

## CITY MANAGER'S OFFICE

MAY 03 2022

5:00pm

## City of South Gate CITY COUNCIL

# AGENDA BILL

For the Regular Meeting of: May 10, 2022

Originating Department: Parks and Recreation

Department Head:

  
Steve Costley

Interim City Manager:

  
Chris Jeffers

**SUBJECT: SECOND READING OF ORDINANCE NO. 2022-03-CC ADOPTING A NEW CHAPTER 1.61 (SENIOR CITIZENS' ADVISORY COMMISSION) TO TITLE 1 (ADMINISTRATION AND PERSONNEL), OF THE SOUTH GATE MUNICIPAL CODE TO ESTABLISH A SENIOR CITIZENS' ADVISORY COMMISSION AND SUBSEQUENT SECTIONS 1.61.010 TO 1.61.090**

**PURPOSE:** To adopt Ordinance No. 2022-03-CC to create a Senior Citizens Advisory Commission.

**RECOMMENDED ACTIONS:** The City Council will consider waiving the reading in full and adopting Ordinance No. 2022-03-CC creating Chapter 1.61 (Senior Citizens' Advisory Commission) to Title 1 (Administration and Personnel), of the South Gate Municipal Code to establish a Senior Citizens' Advisory Commission and subsequent Sections 1.61.010 to 1.61.090.

**FISCAL IMPACT:** General Fund costs including Commission payments (\$4,500) and additional staff time (\$5,000) to oversee Commission activities will be budgeted in the Parks & Recreation Department budget on a yearly basis.

**ENVIRONMENTAL EVALUATION:** The foregoing new chapter to the South Gate Municipal Code is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code." This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

**ANALYSIS:** This item was brought before the City Council for discussion purposes and to receive direction for staff at the March 8, 2022, meeting. At that time, the City Council was asked to provide direction as to whether an ordinance should be presented for consideration to establish an advisory body, and if so, were there any other elements that should be presented within the ordinance to be considered. Based on that discussion and similar established bodies that other cities have, the ordinance would contain the following:

- That the body would be made up of five members, nominated by individual Council Members and ratified by the City Council as a body. In addition, the Commission may itself appoint up to two (2) non-voting members drawn from area service providers and/or subject experts to assist them.
- Use an age of 55 and residency as appointment standards.
- Outline the role of the Commission and requirement of an annual report being submitted to the City Council on its activities during the previous 12 months.
- Indicate that members would receive remuneration similar to other Commissions.

Should the City Council adopt Ordinance No. 2022-03-CC, it would be effective in June. At that time, City Council Members would be asked to submit their nominees to be agendaized for City Council approval. The goal would be to convene the first meeting of the new Commission in July 2022.

**BACKGROUND:** The City Council gave direction at the March 8, 2022, meeting to create a Senior Citizens' Advisory Commission and bring back to them necessary changes to move this process forward. The attached Ordinance will create the requested Commission.

**ATTACHMENT:** Ordinance No. 2022-03-CC

**ORDINANCE NO. 2022-03-CC**

**CITY OF SOUTH GATE  
LOS ANGELES COUNTY, CALIFORNIA**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, CREATING A NEW CHAPTER 1.61 (SENIOR CITIZENS'  
ADVISORY COMMISSION) TO TITLE 1 (ADMINISTRATION AND  
PERSONNEL), OF THE SOUTH GATE MUNICIPAL CODE TO ESTABLISH  
A SENIOR CITIZENS' ADVISORY COMMISSION AND SUBSEQUENT  
SECTIONS 1.61.010 TO 1.61.090**

**WHEREAS**, the City of South Gate ("City") is a general law city, incorporated under the laws of the State of California; and

**WHEREAS**, pursuant to its police power, the City may enact and establish citizen based advisory bodies which promote the public health, morals, safety, or general welfare of the community and are not in conflict with general laws; and

**WHEREAS**, the City Council discussed at its March 8, 2022, meeting, the concept of creating a possible advisory body of local residents that consider and advise City Department and City Council on affairs related to individuals generally over the age of 55; and

**WHEREAS**, the City Council believes that such a body advising City Department and City Council on the needs, concerns, and quality of life of all seniors is important; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on April 26, 2022, to take public testimony and consider the introduction of this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council does hereby declare that the above recitals are true and current and incorporated herein by reference. Based on these findings, the City Council determines the public health, safety, and general welfare of the City and residents can benefit by amending the South Gate Municipal Code creating the advisory body of Senior Citizens' Advisory Commission.

**SECTION 2.** All references herein to "this Ordinance" shall include without limitations the modifications set forth in Exhibit "A" attached hereto establishing Chapter 1.61 (Senior Citizens' Advisory Commission) to Title 1 (Administration and Personnel) and subsequent Sections 1.61.010 to 1.61.090.

**SECTION 3.** City Council approval of and adoption of this Ordinance are not subject to the California Environmental Quality Act (CEQA) pursuant to the Section 15060 (c)(2), constituting an activity that will not result in a directly reasonably foreseeable or indirect physical change in

the environment, and pursuant to Section 15060 (c)(3) constituting an activity that is not a project as defined in Section 15378.

**SECTION 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, or phrase thereof, not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be declared invalid or unconstitutional.

**SECTION 5.** To the extent the provisions of the South Gate Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 6.** This Ordinance shall be in full force and take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

**SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**PASSED, APPROVED and ADOPTED this 10<sup>th</sup> day of May 2022.**

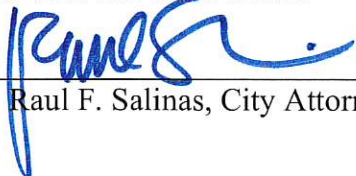
**CITY OF SOUTH GATE:**

By: \_\_\_\_\_  
Al Rios, Mayor

**ATTESTED:**

By: \_\_\_\_\_  
Chris Jeffers, Deputy City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
Raul F. Salinas, City Attorney

## Exhibit A

### **1.61.010 Established.**

There is created a commission to be known and designated as the senior citizens' advisory commission.

### **1.61.020 Membership.**

- A. The senior citizens' advisory commission shall consist of five (5) voting members. Members shall be selected from among city's residents and shall be at least fifty-five (55) years of age. Each city council member shall nominate one member of the five voting members subject to the ratification of a majority vote of the city council.

### **1.61.030 Term-Appointment of successor.**

- A. Each commissioner shall serve a four (4) year term. That commissioner may be renominated by the individual council member who originally nominated him or her, should the council member choose to do so. Such nomination shall be subject to a majority vote of the city council. There are no limits on the number of terms served by an individual.
- B. The city council, as a body may remove a commission member with a majority vote of the city council. However, the council member that nominated shall retain the right to nominate the succeeding individual for the city council to vote upon.
- C. In addition to the voting members, there may be up to two non-voting members that may be appointed by the commission members sitting as a body themselves. These non-voting members shall be drawn from public and/or private agencies that serve the South Gate senior residents. These members need not be residents nor of any set age. These non-voting members shall serve at the pleasure of the commission and are not subject to any term limits.
- D. If a voting member nominated by a city council member ceases to reside in the city prior to the expiration of his or her term, he or she forfeits his or her seat. If a voting member is absent for more than 3 meetings in a calendar year, he or she forfeits his or her seat. If any of such forfeiture of a seat occurs, the originating council member shall appoint an eligible resident to fill the remaining term of the commissioner, subject to the majority vote of the city council.

### **1.61.040 Remuneration.**

For attendance at the affairs of the commission, a commissioner shall be reimbursed for expenses at the rate of seventy-five dollars (\$75) per meeting and a monthly maximum of seventy-five dollars.

### **1.61.050 Election of chairman of commission.**

At the annual meeting of the commission, the members shall elect a chair and vice chair. Both

shall be elected from and by the members of the senior citizens' advisory commission. In the absence or incapacity of the chair and vice chair, the commission may designate a temporary chair.

#### **1.61.060 Removal from office.**

A commissioner may be removed at any time by a majority vote of the city council.

#### **1.61.070 Organization-Meetings-Records.**

- A. The commission shall meet at least once a month. All its meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public, except as provided by law. Special meetings may be called by the chair or a majority of the commission.
- B. A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least three voting members.
- C. The commission shall keep a record, which shall be available for public inspection, of all of its resolutions, proceedings, and other actions.

#### **161.080 Rules and regulations.**

The commission shall adopt and amend, by the affirmative vote of a majority of seated members, rules, and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city attorney and shall not become effective until approved and deemed compliant with Robert's Rules and any other city policies, regulations, and ordinances.

#### **161.090 Annual Report.**

The commission shall submit an annual report and workplan to the city council no later than February 1<sup>st</sup> of each calendar year. The initial workplan of the commission shall be submitted within 60-days of the commission having at least three (3) seated members. Attendance records of members shall be included as part of the annual report.

#### **161.100 Disclosure requirements.**

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code.

#### **161.110 Purpose and functions.**

- A. Act in advisory capacity to any city department and city council on the needs, concerns, and quality of life of all seniors.
- B. Engage in consultation and study with local groups on the needs of the aged and evaluate available resources.
- C. Collect, coordinate, and disseminate information concerning seniors.

- D. To carry out such studies as may be assigned to it by the city council.
- E. Aid in coordinating the senior citizen services with the programs of other governmental agencies and voluntary organizations.
- F. Inform the public of the policies, functions, and programs the city may offer.
- G. Formulate policies for the control, management, and use of city senior citizen facilities, subject to approval by the director of parks and recreation.
- H. Nothing herein contained shall be construed as investing the commission, or any member thereof, with supervisory powers over the actions or duties of the city employees or the operations of city departments.