Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor, and attested to by the City Clerk at a regular meeting thereof held on _____ day of _____, 2008.

That said resolution was adopted by the following vote, to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –

CITY CLERK OF THE CITY OF COMPTON

EXHIBIT A – A PROPOSED CHARTER AMENDMENT

The City of Compton Charter is hereby amended to read as follows (with text in ~~strikeout~~ indicating deletion and double-underlined text indicating addition):

Section 306. Effective Date of Charter. This Charter shall ~~not~~ take effect ~~upon its approval by the Legislature until accepted and filed by the California Secretary of State.~~

Section 401. Procedures. The City shall have the power to act pursuant to procedures established by any law of the State, unless a different procedure is established under this Charter or by ordinance.

Section 500. Enumeration of and Term. The elective officers of the City shall consist of:

A City Council composed of five (5) members who are registered voters of the City, four (4) to be residents of their respective districts and nominated and elected from the City at large. The fifth ~~to~~ shall be ~~both~~ nominated and elected from the City at large and ~~to be known as~~ shall hold the office of Mayor:

Other elected officers of the City shall be:

~~The Mayor;~~
A City Clerk;
A City Treasurer; and
A City Attorney.

All of the elected officers shall serve for a term of four (4) years. The terms of office of the members of the City Council residing in districts Two and Three, and the terms of office of the Mayor, City Clerk, City Treasurer and City Attorney elected in 1969 shall expire in the year 1973. The terms of office of the present members of the City Council residing in districts One and Four shall expire in the year 1971.

The terms of all elective officers shall commence on July First following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Provided, however, the City Council, on and after the operative date (as the term “operative date” is hereafter defined) shall be composed of seven (7) members, six (6) to be residents of their respective districts and nominated and elected from the City at large, and the seventh to be both nominated and elected from the City at large, and to be known as the Mayor.

At any time when the City Council finds by ordinance adopted by not less than four (4) affirmative votes that the population of the City exceeds 100,000 persons, the City Council shall thereupon, and within sixty (60) days after the effective date of such ordinance, adopt an ordinance by at least three (3) affirmative votes dividing the City into six (6) Districts for the purpose of electing members of the Council.

Said districts so revised and fixed shall comprise as nearly as practicable equal number of voters as determined by records of the registration of voters of Los Angeles County on file with the Registrar of Voters of said County and be composed of contiguous and compact territory and bounded by natural boundaries of street lines.

#15.

The ordinance shall provide the districts so that each Councilman then in office will reside within the district bearing the number of the district from which he was elected and District 5 and District 6 shall not include the residence of any of the members of the Council except that either such districts may include the residence of the Mayor.

Within thirty (30) days after the effective date of the ordinance establishing six (6) council district, the Council shall in the manner provided by law, call a special election for the purpose of holding an election for a councilman from District 5 and a councilman from District 6. If any candidate receives a majority for either of such offices, the City Council shall declare such candidate or candidates (as the case may be) elected. If no candidate for either or both of such offices receives a majority, a final election shall be held on the Fourth Tuesday following said election between the two candidates receiving the highest vote in the first election for each or either of said offices. Following said second election, the City Council shall declare the candidate receiving the highest vote for each or either of said offices elected.

Such election, including the nominations, notice, canvass and other proceedings, shall follow as near as may be practicable the procedures for elections. The Council may provide procedures for such elections by ordinance.

When the Council has declared a candidate elected for Districts 5 and a candidate elected for District 6, the provisions for a seven (7) member City Council shall become operative at 12:01 a.m. on the seventh day after such declaration or if candidates are declared elected in the two districts at different times, at 12:01 a.m. on the seventh day after the last such declaration. Such seventh day is herein defined as the operative date.

The Councilman elected in the first instance from District 5 shall serve a term that shall commence on the operative date and shall end at the same time that the term of the councilman from District 1 ends. The Councilman elected in the first instance from District 6 shall serve a term that shall commence on the operative date and end at the same time as the term of the councilman from District 2 ends.

Councilmen thereafter elected from Districts 5 and 6 shall serve for a term of four (4) years.

On and after the operative date, the City shall be divided into six (6) districts notwithstanding the provisions of Section 501 of this Charter.

Notwithstanding the provisions of Section 502 of the Charter, and after the operative date, the City Council may change the boundaries of the Six Districts into which the City has been divided by ordinance adopted by at least five (5) affirmative votes whenever in the opinion of the City Council such is necessary to better equalize the population among the respective districts.

On and after the operative date whenever the provisions of the Charter call for three (3) affirmative votes, or the concurrence of the three (3) members of the City Council; or otherwise provide for an action to be taken by three (3) members of the City Council, such provisions shall be construed to require four (4) affirmative votes, or the concurrence of four (4) members of the City Council or otherwise provide for an action to be taken by four (4) members of the City Council.

On and after the operative date whenever the provisions of the Charter call for four (4) affirmative votes, or the concurrence of four (4) members of the City Council, or otherwise provide for an action to be taken by four (4) members of the City Council such provision shall be construed to require six (6) affirmative votes, or the concurrence of six (6) members of the City Council, or otherwise provide for an action to be taken by six (6) members of the City Council.

Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date, a person shall be deemed to have been a resident of the City or a district, ~~for one (1) year~~ at a place which is, at the time of the election, within the City or the District.

Section 503. Eligibility. ~~No person shall be eligible to hold office as a member on the Board of Education unless he shall be a qualified elector of the territory comprising the School District and shall have been such qualified elector for at least one year next preceding the date of his nomination or appointment.~~

No person shall be eligible to hold any other elective office of the City unless he shall be a qualified elector of the City and shall have been such qualified elector for at least ~~one year~~ thirty (30) days next preceding the date of his nomination or appointment, and as to the offices on the City Council where nomination is by district, unless he shall have been a qualified elector of his district for at least ~~one year~~ thirty (30) days next preceding the date of his nomination or appointment.

Section 504. Compensation of Members of the City Council, Various Boards and Commissions. The members of the City Council shall receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council. In addition, members of the City Council, and the Mayor, shall receive a salary of Six Hundred Dollars (\$600.00) per month.

Other Elective Officers. The other elective officers, ~~excepting the members of the Board of Education,~~ shall severally receive at stated times a compensation for their services in their respective capacities to be fixed by ordinance adopted by the City Council, which compensation for such services shall not be increased or diminished as to any such officer after his election or appointment and during his term of office, nor within thirty days prior to the date when nomination papers for the position may be filed. (Amended June 3, 1957 and June 30, 1969)

Section 505. Vacancies. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday ~~following the next general school district election, as to a member of the Board of Education, and the next general municipal election, as to any other elective officer,~~ and until his successor is elected and qualified. At the next ~~general school district or~~ general municipal election following any vacancies, such vacancies shall be filled by election and the person elected shall serve for the remainder of any unexpired term, and until his successor is elected and qualified.

If a member of the City Council ~~or Board of Education~~ absents himself from all regular meetings of his Council ~~or Board~~ for a period of sixty days consecutively from and after the last regular meeting attended by such member, unless by permission of the body expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a bona fide resident of the City or District from which he resided at the time of his nomination in the case of a Councilman, or otherwise ceases to be eligible, his office shall become vacant and shall be so declared by the City Council, ~~or Board of Education, respectively.~~

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 604. Special Meetings. Special meetings may be called at any time by the Mayor, or by three members of the City Council in accordance with and pursuant to the procedures set forth in state law for the calling and conducting of special meetings, ~~by written notice delivered personally to each member at least three hours before the time specified for the proposed meeting. A special meeting shall also be validly called without the giving of such written notice if all~~

~~members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.~~

Section 605. Place of Meetings. Except to the extent otherwise permitted or required by this Charter, by ordinance or state law, All meetings of the City Council shall be held in the Council Chamber of the City Hall or in such place within the City to which any such meeting shall be adjourned and shall be open to the public. No citizen shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs. If by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor or, if he should fail to act, by three members of the City Council.

Section 606. Quorum. Proceedings. Three members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. In the absence of all the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of such adjourned meeting shall be given or may be waived in the same manner as specified in this Charter for the giving or waiving of notice of special meeting of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter and shall judge all election returns. It may establish rules for the conduct of its proceedings to maintain the orderly and punish any member or other person for disorderly conduct at any of meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on any question to be entered in the minutes of the meeting.

Section 609. Ordinances. Publication. The City Clerk shall cause each ordinance or a summary of the ordinance to be published at least once in the official newspaper within fifteen days after its adoption. A summary of the ordinance need include no more than a brief description of the subject matter of the ordinance, the names of the councilmembers and how they voted on the ordinance, a statement that the full text of the ordinance is available at no charge from the office of the City clerk, and the telephone number of the office of the City Clerk.

Section 612. Ordinances, Violation, Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action or administrative action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of One Thousand (\$1,000.00) Dollars, or a term of imprisonment for a period not exceeding one year, or both such fine and imprisonment maximum fine or term of imprisonment, or both, authorized by state law. The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

Section 614. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published in the City, the City Council ~~shall annually, prior to the beginning of each fiscal year, shall~~ publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation ~~published and circulated in said the~~ City during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publication of such legal notices without being required to advertise for bids therefore. The newspaper with which any such contract is made shall be designated as the official newspaper for the publication of such notices or other matter for the period of such contract. In no case shall the contract price charged for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

~~When it may appear to the City Council that the rates offered are unfair~~
Unless otherwise required by this Charter, or law, or ordinance, the City Council may employ other means of publication in lieu of newspaper advertising. In the event there is no official newspaper designated by the City Council, then, unless otherwise required by law, all legal notices or other matter may be published by posting copies thereof in at least three public places in the City designated by ordinance.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or law, or ordinance.

Section 702. City Attorney. To become eligible for City Attorney the person elected or appointed ~~shall have been admitted to practice before the Supreme Court of~~ to the office shall be an attorney at law duly licensed as such under the laws of the State of California and shall have been engaged in the practice of law for at least three years prior to his election or appointment. The City Attorney shall have power ~~and be required to~~ to perform and be responsible for the following duties:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City and any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;
- (c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;
- (e) Prepare or review any and all proposed ordinances or resolutions for the City, and amendments thereto;
- (f) Prosecute on the behalf of the people such criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State as in his opinion or that of the Chief of Police warrant his attention;

(g) Devote ~~such~~ his full time during business hours to the duties of his office as may be specified in the ordinance fixing the compensation for such office; and

(h) On vacating the office surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

~~Section 900. Members and Terms. The Board of Education of the Compton School District shall consist of five members elected from the District at large and who shall serve for a term of four years. The provisions of the Education Code of the State of California governing elections of boards of trustees, as they now exist or may hereafter be amended, shall govern elections of members of the Board of Education, except as otherwise herein provided. Elections shall be held biennially, in the odd numbered years.~~

~~The members of the Board of Education holding offices when this Charter takes effect shall continue in office thereafter until their respective terms of office shall expire and until their successors shall be elected and qualified. At each biennial election three members of the Board shall be elected. The two receiving the highest number of votes being elected to terms of four years and the third to a two-year term.~~

~~The members of the Board of Education shall each be paid Twenty Dollars (\$20.00) for each meeting attended but not to exceed two (2) meetings in each month. (Amended June 5, 1951 and June 30, 1969)~~

Section 900 deleted from City Charter April 21, 2009.

ARTICLE X

COUNCIL APPOINTIVE APPOINTED BOARDS AND COMMISSIONS

Section 1000. In General. There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated: the Planning Commission, the Personnel Board, and the Recreation and Parks Commission. In addition, the City Council may create by ordinance such advisory boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 1003. Existing Boards. ~~The respective terms of office of all members of the existing boards and commissions enumerated in this Article shall terminate after the effective date of this Charter upon the appointment and qualification of their successors.~~ Section 1003 deleted from City Charter April 21, 2009.

Section 1004. Meetings, Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer, at the pleasure of the board or commission. Each board or commission shall hold a regular meetings as prescribed at least one each month, or oftener if so required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall comply with state laws governing open and public meetings be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would best be served by closing a particular proceeding to the public and the reasons therefore are declared in the action closing such proceedings. ~~Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceeding, shall be taken in open meeting.~~

The vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

The City Manager may appoint a secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each

board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Section 1005. Compensation and Vacancies. ~~That the~~ The compensation for members of the Planning Commission, ~~shall be paid One Hundred Fifty (\$150.00) Dollars per month. That the members of the Personnel Board and the Recreation and Parks Commission shall be established by ordinance of the City Council.~~ paid Twenty (\$20.00) Dollars for each meeting attended but not exceeding two (2) meetings in each month.

Any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. If a member of a board or commission absents himself from all regular meetings of such board or commission, for a period of sixty (60) days, consecutively (from and after the last regular meeting of such board or commission attended by such member) unless by permission of the City Council, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.
(Amended 6/5/51, 6/3/57 and 6/30/69)

Section 1007. Planning Commission. There shall be a City Planning Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City Government during their term of office on the Planning Commission. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five nor more than nine members.

Section 1008. Planning Commission. Powers and Duties. The Planning Commission shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council ~~the on proposals for the~~ adoption, amendment, or repeal of the ~~Master City's General~~ Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance.

Section 1010. Personnel Board. Powers and Duties. The Personnel Board shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Civil Service rules and regulations;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(c) Hold hearings and make recommendations to the City Council on the adoption or revision of the position classification plan; and

(d) Make any investigation not inconsistent with this Charter or state law which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

Section 1104. Recruitment. Examinations of applicants for positions in the Classified Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the position to which they seek to be appointed.

No person may be an applicant who is not a ~~citizen~~ legal resident of the United States.

Section 1104.1 Residency. ~~Except for City elective officers, emergency personnel and~~ Every persons employed by the City of Compton shall ~~be and shall continue to be a resident of the City of Compton within ninety (90) days of the effective date of this Section. The effective date shall mean the earliest date after ratification and filing by Secretary of State of this Section, on which this Section is enforceable under State and Federal Law~~ reside within a reasonable distance of his or her place of employment with the City.

Section 1106. Appointments. Upon the receipt of notice of a vacancy in the Classified Service, the clerk of the Personnel Board shall certify to the appointing power names of the three highest candidates on the eligible list for such position. No candidate may be certified more than three times for any one classified position.

The Personnel Board, with the consent of the appointing power, may authorize the certification of less than three names for appointment in the event there remains less than three names on an eligible list and in the opinion of the Personnel Board conditions warrant such action. When no eligible lists are available, the Personnel Board, under such rules and regulations as it shall prescribe, may authorize the appointing power to make temporary appointments in the Classified Service, in order to prevent the stoppage of public business and in order to meet extraordinary conditions, which appointments shall remain in force until regular appointments can be made, but in no case to exceed ninety (90) days in any calendar year.

If sufficient number of applicants for a position in the Classified Service is not received, after advertising therefore has been completed in conformity with this Charter and Rules and Regulations, adopted hereunder, the Personnel Board may authorize an examination to proceed as to a lesser number of qualified applicants.

All original appointments shall be for a probationary period of one year during which the employee may be rejected at any time without right of appeal or hearing in any manner.

All promotional appointments shall be for a probationary period of six months during which time the employee may be rejected at any time without right of appeal or hearing in any manner. An employee rejected during the probationary period from a position to which he has been promoted, shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as ~~provided [sic]~~ provided in the Charter and the rules. ~~(Amended June 30, 1969)~~

Section 1109. Political Activities Prohibited. No person holding a position in the Classified Service ~~nor on an eligible list shall seek or accept election, nomination or appointment as an officer of a political club or organization, nor shall such person take an active part in any municipal political campaign nor contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office~~ shall engage in any activities supporting or opposing the election of any public officer or any state or local ballot measure either during that employee's normal City working hours or at any City facility. Nothing in this section shall be construed to prevent any such person from being or becoming a member of a political club or organization, or from attending political meetings or engaging in political activity while at work as a City employee, or from enjoying entire freedom from all interference in casting his vote, or from seeking election or appointment to public office. ~~Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such a person is a candidate.~~

No person in the Classified 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 or because of race, ethnicity, gender, national origin or religious belief.

No officer or employee of the city and no candidate for any city office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service. However, nothing in this section shall prohibit an officer, employee or candidate from communicating through the mail, media or by other means to a significant segment of the public, which may include persons in the Classified Service or on its eligible lists, for such an assessment, subscription or contribution.

Section 1110. Prohibitions. No person shall willfully or corruptly make any false statements, certificate, mark, rating or report in regard to an application, test, certification or appointment held or made under the personnel provisions of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself or with others wilfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine ~~of not more than One Thousand (\$1,000) Dollars;~~ and/or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment to exceed the maximum fine or term of imprisonment, or both, authorized by state law for the punishment of misdemeanor crimes. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he be an officer or employee of the City, immediately forfeit his office or position.

Section 1202. Illegal Contracts. Financial Interest. No member of the City Council, officer, member of any board or commission or employee of the City, shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party, in violation of state laws and regulations governing conflicts of interests.

~~No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which said person is a member for approval of which pertains to the department, office or agency of the City with which such board or commission is connected, for official action.~~

~~Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.~~

~~No member of the City Council, officer, member of any board or commission or employee of the City, or member of any board or commission shall be deemed to be financially interested, with in the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock so owned by him shall amount to at least three per cent of all the stock of such corporation issued and outstanding. No City Councilman shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested, whether as a stockholder of the corporation or otherwise.~~

~~———— If any member or the City Council, officer or employee of the City or member of a board or commission shall so vote or participate, or be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office.~~

Section 1405. Budget. Submission to City Council. ~~At least thirty five (35) days p~~Prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After

reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1409. Contracts on Public Works. Every contract involving an expenditure of more than ~~Seven Thousand Five Hundred (\$7,500.00)~~ Twenty Five Thousand Dollars (\$25,000.00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have the said work done in this manner stated without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.
(Amended June 30, 1969)

Section 1417. Warrants on Treasury. After approval by the City Manager, or City Council, as the case may be, the warrant in payment thereof as prepared, by the City Controller, shall be presented to the City Treasurer and shall be paid by him out of the funds designated, if there be sufficient money in the ~~fund~~ fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of their registration when funds therefor are available.

In the payment of municipal or other bonds upon presentation and surrender of the proper bonds or coupons, the Treasurer shall draw his warrant for payment thereof which, upon approval by the Controller shall be paid without further approval by any body or officer.

Section 1418. Actions Against City. No suit shall be brought on any claim or demand for money or damages against the city or any board, commission or officer thereof until a ~~demand~~ claim for the same has been presented to the City as herein provided and rejected in whole or part. The procedures, requirements, restrictions and time limits applicable to and governing the presentation to and processing of claims for damages, and the filing of lawsuits following the rejection in whole or in part of claims, shall be governed by the California Tort Claims Act as set forth in the California Government Code. The City Council may, by ordinance, require the presentation of claims for demands otherwise exempted from the claims presentation requirements. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and all other claims or demands shall be presented within ninety (90) days after the last item of the account or claim accrued.

~~In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days~~

~~from the day the same is filed with the City Controller shall be deemed a rejection thereof.~~

Section 1600. Employees' Retirement System. The California Public State Employees' Retirement Law Act, as now existing and as hereafter amended, having previously been adopted by vote of the City electorate as the retirement program for the employees of the City, shall remain the retirement system for the City's employees. ~~is hereby adopted for the City of Compton to the end that the retirement system for the employees of said City heretofore created, pursuant to vote of the people is hereby continued in full force and effect and plenary~~ Plenary authority and power is hereby vested in ~~said the~~ the City, its City Council and its several officers, agents and employees to do and perform every act and exercise every power granted, permitted or required in accordance with the provisions of ~~said the California State Public Employees' Retirement Law Act~~ said the California State Public Employees' Retirement Law Act to continue the participation by the City ~~of Compton in the State Employees' Retirement System~~ as a contract member ~~thereof~~ of the California Public Employees' Retirement System.

Section 1601. Retirement Contract. The contract ~~heretofore previously~~ entered into with the Board of Administration of the State Public Employees' Retirement System may be terminated by the City only under authority granted by ordinance adopted by a majority vote of the electors of the City ~~of Compton.~~

Section 1701. State of ~~Extreme~~ Emergency. During the existence of any national or local emergency created by military attack or sabotage, or in the providing for adequate national or local defense, or upon the occasion of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, earthquake, or other disaster, the City Manager is hereby authorized to take such action as is deemed by him necessary to safeguard life, health or property notwithstanding any other provision of this Charter. During the existence of any such emergency the responsible city officer may comply with any lawful federal or state law, order or regulation, notwithstanding any conflict which may exist between such law, order or regulation and the provisions of this Charter, in safeguarding life, health or property in the City. At the first meeting of the City Council following the commencement of any such emergency, or the taking of any action under this section, the City Council shall review the situation and its findings as to the existence of such emergency or the need for any further action of an emergency nature and contrary to any provision of this Charter, shall be final and conclusive.

Section 1702. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine ~~of not exceeding One Thousand (\$1,000) Dollars or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.~~ or term of imprisonment, or both, authorized by state law for the punishment of misdemeanor crimes.

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
169397	12/09/8	ASAP Sign Company	Monument signs/lighting	\$61,361.40

Requested By: City Manager

169459	12/09/08	Pacific Coast Waste and Recycling	Waste management services residential/commercial for November, 2008	\$652,471.75
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Requested By: Water Dept.

I hereby certify that the above demands in the amount of \$714,833.15 were approved at a regular meeting of the City Council and reject _____ as of December 16, 2008.

Council Member_____
Council Member_____
City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on December 16, 2008 allowed the above demand.

Alita Godwin
City Clerk

#16.

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
169508	12/10/08	University Park Campus	General Plan Update	\$30,000.00

Requested By: Economic Development

I hereby certify that the above demand in the amount of \$30,000.00 was approved at a regular meeting of the City Council and reject _____ as of December 16, 2008.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on December 16, 2008 allowed the above demand.

Alita Godwin
City Clerk