

CITY OF SAN ANSELMO

ORDINANCE NO. 420

An ordinance repealing Ordinate No. 149
entitled, "An ordinance creating the office of Town
Manager in and for the Town of San Anselmo, defining the
duties, and providing for the compensation of said officer."
and creating the office of City Manager of the City of San
Anselmo, defining the duties and powers thereof and providing
for compensation therefor.

The City Council of the City of San Anselmo do
ordain as follows:

ORDINANCE NO. 149 REPEALED -
OF CITY MANAGER
SECTION 1. OFFICE CREATED. Ordinance No. 149 is hereby
repealed.

~~That~~ The office of the City Manager of the City
of San Anselmo ~~to, and the same~~ is hereby created
and established. The City Manager shall be
appointed by the City Council wholly on the basis
of his administrative and executive ability
and qualifications and shall hold office for and
during the pleasure of the City Council.

SECTION 2. RESIDENCE.

Residence in the City at the time of appointment
of a City Manager shall not be required as a condition
of the appointment, but within one hundred eighty
(180) days thereafter the City Manager must become
a resident of the City, or the City Council shall
declare the office of City Manager to be vacant.

SECTION 3. ELIGIBILITY.

No person elected as a Councilman of the City
shall, subsequent to such election, be eligible for
appointment as City Manager until five years has
elapsed after such Council member shall have ceased
to be a member of the City Council.

SECTION 4. BOND.

The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the said City Council and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as herein prescribed. Any premium for such bond shall be a proper charge against the City of San Anselmo.

SECTION 5. TEMPORARY MANAGER.

The City Council shall appoint one of the other officers or department heads of the City to serve as manager pro tempore during any temporary absence or disability of the City Manager. The Manager pro tempore shall be appointed to serve for a term one year from date of appointment and thereafter the City Council shall on or before the annual anniversary of the appointment appoint one officer or department head to serve for the ensuing year. The same officer or department head may be appointed for one or more successive terms as manager pro tempore.

SECTION 6. COMPENSATION.

(a) The City Manager shall receive such compensation and expense allowances as the City Council shall from time to time determine and fix by resolution, and said compensation and expenses shall be a proper charge against such funds of the City as the City Council shall designate.

(b) Said City Manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties or incurred when traveling on business pertaining to the City under direction

of the City Council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for such business for which reimbursement is requested, and has been presented to the City Council for approval.

SECTION 7. POWERS AND DUTIES.

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. He shall be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following sections. The City Manager shall be entitled to and have the same rights and privileges with respect to vacations and sick leave as may from time to time be provided for civil service employees of the City of San Anselmo.

SECTION 8. LAW ENFORCEMENT.

It shall be the duty of the City Manager to enforce all laws, ordinances, resolutions and policies of the City and to see that all franchises, contracts, permits, and privileges granted by the City Council are faithfully observed.

SECTION 9. AUTHORITY OVER EMPLOYEES.

It shall be the duty of the City Manager and he shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the City under his jurisdiction through their department heads. Provided, however, that this

ordinance does not grant any authority to or impose any duty upon the City Manager which is vested in or imposed by the laws of the State of California in any other unit, officer, or employee of city government.

SECTION 10. POWER OF APPOINTMENT, ETC.

It shall be the duty of the City Manager to recommend to the City Council the appointment of all officers and employees over whom he has jurisdiction. The City Manager may remove, suspend, demote, and promote, subject to the civil service or other tenure of office laws or ordinances and the rules and regulations thereunder, such officers and employees over whom the Manager has jurisdiction. The City Manager shall not have jurisdiction over the City Clerk, City Attorney, City Treasurer, or City Engineer.

SECTION 11. REORGANIZATION OF OFFICES, ETC.

It shall be the duty and responsibility of the City Manager to study and recommend to the City Council such reorganization of offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

SECTION 12. ORDINANCES.

It shall be the duty of the City Manager and he shall recommend to the City Council for adoption such measures and ordinances as he deems necessary or expedient.

SECTION 13. ATTENDANCE AT COUNCIL MEETING.

It shall be the duty of the City Manager to attend all meetings of the City Council unless excused therefrom, except he shall not be present at any meeting when his removal is under consideration.

SECTION 14. FINANCIAL REPORTS.

It shall be the duty of the City Manager to keep the City Council at all times fully advised as to the financial conditions and needs of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenue of all municipal funds and accounts; and he shall see to the collection of all money due the municipality.

SECTION 15. BUDGET. Estimate of Expenditures

It shall be the duty of the City Manager to prepare and submit the proposed annual estimate of expenditures and the proposed annual salary plan to the City Council for its approval. At the time the Manager submits the annual estimate of expenditures he shall also submit the estimate of expenditures submitted to him by each department head.

SECTION 16. PURCHASING AGENT.

The Manager shall be general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the City Council, he shall make all purchases of supplies, materials and equipment authorized by the City Council, in the manner prescribed by, and subject to the limitations imposed by law. No purchase shall be made or obligation incurred excepting upon authorization by the City Council. The City Council shall, by appropriate resolution, fix and determine the maximum amount which the manager may spend or which he may obligate the City to pay for designated services, supplies or equipment, within which limits the Manager shall not need or require prior approval or authorization. A report on all such expenditures shall be made to the City Council.

SECTION 17. INVESTIGATIONS.

It shall be the duty of the City Manager to make investigations into the affairs of the City and any department or division thereof, and to be fully informed and advised concerning any contract of the City or the proper performance of any obligation of the City.

SECTION 18. PUBLIC UTILITIES...FRANCHISES.

It shall be the duty of the City Manager to investigate all complaints and recommendations in relation to matters concerning the administration of the City Government and concerning the service maintained by public utilities in said City, and to see that all franchises, permits and licenses, granted by the City are faithfully performed and observed.

SECTION 19. PUBLIC BUILDINGS...INVENTORY.

It shall be the duty of the City Manager and he shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the City Council. The City Manager shall keep a current inventory showing all real and personal property of the City and its location, and shall be responsible for the care and custody of all such property.

SECTION 20. HOURS OF EMPLOYMENT.

It shall be the duty of the City Manager to devote his entire time to the duties of his office in the interests of the City, and he shall not engage in any other private occupation or employment for gain or profit.

SECTION 21. ADDITIONAL DUTIES.

It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance

or resolution or other action of the City Council. Provided, however, the City Council shall not assign to the City Manager any duties the nature of which would operate to give the Manager any civil service status.

SECTION 22. COUNCIL MANAGER RELATIONS.

Except for the purposes of inquiry, the City Council and its members shall deal with the administrative services of the City only through the City Manager, and neither the City Council nor any member thereof shall give orders directly to any subordinates of the City Manager. The City Manager shall take his orders and instructions from the City Council only upon official action taken in a duly held meeting of the City Council and no individual councilman shall give any orders or instructions to the City Manager, except as the City Council shall have officially instructed such councilman so to do.

SECTION 23. DEPARTMENTAL COOPERATION.

It shall be the duty of all subordinate officers and the City Clerk, City Treasurer, City Attorney and City Engineer to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the City.

SECTION 24. ATTENDANCE AT COMMISSION MEETINGS.

The City Manager may attend any and all meetings of the Planning Commission, boards or committees, existing or hereafter created by the City Council, upon his own volition or upon direction of the City Council. At such meetings which the City Manager attends, he shall be heard by such commissions, boards or committees as

to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the City Council and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the City Council.

SECTION 25. REMOVAL OF MANAGER.

The removal of the City Manager shall be only upon a majority vote of the whole Council in the City in regular Council meeting, subject, however, to the provisions of the next succeeding sections. In case of his intended removal by the City Council, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reason therefor, at least thirty days before the effective date of his removal.

SECTION 26. HEARING.

Within seven days after the delivery to the City Manager of such notice he may by written notification to the City Clerk, request a hearing before the City Council. Thereafter, the City Council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty day period, at which the City Manager shall appear and be heard, with or without counsel.

SECTION 27. SUSPENSION PENDING HEARING.

After furnishing the City Manager with written notice of intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal by resolution of the Council is passed subsequent to the aforesaid hearing.

SECTION 28. DISCRETION OF COUNCIL.

In removing the City Manager, the City Council shall use its uncontrolled and unqualified discretion

and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing; the purpose of which hearing is to allow the City Manager to present to said City Council his grounds of opposition to his removal prior to its action.

SECTION 29. LIMITATION ON REMOVAL.

Notwithstanding any of the preceding provisions of this ordinance, the City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the City at which election a member of the City Council is to be elected; the purpose of this provision is to allow any newly elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his office. After the expiration of said ninety-day period the provisions of the preceding section as to the removal of said City Manager shall apply and be effective.

SECTION 30. POLITICAL ACTIVITY PROHIBITED.

The same rules and regulations prohibiting political activity by civil service employees, as now existing or hereafter changed or modified, shall apply with equal force and effect to the City Manager.

SECTION 31. PUBLICATION.

This ordinance shall be published once in full in the "Ross Valley Times", a weekly newspaper of general circulation, printed, published and circulated in the City of San Anselmo, and hereby designated for that purpose, and shall be in full force and effect thirty (30) days from and after final passage and adoption.

The above and foregoing ordinance was duly and regularly introduced at a regular meeting of the City Council of the City of San Anselmo held in said City on the 12th day of March, 1957, duly passed and adopted by the following vote.

AYES: Councilmen: Ball, Cullen, Henning, Smith

NOES: Councilmen: Boath

ABSENT: Councilmen: none

Arthur W. Smith
MAYOR.