

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO,  
CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE CHAPTER 2.04  
REGARDING PERSONNEL CONTROL AND AMENDING REFERENCES TO  
DEPARTMENTS AND POSITIONS WHOSE TITLES HAVE BEEN MODIFIED**

WHEREAS, as authorized under Government Code Section 34851, the council-manager form of government is the system of local government that combines the strong political leadership of elected officials in the form of a council or other governing body, with the strong managerial experience of an appointed local government manager; and

WHEREAS, pursuant to Government Code Section 36501, a five-member city council is elected to serve as the city's leaders and policy-makers, which, in a council-manager form of government, focuses on policy and legislation, the community's goals, land use development, capital improvement plans, capital financing and strategic planning, rather than the administrative and operational details of the local government; and

WHEREAS, in a council-manager government, the manager is appointed by the city council to carry out the council's policies and legislation and is the administrative head of the city, in charge of the efficient administration of all the affairs of the city, such as preparing a budget, hiring, terminating, and supervising city staff, serving as the council's chief advisor, and providing complete and objective information on and implications of matters within the city's purview; and

WHEREAS, the City of Rialto currently has a form of council-manager government as substantially described above, except that the City Administrator may, under Rialto Municipal Code Section 2.04.100, "appoint, promote, demote and remove, *under the supervision and control of the city council*, any city officers, and employees, except the city clerk, city treasurer and city attorney, and their respective staffs, and except that the *city council shall be consulted by the administrator and the council must concur in all matters relating to the removal or transfer of any department heads or the combining or changing of any department heads of this city*"; and

WHEREAS, the above-referenced section of the Rialto Municipal Code has caused some confusion regarding appointment and supervisory authority over certain employees; and

1           WHEREAS, the City Council desires to clarify the respective roles of the City Council and the  
2 City Administrator, which under this Ordinance and thereafter shall be referred to as the City Manager,  
3 and to provide more efficient administration of services as envisioned under the council-manager form  
4 of government; and

5           WHEREAS, the City Council recently authorized the renaming of certain departments and  
6 positions within the City’s administration; and

7           WHEREAS, the City Council now desires to amend the relevant portions of the Rialto  
8 Municipal Code to further clarify City Council and manager relations and to reflect the modifications in  
9 the titles of certain departments and positions.

10           NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS AND  
11 ORDAINS AS FOLLOWS:

12           **Section 1.**     The above recitals are all true and correct and are hereby adopted as findings.

13           **Section 2.**     The title of Chapter 2.04 of the Rialto Municipal Code shall be amended to read,  
14 in its entirety, as follows (deletions indicated in ~~striketrough~~, additions in ***bold and italics***):  
15           “Chapter 2.04 City ~~Administrator~~ ***Manager***”

16           **Section 3.**     Section 2.04.020 of the Rialto Municipal Code shall be amended to read, in its  
17 entirety, as follows (deletions indicated in ~~striketrough~~, additions in ***bold and italics***):  
18           “2.04.020     Appointment.

19           The city council appoints, ~~and/or contracts with~~, an officer selected solely on the basis of  
20 his/her administrative and executive ability ***and qualifications***, who shall be called "city  
21 ~~administrator~~ ***manager***," and who holds office at and during the pleasure of the city  
council.”

22           **Section 4.**     Section 2.04.050 of the Rialto Municipal Code shall be amended to read, in its  
23 entirety, as follows (deletions indicated in ~~striketrough~~, additions in ***bold and italics***):  
24           “2.04.050     Term of Office – Removal.

25           A.     When the city council appoints the city ~~administrator~~ ***manager*** for an indefinite  
26 term, it may remove him/her by a majority vote of the council. The city council, in  
removing the city ~~administrator~~ ***manager***, shall use its discretion and its action is final.  
27 ~~At least thirty days before the removal of the city administrator becomes effective, the~~  
city council shall, by a majority vote of its members, adopt a preliminary resolution

1 stating the reason for his/her removal. By the preliminary resolution The city council  
2 may suspend the city administrator *manager* from duty, but shall, in any case, cause to  
3 be paid to him/her forthwith any unpaid balance of his/her salary and his/her monthly  
4 salary continues to be paid for the next thirty days following the adoption of the  
5 preliminary resolution *for services rendered until termination and any other financial*  
6 *obligation arising out of any employment contract, unless relieved by any valid legal*  
7 *defenses.*

8 B. When the city council contracts with the city administrator *manager* for a term  
9 certain, it may remove him/her by a majority vote of the council, but any financial  
10 obligations arising out of said contract must be met unless relieved by any valid legal  
11 defenses.

12 C. The city administrator *manager* shall not be removed from office during or  
13 within a period of *one hundred twenty days prior to or one hundred twenty* ninety days  
14 next succeeding any general municipal election held in the city, at which election a  
15 member of the city council is elected *or following appointment of a new councilperson;*  
16 the purpose of this provision is to allow a newly elected member of the city council, or a  
17 reorganized city council, to observe the actions and ability of the city administrator  
18 *manager* in the performance of the powers and duties of his/her office. *Prior to the one-*  
19 *hundred twenty-day period and A* after the expiration of the *ninetyone* *hundred twenty-*  
20 day periods mentioned herein, the provisions of subsection A *and B* of this section as to  
21 the removal of the city administrator *manager* apply and are effective.”

22 **Section 5.** Section 2.04.090 of the Rialto Municipal Code shall be amended to read, in its  
23 entirety, as follows (deletions indicated in ~~strikethrough~~, additions in *bold and italics*):

24 “2.04.090 Personnel Control.

25 It is the duty of the city administrator *manager* and he/she has the power to control, order  
26 and give directions to all heads of departments, subordinate officers and employees of the  
27 city, except the city clerk, city treasurer, city attorney, and public relations officer ~~and~~  
28 their respective staffs; to transfer employees from one department to another; to  
consolidate or combine offices, positions, departments or units under his/her direction.  
*Except as specifically reserved or prohibited by State law, the city manager shall also*  
*have the power to control, order and give directions to any respective staff of the city*  
*clerk, city treasurer, and public relations officer.”*

29 **Section 6.** Section 2.04.100 of the Rialto Municipal Code shall be amended to read, in its  
30 entirety, as follows (deletions indicated in ~~strikethrough~~, additions in *bold and italics*):

31 “2.04.100 Appointment powers.

32 It is the duty of the city administrator *manager* and he/she has the power to appoint,  
33 promote, demote, and remove ~~under the supervision and control of the city council~~ any  
34 city officers and employees, except the city clerk, city treasurer, ~~and~~ city attorney, ~~and~~

1 their respective staffs, and except that the city council shall be consulted by the  
2 administrator and the council must concur in all matters relating to the removal or  
3 transfer of any department heads or the combining or changing of any department heads  
4 of this city *and any other officer or employee whose appointment, promotion,  
5 demotion, and removal is expressly reserved to the city council, subject to all applicable  
6 personnel ordinances, rules, and regulations. Except as specifically reserved or  
7 prohibited by State law, the city manager shall also have the power to appoint,  
8 promote, demote, and remove any respective staff of the city clerk, and city treasurer,  
9 subject to all applicable personnel ordinances, rules, and regulations.*”

10 **Section 7.** Section 2.04.240 of the Rialto Municipal Code shall be amended to read, in its  
11 entirety, as follows (deletions indicated in ~~striketrough~~, additions in ***bold and italics***):

12 “2.04.240 Cooperation of other city officers.

13 It is the duty of all subordinate officers, ~~including~~ ***as well as*** the city clerk, city treasurer  
14 and the city attorney, to cooperate with and assist the city ~~administrator~~ ***manager*** in  
15 administering the affairs of the city most efficiently, economically and harmoniously so  
16 far as may be consistent with their duties as prescribed by city law and ordinances.”

17 **Section 8.** Section 1.04.060 of the Rialto Municipal Code shall be added to read, in its  
18 entirety, as follows:

19 “1.04.060 ***Department and position title modifications.***

20 ***Whenever the following department and position titles appear in this Code or other  
21 ordinance, regulation, rule, or policy adopted by the City, it shall be understood to  
22 mean the new names listed below:***

23 ***A. All references to “City Administrator” shall now mean “City Manager”.***

24 ***B. All references to “Development Services Department” shall now mean  
25 “Community Development Department”.***

26 ***C. All references to “Development Services Director” shall now mean  
27 “Community Development Director”.***

28 **Section 9.** The City Clerk shall certify to the adoption of this Ordinance, and cause the same  
to be published in the local newspaper or posted as required by law, and the same shall take effect thirty  
(30) days after its date of adoption.

**PASSED APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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DEBORAH ROBERTSON, Mayor

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**ATTEST:**

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BARBARA McGEE, City Clerk

**APPROVED AS TO FORM:**

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FRED GALANTE, City Attorney

