City Council Agenda
June 3, 2015

TO: Mayor and City Council

FROM: Alan H. Shear, Assistant City Manager

SUBJECT: Ordinance 1386 C.S. Amendment to Modify the Powers and Duties of the City Manager

DATE: May 26, 2015

Recommendation

Motion approving Ordinance No. 1386 C.S. amending Title 2 of the City Municipal Code, Administration and Personnel, Chapter 2.04, City Manager, Section 2.04.040 – Administration; Section 2.04.050, Powers and Duties.

BACKGROUND

At the City Council meeting of January 21, the above ordinance was introduced and a public hearing was held in accordance with California Government Code. The ordinance is now before you for adoption and will become effective after 30 days.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Attachment

- Ordinance

APPROVED BY: Rob Braulik, City Manager

ORDINANCE NO. 1386 C.S.

AMENDING TITLE 2 OF THE CITY OF MARTINEZ MUNICIPAL CODE BY AMENDING CHAPTER 2.04 "CITY MANAGER", SECTION 2.04.40, "ADMINISTRATION", AND SECTION 2.04.50, "POWERS AND DUTIES"

WHEREAS, the City Council of the City of Martinez wishes to modify the powers and duties of the City Manager of the City of Martinez; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 2. Chapter 2.04, Sections 2.04.040 and 2.04.050 is hereby amended to read as follows:

Chapter 2.04 CITY MANAGER

2.04.040 - Administration

The City Council and its members shall deal with the administrative services through the City Manager and neither the City Council nor any members thereof shall give any orders to subordinates of the City Manager, including ***all*** City department heads. ~~with the exception of the Chief of Police, for whom the City Council serves as the appointing authority.~~

2.04.050 – Powers and Duties

The City Manager shall be the administrative head of the City Government under the direction and control of the Council, except as otherwise provided for by ordinance. He or she shall be responsible to the City Council for the efficient administration of the affairs of the City. In addition to the City Manager's general powers as administrative head, and not as a limitation thereon, he or she shall have the following duties:

A. To see that all laws and ordinances are fully enforced;

B. To employ, all City employees, including department heads ~~with the exception of the Chief of Police~~, to discipline or remove all City employees, ***including all City department heads***~~exceptthe Chief of Police~~, to transfer employees from one department to another, and to consolidate or combine officers, positions or departments under his or her jurisdiction notwithstanding the foregoing; ***the City Manager shall have the authority to hire and terminate the Chief of Police with the advice and consent of the City Council;*** however nothing herein contained shall apply to the City Clerk, City Treasurer or City Attorney; provided further, the authority given the City Manager under the terms of this subdivision shall be subject to any civil service or personnel system now or hereafter established by ordinance;

C. To exercise control over all departments and divisions of the City Government and over all appointive officers and employees thereof;

D. To attend all meetings of the Council, except when his removal is under consideration, unless excused therefrom by the Council;

E. To recommend to the Council such measures and ordinances as he deems necessary or proper;

F. Serve as purchasing agent and as such make all purchases in behalf of the City except where the laws of the State require sealed bids, in which case he shall lay before the Council such information as may assist them in calling for bids and awarding contracts;

G. Serve as personnel officer under Section 2.68.120 of this Code;

H. Approve all warrants drawn upon the City Treasurer;

I. Serve as director of emergency services;

J. Consolidate departmental budget requests and prepare budgets for Council review and adoption, be responsible for administration of the City budget after its adoption;

K. Investigate all complaints in relation to all matters concerning the administration of the government of the City;

L. Investigate all complaints made to the City with regard to services maintained by public utilities in the City, to insure that the provisions of franchises, permits, privileges and contracts granted by the City are faithfully observed;

M. Perform such other duties as may, from time to time, be delegated by the Council;

N. To prepare and recommend to the City Council a salary plan;

O. To prepare and submit to the City Council an organization chart showing the organizational plan for all departments of the City Government;

P. To devote his or her entire time to the duties and interests of the City; and

Q. To execute documents specified in California Government 40602 whenever it is inconvenient for the Mayor to do so and provided such documents have been approved by the City Council for execution by resolution, motion, minute order or other appropriate action.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 4. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption, the City Clerk shall publish a summary of this Ordinance with the names of those City Council members voting for and against the Ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: _____
Robert Schroder, Mayor

ATTEST: _____
Deputy City Clerk

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I HEREBY CERTIFY the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 20th day of May, 2015, and duly passed and adopted at a Regular Meeting of said City Council held on the 3rd day of June, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ