

ORDINANCE NO. 2025-522

AN ORDINANCE OF THE CITY OF GUADALUPE AMENDING ARTICLE I OF CHAPTER 8.50 OF TITLE 8 OF THE GUADALUPE MUNICIPAL CODE PROVIDING A STIPEND FOR THE CITY'S HEARING OFFICER

WHEREAS, the City of Guadalupe established the position of Hearing Officer in 2009 in addition to regulations concerning abatement of property nuisances through administrative code compliance pursuant to Ordinance No. 2009-396; and

WHEREAS, the Hearing Officer position was established as a volunteer position for which no compensation would be paid; and

WHEREAS, the City Council appointed Jack Owen as the Hearing Officer on April 14, 2020, and he has served in that capacity since that date; and

WHEREAS, Mr. Owen recently asked for a \$50 stipend for each day he is required to hold a hearing (or hearings) in the City of Guadalupe for administrative code compliance matters; and

WHEREAS, in light of his qualifications to serve as a Hearing Officer and his past service in that capacity, Director of Public Works, Michael Cash, supports Mr. Owen's request; and

WHEREAS, earlier this year, the City Council provided a \$50 per meeting stipend for the City's Recreation and Parks Commissioners who, like the Hearing Officer, had been serving without any compensation for their service; and

WHEREAS, by providing the stipend to the Recreation and Parks Commissioners, the City Council acknowledged the value of their public service, and similarly, wishes to recognize the value of the Hearing Officer's public service by also providing a stipend.

NOW, THEREFORE, the City Council of the City of Guadalupe does hereby ordain as follows:

SECTION 1. Article 1, Chapter 8.50 of Title 8 of the Guadalupe Municipal Code is hereby amended to read as follows:

Title 8 HEALTH AND SAFETY

Chapter 8.50 PROPERTY NUISANCE

Article 1 Code Compliance Hearing Officer

§ 8.50.020 Hearing Officer established—Purpose.

There is hereby established a Code Compliance Hearing Officer. The purpose and duty of the Hearing Officer is to determine whether violations of law or conditions which constitute a

public nuisance exist pursuant to this chapter, and to order appropriate methods of abatement and/or the imposition of administrative penalties. No funds shall be expended for the abatement of any nuisance established in this chapter unless the Hearing Officer has declared the property to be a public nuisance and ordered the abatement of the nuisance.

§ 8.50.030 Appointment of Hearing Officer—Term of office.

The Hearing Officer shall be appointed by the Mayor with the approval of the City Council. The term of office shall be for a period of 2 years, or until a successor is appointed. The Hearing Officer shall receive a \$50 stipend for each day the Hearing Officer is required to appear for hearings. The Hearing Officer shall serve at the pleasure of the City Council.

§ 8.50.040 Other duties.

A. The Hearing Officer shall issue periodic reports to the City Council regarding its activities, including, but not limited to, the number of hearings conducted, the amounts of any administrative penalties and abatement costs imposed, and the compliance record with respect to Compliance Orders issued.

B. The Hearing Officer shall hear such other matters that may be delegated or assigned to it by the City Council.

SECTION 2. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 14th day of January 2025, by the following roll call vote:

MOTION: EUGENE COSTA JR. / AMELIA M. VILLEGAS

AYES: 5 Councilmembers: Costa Jr., Hernandez, Julian, Furness, Villegas
NOES: 0
ABSENT: 0
ABSTAINED: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 28th day of January 2025, by the following roll call vote:

MOTION: AMELIA M. VILLEGAS / CHRISTINA HERNANDEZ

AYES: 4 Councilmembers: Hernandez, Julian, Furness, Villegas
NOES: 0
ABSENT: 1 Councilmember: Costa Jr.
ABSTAINED: 0

ATTEST:

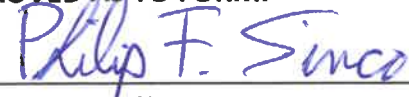


Judy Wilson, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney