



## **Article 2 City Administration**

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## **Chapter 2.1 Introduction to Article 2**

### **2.1.10 Purpose of this Article**

The purpose of this Article is to establish the governance and administration of the City of La Habra Heights.



## **Chapter 2.2 City Offices**

### **2.2.10 Purpose of this Chapter**

The purpose of this Chapter is to establish the time and place for the conduct of City business.

### **2.2.20 Hours of City Business**

The City offices shall be open to the public for business as specified by resolution of the City Council of La Habra Heights.

### **2.2.30 Location of City Offices**

City offices shall be located within the jurisdictional boundaries of the City of La Habra Heights.



## Chapter 2.3 City Council

### 2.3.10 Purpose of this Chapter

The purpose of this Chapter is to establish the organization and operation of the *City Council*.

### 2.3.20 Officers and Duties of the City Council

The City Council will consist of the following offices.

- A. **Mayor.** The Mayor is a member of the City Council and is annually selected by a majority vote of the City Council at their April regular meeting or in an election year upon certification of the election results. As a member of the City Council, the Mayor shall have all of the powers of a City Council member. Additionally, the Mayor shall represent the City Council in the preparation of agendas, serve as the presiding officer at City Council meetings, authorize certain financial transactions (as specified herein) and function as the City Council's spokesperson.
- B. **Mayor Pro Tem.** The Mayor Pro Tem shall be selected by a majority vote of the City Council at the same meeting at which the Mayor is selected. The Mayor Pro Tem shall assist the Mayor in the performance of duties and serve as a presiding officer in the Mayor's absence.
- C. **Members.** The City Council shall consist of five (5) members including the Mayor and Mayor Pro Tem. The City Council members shall be residents of the City of La Habra Heights and may not hold any paid position for the City of La Habra Heights or otherwise be employed by the City.
- D. **Council Delegate Appointments.** At the May City Council meeting, or the first meeting following the selection of the Mayor, the Mayor shall propose City Council members to serve on various committees that require a City Council representative or delegate. These appointments shall become effective upon their approval by the City Council.
- E. **Appointments to Planning Commission.** Each member of the City Council shall appoint a member of the Planning Commission. The whole Council shall appoint an alternate by majority approval.
- F. **Prioritization of Goals and Objectives.** On an annual basis consistent with the fiscal year budget, the City Council may prioritize goals and objectives for the Planning Commission and other commissions and committees for the following year.

### 2.3.30 Date of Municipal General Election

Except as otherwise provided in this Municipal Code, elections in the City of La Habra Heights will be conducted pursuant to the California Elections Code. The electorate of the City of La Habra Heights shall elect City Council members in a general election every two (2) years. The elections shall be held on the first Tuesday following the first Monday in March, of each odd-numbered year.

### 2.3.40 Term of Office

The following requirements are applicable to the City Council members' terms of office:

- A. **Regular Term of Office.** City Council members' term of office will be four (4) years.
- B. **Staggered Terms of Office.** The initiation and expiration of three (3) City Council members' terms of office shall be separated by two (2) years from the other two (2) City Council members'



terms of office.

- C. **Premature Vacation of City Council Office.** The City Council shall, by majority vote, appoint a replacement City Council member for any City Council office that is vacated prior to the end of its term. The City Council shall appoint any replacement within 30-days of the vacation of office at a City Council meeting. The term of office for the replacement City Council member shall be limited to the remaining term of office of the original City Council member that vacated the office. This Subsection (2.3.40.C) does not apply to recalls.

### **2.3.50 General Rules for City Council Meetings**

The following rules are applicable to the conduct of City Council meetings.

- A. **Meeting Times.** Regular meetings will be held on the second Thursday of each month. Other than closed sessions that may begin at anytime, all regular meetings will convene at a regular time as set by City Council resolution unless noticed for a different time or on the next succeeding business day that is not an official holiday. Any meeting of the City Council may be adjourned to a later date, place, and time, provided that no adjournment is to a date later than that of the next regularly scheduled meeting. Special meetings may be called by the Mayor or by a majority vote of the City Council members.
- B. **Open Meetings.** Except for closed sessions, all meetings of the City Council shall be open to the public and media and may be recorded by tape, radio, television, or photography, provided that such recordings do not interfere with the orderly conduct of the meeting.
- C. **Quorum.** Three (3) members of the City Council shall constitute a quorum necessary to conduct normal business. In the event a quorum is not in attendance, the City Clerk will adjourn the meeting to a set date and time.
- D. **City Staff Attendance at City Council Meetings.** The following City staff are required to attend City Council meetings:
  - 1. The City Manager, unless excused, shall attend all City Council meetings.
  - 2. The City Attorney, unless excused, shall attend all City Council meetings. The City Attorney, upon request, shall give opinions, either written or oral, on questions of law and shall act as the City Council's parliamentarian.
  - 3. The City Clerk, unless excused, shall attend all City Council meetings. The City Clerk shall record, prepare, and maintain the minutes of the City Council and perform other related duties as prescribed by the City Council.
  - 4. Department heads and other City employees, as directed by the City Manager, shall attend City Council meetings.
- E. **Other Rules.** Other applicable general rules of conduct for City Council meetings are identified in Chapter 2.5.

### **2.3.60 Adoption of City Ordinances, Resolutions, and Orders for Payment**

This Section establishes the procedures for the preparation, consideration and adoption of ordinances.

- A. **Preparation of Ordinance.** All draft ordinances must be reviewed by the City Attorney prior to submittal to the City Council.



- B. **Ordinance Introduction and Adoption.** A proposed ordinance will be read by title only unless a City Council member disagrees and the majority of the City Council orders a full reading. Ordinances introduced by first reading shall not be adopted within five (5) days of the introduction nor at other than a regular or an adjourned regular City Council meeting. After an Ordinance has been introduced for first reading, it can be placed on the *Consent Calendar* for adoption at a subsequent regular meeting. If the ordinance carries an urgency clause, introduction and adoption may occur at the same meeting.
- C. **Majority Vote Required.** An affirmative vote of a quorum shall be necessary to adopt an ordinance, a resolution, or an order for the payment of money. Motions and matters other than ordinances, resolutions, and orders for the payment of money may be adopted by a majority vote of the quorum. An Urgency Ordinance must be adopted by at least a four-fifths (4/5) vote of the City Council.
- D. **Ordinance Preservation.** Following adoption of an ordinance, the City Clerk will assign it a number and post it in the manner required by law. All ordinances will be filed and maintained by the City Clerk.



## Chapter 2.4 Commissions and Other Committees

### 2.4.10 Purpose of this Chapter

The purpose of this Chapter is to provide for the establishment, organization, and conduct of City commissions and committees.

### 2.4.20 Planning Commission

The City of La Habra Heights Planning Commission is established in accordance with the Planning, Zoning, and Development Laws (PZDL) of the State of California.

- A. **Responsibilities of the Planning Commission.** The Planning Commission shall exercise all of the powers, duties, rights, privileges and authorities provided in this Chapter.
- B. **Organization of the Planning Commission.** The City Council shall select the Chairperson and the Vice-Chairperson of the Planning Commission. The Planning Commission may appoint from among its members other officers as may be necessary for the administration of Planning Commission business. The Planning Commission shall adopt rules and regulations for the conduct of its business and shall keep a record of minutes, resolutions, actions, findings, and determinations that shall be filed with the City Clerk.
- C. **Planning Commission Members and Appointments.** The Planning Commission shall be comprised of five (5) members and one (1) alternate who must be residents of the City. The alternate shall serve as an active member of the Planning Commission but shall not vote unless one (1) regular member is absent or abstains from voting, in which case, the alternate shall have the same voting power as a regular member. Each member of the City Council shall appoint one Planning Commission member. The City Council as a whole shall appoint the alternate. Appointments of Planning Commission members shall be announced and appointments of an alternate shall be made at a regular City Council meeting typically following the general City Council election. No Planning Commissioner shall hold any paid position in the City of La Habra Heights or otherwise be employed by the City.
- D. **Planning Commission Terms of Office.** Planning Commission members shall be appointed after the appointing City Council member takes office. Members shall hold office until a successor has been appointed. Should a Planning Commission vacancy occur for any reason, an appointment shall be made for the un-expired portion of the term.
- E. **Planning Commission Removal from Office.** A Planning Commissioner may be removed by the appointing City Council member or by any successor to that Council member at any time. Any Planning Commission member may also be removed, with or without cause, by an action of the City Council by a four-fifths (4/5) vote. The Alternate may be removed with or without cause by an action of the City Council by a quorum vote. Any Planning Commissioner or alternate who is absent from three (3) consecutive regular meetings of the Planning Commission, unless excused by the Presiding Officer, shall automatically forfeit the position as a Planning Commission member.
- F. **Planning Commission Meetings.** Regular meetings of the Planning Commission shall be held on the fourth Tuesday of each calendar month, at 7:00 p.m., or on the next succeeding business day that is not an official City holiday. Meeting dates may be changed by a resolution adopted by the Planning Commission and approved by the City Council.





G. **City Staff Attendance at Planning Commission Meetings.** The following City staff are required to attend Planning Commission meetings:

1. The Community Development Director, unless excused, shall attend all Planning Commission meetings.
2. The City Attorney or Assistant City Attorney, unless excused, shall attend all meetings of the Planning Commission and shall, upon request, give opinions either written or oral on questions of law and shall act as the Commission's parliamentarian.
3. The *Planning Commission Secretary*, unless excused, shall attend all meetings of the Commission and record, prepare, and maintain the minutes of the Planning Commission and perform other related duties.
4. Department heads and other City employees, as directed by the City Manager, shall attend Planning Commission meetings.

H. **Other Rules.** Other applicable rules of conduct for Planning Commission meetings are identified in Chapter 2.5.

### **2.4.30 Special Advisory Committees**

The City Manager may establish special advisory committees. In certain instances, the City Council may establish a special committee. These special committees will be established for a specific purpose and for a specified period of time. Other requirements governing the establishment and conduct of these special committees include the following.

- A. **Duties of Committees.** Special committees shall be established as advisory bodies to assist the City and City Manager in fact-finding and for the purpose of recommending or implementing City policy.
- B. **Organization of the Committees.** The composition of committee membership will be determined by the City Manager unless established by the City Council.
- C. **Terms of Office and Removal.** Any vacancies in the committee shall be filled by appointment by the City Manager.
- D. **Meetings.** The committee, with the approval of the City Manager, will be responsible for the time and location of the committee meetings.



## Chapter 2.5 Meeting Rules and Conduct

### 2.5.10 Purpose of this Chapter

This Chapter establishes the procedures and rules of decorum regarding the conduct of all *public meetings*.

### 2.5.20 Agendas

An agenda shall be prepared and made available prior to the public meeting in accordance with the applicable regulations.

### 2.5.30 Rules Governing Public Meetings

This section identifies rules governing the conduct of all public meetings.

- A. **Rules of Order.** The Robert's Rules of Order shall govern the proceedings of all public meetings. However, no ordinance, resolution, proceeding or other action will be invalidated, or its legality affected, by the failure or omission to observe or follow said rules. The City of La Habra Heights *Rules of Decorum* shall apply to all public meetings.
- B. **Presiding Officer.** All public meetings shall have a presiding officer. The Mayor shall serve as the presiding officer at all City Council meetings. In the absence of the Mayor, the Mayor Pro Tem shall serve as the presiding officer.
- C. **Voting.** Voting at public meetings shall be conducted pursuant to Robert's Rules of Order.
- D. **Continuance of an Item.** Any member of a legislative body may request to continue an item (not subject to a deadline) to an agreed upon meeting. This continuance may only be approved by a majority vote. Any member of the public may request a continuance of an item and the City Council or Planning Commission may, by a majority vote, grant the requested continuance.
- E. **Open Government.** The provisions of the Brown Act shall be adhered to where applicable. All public meetings (except for authorized closed sessions of the City Council or Planning Commission) shall be open to media and may be recorded by tape, radio, television, or photography, provided such recordings do not interfere with the orderly conduct of the meetings.
- F. **Quorum.** A quorum is necessary to transact business at a public meeting. In the event a quorum is not in attendance, the meeting may be adjourned to a set date and time or may be conducted as a "committee of the whole", but no action may be taken without a quorum present.
- G. **Minutes of Proceedings.** An account of all public meeting proceedings, where appropriate, shall be recorded and entered into the official minute books of the City.



## Chapter 2.6 City Manager

### 2.6.10 Purpose of this Chapter

The purpose of this Chapter is to establish the duties and conduct of the office of the City Manager.

### 2.6.20 Duties of the Office of the City Manager

The City Manager shall serve as the administrative head of the City of La Habra Heights under the direction and control of the City Council. The City Manager shall be responsible for the administration of all affairs of the City.

- A. **City Manager as Chief Executive and City Administrator.** The City Manager shall exercise control over and supervise all departments and divisions of the City Government, including but not limited to:
1. The supervision of all public buildings, streets, and other public property that are under the control and jurisdiction of the City Council.
  2. The coordination and activities of all City departments and staff and personnel that provide services on a contract basis.
  3. The initiation of contracts, agreements and other written obligations on behalf of the City, including those that require City Council approval.
- B. **City Manager Duties.** The duties of the City Manager shall include the following.
1. The City Manager shall keep the City Council fully apprised as to the financial conditions and needs of the City, shall oversee the preparation of reports and recommendations as requested by City Council, and ensure the performance of other duties specified by the City Council.
  2. The City Manager shall be responsible the preparation and administration of the City's annual budget.
  3. The City Manager shall administer the City's personnel system including, but not limited to, the development of personnel rules, hiring and discipline, employee evaluations, and management of contract personnel. The City Manager shall administer all personnel policies except for those specifically reserved to the City Council.
  4. The City Manager, when acting in the capacity of City Clerk, shall be responsible for the maintenance of the official records of the City of La Habra Heights, the publication of all legal notices, the maintenance of election records and property used in connection with elections, the publication of appointments to all commissions and committees, the administration of oaths or affirmations, the certification of affidavits and depositions and the receipt of all claims against the City.
  5. The City Manager shall perform such additional duties as are prescribed by ordinance or the City Council.
  6. The City Manager shall conduct his duties without interference from the City Council in the day-to-day operation of the City.



### **2.6.30 Appointment, Removal and Compensation of City Manager**

The City Manager shall be appointed by the City Council solely on the basis of executive and administrative qualifications and ability and shall hold office at the pleasure of the City Council. No person elected to membership on the City Council shall, subsequent to such election, be eligible for appointment as City Manager until one (1) year has elapsed after leaving the City Council. The following conditions shall apply to the office of City Manager:

- A. **Absence of City Manager.** In the case of a short absence or disability of the City Manager, the City Manager designee or Assistant City Manager shall perform the duties of the City Manager.
- B. **Removal of City Manager.** The City Council shall appoint the City Manager for an indefinite term and the City Manager may be removed by three members of the City Council. The removal need not be for cause. The City Council may suspend the City Manager from duty but shall, in any case, cause to be paid any unpaid balance of the City Manager's monthly salary during such suspension. Within thirty (30) days of the suspension, the City Council shall provide for either the dismissal or reinstatement of the City Manager.
- C. **Removal After Municipal Election.** The City Manager may not be removed from office within a period of ninety (90) days succeeding any general municipal election held at which a new member of the City Council is elected unless such removal is for good cause. After the expiration of the ninety (90) day period, the provisions of the preceding section (2.6.30.B) will apply.
- D. **Compensation.** The City Manager shall receive such compensation as determined by the City Council and as reflected in the employment contract. The terms of the employment contract may be modified by written agreement of the City Council and City Manager.
- E. **Bond.** The City Manager shall furnish a corporate surety bond approved by the City Council. The fee for such surety bond shall be the responsibility of the City.



## Chapter 2.7 City Personnel System

### 2.7.10 Purpose of this Chapter

The purpose of this Chapter is to establish the personnel system for the City of La Habra Heights.

### 2.7.20 Unclassified Service

Persons in *Unclassified Service* have no property right in their position and serve at the pleasure of the appointing authority and may be terminated or demoted without cause or notice. The *Unclassified Service* positions include all offices and positions noted in this section.

1. City Manager/City Clerk, the City Treasurer, the City Attorney, the Fire Chief, and Department heads.
2. Members of appointed commissions and committees.
3. Persons engaged as contractors to provide expert, professional, technical, internship or any other service and retained pursuant to an employment agreement.
4. Persons retained under contract on a temporary, seasonal, emergency or casual basis.
5. Volunteers.
6. Persons not employed in *permanent positions*.
7. Any position primarily funded under a State or Federal employment program.

### 2.7.30 Classified Service

*Classified service* refers to persons regularly employed in permanent budgeted positions hired for an indefinite term and regularly scheduled to work not less than one thousand (1,000) hours per fiscal year. Classified employees must have successfully completed a probationary period. Classified employees include all offices, positions and employment in the service of the City except for those noted under Section 2.7.20.

### 2.7.40 Adoption and Amendment of Rules for Classified Employees

Personnel rules prepared by the City Manager shall be submitted for approval by the City Council. If approved, such rules shall be adopted or amended by City Council resolution. The personnel rules may establish policies and procedures governing the personnel system, including:

1. The preparation, installation, revision and maintenance of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each position;
2. The appropriate announcement of the selection process and acceptance of applications for employment;
3. The preparation and conduct of tests and the establishment and use of employment lists containing names of persons eligible for appointment in the classified service;
4. The certification and appointment of persons from employment lists, and the making of



provisional appointments;

5. The establishment of probationary periods;
6. The evaluation of employees during any probationary period;
7. The transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the classified service;
8. The separation of employees from City service;
9. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements;
10. The establishment of any necessary disciplinary appeal and grievance procedures; and
11. The establishment of vacation, sick leave and other leaves.

### **2.7.50 Appointments and Dismissal**

This Section indicates the rules governing appointment and dismissal procedures for Classified and Unclassified employees. Except for the positions of the City Manager, the City Attorney, and the City Treasurer, the appointing authority of employees is the City Manager.

- A. **Procedures for Classified Employees.** Appointments to positions in the classified service shall be made in accordance with the personnel rules. The City Manager shall have the authority to reprimand, reduce in pay, demote, suspend or terminate any regular classified employee for cause in accordance with procedures included in the personnel rules. The City Manager may delegate, in writing, the appointing authority to any other officer or employee of the City. The City Council shall have the sole authority to appoint the City Manager, the City Attorney, and the City Treasurer.
- B. **Procedures for Unclassified Employees.** The City Manager shall have the authority to hire unclassified employees at the direction of the City Council. The City Manager may delegate, in writing, the appointing authority to any other officer or employee of the City. Unclassified employees may be required to sign an employment contract that may terminate at will, by the City Manager.



## Chapter 2.8 City Finance and Accounting

### 2.8.10 Purpose of this Chapter

This Chapter establishes general procedures regarding City finance and accounting.

### 2.8.20 Payment and Method of Approval

Each *demand* shall be presented to the City Manager for written approval. All demands, whether approved or not, shall be forwarded by the City Manager to the City Council for review except as otherwise provided for in this Chapter.

### 2.8.30 Register of Demands

The following procedures apply to demands:

- A. **Warrant Register.** A register of all demands shall be submitted to the City Council prior to payment except as authorized by this Chapter. The warrant register shall specify for what purpose the demand is drawn and the fund from which it is to be paid.
- B. **Payroll and Budgeted Demands.** Payroll and budgeted demand warrants whose compensation has been previously fixed by the City Council need not be reviewed by the City Council prior to payment. Payrolls shall be presented to the City Council for ratification and approval at its first meeting after payment of the payroll warrants. Warrants of demands certified or approved by the City Manager as conforming to a budget approved by ordinance or resolution of the City Council, need not be reviewed by the City Council prior to payment. Budgeted demands paid prior to review by the City Council shall be stated on the register of demands separately from unpaid demands, and shall be presented to the City Council for ratification and approval at its first meeting after delivery of the warrants.
- C. **Disposition of Warrant.** If the City Council finds that any claim or demand is not a proper charge against the City, it shall be rejected. If any demand is determined to be a proper charge against the City, the same shall be allowed setting forth as to each demand, the name of the claimant, a brief statement of the demand, and the amount claimed. Any demand may be allowed in part and rejected in part by the City Council.
- D. **Approved and Allowed.** For any demand approved and allowed by the City Council, the Mayor or other authorized person shall sign the warrant upon the City Treasury for the claim that shall be countersigned by the City Manager. The warrant shall specify the purpose of the payment and from what fund the claim is to be paid. Warrants and checks drawn upon the City funds may be combined in one instrument.
- E. **Check Authorization.** For any demand approved and allowed by the City Council, the Mayor or other authorized person shall sign the check for the demand. The check shall be countersigned by the City Manager.
- F. **Payroll Checks.** The City Treasurer shall establish a separate payroll account on which all payroll checks shall be drawn. The payroll account shall be designated the "Payroll Revolving Fund" and shall be maintained and replenished out of the General Fund. All monies in this fund shall be expended exclusively for payroll purposes. Payroll checks shall only require the signature of the City Treasurer or City Manager. Before such payroll checks are issued, the Director of Finance shall certify, in writing, that the payroll is correct.
- G. **Sufficient Money in Treasury.** Except as otherwise provided, no warrant shall be paid until



there is sufficient money in the City treasury legally applicable to the payment of the demand.

## 2.8.40 Claims

The following procedures must be followed in the consideration and payment of *claims*:

- A. **Person to Present Claim.** No City officer shall, except for his own service, present any claim against the City, or in any way, except in the discharge of his official duty, and advocate for the relief asked for in the claim made by any other person. Any person may appear before the City Council and oppose the allowance of any claim made against the City.
- B. **Itemization Necessary.** The City Council shall not hear, consider, allow, or approve any claim against the City unless such claim is itemized.
- C. **Claims Against the City.** The subsection is enacted pursuant to the California Government Code.
  1. All claims against the City for money or damages not otherwise governed by the Tort Claims Act, California Government Code Section 900 et seq., or another state law (hereinafter in this Chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Section.
  2. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.
  3. In accordance with California Government Code Sections 935(b) and 945.5, all claims shall be presented as provided in this section and acted upon by the City Council prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Subsection 1 of this Section.
  4. Any action brought against the City upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the City shall conform to the requirements of Section 950-951 of the California Government Code.

## 2.8.50 Purchasing Policy

It shall be the policy of the City to obtain supplies and equipment of the highest quality for the lowest cost.

## 2.8.60 Bidding Procedures

The following procedures apply to all bidding:

- A. **Bid Notice Requirements.** Purchases of supplies and equipment of an estimated value of greater than ten thousand (\$10,000) dollars shall be by written contract with the lowest responsible bidder after notice. Such notice shall invite bids, include a general description of the supplies or equipment to be purchased, where bid forms and specifications may be obtained, and the time and place for the submittal of bids.





- B. **Publication of Bid Notice.** Such notice shall be published in a newspaper of general circulation and/or by posting the bid notice. The City Manager shall also mail a copy of such notice to anyone who has requested to be so notified. All notices shall be published, posted, or mailed not less than ten (10) days prior to the date specified for the submittal of bids.
- C. **Security of Bidder.** When deemed necessary by the City Manager, bidder security may be prescribed in public notices inviting bids. Bidders shall be entitled to the return of bid security provided that a successful bidder shall forfeit its bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the City is responsible for the delay. The City Manager may, upon refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the City Manager awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and the next lowest bid, and the surplus, if any, shall be returned to the lowest bidder.
- D. **Bid Submittal.** Bids shall be submitted to the City Manager and opened at the time specified by the City Manager. Bids received by the City shall be retained for public inspection during regular business hours for not less than the period specified in the City's document retention policy.
- E. **Bid Rejection.** The City Council may reject any and all bids, waive any irregularity in any bid and re-advertise for bids.
- F. **Awards to Lowest Bid.** In the event that the City Council decides to award the contract, the contract shall be awarded to the lowest responsible bidder except as otherwise provided herein based on a detailed analysis of the bid package which may consider the full life cycle analysis of the bid proposal.
- G. **Performance Bond Requirement.** The City Manager shall have authority to require a performance bond in an amount necessary to protect the best interests of the City before entering into a contract. If the City Manager requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

## 2.8.70 Purchases on the Open Market

Purchases of supplies and equipment of an estimated value of ten thousand (\$10,000) dollars or less may be made by the City Manager on the open market after solicitations of written proposals from prospective sellers. Such solicitation may be made in writing, by telephone or otherwise, and shall be made to sufficient numbers of prospective sellers as may be deemed by the City Manager to be consistent with the policy of the City Council. Written proposals shall be submitted to the City Manager who shall keep a record of all proposals for the period corresponding to the City's document retention policy. Such records shall be made available for public inspection (vendor proprietary data shall not be open to public inspection). The requirements of this Chapter shall not apply to the purchase of supplies and equipment in the following circumstances:

1. Such supplies or equipment have an estimated value of less than five thousand (\$5,000) dollars;
2. Such supplies or equipment are unique because of their quality, durability, availability, or fitness for a particular use;
3. Such supplies or equipment are available from only one source;
4. The City Manager has determined that exigent circumstances require the immediate purchase of such supplies or equipment; or



5. Such supplies or equipment are provided by an independent contractor pursuant to an agreement with the City for the furnishing of labor and materials for other than the construction of a public works project.

### **2.8.80 Inspection and Testing**

The City Manager shall inspect or oversee the inspection of supplies and equipment delivered to the City to determine their conformance with the specifications contained in the order or contract. The City Manager shall have authority to undertake sampling or other testing as necessary to determine the quality of any deliverables and their conformance with applicable specifications.

### **2.8.90 Disposition of Surplus Supplies and Equipment**

All departments shall submit to the City Manager, when requested, reports showing all supplies and equipment that are no longer used or which have become obsolete. The City Manager shall have authority to sell, exchange or trade this equipment for new supplies and equipment. Any sale of equipment shall be made by the most effective method that may include formal sealed bids, informal bids, and negotiations. In addition, the City may hold a public auction when selling City supplies and equipment. In the event the supplies and equipment are offered at public auction, any person may make an offer to purchase the supplies and equipment. No City employee shall purchase any supplies or equipment sold by means other than a public auction, nor shall the party conducting the auction purchase any supplies or equipment at the auction.

### **2.8.100 Assessor and Tax Collector**

Pursuant to the authority granted by Section 51501 of the Government Code of the State of California, the assessment and tax collection duties performed by the City Assessor and Tax Collector hereby are transferred to the Assessor and Tax Collector to the County of Los Angeles.



## **Chapter 2.9 Establishment of the Fire Department**

### **2.9.10 Purpose of this Chapter**

This Chapter governs the establishment of the City of La Habra Fire Department.

### **2.9.20 Established; Composition; Authority Generally**

The Fire Department of the City is hereby created and established. The Fire Department shall consist of regular full-time, part-time and volunteer personnel under the command of the Fire Chief. All members of the Fire Department shall be governed by the departmental rules and regulations including such manuals of operation, drill manuals, by-laws and other rules as deemed necessary by the Fire Chief. All departmental rules, regulations, manuals of operation, drill manuals, by-laws and other rules shall be approved by the City Manager, except as otherwise directed by the City Council. In addition, all *regular* personnel shall abide by all personnel rules and regulations of the City of La Habra Heights that govern employees of the City and all volunteer personnel shall abide by such personnel rules and regulations and other policies of the City as are applicable to those personnel. No person, organization, association or corporation shall provide or conduct fire fighting rescue, and/or paramedic operations within the city limits of the City of La Habra Heights except the La Habra Heights City Fire Department, fire-fighting personnel from other local, state and federal agencies and such other individuals and organizations as are formally authorized by the City Council.

### **2.9.30 Fire Chief Position Created; Appointment**

The unclassified position of Fire Chief of La Habra Heights is hereby created and established. The City Manager shall appoint the Fire Chief on the basis of his administrative and executive qualifications and abilities. The Fire Chief shall be a full-time employee of the City and may be removed at any time with or without cause from his office by the City Manager. The City Manager shall supervise the Fire Chief and the Fire Chief shall be responsible to the City Manager.

### **2.9.40 Powers and Duties of the Fire Chief**

The Fire Chief shall be the operational head of the Fire Department and shall be responsible, under the direction of the City Manager, for the administration of all the affairs of the department within his or her jurisdiction. The Fire Chief shall direct all members of the department, both regular employees and volunteers, in the lawful exercise of their functions and shall have full authority to detail any fire department employee to such public safety service as he or she may direct. The Fire Chief shall have control of the engine houses and of the apparatus and equipment of the department. The Fire Chief shall cause to be put into effect rules and regulations to govern the operation of the Fire Department and shall establish such fire prevention rules, subject to the Uniform Fire Code, as are necessary. The Fire Chief shall also have charge of all fire, rescue and paramedic services.

### **2.9.50 Compensation of Volunteer Firefighters**

There shall be paid to the volunteer firefighters such compensation for time and services provided as is established by resolution of the City Council.