

## ORDINANCE NO. 1443

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE RELATING TO DUTIES OF THE CITY MANAGER

#### TITLE II—ADMINISTRATION CHAPTER 2—OFFICERS & EMPLOYEES

The City Council of the City of Arcata does ordain as follows:

Section 1: Title II (*Administration*), Chapter 2 (*Officers & Employees*), Article 1 (*City Manager*), Sections 2105 and 2107, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore.

#### **SEC. 2105. Temporary Manager.**

During the temporary absence or disability of the City Manager, the City Manager shall designate a full-time employee from the Senior Management staff to perform the duties of Acting City Manager. In the event the City Manager is unable to or does not make such designation, the order of succession for performance of the duties of Acting City Manager shall be: (1) Assistant to the City Manager, and (2) the Chief of Police.

The foregoing provisions shall not apply to a vacancy in the office of City Manager in which case the City Council shall appoint an Acting Interim City Manager to serve until a replacement is selected. ~~In all cases where the City Manager fails to designate a temporary Manager, the City Council shall have the ultimate decision making responsibility.~~

#### **SEC. 2107. Powers and duties.**

The City Manager shall be the administrative head of the government of the City under the direction and control of the City Council except as otherwise provided in this ordinance. He/she shall be responsible for the efficient administration of the affairs of the City that are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereof, he/she shall have the following duties and powers:

(a) LAW ENFORCEMENT. It shall be the duty of the City Manager to see that all laws and ordinances of the City are enforced and to see that all franchises, licenses and permits granted by the City and contracts entered into by the City are faithfully performed and observed.

(b) AUTHORITY OVER EMPLOYEES. It shall be the duty of the City Manager and he/she shall have the authority to control and give directions to all heads of departments and to subordinate officers and employees of the City under his/her jurisdiction through their department heads.

(c) POWER OF APPOINTMENT AND REMOVAL. ~~With the exception of the City Attorney, It shall be the duty of the City Manager to appoint, remove, promote or demote the officers and employees of the City of Arcata, including without limitation the City Clerk, except the City Attorney, provided, however, that the Council may within ten (10) days after action is taken, in its own absolute discretion, review and confirm, modify, or reverse any action of the Manager under this subsection.~~

(d) ATTENDANCE AT COUNCIL MEETINGS. It shall be the duty of the City Manager to ATTEND ALL MEETINGS OF THE City Council, except when his/her removal is under consideration or unless excused by the City Council.

(e) FINANCIAL REPORTS AND BUDGET. It shall be the duty of the City Manager to keep the City Council at all times fully advised with respect to the financial conditions and needs of the City, and to prepare and submit a proposed annual budget and a proposed annual salary plan to the City Council for its approval.

(f) PURCHASING AGENT. It shall be the duty of the City Manager to purchase and he/she shall be responsible for the purchase of all supplies for the City and all supplies of all the departments and divisions of the City. All expenditures recommended to the City Council shall be submitted through the City Manager.

(g) ATTENDANCE AT COMMISSION MEETINGS. The City Manager may attend any and all meetings of the Planning Commission, and any other commission, board or committee hereafter created by the City Council, upon his/her own volition or upon direction of the City Council. At such meetings the City Manager may be heard by such commission, boards or committees as to all matters upon which he/she wishes to address the members thereof, and he/she shall inform the members as to the status of any matter being considered by the City Council and he/she shall cooperate with the members of all commissions, boards or committees appointed by the City Council to the fullest extent consistent with his/her duties as prescribed by ordinance or other act of the City Council.

(h) EMPLOYEE RELATIONS. It shall be the responsibility of the City Manager to carry out the function of Personnel ~~Director~~Officer as specified in Title II, Chapter 2, Article 23 herein. However, it shall be the responsibility of the Assistant ~~to the~~or Personnel ~~Manager~~Director to carry out the labor relations process on behalf of the City Council.

Section 2: Title II (Administration), Chapter 2 (Officers & Employees), Article 2 (Departments), Section 2120, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore.

## **SEC. 2120. Departments established.**

The following departments are hereby established:

- A) Finance Department
- ~~B) Parks and Recreation Department~~
- ~~CB) Community Development Department~~
- ~~DC) Police Department~~
- ~~E) Public Transportation Department~~
- ~~FD) Public Works Department~~
- ~~GE) Environmental Service Department~~
- F) City Manager's Office

Section 2: Title II (*Administration*), Chapter 2 (*Officers & Employees*), Article 3 (*Personnel*), Section 2160(5), of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore.

**SEC. 2160. Personnel Rules.**

\* \* \*

5. Competitive Service

The provisions of this article shall apply to all offices, positions and employments in the service of the City, except:

- (a) Elective Officers.
- (b) The City Manager, and any assistants to the City Manager, and the City Clerk.
- (c) Members of appointive boards, commissions, and committees.
- (d) All department heads.
- (e) Persons engaged under contract to supply expert, professional, technical or any other services.
- (f) Volunteer personnel.
- (g) All Council appointed City Officers.
- (h) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (i) Employees with part-time appointments.
- (j) Employees with temporary appointments.

Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority.

\* \* \*

Section 4: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 5: This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 6: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: June 18, 2014

ATTEST:

APPROVED:

---

/s/ Randal J. Mendosa  
Clerk, City of Arcata

---

/s/ Mark E. Wheetley  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1443**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 18<sup>th</sup> day of June, 2014, by the following vote:

AYES: **WHEETLEY, WINKLER, ORNELAS, STILLMAN**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **BRINTON**

---

/s/ Randal J. Mendosa  
City Clerk, City of Arcata