

ORDINANCE NO. 9-15 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING CHAPTERS 2.52, 2.62, and 7.102 OF THE MUNICIPAL CODE TO
ELIMINATE THE PUBLIC SAFETY COMMITTEE AND THE FINANCE
COMMITTEE**

WHEREAS, City of Richmond standing committees have become redundant and wasteful of valuable staff time because the same subject matter coming before standing committees must also come before the entire City Council; and,

WHEREAS, standing committee meetings are traditionally held during the day when many interested parties cannot attend due to work; and,

WHEREAS, the Finance Committee and Public Safety Committee have outlived their usefulness and have become counterproductive; and

WHEREAS, on January 20, 2014, the City Council passed a resolution eliminating the Public Safety Committee and the Finance Committee and ordering that the Richmond Municipal Code be updated to eliminate these committees;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION I. Subsection 2.52.344(a)(1) of Chapter 2.52 entitled “Contracting and Purchasing Procedures” of the Richmond Municipal Code is hereby amended as follows (~~strikeout text indicates deletion~~; underline text indicates insertion):

Section 2.52.344 - Award of contracts.

(a) General. All contracts resulting from Sections 2.52.310 (Competitive sealed bids), 2.52.315 (Competitive sealed proposals), 2.52.320 (Contracting for designated professional services), 2.52.324 (Unsealed quotes and small purchases), 2.52.326 (Sole source procurement), 2.52.328 (Cooperative procurement), 2.52.330 (Piggyback procurement), 2.52.332 (Standardization), and 2.52.334 (Emergency procurement), shall be awarded as follows:

(1) Award by City Council. Pursuant to City Charter Section 7, purchases exceeding \$10,000 shall be awarded by the City Council. The Purchasing Manager or responsible department head shall make the recommendations for award. The City Manager shall execute contracts awarded by the City Council.

SECTION II. Chapter 2.62 entitled “Administrative Citations” of the Richmond

Municipal Code is hereby amended as follows (~~strikeout text indicates deletion~~; underline text indicates insertion):

Section 2.62.105 - Appeal of hearing officer's decision.

The decision of the hearing officer shall be appealable to an appeals hearing officer to be designated by the City Manager within fourteen (14) days of the date of the hearing officer's written determination in the following manner and time:

- (a) The appeal must be made by completing a request for appeal form, including a brief and concise factual description of the issues on appeal and returning it to the City within fourteen (14) days of the date of the hearing officer's written findings.
- (b) The appeal shall be heard at a hearing before the appeals hearing officer. . A hearing before the appeals hearing officer shall be set for a date that is not less than fifteen (15) days and not more than thirty (30) days from the date that the request for the appeal hearing is filed in accordance with the provisions of this chapter. The appellant and City staff shall each provide evidence supporting or refuting the violation at the appeal hearing. At the conclusion of the taking of evidence, the appeals hearing officer shall make its ruling on the appeal which shall be entered. The determination of the appeals hearing officer shall be final.

Section 2.62.130 - Right to judicial review.

Any person aggrieved by an administrative decision of the appeals hearing officer on an appeal of an administrative citation may obtain judicial review of the administrative decision by filing a petition seeking review in accordance with Government Code section 53069.4. This section shall be limited to proceedings under Chapter 2.62 of this Code only.

SECTION III. Chapter 7.102 entitled “Medical Marijuana Collectives” of the Richmond Municipal Code is hereby amended as follows (~~strikeout text indicates deletion~~; underline text indicates insertion):

Section 7.102.075 - Modification of permit conditions.

- A. A medical marijuana collective may request a modification of permit condition(s) by submitting a written request to the Chief of Police stating the condition(s) to be modified and the reason(s) for the request. A request must be accompanied by the fee for an appeal as set forth in the City Council resolution establishing fees for medical marijuana collective permits. The request should be accompanied by all supporting documents.

- B. Upon receipt of a request to modify permit condition(s) and payment of the required fee, the Chief of Police, or his or her designee, shall schedule a public hearing before the City Council at a regular meeting within forty-five (45) days after receipt of the request and payment of the required fee.
- C. Notice of the hearing shall be published and mailed in accordance with Section 7.102.050.E.
- D. A decision of the City Council regarding permit modifications, including but not limited to a decision to grant or deny a request to relocate in the General Commercial (C-2) Zoning District, shall be final.

Section 7.102.130 - Appeals.

1. Appeals from decisions to grant or deny a permit

- A. If the decision on one or more permit applications is made by the City Council or a subcommittee thereof, the decision is final.
- B. If the decision on one or more permit applications is made by a rating body empanelled by the Chief of Police, it may be appealed to the City Council within fourteen (14) days from the date the written notice of permit decision was mailed or delivered by personal service. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Chief of Police along with an appeal fee in an amount determined by the City Council by resolution.
- C. The City Council shall conduct a hearing on all appeals at a regularly scheduled meeting within thirty (30) days of the close of the appeal period, except where good cause exists to extend this period. Notice of the date, time and place of the hearing shall be given to the appellant at least ten (10) business days in advance of the hearing. The appellant and City staff shall each provide evidence supporting or refuting the decision to grant or deny the permit at the appeal hearing. At the conclusion of the taking of evidence, the City Council shall make its ruling on the appeal which shall be entered. The determination of the City Council on the appeal(s) shall be final.
- D. No permits shall be issued prior to the expiration of the appeals period without the filing of an appeal or, in the event of one or more appeals, the final decision of the City Council on all appeals.

2. Appeals from Revocation or Suspension

- A. If a City department determines that the permittee failed to comply with any provision of this chapter, or with any other provision or requirement of law, the Chief of Police shall revoke or suspend the medical marijuana collective permit. The City may also pursue any and all remedies and actions available and applicable under local and state law for any violations committed by the medical marijuana collective, its management members, members or any person related or associated with the collective.
- B. The Chief of Police shall notify the permittee of the permit revocation or suspension by dated written notice. Said notice shall advise the permittee of the right to

appeal the decision to the City Council within fourteen (14) days from the date of the notice. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Chief of Police, along with the appeal fee deposit in the same amount as that determined by the City Council by resolution for appeals from decisions to grant or deny a permit.

C. The appeal shall be considered by the City Council in accordance with Section 7.102.055(C).as set forth above in subsection 1. The decision of the City Council shall be final.

D. Whenever a medical marijuana collective permit has been revoked or suspended, no permit application by any of the managing members of that collective shall be considered for a period of three (3) years from either the date that the notice of the revocation or suspension was mailed, or the date of the final decision of the City Council, whichever is later.

SECTION IV. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION V. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION VI. Effective Date. All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held February 17, 2015, and finally passed and adopted at a regular meeting thereof held March 3, 2015, by the following vote:

AYES:	Councilmembers, Beckles, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick and Mayor Butt.
NOES:	Councilmember Bates.
ABSTENTIONS:	None.
ABSENT:	None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 09-15 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 3, 2015.