

ORDINANCE NO. 2000-9

AN UGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ELK GROVE ESTABLISHING
THE OFFICE OF CITY MANAGER

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

Section 1. The purpose of this ordinance is to create the office and declare the responsibilities of City Manager.

Section 2. The City Council hereby creates the office of City Manager of the City of Elk Grove as follows:

1. **Office Created; Term.** The office of the City Manager is created and established. The City Manager shall be appointed by the City Council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office at the pleasure of the City Council.

2. **Eligibility.** No person elected as a member of the City Council of the City of Elk Grove shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed after such Council Member shall have ceased to be a member of the Council.

3. **Residence.** Residence in the City at the time of appointment of a City Manager shall not be required as a condition of the appointment.

4. **Compensation.** The City Manager shall receive such salary and benefits as set by separate agreement between the City and City Manager, and approved by Resolution.

5. **Expense Allowance.** The City Manager shall be reimbursed for all actual and necessary expenses incurred when traveling on business pertaining to the City.

6. **Powers and Duties Generally.** 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, by law, or by direction of the City Council. The City Manager shall be responsible for the efficient administration of all the affairs of the City which are under his or her control. In addition to the general powers as administrative head, the City Manager shall have the following specific duties, responsibilities and powers:

a. To enforce all laws and ordinance of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed.

b. To control, order and give directions to all heads of departments and to subordinate officers and employees of the City under his or her jurisdiction through their department heads.

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

d. To establish an organizational structure of offices, departments, positions and units within the City as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

e. To recommend to the City Council the adoption of policy, ordinances and resolutions as deemed necessary or appropriate.

f. To attend all meetings of the City Council unless excused therefrom by the Mayor individually or the City Council.

g. To prepare and submit the proposed annual budget and salary plan to the City Council for its approval.

h. To be responsible for the purchase of all supplies for all the departments or divisions of the City. No expenditures shall be submitted or recommended to the City Council except on report and approval of the City Manager, or the City Manager's designee.

i. To make investigations into the affairs of the City and any department or division thereof and any contract or 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.

j. To exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the City Council.

k. To perform such other duties and exercise such other powers as may be delegated to the City Manager from time to time by ordinance or resolution or other official action of the City Council.

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 Attorney. The City Council shall instruct the City 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 and the City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously.

9. **Attendance at Commission Meetings.** The City Manager may attend any and all meetings of the Planning Commission, and any other commission, board or committee created by the City Council, upon his own volition or upon direction of the City Council. At such meetings which the City Manager attend, he or she shall be heard by such commission, board or committee as to all matters upon which he or she wishes to address the members thereof. The City Manager shall inform such members as to the status of any matter being considered by the City Council, and he or she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the City Council.

10. **Removal.** The City Manager shall at all times serve at the pleasure of the City Council and may be removed from office with or without cause, at anytime, except that the City Manager shall not be removed from office, nor shall notice of removal be determined, during or within a period of ninety days next succeeding any municipal election held in the City at which a member of the City Council is elected. The purpose of this provision is to allow any newly elected member to the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the office of City Manager.

11. **Agreements With Council Not Abridged.** Nothing in this ordinance shall be construed as a limitation on the power or authority of the City Council to enter into any agreement with the City Manager delineating additional terms and conditions of employment. The terms and conditions of any employment agreement may be inconsistent with, and supersede, this ordinance only if expressly provided for in the agreement.

Section 3. This ordinance shall take effect immediately as an Urgency Ordinance. Commencing July 1, 2000 the City of Elk Grove becomes effective and will be required to provide services to its citizens. By vote of the people, Elk Grove shall have a Council-City Manager form of government. To ensure the proper and orderly operation of the City of Elk Grove, it is essential that the City have a City Manager on its first day of operation. For these reasons the City Council finds that the immediate passage of this ordinance is necessary for the immediate preservation of the public peace, health and safety and fiscal integrity of the City.

Section 4. The City Clerk may post a copy of this ordinance in at least three public places in the City within fifteen days after its final passage, in lieu of publication.

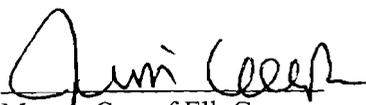
PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 1st day of July, 2000, by the following vote:

AYES: Cooper, Soares, Leary, Scherman, Briggs

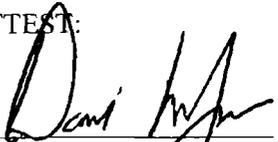
NOES: 0

ABSENT: 0

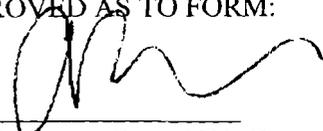
ABSTAIN: 0


Mayor, City of Elk Grove

ATTEST:


City Clerk, City of Elk Grove

APPROVED AS TO FORM:


City Attorney, City of Elk Grove
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