

## ORDINANCE NO. 01-02

## AN ORDINANCE OF THE CITY OF FERNDALE CREATING THE OFFICE OF CITY MANAGER AND REPEALING ORDINANCE 99-01

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01: This ordinance shall be known and cited as the “City Manager Ordinance”.

§1.02: The purpose of the City Manager Ordinance is to create the office of City Manager of the City of Ferndale.

§1.03: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right, power or authority of the Mayor or the City Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provision of this chapter.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: California Government Code section 34851 et seq.

ARTICLE 3: DEFINITIONS

§3.01: Form of Government: Ferndale’s form of government is Council-Manager, with the Mayor elected separately.

ARTICLE 4: OFFICE CREATED, TERMS

§4.01: Office Created. The office of City Manager of the City is created and established. The council shall interview qualified candidates and appoint a City Manager by majority vote in executive session.

§4.02: Appointment. The City Manager shall be appointed by the City Council solely on the basis of his / her executive and administrative ability and qualifications and shall hold office at the pleasure of the council.

§4.03: Residency. Residence in the city at the time of appointment of a city manager shall not be required.

§4.04: Council member eligibility: No mayor or member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such mayor or council member has ceased to be a mayor or member of the City Council.

§4.05 Acting City Manager: The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the city to serve as acting City Manager during any temporary absence or disability of the City Manager. In the event of failure to make such appointment, the City Council shall appoint an acting City Manager.

§4.06 Background Investigation: The Chief of Police will conduct a background check of the City Manager which will include at least a U.S. Department of Justice (fingerprint) check and the most recent employment and education background check. The Chief of Police will report the results of the background check to the City Council in executive session without the presence of the City Manager.

§4.07 Compensation / Expenses:

4.07.1 The City Manager shall receive such compensation as the City Council shall from time to time determine, unless the City Manager serves under an employment contract and then the compensation shall be according to the terms of the employment contract. Compensation may be based on a salary or hourly basis; and based on full time or part time basis.

4.07.2 The City Manager shall be reimbursed for all actual necessary expenses incurred by him / her in the performance of his official duties, or incurred when traveling on business pertaining to the city under direction of the city council. Reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented for payment, according to the city's reimbursement policy.

#### ARTICLE 5: POWERS AND DUTIES

§5.01: General: 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 all the affairs of the city which are under his control.

§5.02: Law Enforcement: It shall be the duty of the City Manager to see that the laws of the state pertaining to the city and all laws and ordinances of the city are duly enforced, and that all franchises, contracts, permits, and privileges granted by the city are faithfully observed.

§5.03: Authority over employees: It shall be the duty of the City Manager and he/she shall have the authority to control, order, 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.

- 5.03.1 The City Manager's primary day-to-day authority shall be governed by the Ferndale Personnel Policy Manual and other applicable ordinances, regulations and laws.
- 5.03.2 It is the City Manager's responsibility to update the Ferndale Personnel Policy Manual.
- 5.03.3 The City Manager will regularly submit additions, deletions and changes to the manual to the City Council for approval and keep the Ferndale Personnel Policy Manual current and relevant to the day-to-day functioning of the city.

§5.04: Appointment and removal of employees: It shall be the duty of the City Manager to, and he/she shall appoint, remove, promote, demote, suspend, or dismiss all officers and employees of the city, except the city attorney, subject to all applicable personnel ordinances, rules and regulations.

§5.05: Administrative reorganization: It shall be the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions, or units under his/her direction as may be indicated in the interest of efficient, effective, and economical conduct of the city's business. The City Manager's chief guide in conducting and structuring city personnel will be the Personnel Policy Manual.

§5.06: Legislative recommendations: It shall be the duty of the City Manager and he/she shall recommend to the City Council for adoption of such measures, ordinances, and resolutions as he/she deems necessary or expedient.

§5.07: Meeting attendance: The City Manager shall attend all meetings of the City Council unless at his/her request he/she is excused by the City Council, except when his/her removal is under consideration by the City Council. The City Manager shall attend other meetings as requested by the City Council.

§5.08: Financial reports: The City Manager shall keep the city council at all times fully advised as to the financial condition and needs of the city.

§5.09: Budget preparation: It shall be the duty of the City Manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval and to be responsible for the efficient administration of the budget after its adoption by the City Council.

§5.10: Expenditure Control and Purchasing: It shall be the duty of the City Manager to see that no expenditures shall be submitted or recommended to the City Council except on approval of the City Manager or his authorized representative. The City Manager or his authorized representative shall purchase or cause to be purchased all supplies for all departments of the city. The City Manager will follow the Purchasing Procedure Ordinance. This section does not hinder a council member's reimbursement for expenses per California Government Code (36514.5).

§5.11: Investigations and complaints: It shall be the duty of the City Manager to make investigations into the affairs of the city and any department or division, and any contract or the proper performance of any obligation of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

§5.12: Supervision of public property: It shall be the duty of the City Manager and he/she shall exercise general supervision over all public buildings, public parks, and all other public property which are under the control and jurisdiction of the city.

§5.13: Additional Duties: It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance, resolution, or action of the City Council.

#### ARTICLE 6: INTERNAL RELATIONS

§6.01: Council-Manager: The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purposes of inquiry, and neither the council nor any of its members shall give orders or instructions to any subordinate of the City Manager. The City Manager shall take his/her orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual council member shall give any orders or instructions to the City Manager.

§6.02: Departmental cooperation: It shall be the duty of all subordinate officers and the city attorney to assist the City Manager in administering the affairs of the city efficiently, economically and harmoniously.

§6.03: Boards, Committees, and Commissioners: The City Manager may attend any and all meetings of the Planning Commission and any other commissions, boards, or committees created by the City Council, upon his/her own volition or upon direction of the City Council. At such meetings which the City Manager attends, he/she shall be heard by such commissions, boards, or committees as to all matters upon which he/she wishes to address 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 to the fullest extent with the members of all commissions, boards, or committees appointed by the City Council.

#### ARTICLE 7: REMOVAL

§7.01: Generally

7.01.1 The removal of the City Manager shall be effected only by majority vote of the whole City Council as then constituted.

7.01.2 Employment is "At Will."

§7.02: Council discretion: In removing the City Manager, the City Council shall use its discretion and its action shall be final.

#### ARTICLE 8: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

#### ARTICLE 9: EFFECTIVE DATE:

This ordinance becomes effective thirty (30) days after the date of its enactment.

#### ARTICLE 10: POSTING REQUIREMENT

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

#### ARTICLE 11: ENACTING DATE AND SIGNATURES

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALÉ AT A REGULAR MEETING ON November 13, 2001 BY THE FOLLOWING VOTE.

AYES: Jeff Farley, James Moore, Don Hindley, Frank Taubitz, Elizabeth Anderson

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Frances Scalvini, City Clerk

\_\_\_\_\_  
Jeffrey Farley, Mayor

First Reading: October 8, 2001

Second Reading: November 13, 2001