

**ORDINANCE NO. 2019 – \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE  
AMENDING CHAPTERS 2.04, 2.12, 2.38, AND 3.08, 5.16, 5.60 AND 5.88 OF THE  
LAKE ELSINORE MUNICIPAL CODE (LEMC) REGARDING THE DUTIES OF THE  
CITY MANAGER, DIRECTOR OF FINANCE, CITY CLERK AND PURCHASING  
OFFICER**

**Whereas**, the City Council of the City of Lake Elsinore desires to revise and clarify certain duties of its City's officers in order to facilitate the orderly and efficient administration of City business.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES  
ORDAIN AS FOLLOWS:**

**Section 1.** LEMC Chapter 2.04, City Manager, Section 2.04.030, Powers and Duties – Designated, Paragraphs C and G, are hereby amended and restated in their entirety as follows:

C. To control, order and give directions to all heads of departments, subordinate officers and employees of the City, except the City Treasurer and City Attorney; and to transfer employees from one department to another; and to consolidate or combine offices, positions, departments or units under his direction;

G. To appoint, remove, promote or demote any officers and employees of the City except the City Attorney and City Treasurer. The services and facilities of the City Attorney and the City Treasurer shall be made available to the City Manager to the same extent, in the same manner and to the same effect they are available to the City Council;

**Section 2.** LEMC Chapter 2.12, Director of Finance, is hereby amended and restated in its entirety as follows:

**Chapter 2.12**

**DIRECTOR OF FINANCE**

**2.12.010. Office created.**

There is created and established the office of Director of Finance for the purposes of Government Code Sections 37208, 37209, and 40802 through 40805.5.

**2.12.020 Appointment.**

The Director of Finance shall be appointed by and serve at the pleasure of the City Manager.

**2.12.030 Compensation.**

The Director of Finance shall receive such compensation and expense allowance as the City Manager shall determine subject to all applicable personnel rules and regulations, which may be adopted by the City Council.

**2.12.040 Transfer of duties.**

Upon appointment and assumption of office, the Director of Finance shall perform all the financial and accounting duties previously imposed upon the City Clerk, and the City Clerk shall be relieved of such duties, including all such duties imposed upon the City Clerk by Government Code Sections 40802 through 40805, and including all such duties imposed upon the City Clerk by Section 37208 of the Government Code with respect to the prepayment of demands.

**2.12.050 Additional powers and duties.**

In addition to the financial and accounting duties as prescribed by the Government Code of the State of California, the Director of Finance shall have such powers and duties as may be prescribed in a job classification report which has heretofore been adopted, a copy of which is in the office of the City Manager and City Clerk.

**2.124.060 Bond requirement.**

The Director of Finance shall furnish a corporate surety bond to be approved by the City Council in the same amount as that required of the City Clerk, and it shall be conditioned upon the satisfactory performance of the duties imposed upon the Director of Finance by statute, ordinance, or resolution. Any premium for such bond shall be a proper charge against the City of Lake Elsinore.

**Section 3.** LEMC Chapter 2.38, City Clerk, is hereby amended and restated in its entirety as follows:

**Chapter 2.38**

**CITY CLERK**

**2.38.010. Office created.**

There is created and established the office of City Clerk for the purposes of Government Code Section 36501.

**2.38.020 Appointment.**

The City Clerk shall be appointed by and serve at the pleasure of the City Manager.

**2.38.030 Compensation.**

The City Clerk shall receive such compensation and expense allowance as the City Manager shall determine subject to all applicable personnel rules and regulations, which may be adopted by the City Council.

**2.38.040 Powers and duties.**

The City Clerk shall have the power and be required to:

A. Attend all meetings of the City Council, unless excused, and record and maintain a full and true record of all of the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purposes. Such book shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

B. Maintain ordinance and resolution books into which shall be recorded all City ordinances and resolutions with the certificate of the City Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance or resolution requiring publication, stating that the same has been published or posted in accordance with applicable law;

C. Be the custodian of the seal of the City;

D. Be the custodian of the records of the City;

E. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records; and

F. Perform such other duties as set forth in this Lake Elsinore Municipal Code and as may be prescribed from time to time by the City Manager consistent with this chapter and applicable law.

**2.38.050 Acting City Clerk.**

In the event of the unavailability or incapacity of the City Clerk, the City Manager may appoint an Acting City Clerk who shall have the duties and powers of the City Clerk.

**Section 4.** LEMC Chapter 3.08, General Provisions, Section 3.08.020, Purchasing Officer – Office created, is hereby amended and restated in its entirety as follows:

**3.08.020 Purchasing Officer – Position created.**

There is created the position of Purchasing Officer. The Purchasing Officer shall be responsible and have general supervision of the purchasing function. The duties of the Purchasing Officer shall be combined with those of the Director of Administrative Services. The Purchasing Officer shall have the authority to:

- A. Procure or supervise the procurement of supplies and equipment required by the City at least expense to the City.
- B. Negotiate and recommend execution of contracts or purchase orders for the purchase of supplies and equipment;
- C. Administer contracts with vendors in cooperation with the departments using supplies and equipment;
- D. Endeavor to obtain as full and open competition as possible on all purchases;
- E. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
- F. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations;
- G. Coordinate the inspection of all supplies and equipment purchased to insure conformance with specifications;
- H. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of supplies and equipment which cannot be used by any department or which becomes unsuitable for City use; and
- I. Maintain a bidder's list, vendor's catalog file and records needed for the efficient operation of purchasing functions.
- J. Adopt operational procedures relating to the execution of any of the above duties and responsibilities.

**Section 5.** LEMC Chapter 3.08, General Provisions, Section 3.08.220, Bid Opening Procedures, is hereby amended and restated in its entirety as follows:

3.08.220 Bid opening procedure.

Sealed bids shall be submitted to the Purchasing Officer or designee and shall be identified as bids on the envelope. It is the responsibility of the bidder to ensure receipt of the bid document by the Purchasing Officer by the designated hour. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 days after the bid opening.

**Section 6.** LEMC Chapter 3.08, General Provisions, Section 3.08.325, Proposal Opening Procedures, is hereby amended and restated in its entirety as follows:

3.08.325 Proposal opening procedure.

Sealed proposals shall be submitted to the Purchasing Officer or designee and shall be identified as proposals on the envelope. It is the responsibility of the proposer to ensure receipt of the bid document by the Purchasing Officer by the

designated hour. Proposals shall be opened in public at the time and place stated in the public notice. A tabulation of all proposals received shall be open for public inspection during regular business hours for a period of not less than 30 days after the proposal opening.

**Section 7.** LEMC Chapter 5.16, Business License – Fees, Section 5.16.010, License – Application – Issuance, is hereby amended and restated in its entirety as follows:

5.16.010 License – Application – Issuance.

Every person required to have a license under the provisions of this chapter shall make application for the same to the Director of Finance, and, upon the payment of the prescribed tax, the City shall issue to such person a license which shall contain:

- A. The name of the person to whom the license is issued;
- B. The business license number;
- C. The place where such business is to be transacted and carried on;
- C. The date of expiration of the license; and
- D. Such other information as may be necessary for the enforcement of the provisions of this chapter.

**Section 8.** LEMC Chapter 5.60, Community Antenna Television Systems, Section 5.60.050.B, Franchise payments, is hereby amended and restated in its entirety as follows:

5.60.050 Franchise payments.

B. Annual Franchise Fee. The grantee of any franchise shall pay annually to the City during the life of such franchise no more than five percent of the gross receipts of the grantee derived from subscribers within the City. The City Council shall have the power of setting the amount of the annual franchise fee at the time of the granting of any such franchise.

**Section 9.** LEMC Chapter 5.88, Outdoor Festivals, Section 5.88.060, License – Application – Consideration by City Council, is hereby amended and restated in its entirety as follows:

5.88.060 License – Application – Consideration by City Council.

Based upon the testimony of the witnesses and evidence presented at said hearing, including the report of said department heads, the City Council shall grant the license, deny the license, or set conditions which must be met, or security given that they will be met, before a license may be granted. If conditions are imposed by the City Council, the applicant shall furnish, or cause to be furnished, to the Director of Community Services proof that all conditions have been met before the license may be issued.

**Section 10.** LEMC Chapter 5.88, Outdoor Festivals, Section 5.88.070, License – Issuance – Transferability, is hereby amended and restated in its entirety as follows:

5.88.070 License – Issuance – Transferability.

When the Director of Community Services certifies that all conditions have been met and the Director of Finance certifies that the applicant has paid City the amount of \$200.00 per day of operation or such other amount as specified by Resolution of the City Council, the City shall issue a license specifying the name and address of the licensee, the kind of festival licensed and the number of days' operation authorized. The licensee shall keep said license posted in a conspicuous place upon the premises at which the festival is conducted. No license issued pursuant to this chapter shall be transferable or removed to another location.

**Section 11. Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 12. Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption.

**Section 13. Certification.** The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

**Passed and Adopted** on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Manos  
Mayor

Attest:

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Mark Mahan,  
Deputy City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF LAKE ELSINORE    )

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2019-\_\_\_\_\_ was introduced at the Regular meeting of March 12, 2019, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the \_\_\_\_\_day of \_\_\_\_\_, 2019, and on the \_\_\_\_\_day of \_\_\_\_\_, 2019.

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Mark Mahan  
Deputy City Clerk