

**MEETING DATE:** 07/11/11

**AGENDA ITEM:** 1) Adoption of an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 2) Adoption of an Ordinance Amending CCMC Section 9.10.040 to Designate the Public Works Director as the Person Responsible for Street and Parkway Trees Including the Removal of Trees with an Appeal to the PRCS Commission; and 3) Adoption of an Ordinance Amending CCMC Section 7.01.230.B.2 Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions.

**ATTACHMENTS**

|                                                                                        | <u>Pages</u> |
|----------------------------------------------------------------------------------------|--------------|
| (1) Proposed Ordinance amending CCMC Chapter 3.03 relating to Commissions and Agencies | 1-11         |
| (2) Proposed Ordinance amending CCMC Section 7.01.230.B.2                              | 12-13        |
| (3) Proposed Ordinance amending CCMC Section 9.10.040                                  | 14-18        |

## ORDINANCE NO. 2011-\_\_\_\_

AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA, REPEALING AND REPLACING CHAPTER  
3.03 OF THE CULVER CITY MUNICIPAL CODE RELATING  
TO CITY COMMISSIONS AND AGENCIES.

WHEREAS, a new Charter was adopted by the Culver City voters on April 11, 2006 and became effective on July 1, 2006; and,

WHEREAS, among several significant changes to be implemented by the new Charter, Section 1100 authorizes the City Council, by ordinance, to establish and abolish commissions and boards as it may determine to be necessary for the effective and efficient governance of the City, and Section 2005 of the new Charter allows the City Council to alter the structure, membership and duties of commissions, boards and committees; and,

WHEREAS, the City Council has reviewed the City's Commissions in light of the new Charter, the City's existing ordinances, resolutions and policies, as well as discussions at a February 2007 facilitated meeting with the City Council and several of the City's Commissioners and over three years of meetings held between a City Council Subcommittee, Commission appointed subcommittees, staff, and consultants; and,

WHEREAS, after reviewing the provisions of the new Charter along with the existing provisions of the Culver City Municipal Code (CCMC), incorporating ideas from the facilitated meeting and multiple meetings with the various Subcommittees held over a period of more than three years, and reviewing the City's past practices as well as practices in other cities, the City Council has determined that amendments to Chapter 3.03 of the CCMC relating to Commissions are necessary for the effective and efficient governance of the City.

NOW, THEREFORE, the City Council of the City of Culver City, California,  
DOES HEREBY ORDAIN, as follows:

**SECTION 1.** Chapter 3.03 of the Culver City Municipal Code is hereby repealed and replaced to read as follows:

**CHAPTER 3.03: COMMISSIONS AND AGENCIES**

***General Provisions***

§ 3.03.005 Creation; composition; eligibility; compensation

§ 3.03.010 Terms of members

§ 3.03.015 Term limits

§ 3.03.020 Removal; Forfeiture of membership

§ 3.03.025 Meetings; meeting place; quorum; minutes

§ 3.03.030 Compliance with applicable laws

§ 3.03.035 City Council Retains Jurisdiction

***Civil Service Commission***

§ 3.03.100 Powers and duties

***Cultural Affairs Commission***

§ 3.03.200 Powers and duties

***Parks and Recreation Commission***

§ 3.03.300 Powers and duties

***Planning Commission***

§ 3.03.400 Powers and duties

§ 3.03.405 Board of Zoning Adjustment

***Redevelopment Agency***

§ 3.03.500 Necessity declared; authority

§ 3.03.505 Agency designated; powers and duties

§ 3.03.510 Term limits

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## GENERAL PROVISIONS

### **§ 3.03.005 CREATION; COMPOSITION; ELIGIBILITY; COMPENSATION.**

There shall be a Civil Service Commission, Cultural Affairs Commission, Parks, Recreation, and Community Services Commission, and Planning Commission, each consisting of five members to be appointed by the City Council. Commissioners shall be residents of the City who are lawfully registered voters of the City, none of whom shall hold any paid office or employment in the City Government. Applicants for appointment to any Commission seat must have been lawfully registered voters of the City for the 30 days immediately preceding the filing of their application. No person may serve on more than one Commission at the same time. Compensation of Commissioners, if any, may be established by resolution of the City Council.

### **§ 3.03.010 TERMS OF MEMBERS.**

Members of the Commissions shall generally serve for a term of four years and until their respective successors are appointed and qualified. The terms of at least one and not more than two members shall expire on July 1st of each succeeding odd-numbered year, and any appointment to fill an unexpired term shall be for such unexpired period only. The City Council may determine to appoint persons to the Commissions for terms less than four years for purposes of creating staggered terms or for any other reason determined by the City Council.

### **§ 3.03.015 TERM LIMITS.**

A. No person shall serve more than two consecutive full terms as Commissioner on any one Commission. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision.

1 B. Nothing in this provision shall act as a bar to service as a  
2 Commissioner on the same Commission after at least two years have  
3 elapsed from the last full term as Commissioner.

4 C. A Commissioner who has served two consecutive full terms as  
5 a Commissioner on one Commission may serve on a different Commission  
6 without waiting the required two-year period provided for in this Section.

7 **§ 3.03.020 REMOVAL; FORFEITURE OF MEMBERSHIP.**

8 A. Commissioners serve at the pleasure of the City Council and  
9 may be removed at any time by a majority vote of the Council.

10 B. The grounds for forfeiture of the seat of a Commissioner are the  
11 following:

12 1. The Commissioner is convicted of a felony or a crime  
13 involving moral turpitude; or

14 2. The Commissioner ceases to be a resident and lawfully  
15 registered voter of the City.

16 Upon request of the affected Commissioner whose seat has been  
17 forfeited, the City Council shall hold a public hearing during which the City  
18 Council shall consider declaring the seat vacant. The conclusion of the City  
19 Council shall be at the City Council's sole discretion and shall be final. In the  
20 absence of such a request and notwithstanding the provisions of Section  
21 3.03.005 hereof, after the occurrence of any of the foregoing events, the seat  
22 of the Commissioner may be declared vacant by the City Council by a vote of  
23 at least three of its members

24 **§ 3.03.025 MEETINGS; MEETING PLACE; QUORUM; MINUTES.**

25 A. **Meetings.** Each Commission shall meet on an as-needed  
26 basis as determined in the sole discretion of the City Manager or duly  
27 authorized designee. Meetings shall at all times be open to the public and  
28 shall be held in the Council Chambers except when such Chambers are

1 required for any meeting of the City Council or when the Commission  
2 determines that a meeting should be held in a different location due to the  
3 subject matter being considered, in which case another room or public place  
4 within the City limits may be used.

5 B. ***Change of Meeting Place.*** Notice of change in meeting place  
6 shall be posted on the front door of the Council Chambers.

7 C. ***Quorum.*** A majority of the members of the Commission shall  
8 constitute a quorum.

9 D. ***Minutes.*** Commission minutes shall be kept in accordance with  
10 City Council policy.

11 **§ 3.03.030 COMPLIANCE WITH APPLICABLE LAWS.**

12 Commissioners shall comply with all applicable laws and City Council  
13 policies.

14 **§ 3.03.035 CITY COUNCIL RETAINS JURISDICTION**

15 Unless prohibited by applicable federal or state law or the City Charter,  
16 notwithstanding any other provisions of this Code, or where final decision  
17 making authority has been delegated by the City Council to another person or  
18 body, the City Council retains jurisdiction on all items which may otherwise be  
19 considered by the various Commissions. Either the City Council or the City  
20 Manager, in their sole discretion, may determine to have any item heard  
21 directly by the City Council.

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23 **CIVIL SERVICE COMMISSION**

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25 **§ 3.03.100 POWERS AND DUTIES.**

26 The Civil Service Commission shall have the following powers and  
27 duties:  
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1                   A.     Act in an advisory capacity to the City Council on matters  
2                   pertaining to the Civil Service System;

3                   B.     Hear appeals or grievances of any officer or employee  
4                   under the Civil Service System who is suspended, demoted or  
5                   removed and report in writing its findings and conclusions;

6                   C.     Examine witnesses under oath and compel their  
7                   attendance or the production of evidence before it by subpoenas  
8                   issued in the name of the City and attested by the City Clerk; and

9                   D.     Recommend new or amended Civil Service Rules  
10                  consistent with the City Charter and Civil Service System, holding  
11                  public hearings thereon before presentation to City Council for  
12                  approval.

13                  E.     Periodically, at the discretion of the City Council, make a  
14                  study of salaries being paid by other public and private agencies, in  
15                  order to ascertain whether the salaries being paid City employees for  
16                  similar work are comparable, fair and reasonable and make  
17                  recommendations with respect thereto to the City Council;

18                  F.     Perform such other duties with respect to the Civil  
19                  Service System, not inconsistent with the City Charter or this Code, as  
20                  may be prescribed by ordinance, resolution, City Council policy or  
21                  other City Council action.

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23                               **CULTURAL AFFAIRS COMMISSION**

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25                   **§ 3.03.200   POWERS AND DUTIES.**

26                   The Cultural Affairs Commission shall have the following powers and  
27                   duties:  
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1                   A.     Act in an advisory capacity to the City Council on matters  
2                   pertaining to the enrichment of the community through fine arts, visual  
3                   arts, performing arts, arts education, historic preservation and cultural  
4                   issues;

5                   B.     Serve as an advocate for cultural activities and programs  
6                   within the City;

7                   C.     Implement the City's Public Art Program, and encourage  
8                   the integration of cultural affairs into the social and economic fabric of  
9                   the City to improve the quality of life for City residents; and

10                  D.     Perform such other duties, not inconsistent with the City  
11                  Charter or this Code, as may be prescribed by ordinance, resolution,  
12                  City Council policy or other City Council action.

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14                   **PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION**

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16                   **§ 3.03.300   POWERS AND DUTIES.**

17                   The Parks, Recreation, and Community Services Commission shall  
18                   have the following powers and duties:

19                   A.     Act in an advisory capacity to the City Council and City  
20                   Manager on matters pertaining to public recreation, parks,  
21                   recreation/community center facilities, open space and tree programs,  
22                   where such trees are located in parks and open space, playgrounds,  
23                   and music and entertainment as may from time to time be performed  
24                   in the City's parks;

25                   B.     At the direction of the City Council or the City Manager,  
26                   assist staff assigned to review the requirements of the City for facilities  
27                   relating to the functions set forth in Subsection A, and to make  
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1 recommendations related to the adoption and updating of City master  
2 plans relating to parks, recreation, and open space;

3  
4 C. At the direction of the City Council or the City Manager,  
5 recommend programs and plans designed to promote the full  
6 acceptance of all citizens in all aspects of community life, without  
7 regard to race, religion, gender, sexual orientation, age, or national  
8 origin;

9 D. At the direction of the City Council or the City Manager,  
10 recommend and support program policies relating to various  
11 community service functions of the City, including, but not limited to,  
12 programs for youth, teens, seniors, and people with special needs;

13 E. At the direction of the City Council or the City Manager,  
14 balance program and project recommendations by applying realistic  
15 expectations of budgetary and staffing resources, environmental  
16 sustainability, neighborhood compatibility, and other relevant factors.;  
17 and

18 F. Perform such other duties, not inconsistent with the City  
19 Charter or this Code, as may be prescribed by ordinance, resolution,  
20 City Council policy or other City Council action.

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22 **PLANNING COMMISSION**

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24 **§ 3.03.400 POWERS AND DUTIES.**

25 The Planning Commission shall have the following powers and duties:

26 A. After a public hearing thereon, recommend to the City  
27 Council the adoption, amendment or repeal of the General Plan, or  
28 any part thereof, for the physical development of the City;

1 B. Exercise such control over zoning, land subdivisions and  
2 building as is granted to it by the City Council and by the laws of the  
3 State of California;

4 C. Make recommendations concerning proposed public  
5 works and for the clearance and rebuilding of blighted or substandard  
6 areas within the City and public improvement in general;

7 D. Upon the direction of the City Council, issue Orders to  
8 Show Cause why use permits, exceptions or variances granted should  
9 not be revoked for violation and to hold necessary hearings,  
10 transmitting findings and recommendations to City Council. A person  
11 aggrieved by the action of the Commission may appeal to the City  
12 Council by filing a notice of appeal in accordance with the appeal  
13 procedures and within the time limits set forth in Chapter 17.640 of this  
14 Code; and

15 E. Perform such other duties, not inconsistent with the City  
16 Charter or this Code, as may be prescribed by ordinance, resolution,  
17 City Council Policy or other City Council action.

18 **§ 3.03.405 BOARD OF ZONING ADJUSTMENT.**

19 A. The Planning Commission shall appoint two (2) of its members  
20 to act as a Board of Zoning Adjustment. The duties of said Board shall  
21 include the following:

22 1. To hear appeals involving error in any order,  
23 requirement, or determination by any City official in the administration  
24 of Title 17 of this Code (the "Zoning Code").

25 2. To perform such other duties as may be prescribed by  
26 ordinance, resolution or City Council policy.

27 B. In the event any applicant, City official or interested person is  
28 aggrieved by a determination of the Board of Zoning Adjustment, an appeal

1 therefrom may be taken, in writing, to the Planning Commission as a whole,  
2 in accordance with the appeal procedures and within the time limits set forth  
3 in Chapter 17.640 of the Zoning Code. The Board may refer such matters to  
4 the Planning Commission, as a whole, as it deems advisable.

## 5 6 **REDEVELOPMENT AGENCY**

### 7 8 **§ 3.03.500 NECESSITY DECLARED; AUTHORITY.**

9 It is hereby found and declared, pursuant to Section 33101 of the  
10 Community Redevelopment Law, that there is a need for the redevelopment  
11 agency created by Section 33100 of said Law to function in the City of Culver  
12 City and said agency is hereby authorized to transact business and exercise  
13 its powers under the Community Redevelopment Law.

### 14 **§ 3.03.505 AGENCY DESIGNATED; POWERS AND DUTIES.**

15 The City Council of the City of Culver City, California hereby declares  
16 itself to be the redevelopment agency to be known as Culver City  
17 Redevelopment Agency and that all rights, powers, duties, privileges and  
18 immunities vested by the Community Redevelopment Law in such agency  
19 shall be, and are, vested in this body.

### 20 **§ 3.03.510 TERM LIMITS.**

21 A. No person shall serve more than two consecutive full terms on  
22 the Redevelopment Agency. If a person serves a partial term in excess of  
23 two years, it shall be considered a full term for the purpose of this provision.

24 B. Nothing in this provision shall act as a bar to service on the  
25 Redevelopment Agency after at least two years have elapsed from the last  
26 full term.

**SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

**SECTION 3.** The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

MICHEÁL O'LEARY, Mayor  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE City Clerk

A11-00254

CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2011-\_\_

AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA, AMENDING SECTION 7.01.230.B.2 OF THE  
CULVER CITY MUNICIPAL CODE PERTAINING TO  
EXEMPTION OF VEHICLES FROM PARKING OR  
STANDING PROVISIONS.

WHEREAS, as part of the Phase 2 implementation of the new City Charter,  
the City Council reviewed the roles and duties of City Commissions and Boards, including  
existing provisions of the Culver City Municipal Code and City Council policies; and

WHEREAS, after reviewing City Council Policy Statement Number 3003  
relating to the issuance of City parking decals, the City Council determined that, effective  
June 30, 2011, certain positions and organizations should no longer receive parking decals  
as authorized by Section 7.01.230.B.2 of the Culver City Municipal Code.

NOW, THEREFORE, the City Council of the City of Culver City, California,  
DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Section 7.01.230.B.2 of the Culver City Municipal Code is  
hereby amended to read as follows:

B. The provisions of this Chapter regulating the parking or standing or  
vehicles shall not apply to:

2. Any vehicle displaying a valid permit issued by the City  
Manager under the authority of City Council Policy 3303, as that policy may  
be amended from time to time, provided that said permit is displayed and  
used consistent with such City Council Policy.

**SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

**SECTION 3.** The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

MICHEÁL O'LEARY, Mayor  
City of Culver City, California

ATTEST:

~~APPROVED AS TO FORM:~~

MARTIN R. COLE City Clerk

CAROL A. SCHWAB, City Attorney

A11-00257

## ORDINANCE NO. 2011-\_\_

AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA, AMENDING SECTION 9.10.040 OF THE  
CULVER CITY MUNICIPAL CODE RELATING TO THE  
REMOVAL OF STREET OR PARKWAY TREES.

WHEREAS, the City Council desires to designate the Public Works Director,  
or his or her designee, as the person responsible for pruning, maintaining and removing  
street and parkway trees; and

WHEREAS, the existing provisions in Culver City Municipal Code Section  
9.10.040 gives certain authority to the Parks, Recreation and Community Services  
Commission for granting a permit for the removal of street and parkway trees; and

WHEREAS, amendments to the Culver City Municipal Code are necessary to  
designate the Public Works Director with the authority for the granting of such permits with  
the right to an appeal resting with the Parks, Recreation and Community Services  
Commission.

NOW, THEREFORE, the City of Culver City, California, DOES HEREBY  
ORDAIN AS FOLLOWS:

**SECTION 1.** Section 9.10.040 of the Culver City Municipal Code is hereby  
amended to read as follows:

**§ 9.10.040 REMOVAL OF STREET OR PARKWAY TREES; PERMIT  
REQUIREMENTS.**

Notwithstanding §§ 9.10.030 and 9.10.035 above:

A. A person may remove a tree within a public right-of-way  
if a permit is first obtained from the Public Works Director, or his or her  
designee.

B. A written application for a permit shall be submitted to  
the Public Works Director. The application shall state the name and

1 address of the applicant, the location of the tree, reasons for the  
2 request, and any other information required by the Public Works  
3 Director, and shall be accompanied by a fee, as established by City  
4 Council resolution.

5 C. The Public Works Director, after the completed  
6 application is filed, shall review the application and supporting  
7 documentation to determine whether to issue the permit for removal of  
8 street or parkway trees. In determining whether a tree may be  
9 removed/replaced, the Public Works Director shall consider, amongst  
10 other things, the following:

11 1. The applicant bears the burden of proof to prove  
12 the reasons for removal of a tree by a preponderance of evidence;

13 2. Whether the tree or trees pose a potential for  
14 safety problems despite a sound maintenance program;

15 3. Whether the roots from adjacent parkway trees  
16 are interfering with sewers or utility lines servicing the abutting property  
17 to the extent that the property owner requires frequent repairs of  
18 sewers or utility lines (Damage to sewers alone, however, does not  
19 constitute major damage);

20 4. Whether the tree is dead, dying or incurably  
21 diseased;

22 5. Whether the tree is diseased and weakened by  
23 age, storm, fire or other injuries so as to pose a danger to persons,  
24 properties, improvements and other trees;

25 6. Whether the tree(s) is of an undesirable species;

26 7. Whether the tree poses a hardship to the adjacent  
27 property owner such as, but not limited to, damage to the foundation of  
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1 house or garage, or in the case of a handicapped person, special  
2 circumstances which cause the location of the tree, or evenness of  
3 pavement to become a hindrance for vehicle or handicapped access;

4 8. Whether removal is necessary for construction of  
5 a street improvement project or other public improvement/repair work;

6 9. The applicant must show by demonstrable  
7 evidence that the alleged damage to private property is at least Five  
8 Thousand Dollars (\$5,000.00) and is caused by the tree for which  
9 removal is sought (examples would be but not limited to engineering or  
10 architectural reports, photographs, estimates of repair); and

11 10. The Public Works Director must, in his or her  
12 decision, declare whether costs of alternatives to removal of the tree  
13 are reasonable and the basis for their evaluation of alternatives.

14 D. The Public Works Director's decision shall become final  
15 within five (5) City business days unless an appeal has been filed by  
16 the applicant or a City official with the City Clerk for a hearing before  
17 the Parks, Recreation and Community Services Commission. Such  
18 appeal shall be submitted in writing, shall state the reasons for the  
19 appeal and shall be accompanied by a fee, as established by City  
20 Council resolution.

21 E. The Parks, Recreation and Community Services  
22 Commission shall affirm the Public Works Director's decision, unless  
23 the appellant shows the decision is not supported by substantial  
24 evidence.

25 F. Any permit granted, whether by the Public Works  
26 Director or the Parks, Recreation and Community Services  
27 Commission, may include any or all of the following conditions:  
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1. The cost of removal shall be paid by the applicant;
2. The cost of replacement shall be paid by the applicant;
3. A determination as to the size and location of the replacement tree; and
4. Such other conditions as the Public Works Director or Commission deems appropriate.

G. In the case of an appeal of the decision of the Public Works Director, the decision of the Parks, Recreation and Community Services Commission shall be final.

**SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

**SECTION 3.** The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently

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1 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases  
2 or words of this ordinance and as such they shall remain in full force and effect.

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4 APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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8 MICHEÁL O'LEARY, Mayor  
City of Culver City, California

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10 ATTEST:

APPROVED AS TO FORM:

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13 \_\_\_\_\_  
MARTIN R. COLE, City Clerk

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CAROL A. SCHWAB, City Attorney

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