

ORDINANCE NO. 84-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, ESTABLISHING THE OFFICE OF CITY ADMINISTRATOR AND DEFINING THE POWERS AND DUTIES THEREOF.

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. **OFFICE CREATED.** The Office of City Administrator is hereby created and established. The City Administrator shall be appointed by the City Council wholly on the basis of his administrative qualifications and ability and shall hold office at and during the pleasure of the City Council.

Section 2. **RESIDENCE.** Residence in the City of Ridgecrest at the time of appointment shall not be required as a condition of appointment.

Section 3. **COUNCILMEMBER ELIGIBILITY.** No person elected as a Councilmember of the City of Ridgecrest shall, subsequent to such election, be eligible for appointment as City Administrator until two (2) years has elapsed after such Councilmember shall have ceased to be a member of the City Council.

Section 4. **BOND.** The City Administrator shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council and shall be conditioned upon the faithful performance of the duties imposed upon the City Administrator as herein prescribed. Any premium for such bond shall be a proper charge against the City of Ridgecrest.

Section 5. **TEMPORARY ADMINISTRATOR.** The City Administrator shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Administrator pro Tempore during any temporary absence or disability of the City Administrator. In the case of the absence or disability of the City Administrator and his failure to appoint a City Administrator, the City Council may designate some qualified City employee to perform the duties of the City Administrator during the period of absence or disability of the City Administrator, subject to said person furnishing a corporate surety bond conditional upon faithful performance of the duties required to be performed as set forth in Section 7 herein.

Section 6. **COMPENSATION.** The City Administrator shall receive such compensation and expense allowance 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.

The City Administrator shall be reimbursed for expenses 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, in accordance with Council policy.

Section 7. **POWERS AND DUTIES.** The City Administrator shall be the administrative head of the government of the City, and 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 offices 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 power:

(a) Under direction and control of City Council, 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 to see that all franchises, contracts, permits, and privileges granted by the City are faithfully observed.

(b) To give direction to all heads of departments, subordinate officers, and employees of the City except the City Attorney and the City Treasurer. It shall be the duty and responsibility of the City Administrator to 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.

(c) To propose to the City Council, with accompanying documentation, the following personnel actions on all employees or proposed employees, excepting the City Attorney and City Treasurer: appointments, promotions, discipline, demotions, and removals. Said proposed actions shall be in accordance with all City Personnel Rules and Regulations and applicable state and federal law. Upon approval by the City Council to carry out such actions.

(d) To recommend to the City Council for adoption of such measures and ordinances as he deems necessary or expedient.

(e) To attend all meetings of the City Council, unless excused therefrom, except when his removal is under consideration.

(f) To keep the City Council at all times fully advised as to the financial conditions and needs of the City.

(g) To prepare and submit to the City Council the annual budget, and to administer it after its adoption.

(h) To purchase or cause to be purchased all supplies for all the departments or divisions of the City in accordance with Council Purchasing Ordinance.

(i) To make investigations into the affairs of the City and any department or division thereof, and any contracts or proper performance of any obligation of the City.

(j) To investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City, and to see that all franchise permits granted by the City are faithfully performed and observed.

(k) To 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.

(l) To devote his entire working time to the duties of his office in the interests of the City, except on permission of the City Council.

(m) To perform written annual evaluation of Department Heads.

(n) To perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance, resolution or other action by the City Council.

Section 8. COUNCIL, CITY ADMINISTRATOR RELATIONS. The City Council shall deal with the administrative services of the City mainly through the City Administrator. No individual member of the City Council shall give orders to the City Administrator or to any subordinates of the City Administrator. The City Administrator shall take his orders and instruction from the City Council only when sitting in a duly held meeting of the City Council, and no individual councilmember shall give any orders or instructions to the City Administrator unless in connection with an inquiry or investigation. Nothing in this section, however, shall prevent a duly appointed Council Committee from the performance of its assigned action or any member of the City Council from discussing with the City Administrator any matter of general public interest or concern relative to proper operation of the City or the needs, problems, or projects thereof. The City Council shall provide the City Administrator with a written evaluation of his performance annually.

Section 9. DEPARTMENTAL COOPERATION. It shall be the duty of all subordinate officers and the City Treasurer and City Attorney to assist the City Administrator 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 10. ATTENDANCE AT COMMISSION MEETINGS. The City Administrator may attend any and all meetings of the Planning Commission and any other Commission, board or committee created by the City Council, upon his own volition or upon direction of the City Council. At such meetings which the City Administrator attends, he shall be heard by such commission, board or committee as to all matters upon which he wishes to address the members thereof; 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 11. REMOVAL. The removal of the City Administrator shall be only upon a majority vote of the whole City Council seated in a regular Council Meeting. In the case of his intended removal by the City Council, the City Administrator shall be furnished with a written notice stating the Council's intention to remove him.

(a) Within seven (7) days after delivery to the City Administrator 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, at which the City Administrator shall appear and be heard with or without counsel.

(b) After furnishing the City Administrator 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 City Council passed subsequent to the aforesaid hearing, unless a written waiver by the City Administrator has been filed with the City Clerk.

(c) In removing the City Administrator, the City Council shall use its uncontrolled 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 is to allow the City Administrator to present to the City Council his grounds of opposition to his removal prior to its action.

(d) Notwithstanding the provisions of this section, the City Administrator 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 elected. The purpose of this provision is to allow any newly elected members of the City Council to observe the action and ability of the City Administrator in the performance of the powers and duties of his office.

Section 12. EMPLOYMENT AGREEMENTS. Nothing in this ordinance shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the City Administrator delineating additional terms and conditions of employment not inconsistent with any provisions of this ordinance.

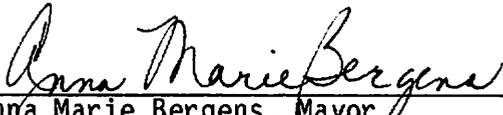
Section 13. EFFECTIVE DATE. This ordinance shall take effect from and after thirty (30) days of its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in a newspaper of general circulation published and circulated in the City of Ridgecrest.

APPROVED AND ADOPTED this 4th day of December by the following vote:

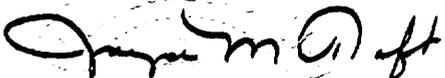
AYES: Mayor Bergens, Councilmembers Mower, Condos, Pearson, and Wiknich

NOES: None

ABSENT: None


Anna Marie Bergens, Mayor

ATTEST:


Joyce M. Taft, City Clerk