

ORDINANCE NO. 0001-2021

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING CITY MANAGER AND AMENDING TITLE 2, CHAPTER 2.16 OF THE MCFARLAND MUNICIPAL CODE TO REPEAL SECTIONS 2.16.120, 2.16.130, 2.16.140, 2.16.150, 2.16.160 2.16.160, 2.16.170, 2.16.180, 2.16.190, 2.16.200, 2.16.210, 2.16.220, 2.16.230, 2.16.240, 2.16.250, and 2.16.260, AND AMEND SECTIONS 2.16.010, 2.16.020, 2.16.020, 2.16.030, 2.16.040, 2.16.050, 2.16.060, 2.16.070, 2.16.080, 2.16.090, 2.16.100, AND 2.16.110 AS PART OF A NEW TITLE 2, CHAPTER 2.16 OF THE MCFARLAND MUNICIPAL CODE

Section 1. Recitals.

WHEREAS, The City of McFarland (“City”) desires to amend, clarify and codify its Municipal Code Chapter related to the City Manager’s authority, compensation, classification, rights and duties, and eligibility for such office;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify, the City Manager’s authority, compensation, classification, rights, duties, obligations, and eligibility;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Chapter 2.16 and 2.20 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from incompatible Municipal Code Chapters.

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

Section 2. The following Sections of the McFarland Municipal Code are deleted in their entirety:

- 2.16.120 - Powers and duties-Budget preparation.
- 2.16.130 - Powers and duties-Purchasing officer.
- 2.16.140 - Powers and duties-Investigations.
- 2.16.150 - Powers and duties-Franchises and permits.
- 2.16.160 - Powers and duties-Public buildings.
- 2.16.170 - Powers and duties-Hours of employment.
- 2.16.180 - Additional duties.
- 2.16.190 - Internal relations-Council/administrator relations.
- 2.16.200 - Internal relations-Departmental cooperation.
- 2.16.210 - Internal relations-Attendance at commission meetings.
- 2.16.220 - Removal.
- 2.16.230 - Removal-Hearing.
- 2.16.240 - Removal—Suspension pending hearing.
- 2.16.250 - Removal—Council discretion.
- 2.16.260 - Removal—Limitation on removal.

Section 3. Section 2.16.010 of the McFarland Municipal Code is hereby amended to read as follows:

- 2.16.010 – Office created.

The office of city manager is created and established. The city manager shall be appointed by the city council solely on the basis of their executive and administrative qualifications. They shall hold office as an at-will employee, at the pleasure of the city council, and shall receive such compensation as the council may provide. This office shall not be subject to the rules or regulations included in this city personnel ordinance or employee handbook. The city council and city manager may enter into an employment agreement to govern the terms of employment. Such employment agreement shall supersede any contrary provisions contained in this chapter.

Section 4. Section 2.16.020 of the McFarland Municipal Code is hereby amended to read as follows:

Section 2.16.020 – Administrative head.

The city manager shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided in this chapter. The city manager shall have authority over all other city department heads and employees, except the city attorney and the city finance director.

Section 5. Section 2.16.030 of the McFarland Municipal Code is hereby amended to read as follows:

Section 2.16.030 – Eligibility.

No member of the city council shall be eligible for appointment as city manager until one year has elapsed since the individual was a member of the city council.

Section 6. Section 2.16.040 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.040 – Designation of administrator pro tempore/acting city manager.

The city manager shall designate a qualified city employee as an administrator pro tempore, by filing a written notice with the city clerk, to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability. If the city manager fails to designate a qualified city employee as administrator pro tempore and is temporarily absent or disabled, the city council may appoint a qualified city employee as an administrator pro tempore. If the city manager's absence or disability extends longer than a two-month period renders them unable to perform their job, the city council shall appoint a qualified city employee as acting city manager. The city manager shall resume their position upon the conclusion of their temporary absence or disability.

Section 7. Section 2.16.050 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.050 – Compensation.

The city manager shall receive such compensation as determined by the city council.

Section 8. Section 2.16.060 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.060 – Officers' duty to assist.

It shall be the duty of all subordinate officers, the elected officers, and the city finance director to assist the city manager in administering the affairs of the city efficiently, economically, and harmoniously.

Section 9. Section 2.16.070 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.070 – Relations with city council.

The city council and its members shall deal with the administrative services of the city only through the city manager. The city manager shall take their orders and instructions from the city council as a body, and no individual councilmember shall give any orders or instructions to the city manager or their subordinates. When a decision has been made by the city council as a body, it shall be final and conclusive.

A. The city manager shall attend all meetings of the city council unless excused by the mayor or the city council.

B. The city manager may take part in council discussions, but may not vote. They shall have the power to appear and address the council or any of its boards or commissions at any meeting.

- C. The city manager shall recommend to the city council such measures and ordinances for adoption as the city manager deems necessary. The city manager shall keep the city council fully advised at all times as to the financial condition and needs of the city, and shall make such reports as may be requested by the city council. The city manager may delegate such duties at their discretion and promptly notify the city council of these decisions.
- D. The city manager may not create any new employment classifications without prior agreement from the city council.

Section 10. Section 2.16.080 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.080 – Participation with commissions.

The city manager may be directed by the city council to attend meetings of the planning commission, and other commissions, boards, and committees created by the city council. The city manager shall cooperate with the members of all commissions, boards, or committees created by the city council.

Section 11. Section 2.16.090 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.090 – Duties and powers.

The city manager shall be responsible for the efficient administration of all the affairs of the city which are under their control. The city manager has the authority to control, order, and give directions to all employees of the city, except the city attorney and the city finance director.

The city manager shall have the authority to properly perform any duty assigned to them by the city council or by other process of law. In addition to their general authority as administrative head, the city manager's duties and powers include, but are not limited to:

- A. Enforcement of laws. The city manager shall enforce all laws of the state which pertain to the city and all laws and ordinances of the city. The city manager is also responsible for faithfully observing all franchises, contracts, permits, and privileges granted by the city. The city manager shall have the power to prescribe such rules and regulations as they shall deem necessary for the conduct of administrative agencies subject to their authority.
- B. Employee appointment, dismissal, etc. The city manager shall appoint and promote, discipline, suspend, or dismiss any city employees, including department heads, except the city attorney and city finance director, and in compliance with this chapter and with the City's Employee Handbook. The city manager shall have the power to set aside any action taken by a department head and may supersede them in the functions of their position as department head, except as to acts and functions solely within the role of the city attorney or city finance director.
- C. Delegation. The city manager shall have the power to direct any department, division, or bureau or perform the work for any other department, division, or bureau.
- D. Personnel system. The city manager shall enforce the personnel system for employees of the city, except the city attorney and city finance director, and shall include the rules governing the personnel system in the employee handbook.
- E. Administrative reorganization. The city manager shall recommend to the city council any reorganization of city offices, positions, or departments under the city manager's direction that will promote the efficient administration of the city's business. The city manager shall have the power to designate committees and the officers thereof as necessary for the proper consideration of administrative problems.
- F. Investigation. The city manager shall investigate all complaints related to matters concerning the administration of the city government or services of public utilities in the city.

- G. Designation of administrator pro tempore. The city manager shall designate a qualified city employee to serve as administrator pro tempore during any temporary absence or disability of the city manager.
- H. Purchases and expenditures. The city manager shall be the purchasing officer for the city. The city manager shall verify that expenditures are submitted or recommended to the city council only after approval by the city manager or their authorized representative. The city manager or their authorized representative shall be responsible for the purchase of all supplies for all the departments or divisions of the city.
- I. Public properties. The city manager shall supervise all public properties, buildings, and parks that are under the jurisdiction of the city council.
- J. Annual Report. The city manager shall prepare and present to the city council an annual report of the city's affairs, including a summary of reports of department heads and all other reports the city council requests.
- K. Annual Budget and salary report. The city manager shall prepare and submit to the council an annual budget and salary report for each ensuing fiscal year by May 1, based upon estimates of the financial needs and resources of the city.
- L. General services. The city manager shall provide for the proper administration and management of all other city affairs which are not otherwise reserved to the mayor and/or city council. The city manager shall perform all other duties as may be delegated to them by ordinance, resolution, or other action of the city council.

Section 12. Section 2.16.100 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.100 – Removal.

Unless contradicted by a valid employment agreement, the status of the city manager is that of an at-will employee who serves at the discretion of the city council. Subject to Section 2.16.130, the city manager may be removed from office by a majority vote of the city council with or without cause for said removal.

Section 13. Section 2.16.110 of the McFarland Municipal Code is hereby amended to read as follows:

2.16.110 – Limitation on removal.

Notwithstanding the provisions of Section 2.16.100, the city manager shall not be removed from office, other than for misconduct in office, during a period of 90 days after any general municipal election held in the city during which a member of the city council is elected, or after a new city councilmember is appointed. After the expiration of this 90-day period, the provisions of Section 2.16.100 as to the removal of the city manager shall apply and be effective.

Section 14. The Amended Chapter 2.16 of the McFarland Municipal Code is set forth in Exhibit "A" to this Ordinance and incorporated herein by reference.

Section 15. NOTICE. The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 16. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 17. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 18. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 8th day of April 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Gonzalez	√			
Maria T. Pérez	√			
Eric Rodriguez	√			
Saul Ayon	√			
Ricardo Cano	√			



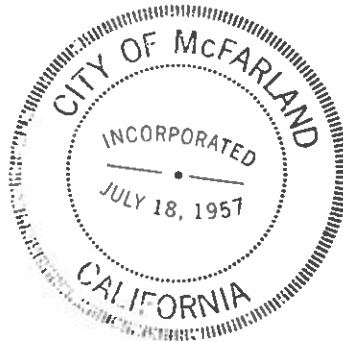
Sally Gonzalez, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on April 22, 2021.

ATTEST:



Francisca Alvarado, City Clerk



APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney

POSTED:

April 28, 2021

EXHIBIT A
CHAPTER 2.16 – CITY MANAGER

2.16.010 – Office created.

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such reports as may be requested by the city council. The city manager may delegate such duties at their discretion and promptly notify the city council of these decisions.

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