

ORDINANCE NO. 13-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ORDINANCE NO. 2000-9

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this ordinance is to amend Sections of Ordinance No. 2000-9. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

Section 2: Amendment to Ordinance No. 2000-9

Section 2, Paragraph 6c is amended to read as follows:

c. To appoint, remove, promote and demote any and all officers and employees of the City, including the City Treasurer, but excepting elective officers, the City Clerk and the City Attorney.

Section 2, Paragraph 7 and Paragraph 8 are amended to read as follows:

7. Relations with Council. The City Council and its members shall deal with the administrative services of the City only through the City Manager except for the purpose of inquiry and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, except that this limitation and prohibition shall not apply to the Council's relations with the ***City Clerk or the City Attorney***. The City Council shall instruct the Manager in matters of policy, and the City Manager shall take orders and instructions from the City Council, only when the City Council is sitting in a duly convened meeting of the City Council. No individual council member shall give any orders or instructions to the City Manager or any subordinate of the City Manager. Any action, determination or omission of the City Manager shall be subject to review by the City Council.

8. Departmental Cooperation. It shall be the duty of all subordinate officers, ***the City Clerk*** and the City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously.

Section 3: Codification of Ordinance Provisions

The City Clerk is directed to codify the provisions of this ordinance in the Elk Grove Municipal Code.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE NO. 13-2007

INTRODUCED: February 14, 2007
ADOPTED: February 28, 2007
EFFECTIVE: March 30, 2007

ATTEST:


PEGGY E. JACKSON, CITY CLERK


JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 13-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on February 14, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 28, 2007 by the following vote:

AYES : COUNCILMEMBERS: Scherman, Cooper, Davis, Leary


NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Hume

A summary of the ordinance was published pursuant to GC 36933(c) (1).





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**