

**ORDINANCE NO. 585 N.S.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON  
AMENDING MUNICIPAL CODE TITLE I (“GENERAL PROVISIONS AND  
ADMINISTRATION”), CHAPTER 2 (“ADMINISTRATION”), ARTICLE II (“TOWN  
MANAGER”), SECTION 2-8 (“POWERS AND DUTIES GENERALLY”), SUBSECTION  
(C) REGARDING THE TOWN MANAGER’S DISCRETION IN DELEGATING  
EMPLOYEE DISCIPLINARY AND/OR TERMINATION AUTHORITY TO  
DEPARTMENTAL HEADS**

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TIBURON  
DOES ORDAIN** as follows:

**SECTION 1. FINDINGS.**

- A. The Town would like to empower Department Heads to terminate employees.
- B. The Town Council held a duly noticed public hearing on November 6, 2019 and has heard and considered all public testimony on the proposed Ordinance.
- C. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.

**SECTION 2. ADOPTION OF AN AMENDMENT TO THE MUNICIPAL CODE.**

Title I, Chapter 2, Article II, Section 2-8, Subsection (c) of the Tiburon Municipal Code is amended by adding Subsection (c)(1) to read as follows:

**2-8 Powers and Duties Generally.**

(c) To appoint, remove, promote and demote any officers of the town except the town attorney and town treasurer, subject, however, to any civil service or personnel systems established by ordinance. As indicated in Section 3-2, Department Heads (i.e. Department Heads, as defined in the Town’s Organization Chart in the Municipal Budget) shall have the authority to administer discipline, up to and including termination, of employees in their respective departments. Rulings by any hearing officer selected to hear the appeal of any discipline of a Town employee shall be advisory on the Town Manager.

**3-2 Same – Administration.**

The town manager or the appointed personnel officer shall administer the personnel system in accordance with personnel rules and regulations adopted by the town council by resolution. The town manager shall prepare and present proposed rules and regulations to the town council.

Notwithstanding the above, Department Heads (i.e. Department Heads, as defined in the Town's Organization Chart in the Municipal Budget) shall have the authority to administer discipline, up to and including termination, of employees in their respective departments.

### **SECTION 3. SEVERABILITY.**

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and before the expiration of fifteen (15) days after passage by the Town Council, a copy of the ordinance shall be published with the names of the members voting for and against it at least once in a newspaper of general circulation published in the Town of Tiburon.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on November 6, 2019, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on November 20, 2019, by the following vote:

AYES:	COUNCILMEMBERS:	Fredericks, Kulik, Welner
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NAYS:	COUNCILMEMBERS:	Thier
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ABSENT:	COUNCILMEMBERS:	One Vacant Seat
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DAVID KULIK, MAYOR  
Town of Tiburon

ATTEST:

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LEA STEFANI, TOWN CLERK