

ORDINANCE NO. 542

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTER 2.20 OF TITLE 2 OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO THE CITY ADMINISTRATOR, REPLACING IT WITH, AND ESTABLISHING THE OFFICE OF THE CITY MANAGER.

WHEREAS, in 1969 the City established the office of the City Administrator, with broad authority over the administration of the City except as to authority specifically reserved to the City Council; and

WHEREAS, the City Council has over the years delegated to the City Administrator much of the authority associated with a City Manager form of government; and

WHEREAS, the City Council wishes to formalize the adoption of the City Manager form of government and officially establish the office of the City Manager.

NOW THEREFORE, the City Council of the City of Hawaiian Gardens does ordain as follows:

SECTION 1. Chapter 2.20 of Title 2 of the Hawaiian Gardens Municipal Code is hereby amended and restated in its entirety to read as follows and establish a City Manager form of Government and the office of the City Manager:

Chapter 2.20

CITY MANAGER

2.20.010. Office of the City Manager Created.

The office of the City Manager of the City of Hawaiian Gardens is hereby established. The City Manager shall be appointed by the City Council. The City Manager shall hold office at the pleasure of the City Council. No person elected to membership on the City Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed after such person has ceased to be a member of the City Council.

2.20.020. Compensation and Expenses.

The City Manager shall receive such compensation and reimbursement for expenses as the City Council shall from time to time determine and fix, and said compensation shall be a proper charge against general funds of the City or as against such funds as may be indicated by the City Council.

2.20.040. Powers and Duties.

The City Manager shall be the administrative head of the City under the direction and control of the City Council, except as otherwise provided by ordinance or resolution of the City Council. The City Manager shall be responsible for the efficient administration of all the affairs of the City which are under the City Manager's control and for implementing policy as set by the City Council. In addition to the general duties and powers as administrative head, and not as a limitation thereon, it shall be the City Manager's duty and the City Manager shall have the power:

- A. To see that the laws of the State of California pertaining to the City and all laws and ordinances of the City are duly enforced and that all franchises, permits and privileges granted by the City are faithfully observed.
- B. To appoint, remove, promote, and demote any city officer or employee, except for the City Attorney, subject to applicable law and personnel policies established by the City Council.
- C. To supervise and direct all department heads, officers and employees.
- D. To attend all meetings of the City Council and its committees unless excused therefrom by the City Council.
- E. To recommend to the City Council for adoption such measures or ordinances as the City Manager deems necessary or expedient.
- F. To keep the City Council at all times fully advised as to the financial condition and needs of the City.
- G. To prepare and submit to the City Council the annual budget and to administer it after adoption.
- H. To purchase or cause to be purchased all materials, supplies, services and equipment for all of the departments or divisions of the City. No purchase shall be made, contract let, or obligation for any item or service which exceeds the current budget appropriation shall be made without a supplemental appropriation by the City Council. No expenditure shall be submitted or recommended to the City Council except on report to and approval of the City Manager.
- I. To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the service maintained by public utilities in the City; to remedy all meritorious complaints within the scope of authority provided by the City ordinances and policies, and to report to the Council all injustices suffered by reason of defects or omissions in the laws, policies, or practices of the City which he/she is not authorized to rectify.
- J. To exercise general supervision over all public buildings, streets, and other public property which are under the control and jurisdiction of the City Council.

- K. To devote his or her time as required by the duties and interest of the City.
- L. To make reports and recommendations as may be desirable or as requested by the City Council.
- M. To serve in any appointed office or as head of a department within the City government to which the City Manager may be qualified when appointed thereto by the City Council and to hold and perform the duties thereof at the pleasure of the City Council.
- N. To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance or resolution of the City Council.

2.20.050. Ex-officio Member Of Boards and Commission.

The City Manager shall be an ex-officio member of all Boards and Commissions appointed by the Mayor or the City Council pursuant to law, with a right to participate in all deliberations or actions by voice but without vote.

2.20.060. Orders and Directions.

The City Council and its members shall deal with the administrative services of the City through the City Manager, except for the purpose of inquiry, and neither the City Council nor any members thereof shall direct subordinates of the City Manager.

2.20.070. Limitations Imposed.

The City Manager shall not establish policy which is the province of the City Council to determine, nor shall he/she bind the City, to any action, plan or program requiring official City Council action.

2.20.080. Emergency Contracts and Purchases--Authority.

In case of accident, disaster, or other circumstances creating a public emergency, the City Manager may in accordance with the city's disaster preparedness plan, award contracts and make purchases for the purpose of meeting such emergency. The City Manager shall file promptly with the City Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

2.20.090. Bond.

The City Manager shall obtain at the expense of the City, a faithful performance bond in the principal sum of twenty-five thousand dollars.

SECTION 2. Section 1.04.010 of the Hawaiian Gardens Municipal Code, pertaining to definitions, is hereby amended by adding the following definition:

"City Administrator" means the City Manager.

SECTION 3. The Mayor or presiding officer of the City Council is hereby authorized to affix his/her signature to this Ordinance signifying its adoption by the City Council.

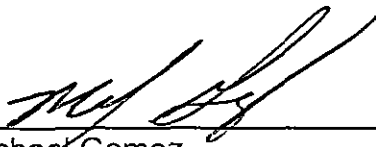
SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days from the date of its final passage and adoption.

SECTION 6. If any chapter, section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

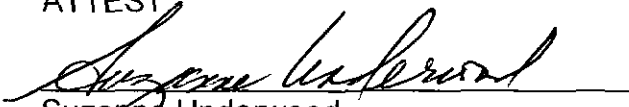
PASSED AND ADOPTED at a regular meeting of the City Council on the 28th day of August, 2012, by the following vote:

AYES: OYAMA-CANADA, RODRIGUEZ, BRUCE, FARFAN AND GOMEZ.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.



Michael Gomez
Mayor

ATTEST:



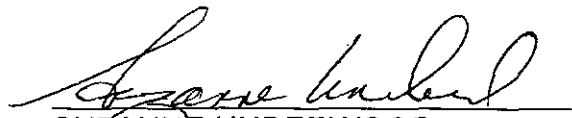
Suzanne Underwood
City Clerk

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

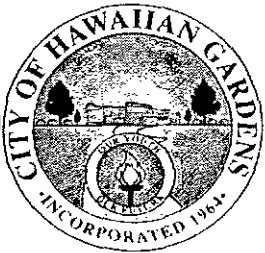
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 542**, was duly and regularly introduced and placed upon its first reading at a Special meeting of the City Council on **AUGUST 14, 2012** and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **28th day of AUGUST 2012**, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: OYAMA-CANADA, RODRIGUEZ, BRUCE, FARFAN AND GOMEZ
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



SUZANNE UNDERWOOD
CITY CLERK/RECORDS MANAGER



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-1

Meeting Date: 8/14/2012

City Administrator: 

CITY OF HAWAIIAN GARDENS

ACTION:

- Approved
- Denied
- Amended
- Receive & File
- Other)

First Reading

VOTE: 5-0

DATE: 8/14/2012

TO: Honorable Mayor and Members of the City Council

FROM: Ernesto Marquez, City Administrator

DATE: June 27, 2012

SUBJECT: INTRODUCTION OF ORDINANCE 542 AMENDING CHAPTER 2.20 OF TITLE 2 OF THE HAWAIIAN GARDENS MUNICIPAL CODE ESTABLISHING THE OFFICE OF THE CITY MANAGER.

SUMMARY

In 1969, the City established the office of the City Administrator, with broad authority over the administration of the City except as to authority specifically reserved to the City Council. However, a review of the City's current policies and practices reveals that the City Council has delegated to the City Administrator much of the authority associated with a city manager form of government. The attached ordinance formalizes the City's adoption of the City Manager form of Government.

DISCUSSION

Normally, a city administrator form of government is a hybrid between a strong mayor form of government (where the Mayor appoints department heads and other employees), and a city manager form of government (where the City Manager appoints department heads and other employees). Section 2.48.070 of the Hawaiian Gardens Municipal Code, pertaining to the City's Personnel System, provides that all appointments "shall be made by the city council, or by the officer in whom the power to make appointments is vested by the city council." (Emphasis added) Over the years, the authority to hire has been delegated to the City Administrator in order to implement the grievance system established by the Memoranda of Understanding with the City's employees, which call upon the City Council to provide the highest step in the grievance process, and to hear grievances over decisions of the City Administrator affecting City personnel. In fact, Section 2.48.110 of the Hawaiian Gardens Municipal Code currently provides the City Administrator the authority and right, "for due cause, to demote, dismiss, reduce in pay, or suspend without pay for not more than thirty calendar days for disciplinary reasons, any city employee."

Given the personnel grievance system established by the Memoranda of Understanding with the City employees and the subsequent powers over the personnel system granted to the City Administrator, it is evident that the City has for some time moved towards a city manager form of government. Additionally, adoption of the attached ordinance formally establishing the city manager form of government does not require an amendment to the City's personnel system or the Memoranda of Understanding with the City's employees.

Sections 34851, 34852 and 34856 of the Government Code provide that a city manager form of government is established by ordinance of the City Council, which shall define the powers and duties of the city manager. The ordinance may provide that the City Manager will have the authority to appoint all subordinate appointive officers and employees of the City except the city attorney. The attached ordinance implements these policies and once established, specifies that the City Council will direct City employees only through the City Manager.

RECOMMENDATION

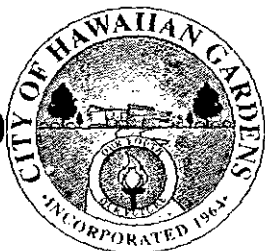
Read by title only, waive further reading, and introduce Ordinance No. 542 amending Chapter 2.20 of Title 2 of the Hawaiian Gardens Municipal Code establishing the office of the City Manager.

FISCAL IMPACT

Adoption of the ordinance will not have a fiscal impact.

ATTACHMENTS

Ordinance No. 542
Current Chapter 2.20 of Title 2 of the HGMC



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-1

Meeting Date: 8/28/2012

City Administrator: [Signature]

CITY OF HAWAIIAN GARDENS
ACTION:

- Approved
- Denied
- Amended
- Receive & File
- Other

VOTE: [Signature]
DATE: 8/28/2012

TO: Honorable Mayor and Members of the City Council

FROM: Ernesto Marquez, City Administrator

DATE: August 28, 2012

SUBJECT: **ADOPTION OF ORDINANCE 542 AMENDING CHAPTER 2.20 OF TITLE 2 OF THE HAWAIIAN GARDENS MUNICIPAL CODE ESTABLISHING THE OFFICE OF THE CITY MANAGER.**

SUMMARY

On August 14, 2012, the City Council approved the first reading and introduction of Ordinance 542, which amends Chapter 2.20 of Title 2 of the Hawaiian Municipal Code establishing the office of the City Manager.

The Council introduced the ordinance subject to revisions to Section 2.20.060 as follows: "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 members thereof shall ~~give orders to any~~ direct subordinates of the City Manager."

The attached Ordinance 542 contains the revisions approved by the City Council.

RECOMMENDATION

Read by title only, waive further reading, and adopt Ordinance No. 542 amending Chapter 2.20 of Title 2 of the Hawaiian Gardens Municipal Code establishing the office of the City Manager.

FISCAL IMPACT

None.

ATTACHMENTS

Ordinance No. 542.

**PROOF OF PUBLIC
(2015.5 C.C.P.)
Los Cerritos Community News
13017 Artesia Blvd., Su
Cerritos CA 907
(562) 407-3873**

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I am a citizen of the United States
County aforesaid; I am over the age
and not a party to or interested in the
matter.


I am the principal clerk of the print
Los Cerritos Community News, a newspaper
publication, printed and published one
time in the County of Los Angeles, and which
has been adjudged a newspaper of general
interest by the Superior Court of the County
of California, under the date of Section
Case Number V5005861 that the
annexed is a printed copy (set in two
nonpareil), has been published in
every issue of said newspaper and
hereof on the following dates, to-wit:

7/31/12

I hereby certify (or declare) under penalty
that the foregoing is true and correct.
WITNESSED AT CERRITOS, CALIFORNIA

THIS IS 31st DAY OF August, 2012

Signature


Brian Hewitt

Los Cerritos Community News
Artesia Blvd. Suite C-10
562-407-3873
LCCN FORM 82180

**CITY OF HAWAIIAN GARDENS
ORDINANCE NO. 542**

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GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.20 OF TITLE 2 OF THE HAWAIIAN GARDENS
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