

## ORDINANCE NO. 4242

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE BY REPEALING CHAPTER 2.103 AND 2.111 AND CREATING A NEW CHAPTER 2.111 TITLED "CITIZEN INFRASTRUCTURE ADVISORY BOARD/PUBLIC WORKS COMMISSION."

WHEREAS, the City Council established an Ad-hoc Committee in March 2021 to perform an assessment of the duties, priorities, current relevancy, and overall framework of the City's Boards, Commissions, and Committees, as well as providing recommendations to streamline any overlapping functions for consideration by the City Council.

WHEREAS, the City Council desires to consolidate the Citizens Infrastructure Advisory Board, the Public Works Commission and the Beautification, Landscape, and Trees Committee.

WHEREAS, pursuant to City Council's direction, a new "Citizen's Infrastructure Advisory Board/Public Works Commissions" is formed which consolidates the following three Boards, Commissions and Committees:

1. Citizen Infrastructure Advisory Board (CIAB);
2. Public Works Commission;
3. Beautification, Landscape and Trees (BLT) Committee.

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

SECTION 1. Chapter 2.103 of the Huntington Beach Municipal Code entitled "Citizens Infrastructure Advisory Board" is hereby repealed in its entirety. A subset of the primary functions and authorities of the Board will be consolidated into the Citizens Infrastructure Advisory/Public works Commission as outlined in Section 2 of this Ordinance. A subset of the primary functions of the BLT Committee will be consolidated into the Citizens Infrastructure Advisory Board/Public Works Commission.

SECTION 2. Chapter 2.111 of the Huntington Beach Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 2.111 to read as follows:

#### **Chapter 2.111**

This Chapter will be known as CITIZEN INFRASTRUCTURE ADVISORY BOARD/PUBLIC WORKS COMMISSION.

#### **Section 2.111.010 Commission Established.**

There is hereby established a Citizens Infrastructure Advisory Board/Public Works Commission, which may be referenced as CIAB/Public Works Commission.

#### **Section 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 Capital Improvement Projects (CIPs).

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

### **Section 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 infrastructure fund and report its findings to the City Council prior to the City Council's adoption of the ensuing fiscal year budget.
- (b) Provide advice regarding a comprehensive Tree Management Plan and enhanced landscaping elements.
- (c) Provide annual review and comment on ("CIPs").
- (d) Review and comment on:
  - (1) The long-term infrastructure maintenance and repair program; and
  - (2) Oil pipeline permits issued by Public Works staff.
- (e) Recommend CIPs.
- (f) Review CIP construction change orders that exceed the authorized change order limit for the project.
- (g) Receive regular reports of active CIPs.
- (h) Conduct an annual review and performance audit of the sewer service fund.
- (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) 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) 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.

#### **Section 2.111.040 Records of Commission**

The Commission records of meetings shall be kept on file with the Office of the City Clerk, which shall be available for public inspection as required by law.

#### **Section 2.111.050 Composition**

Current members of the Citizens Infrastructure Advisory Board in good standing, are hereby appointed to the CIAB/Public Works Commission until their terms or previous board end. Vacancies created by members of the CIAB will permanently remain unfilled. Following the sunset of all CIAB's current terms, the CIAB/Public Works Commission shall solely consist of seven (7) 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.

Members of the Public Works Commission in good standing will be appointed to the CIAB/Public Works Commission. Any vacancies created by these members will be filled pursuant to Section 2.111.060.

The BLT Committee member's term ends upon the adoption of this ordinance.

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 2.111.060 Appointment**

Each City Councilmember shall appoint one member of the Commission to serve the same term as the City Councilmember. The term shall coincide with the term of the City Councilmember making the appointment.

**Section 2.11.070 Vacancies**

Vacancies in the Commission shall be filled by appointment by the City Councilmember or his/her successor, who made the appointment that was vacated.

**Section 2.111.080 Bylaws**

The Commission may adopt such bylaws and rules, as it deems necessary to provide for its officers and their method of selection of time and place of meetings and for such other matters relative to its work and administration of its duties, which are not otherwise provided for by statute or ordinance.

**Section 2.111.090 Operating Policies**

Except as otherwise provided in this Chapter, the Commission shall conform to the operating policies for Boards and Commissions as set forth in Chapter 2.100 of the Huntington Beach Municipal Code.

**Section 2.111.100 Meetings**

The Commission shall meet once a month at a time and place determined by the Commission. Special meetings may be called by the Chairperson.

SECTION 3. This Ordinance shall become effective immediately 30 days after its adoption

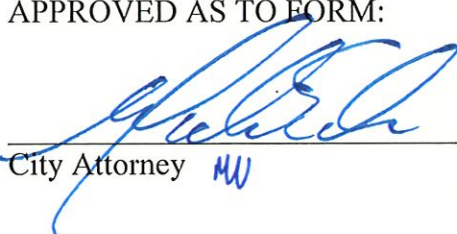
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

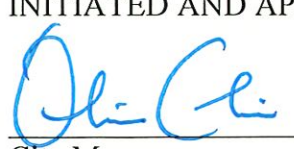
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney MW

INITIATED AND APPROVED:

  
\_\_\_\_\_  
City Manager

## LEGISLATIVE DRAFT

### HBMC CHAPTER 2.103

#### Chapter 2.103 CITIZENS INFRASTRUCTURE ADVISORY BOARD

##### 2.103.010 Creation

There is hereby created a Citizens Infrastructure Advisory Board. (4057-6/15)

##### 2.103.020 Composition

The Board shall consist of seven members. Each City Council member shall appoint one member of the Commission to serve the same term as the City Council member. The Board shall adopt such bylaws and rules as it deems necessary to provide for its chair and officers and their method of selection, time and place of meetings and for such other matters relative to its work and administration of its duties which are not otherwise provided for by statute or ordinance. (4057-6/15)

##### 2.103.030 Purpose

The Board shall act in an advisory capacity to the City Council in matters pertaining to infrastructure. (4057-6/15)

##### 2.103.040 Duties

The Board shall have the duty to:

A. Pursuant to City Charter Section 617(c), 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. Perform such other duties or studies as may be directed by the City Council. (4057-6/15)

##### 2.103.050 Authority

A. It is intended that the Board act only in an advisory capacity and not be vested with final authority regarding infrastructure matters.

B. The Board shall not interfere with the duties of any elected or appointed officer or employee. (4057-6/15)

##### 2.103.060 Operating Policies

Except as otherwise provided in this Chapter, the Board shall conform to operating policies for Boards and Commissions as set forth in Chapter 2.100 of the Huntington Beach Municipal Code. The Board should meet monthly in the quarter prior to release of the annual budget. (4057-6/15)

##### 2.103.070 Financial Disclosure

In accordance with California Law, members of the Board shall be required to file appropriate statements of economic interest. (4057-6/15)

**2.103.080-Brown Act**

Meetings of the Board shall be subject to the open meeting law ([Government Code](#) Section 54950).

**LEGISLATIVE DRAFT**  
**HBMC CHAPTER 2.111**

**Chapter 2.111 ~~PUBLIC WORKS COMMISSION~~ Citizen Infrastructure Advisory Board/Public Works Commission**

**2.111.010 Commission Established**

~~There is hereby established a Public Works Commission in and for the City of Huntington Beach which shall be known as the Public Works Commission of the City of Huntington Beach. The authority to create a Public Works Commission is derived from the Huntington Beach City Charter Section 405. (3318-2/96)~~

**2.111.020 Non-Interference**

~~Except as otherwise provided in this chapter as may be amended by ordinance by the City Council of the City of Huntington Beach, no member of the 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 as established in Chapter 2.56 of the Huntington Beach Municipal Code. The Director of Public Works shall be responsible to the City Manager for the administration and execution of Public Works affairs. (3318-2/96, 3886-5/11)~~

**2.111.030 Duties**

The duties of the Public Works Commission shall be as provided below:

- A. ~~Provide annual review and comment upon Public Works capital improvement projects and program.~~
- B. ~~Review and comment upon the following:~~
  - 1. ~~The long-term infrastructure maintenance and repair program;~~
  - 2. ~~Oil pipeline permits issued by Public Works staff; and~~
  - 3. ~~Traffic control device permits issued by Public Works staff.~~
- C. ~~Recommend to the City Council capital improvement projects which exceed \$50,000.00 and may review capital project repairs exceeding \$50,000.00.~~
- D. ~~Review and recommend to the City Council all capital improvements project construction change orders exceeding the authorized change order limit for the project.~~
- E. ~~Receive regular reports of the active capital improvement projects.~~
- F. ~~Conduct an annual review and performance audit of the sewer service fund.~~
- G. ~~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.~~
- H. ~~Have the power and be required to hear for final decision appeals following sewer service user charge adjustment and/or exemption decisions made by the Director of Public Works.~~
- I. ~~Reserved.~~
- J. ~~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.— Have the power and be required to hear for final decision, appeals following street work construction permit decisions made by the Director of Public Works.

L.— Have the power and be required to consider application of a fee adjustment of the fair share traffic impact fee if the development project does not have a discretionary development permit. The commission shall consider the application within 60 days after the fee application is deemed complete by the Director of Public Works.

M.— Work to protect water quality in the channels of Huntington Harbour. (3318-2/96, 3506-10/01, 3515-12/01, 3591-1/03, 3886-5/11, 4055-6/15)

#### **2.111.040 Records of Commission**

Accurate and permanent records of the acts of the commission shall be kept, and such records shall have the same status as records of other departments of the City. (3318-2/96)

#### **2.111.050 Members**

The Public Works Commission shall consist of seven members who shall be residents of the City of Huntington Beach and shall not be officers or employees of the City and no member of the commission may have any interest in any contract with the City either during such member's terms of office or for a period of one year after the cessation of such service. Members who are employees of firms which contract with the City shall be deemed to be interested in such contracts excepting when such interest is remote, as defined in Article 4, Chapter 2, Division 4, Title 1 of the California [Government Code](#). (3318-2/96)

#### **2.111.060 Appointment and Composition**

All members shall serve without compensation, may hold no other office or employment in City government, and no other employment which is incompatible with Commission Service. Each City Councilmember shall appoint one member of the commission to serve the same term as the City Councilmember. The term shall coincide with the term of the City Councilmember making the appointment. The first two terms expiring shall be appointed by the two first term City Councilmembers.

Thereafter, selection shall be made upon expiration of terms, and shall be by lot drawn among the remaining councilmembers. (3318-2/96, 3490-1/01)

#### **2.111.080 Vacancies—Retirement**

In the event a member retires or is unable to complete his or her term, an appointment shall be made to fill the remainder of such member's unexpired term. (3318-2/96, 3490-1/01)

#### **2.111.100 Quorum Proceedings**

A.—A majority of the members of the commission in office shall constitute a quorum. A majority vote of the members present and voting, where a quorum is present at any regular or special meeting, is required to carry a motion, proposal or resolution.

B.—Upon demand of any member, the roll call shall be called for yeas and nays upon any questions before the Commission. Roberts' Rules of Order Revised shall govern the procedure of meetings of the commission unless inconsistent with other provisions of this chapter. (3318-2/96)

#### **2.111.110 Bylaws**

The Public Works Commission shall adopt such bylaws and rules as it deems necessary to provide for its officers and their method of selection of time and place of meetings and for such other matters relative to its work and administration of its duties which are not otherwise provided for by statute or ordinance. (3318-2/96)

#### **2.111.120 Advisors**

The Public Works Commission may request of the Director of Public Works the attendance at its meetings of any officer or employee of the City to assist the commission in its deliberations in an advisory capacity but who shall not have the authority to vote upon any matter being considered by the commission. (3318-2/96)

#### **2.111.130 Operating Policies**

Except as otherwise provided in this chapter, the board shall conform to the operating policy for boards and commissions as set forth in Chapter 2.100 of this Code. (3318-2/96)

#### **2.111.140 Brown Act**

The board shall be governed by the provisions of the Brown Act (Government Code § 54950, et seq.). (3318-2/96)

#### **2.111.010 Commission Established**

There is hereby established a Citizens Infrastructure Advisory Board/Public Works Commission, which may be referenced as CIAB/Public Works Commission.

### **2.111.020 Authority/Non-Inteference**

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 Capital Improvement Projects (CIPs).

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(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.

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(c) Provide annual review and comment on Projects ("CIPs").

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(1) The long-term infrastructure maintenance and repair program; and

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(g) Receive regular reports of active CIPs.

(h) Conduct an annual review and performance audit of the sewer service fund.

(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) 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

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The BLT Committee member's term ends upon the adoption of this ordinance.

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.

#### **2.111.060 Appointment**

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Vacancies in the Commission shall be filled by appointment by the City Councilmember or his/her successor, who made the appointment that was vacated.

#### **2.111.080 Bylaws**

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### **2.111.090 Operating Policies**

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### **2.111.100 Meetings**

The Commission shall meet once a month at a time and place determined by the Commission. Special meetings may be called by the Chairperson.