



ORDINANCE No. 2007-05

AN ORDINANCE OF THE CITY OF TRINIDAD ADDING SECTION 2.06 TO THE TRINIDAD MUNICIPAL CODE CREATING THE OFFICE OF CITY MANAGER

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1.

Section 2.06, as shown below, is added to the Trinidad Municipal Code for the creation of the office of City Manager.

**SECTION 2.06
CITY MANAGER***

Sections:

- 2.06.010 Office created – Appointment.
- 2.06.020 Residency.
- 2.06.030 Council member eligibility.
- 2.06.040 Acting city manager.
- 2.06.050 Compensation – Expenses.
- 2.06.060 Powers and duties.
- 2.06.070 Council-manager relations.
- 2.06.080 Departmental cooperation.
- 2.06.090 Relation with boards, committees, and commissions.
- 2.06.100 Removal.

* For statutory provisions regarding the city manager, see Government Code § 34851 et seq.

2.06.010 Office created – Appointment.

The office of City Manager of the City of Trinidad is hereby created and established. The City Manager shall be appointed by the City Council solely on the basis of his/her executive and administrative ability and qualifications and shall hold office at the pleasure of the City Council. The City Manager job description and employment agreement shall govern the employment of the City Manager.

2.06.020 Residency.

Residence in the City of Trinidad of a City Manager shall not be required as a condition of the appointment.

2.06.030 Council member eligibility.

No member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such Council member has ceased to be a member of the City Council.

2.06.040 Acting City Manager.

The City Manager shall appoint one of the other officers or department heads of the City to serve as Acting City Manager during any temporary absence or disability of the City Manager. In the event the City Manager is unable to make such appointment, the City Council shall appoint an Acting City Manager.

2.06.050 Compensation.

(a) The City Manager shall receive such compensation as determined in the City Manager Employment Agreement.

(b) The City Manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties, or incurred when traveling on business pertaining to the City under the direction of the City Council.

2.06.060 Powers and duties.

The City Manager shall be the administrative head of the government of the City under the directions and control of the City Council except as otherwise provided in this ordinance. He/she shall be responsible for the efficient administration of the affairs of the City that are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, he/she shall have the following duties and powers:

(a) **LAW ENFORCEMENT.** It shall be the duty of the City Manager to see that all laws and ordinances of the city are duly enforced, and to see that all franchises, licenses, and permits granted by the City and contracts entered into by the City are faithfully performed and observed.

(b) **AUTHORITY OVER EMPLOYEES.** It shall be the duty of the City Manager and the authority to control and give directions to all heads of departments and to subordinate officers and employees of the City under his/her jurisdiction through their department heads.

(c) **POWER OF APPOINTMENT AND REMOVAL.** It shall be the duty of the City Manager to appoint, remove, promote, demote, suspend, or dismiss all officers and employees of the City of Trinidad, except the City Attorney, subject to all applicable personnel ordinances, rules and regulations. No department head shall be appointed or removed until the City Manager has first reviewed such appointment or removal with the City Council, and received approval of such appointment or removal from the City Council, in executive session.

(d) **LEGISLATIVE RECOMMENDATIONS.** It shall be the duty of the City Manager to recommend to the City Council for adoption of measures, ordinances, and resolutions as he/she deems necessary or expedient.

(e) **COUNCIL MEETING AGENDA AND RECORDS.** It shall be the duty of the City Manager to prepare agenda materials for City Council meetings and maintain a complete and up to date record of the Council meetings.

(f) **ATTENDANCE AT COUNCIL MEETINGS.** The city manager shall attend all meetings of the City Council except when his/her removal is under consideration by the City Council.

(g) FINANCIAL REPORTS. The City Manager shall keep the City Council at all times fully advised as to the financial condition and needs of the City.

(h) BUDGET PREPARATION. It shall be the duty of the City Manager to prepare and submit the proposed annual budget to the City Council for its approval and to be responsible for the efficient administration of the budget after its adoption by the City Council.

(i) LONG RANGE PLANNING. The City Manager shall develop long range plans and capital improvement programs for maintaining and upgrading of City facilities and buildings.

(j) TRACKING LAWS. The City Manager shall keep track of changes of state and federal laws that are applicable to the City.

(k) GRANT APPLICATIONS. It shall be the responsibility of the City Manager, with assistance from staff and consultants, to apply and administer federal, state, and private foundation grant funding.

(l) EMPLOYEE RELATIONS. It shall be the responsibility of the City Manager to carry out the labor relation process on behalf of the City Council.

(m) 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/her from time to time by ordinance, resolution, or other action of the City Council.

2.06.070 Council-Manager relations.

The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purposes of inquiry, and neither the Council nor any of its members shall give orders or instructions to any subordinate of the City Manager. The City Manager shall take his/her orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Council member shall give any orders or instructions to the City Manager.

2.06.080 Departmental cooperation.

It shall be the duty of all subordinate officers and the City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously.

2.06.090 Relation with boards, committees, and commissions.

The city manager may attend any and all meetings of the Planning Commission, boards, or committees 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/she shall be heard by such commissions, boards, or committees as to all matters upon which he wishes to address members thereof, and he/she shall inform the members as to the status of any matter being considered by the City Council, and he/she shall cooperate to the fullest extent with the members of all commissions, boards, or committees appointed by the City Council.

2.06.100 Removal.

The removal of the City Manager shall be effected only by a majority vote of the whole City Council. The process of the removal shall adhere to that described in the City Manager Employment Agreement-"termination of contract".

Section 2. This ordinance shall become effective thirty (30) days after its passage.

Passed, approved and adopted this 11th day of July, 2007, by the following vote:

Ayes: **Ratzlaff, Binnie, Lin, Fulkerson, Bhardwaj**
No: None
Absent: None
Abstain: None

First reading: Wednesday, July 11, 2007

Second reading: Wednesday, July 25, 2007

Attest:

Approved by:

Gabriel Adams
Trinidad City Clerk

Chi-Wei Lin
Mayor