

**CITY COUNCIL OF THE CITY OF SONORA
STAFF REPORT**

MEETING DATE: NOVEMBER 18, 2019

TO: CITY COUNCIL

FROM: DOUGLAS L. WHITE, CITY ATTORNEY

SUBJECT: ORDINANCE 864 OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING SECTION 2.48.190, DISMISSAL—NOTICE, OF CHAPTER 2.48, ADMINISTRATIVE OFFICER, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE SONORA MUNICIPAL CODE TO REMOVE THE NINETY (90) DAY WRITTEN NOTICE REQUIREMENT FOR THE DISMISSAL OF THE CITY ADMINISTRATOR

RECOMMENDATION:

Motion to approve first reading and introduction of Ordinance No. 864, reading by title only, waiving further reading, an ordinance of the City Council of the City of Sonora amending section 2.48.190, Dismissal—Notice, of Chapter 2.48, Administrative Officer, of Title 2, Administration and Personnel, of the Sonora Municipal Code, to remove the ninety (90) day written notice requirement for the dismissal of the City Administrator (“Ordinance”).

BACKGROUND:

The City of Sonora’s (“City”) City Administrator manages City operations by running the day-to-day affairs of the City, supervising all City departments and performing any actions assigned by the City Council (“Council”). The City Administrator is appointed by the Council and serves at the pleasure of the Council. Prior to appointment, the Council establishes the terms of employment in an employment agreement, which governs the appointment in addition to state law and the Sonora Municipal Code (“Code”). Currently, before the Council can dismiss the City Administrator, the Code requires that the Council provide the City Administrator ninety (90) day written notice.¹

DISCUSSION:

Since the City Administrator manages City operations on behalf of the City, it would be more efficient if the Council is given discretion to determine the appropriate notice requirements as part of an employment agreement with the City Administrator. The Ordinance, if adopted, will remove the ninety (90) day written notice requirement from the Code. Instead, while the Ordinance will still require that the written notice be given prior to dismissal of the City Administrator, the written notice will only need to comply with the terms of the employment agreement. The Ordinance will still allow the Council to suspend or relieve the City Administrator during the period prior to dismissal.

¹ Sonora Municipal Code § 2.48.190
{CW088090.4}

FISCAL IMPACT

There is no fiscal impact associated with adopting the Ordinance.

ENVIRONMENTAL

The Ordinance does not constitute a “project” under the California Environmental Quality Act (CEQA) because it does not have the potential to cause a direct or reasonably foreseeable indirect physical change to the environment. (Pub. Res. Code § 21065; Cal. Code Regs., tit. 14, § 15064, subd. (d).)

OPTIONS

1. The Council may waive first reading, read by title only, and introduce the Ordinance;
2. The Council may continue consideration of the Ordinance, with instructions to staff for any changes; or
3. The Council may reject the Ordinance for first reading.

ATTACHMENTS

Ordinance

**THE CITY COUNCIL
OF THE CITY OF SONORA**

ORDINANCE NO. 864

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING
SECTION 2.48.190, DISMISSAL—NOTICE, OF CHAPTER 2.48, ADMINISTRATIVE
OFFICER, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE SONORA
MUNICIPAL CODE TO REMOVE THE NINETY (90) DAY WRITTEN NOTICE
REQUIREMENT FOR THE DISMISSAL OF THE CITY ADMINISTRATOR**

WHEREAS, the City of Sonora’s (“City”) City Administrator runs the day-to-day affairs of the City, supervises all City departments and performs any actions assigned by the City Council (“Council”); and

WHEREAS, the City Administrator serves at the pleasure of the Council; and

WHEREAS, the Sonora Municipal Code (“Code”) currently requires the Council to give the City Administrator ninety (90) days written notice before the Council can dismiss the City Administrator; and

WHEREAS, the Council seeks to establish the appropriate notice for termination pursuant to an employment agreement with the City Administrator.

**NOW, THEREFORE THE CITY OF SONORA CITY COUNCIL DOES ORDAIN AS
FOLLOWS:**

SECTION 1: Section 2.48.190, Dismissal—Notice, of Chapter 2.48, Administrator Officer, of Title 2, Administration and Personnel, of the Sonora Municipal Code is repealed in its entirety and amended with a new section 2.48.190 to read as follows:

2.48.190 Dismissal—Notice.

Before dismissing the administrative officer, the City Council shall give written notice to him/her. The written notice shall comply with any written notice requirements in the employment agreement with the administrative officer. If the employment agreement requires advanced notice prior to dismissal, the City Council may suspend or relieve the administrative officer of his/her duties during the time period prior to dismissal.

SECTION 2: If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced and approved by Ordinance No. 864 at a regular meeting of the City Council of the City of Sonora held on the 18th of November, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

APPROVED:

James M. Garaventa
Mayor of the City of Sonora

ATTEST:

Colette Such
City Clerk of the City of Sonora

APPROVED AS TO FORM:

Douglas L. White
City Attorney of the City of Sonora

**NOTICE OF PUBLIC HEARING
OF THE CITY OF SONORA CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council of the City of Sonora (“City”) on Monday, November 18, 2019, at 5:00 p.m. at Council Chambers located at 94 N. Washington Street, Sonora, California 95370. The public hearing will consider the following:

Adopting an ordinance to amend section 2.48.190, Dismissal Notice, of Chapter 2.48, Administrative Officer, of the Sonora Municipal Code to remove the ninety (90) day written notice requirement for the dismissal of the City Administrator (“Ordinance”).

The City Administrator runs the day-to day affairs of the City, supervises all City departments and performs any actions assigned to it by the City Council (“Council”). The City Administrator serves at the pleasure of the Council. To dismiss the City Administrator, however, the Sonora Municipal Code currently requires that the Council provide the City Administrator ninety (90) day written notice. If adopted, the Ordinance will eliminate the ninety (90) written notice requirement, giving the Council the discretion to determine the appropriate notice requirement as part of an employment agreement with the City Administrator.

ALL INTERESTED PARTIES are invited to attend the Monday, November, 18, 2019 public hearing to express opinions or submit evidence for or against the approval of the ordinance. At the above noted time and place, testimony from interested persons will be heard and considered by the City Council prior to taking action on the ordinance. Upon request, the agenda and the documents in the meeting agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City encourages those with disabilities to participate fully in the meeting process. Any person requiring special assistance to participate in the meeting should call (209) 532-4541 at least forty-eight (48) hours prior to the meeting.

Interested individuals will be given an opportunity to speak in favor or opposition to the above proposed action. Written comments are also accepted, prior to the meeting at 94 N. Washington Street, Sonora, CA 95370. Information regarding the meeting is on file and may be viewed by interested individuals at City Hall, 94 N. Washington Street, Sonora, CA 95370. If a challenge to the above proposed action is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City before the hearing.

Copies of the proposed documents will be available for public review at City Hall, 94 N. Washington Street, Sonora, CA 95370. If you have any questions, please call the City Administrator at (209) 532-4541 or stop by the office at 94 N. Washington Street, Sonora, CA 95370.