

ORDINANCE NO. 4299

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE BY
AMENDING CHAPTER 2.111 THEREOF RELATED TO
CITIZEN INFRASTRUCTURE ADVISORY BOARD/
PUBLIC WORKS COMMISSION

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Section 2.111.020 of the Huntington Beach Municipal Code entitled Authority/Non-Interference is hereby amended to read as follows:

The Commission will act in an advisory capacity to the City Council. Nothing in this chapter shall convey any final authority to the Commission pertaining to infrastructure and the Capital Improvement Program (CIP).

Except as otherwise provided in this chapter, no member of the CIAB/Public Works Commission shall order, directly or indirectly, the Director of Public Works or his or her staff in the administration or execution of the Director's powers and duties.

SECTION 2. That Section 2.111.030 of the Huntington Beach Municipal Code entitled Duties is hereby amended to read as follows:

Pursuant to the City Council direction, the duties of the Commission may include as follows:

- A. Conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to the City Council's adoption of the ensuing fiscal year budget.
- B. Review and provide comment on the City's comprehensive Tree Management Plan and enhanced landscaping elements.
- C. Provide annual review and comment on the City's CIP and make a recommendation(s) for City Council approval.
- D. Review and comment on:
 - 1. The long-term infrastructure maintenance and repair program; and
 - 2. Pipeline permits issued by Public Works staff.
- E. Review CIP construction change orders that exceed the authorized change order limit for the project.
- F. Receive regular reports of active CIP projects.
- G. Conduct an annual review and performance audit of the Sewer Service Fund.

- H. Recommend to the City Council on an annual basis any fees, rates and/or charges proposed to be modified or added to the sewer service user charge.
- I. Pursuant to California Vehicle Code Section 21950.5, or its successor statute, the Public Works Commission shall conduct public meetings as necessary to consider the removal of a marked crosswalk or crosswalks on public streets; and based upon the results of such meetings, direct City staff, by motion, to either retain the marked crosswalk(s) or take any necessary steps for removal of the marked crosswalk(s). Any person who disagrees with the decision of the Public Works Commission may, in writing, no later than 10 days after the date of such decision, appeal the decision to the City Council. Such appeal shall be filed with the City Clerk. If a timely appeal is filed, the City Manager shall cause the matter to be set for hearing before the City Council within 30 days. The City Manager shall give the appellant at least 10 days' written notice of the time and place of the City Council hearing. After hearing the appeal, the City Council may affirm, overrule or modify the decision of the Public Works Commission. The decision of the City Council shall be final. If the Public Works Commission's decision is to direct City staff to take the necessary steps to remove a marked crosswalk(s), and, further, if a timely appeal is filed, the decision of the Public Works Commission shall be stayed until the City Council has decided the appeal. If the decision of the City Council directs removal of a marked crosswalk(s), such removal shall not occur until at least 30 days after the City Council's decision.
- J. Act as the administrative hearing body for appeals following street work construction permit decisions, sewer service user charges, or fair share traffic impact fee made by the Director of Public Works.
- K. Review and provide comment on the City's sustainability and environmental programs including the Sustainability Master Plan that incorporates water and energy conservation, resource recovery/waste management, renewable/recycle products, air quality, mobility and other pertinent issues that affect the overall sustainability, economic, ecological and social environments of Huntington Beach.
- L. Review and provide comments on the City's long-term broadband planning efforts.

SECTION 3. That Section 2.111.050 of the Huntington Beach Municipal Code entitled Composition is hereby amended to read as follows:

The CIAB/Public Works Commission shall consist of seven members individually appointed by the City Council. Members shall be residents and electors of the City of Huntington Beach who have special interest, training and/or experience in Public Works matters and environmental science, sustainability, or technology infrastructure.

Any vacancies will be filled pursuant to Section 2.111.070 below.

The CIAB/Public Works Commission shall not be officers or employees and strictly adhere to the California Political Reform Act including Government Code Section 1090.

SECTION 4. That this Ordinance shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2023.

Mayor

REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:



Assistant City Manager

**LEGISLATIVE DRAFT
HBMC 2.111**

Chapter 2.111 CITIZEN INFRASTRUCTURE ADVISORY BOARD/PUBLIC WORKS COMMISSION

2.111.020 Authority/Non-Interference

The Commission will act in an advisory capacity to the City Council. Nothing in this chapter shall convey any final authority to the Commission pertaining to infrastructure and the Capital Improvement Projects Program (CIPs).

Except as otherwise provided in this chapter, no member of the CIAB/Public Works Commission shall order, directly or indirectly, the Director of Public Works or his or her staff in the administration or execution of the Director's powers and duties. (4242-12/21)

2.111.030 Duties

Pursuant to the City Council direction, the duties of the Commission may include as follows:

- A. Conduct an annual review and performance audit of the ~~i~~Infrastructure ~~f~~Fund and report its findings to the City Council prior to the City Council's adoption of the ensuing fiscal year budget.
- B. Review and provide comment on the City's comprehensive Tree Management Plan and enhanced landscaping elements.
- C. Provide annual review and comment on the City's CIP and make a recommendation(s) for City Council approval. ("CIPs").
- D. Review and comment on:
 - 1. The long-term infrastructure maintenance and repair program; and
 - 2. ~~O~~ ~~i~~ ~~p~~ Pipeline permits issued by Public Works staff.
- ~~E. Recommend CIPs.~~
- ~~F~~E. Review CIP construction change orders that exceed the authorized change order limit for the project.
- ~~G~~E. Receive regular reports of active CIP projects.
- ~~H~~G. Conduct an annual review and performance audit of the Sewer Service Fund.
- ~~H~~I. Recommend to the City Council on an annual basis any fees, rates and/or charges proposed to be modified or added to the sewer service user charge.
- ~~J~~I. Pursuant to California Vehicle Code Section 21950.5, or its successor statute, the Public Works Commission shall conduct public meetings as necessary to consider the removal of a marked crosswalk or crosswalks on public streets; and based upon the results of such meetings, direct City staff, by motion, to either retain the marked crosswalk(s) or take any necessary steps for removal of the marked crosswalk(s). Any person who disagrees with the decision of the Public Works

Commission may, in writing, no later than 10 days after the date of such decision, appeal the decision to the City Council. Such appeal shall be filed with the City Clerk. If a timely appeal is filed, the City Manager shall cause the matter to be set for hearing before the City Council within 30 days. The City Manager shall give the appellant at least 10 days' written notice of the time and place of the City Council hearing. After hearing the appeal, the City Council may affirm, overrule or modify the decision of the Public Works Commission. The decision of the City Council shall be final. If the Public Works Commission's decision is to direct City staff to take the necessary steps to remove a marked crosswalk(s), and, further, if a timely appeal is filed, the decision of the Public Works Commission shall be stayed until the City Council has decided the appeal. If the decision of the City Council directs removal of a marked crosswalk(s), such removal shall not occur until at least 30 days after the City Council's decision.

~~K.J.~~ Act as the administrative hearing body for appeals following street work construction permit decisions, sewer service user charges, or fair share traffic impact fee made by the Director of Public Works.

K. Review and provide comment on the City's sustainability and environmental programs including the Sustainability Master Plan that incorporates water and energy conservation, resource recovery/waste management, renewable/recycle products, air quality, mobility and other pertinent issues that affect the overall sustainability, economic, ecological and social environments of Huntington Beach.

L. Review and provide comments on the City's long-term broadband planning efforts.

2.111.050 Composition

The CIAB/Public Works Commission shall consist of seven members individually appointed by the City Council. Members shall be residents and electors of the City of Huntington Beach who have special interest, training and/or experience in Public Works matters and environmental science, sustainability, or technology infrastructure.

Any vacancies will be filled pursuant to Section 2.111.070 below.

The CIAB/Public Works Commission shall not be officers or employees and strictly adhere to the California Political Reform Act including Government Code Section 1090.