

SUBMITTED BY: Luis Pedroza, Interim City Manager

MANAGEMENT TEAM REVIEW: Donald C. Huish, Mayor

FOCUS AREA: Other / NA

ORGANIZATIONAL IMPROVEMENTS: EnterTextHere

SUBJECT: **PROPOSING TO RESCIND RESOLUTION NUMBER 08-537** that was enacted to interpret Article III Section 5 of the City Charter to designate as Acting City Manager the City Clerk then the City Treasurer (in that order) in the absence of the City Manager of 7 or more days. This interpretation does not coincide with the new organizational chart and having a Deputy City Manager that can be placed in responsible charge in the temporary absence of the City Manager.

EXECUTIVE SUMMARY:

Proposing to rescind Resolution Number 08-537 that was enacted to interpret Article III Section 5 of the City Charter to designate as Acting City Manager the City Clerk then the City Treasurer (in that order) in the absence of the City Manager of 7 or more days. This interpretation does not coincide with the new organizational chart and having a Deputy City Manager that can be placed in responsible charge in the temporary absence of the City Manager.

BACKGROUND:

In 2008, Resolution 08-537 was enacted to interpret “qualified City administrative officers” in Article III Section 5 of the Charter that reads:

By letter filed with the City Clerk, the Manager shall designate, subject to approval of the Council, qualified City administrative officers to exercise the power and perform the duties of the Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

The resolution defined qualified City administrative officers as the City Clerk and City Treasurer (in that order). The resolution further interprets that a temporary absence or disability to activate Article III Section 5 of the charter shall be for a period of more than 7 days.

The resolution is not needed to interpret the charter and is restrictive in assigning only two potential positions in the City to serve as Acting City Manager in the absence of the City Manager. Since the City changed its organizational chart to add a Deputy City Manager in 2012, this position would take on the Acting City Manager role in the absence of the City Manager. Based on the duties assigned to the Deputy City Manager in the job description, he/she would be the first choice to perform the City Manager duties for a temporary period. In the absence of a Deputy City Manager, the City Manager should have the discretion to assign the next most qualified administrative official, as per the charter.

DISCUSSION:

Staff recommends rescinding Resolution 08-537. This resolution passed at a time when a Deputy City Manager position did not exist in the organization. The creation of this position for the City, made this resolution unnecessary as it is expected that the Deputy City Manager will perform the City Manager duties in his/her absence as outlined in its job description. Further, the period of time should not be defined either since the Acting City Manager role can be for any temporary period of time that the City Manager is absent/disabled and he/she deems it necessary to assign someone as Acting.

“...THAT THE MAYOR AND COUNCIL RESCIND RESOLUTION NO. 08-537 AS REQUESTED.”

FISCAL IMPACT: N/A