

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

MEETING DATE: DECEMBER 2, 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:

Waive second reading, read by title only, and adopt Ordinance No. 864, of the City Council (“Council”) of the City of Sonora (“City”) 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:

On November 18, 2019, Council approved the introduction and first reading of the proposed ordinance by a 4-0 vote.

DISCUSSION:

The 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 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

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
{CW088090.5}

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 adopt 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.

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, and adopted at a regular meeting of the City Council of the City of Sonora held on the 2nd, day of December, 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