



City of San Gabriel  
**STAFF REPORT**

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DATE: October 2, 2018

TO: Honorable Mayor and City Council

FROM: Mark Lazzaretto, City Manager *RP for ML*

BY: Rayna Ospina, Director of Human Resources/Risk Management *(signature)*  
Krystle Murillo, Human Resources Analyst *km*

SUBJECT: **Second Reading and Adoption of Ordinance No. 647 C.S., Amending the Municipal Code as it Relates to the Appointment of Certain Department Heads**

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On September 18, 2018, City Council voted 5-0, to introduce and waive the second reading of Ordinance No. 647 C.S. as it relates to the appointment of certain department heads.

**RECOMMENDATION**

City Council is requested to adopt Ordinance No. 647 C.S. of the City Council of the City of San Gabriel, amending the Municipal Code as it relates to the appointment of certain department heads, and publish a summary of the adopted Ordinance No. 647 C.S.

**ATTACHMENTS**

1. Ordinance No. 647 C.S.

**ORDINANCE NO. 647 C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SAN GABRIEL AMENDING THE MUNICIPAL CODE AS IT  
RELATES TO THE APPOINTMENT OF CERTAIN  
DEPARTMENT HEADS**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL,  
CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Purpose (Uncodified)**

This ordinance revises the Municipal Code to create a position of Assistant City Manager. It also revises the portions of the code describing the position of Community Development Director and Director of Human Resources/Risk Management so that they are consistent with current City practice.

**Section 2. Revisions to Municipal Code**

Section 31.03 of Chapter 31 of Title III is amended as follows (underlining denotes additions; strikethrough denotes deletions):

**~~§ 31.03 ACTING CITY MANAGER.~~**

~~By letter filed with the City Clerk, the City Manager shall designate a city officer or employee to exercise the powers and perform the duties of the City Manager during the Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the city to serve until the Manager returns.~~

**§ 31.03 POWERS AND DUTIES OF THE CITY MANAGER.**

(A) The City Manager shall be the chief administrative officer of the city, responsible to the Council for the administration of all city affairs placed in the Manager's charge.

(B) The City Manager shall:

(1) Appoint and, when necessary for the good of the service, suspend or remove any city employees and appointive administrative officers, except as otherwise provided by law or personnel policies;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by law;

(3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;

(4) See that all laws and acts of the City Council subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the City Council;

(6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the City Council may require concerning the operations of the city departments, offices, and agencies subject to the City Manager's direction and supervision;

(8) Keep the City Council fully advised as to the financial condition and future needs of the city;

(9) Make recommendations in the City Council concerning the affairs of the city;

(10) Provide staff support services for the Mayor and Council members; and

(11) Perform such other duties as may be required by the City Council."

Section 31.04 of Chapter 31 of Title III is amended as follows (underlining denotes additions; strikethrough denotes deletions):

**~~"§ 31.04 POWERS AND DUTIES OF THE CITY MANAGER.~~**

~~(A) The City Manager shall be the chief administrative officer of the city, responsible to the Council for the administration of all city affairs placed in the Manager's charge;~~

~~(B) The City Manager shall:~~

~~(1) Appoint and, when necessary for the good of the service, suspend or remove any city employees and appointive administrative officers, except as otherwise provided by law or personnel policies;~~

~~(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by law;~~

~~(3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;~~

~~(4) See that all laws and acts of the City Council subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;~~

~~(5) Prepare and submit the annual budget and capital program to the City Council;~~

~~(6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;~~

~~(7) Make such other reports as the City Council may require concerning the operations of the city departments, offices, and agencies subject to the City Manager's direction and supervision;~~

~~(8) Keep the City Council fully advised as to the financial condition and future needs of the city;~~

~~(9) Make recommendations in the City Council concerning the affairs of the city;~~

~~(10) Provide staff support services for the Mayor and Council members; and~~

~~(11) Perform such other duties as may be required by the City Council.~~

#### **§ 31.04 APPOINTMENT OF ASSISTANT CITY MANAGER.**

(A) *Appointment of Assistant City Manager.* The City Manager may appoint an Assistant City Manager. The Assistant City Manager shall undertake such powers and responsibilities as directed by the City Manager. The Assistant City Manager may also serve as a department head.

(B) *Acting City Manager.* Except as otherwise designated by the City Manager, the Assistant City Manager shall serve as the Acting City Manager during the City Manager's temporary absence or disability and shall exercise the powers and perform the duties of the City Manager.

(C) By letter filed with the City Clerk, the City Manager may designate a department head other than the Assistant City Manager to exercise the powers and perform the duties of the City Manager during the Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another department head to serve until the City Manager returns."

Section 32.10 of Chapter 32 of Title III is amended as follows (strikethrough denotes deletions):

#### **“§ 32.10 CREATION; APPOINTMENT OF COMMUNITY DEVELOPMENT DIRECTOR.**

(A) *Creation.* There is hereby established a Community Development Department, which shall have the powers and the duties as prescribed by the City Council.

(B) *Appointment of Community Development Director.* The Community Development Director shall be appointed by the City Manager. ~~The Community Development Director shall also serve as Public Works Director and Building Official."~~

Section 32.60 of Chapter 32 of Title III is amended as follows (underlining denotes additions; strikethrough denotes deletions):

**“§ 32.60 CREATION; APPOINTMENT OF ASSISTANT CITY MANAGER  
DIRECTOR OF HUMAN RESOURCES/RISK MANAGEMENT.**

(A) *Creation.* There is hereby established a Human Resources Department, which shall have the powers and the duties as prescribed by the City Council.

(B) *Appointment of Department Head Director of Human Resources/Risk Management.* The ~~Assistant City Manager~~ Director of Human Resources/Risk Management shall be appointed by the City Manager. ~~The Assistant City Manager shall also serve as the Human Resources Director.~~

~~(C) *Acting City Manager.* Except as otherwise designated by the City Manager, the Assistant City Manager shall serve as Acting City Manager in the City Manager's absence.”~~

**Section 3. Inconsistent Provisions (Uncodified)**

Any provision of the San Gabriel Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

**Section 4. Severability (Uncodified)**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

**Section 5. Posting (Uncodified)**

Part 28. Pursuant to Government Code Section 36933(c)(l), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

**Section 6. Publication (Uncodified)**

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

**Section 7. Effective Date**

This ordinance shall become effective immediately upon the date of its adoption and may be extended by the City Council in accordance with Government Code Section 65858.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Gabriel at the regular meeting of this 18<sup>th</sup> day of September, 2018.

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John R. Harrington, Mayor  
City of San Gabriel

ATTEST:

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Julie Nguyen, City Clerk  
City of San Gabriel