

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF COMMERCE, CALIFORNIA,
AMENDING CHAPTER 2.04.080, OF TITLE 2 OF THE COMMERCE
MUNICIPAL CODE RELATED TO THE CITY MANAGER POSITION**

WHEREAS, the City of Commerce (the “City”) is a general law city, incorporated under the laws of the State of California; and

WHEREAS, pursuant to California Government Code Section 34851 *et seq.*, and Commerce Municipal Code Chapter 2.04, the City has established a city manager form of government; and

WHEREAS, pursuant to California Government Code Section 36506, appointed officers and employees hold office during the pleasure of the city council; and

WHEREAS, on April 2, 2019, the City Council approved several amendments to Commerce Municipal Code Chapter 2.04;

WHEREAS, among the approved amendments were modifications to Chapter 2.04.080, entitled Powers and duties, related to the hiring and dismissal of executive-level city employees. The amendment delegated the authority to hire and dismiss executive-level city employees from the City Council to the City Manager; and

WHEREAS, the City Council wishes to amend Commerce Municipal Code Section 2.04.080 to restore the hiring and dismissal authority of executive level city employees with the City Council;

NOW, THEREFORE, the City Council of the City of Commerce does hereby ordain as follows:

SECTION 1. The City Council of the City of Commerce hereby finds and declares the recitals set forth hereinabove are incorporated herein and by this reference are made part of the findings.

SECTION 2. The City Council hereby amends Chapter 2.04.080 of Title 2 of the Commerce Municipal Code to read as follows:

2.04.080 – Powers and duties.

The city manager shall be the administrative head of the city government, under the direction and control of the city council, except as otherwise provided in this code. He or she shall be responsible for the efficient administration of all of the affairs of the city, which are under his or her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, it is his/her duty and he or she shall have the power:

- (1) 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 that all franchises, permits, and privileges granted by the city are faithfully observed.
- (2) To appoint, promote, direct, classify, transfer, discipline, suspend, demote, remove and take other actions affecting the employees of the city as may be reasonably necessary. Provided, however, that the hiring and dismissal of the city clerk, assistant city manager, department heads and assistant department heads shall be done by the city council after receipt and consideration of the recommendation of the city manager. Hiring selections shall be made from the highest band of candidates, as determined by the city's standard recruitment and testing procedures. These powers vested in the city manager may be delegated to the assistant city manager or another duly qualified city department head in the absence of both the city manager and assistant city manager as necessary for effective operation of the city department. The city attorney is not subject to the powers of the city manager. ~~This section shall not preclude the city council from directing the city manager to take any actions consistent with the above duties upon a majority vote.~~
- (3) To exercise control over and to supervise in general all departments and divisions of the city government and all appointive officers and employees thereof, except the city attorney.
- (4) To attend all meetings of the city council and its committees unless excused there from by the city council.
- (5) To recommend to the city council for adoption such measures and ordinances as he or she deems necessary or expedient.
- (6) To keep the city council at all times fully advised as to the financial conditions and needs of the city.
- (7) To prepare and submit to the city council the annual budget and to administer it after adoption.
- (8) To prepare and to recommend to the city council a salary plan.
- (9) To purchase or cause to be purchased all supplies for all of the departments or divisions of the city. No expenditure shall be submitted or recommended to the city council except upon report or approval of the city manager.
- (10) To make investigations into the affairs of the city and any department or divisions thereof, and any contract or the property performance of any obligation running to the city.
- (11) To investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to the service maintained by public utilities, and to see that all franchises, permits and privileges granted by the city are faithfully observed.
- (12) To exercise general supervision over all public buildings, public parks, streets, and other public property which are under the control and jurisdiction of the city council.

- (13) To devote his or her entire time to the duties and interests of the city.
- (14) To oversee the city's public safety operations and emergency management operations.
- (15) To make reports and recommendations as may be desirable or as requested by the city council.
- (16) To serve in an appointed office or head of department within the city government to which he or she may be qualified and perform the duties thereof at the pleasure of the city council.
- (17) To perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the city council.

SECTION 3. Severability. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any single section subsection, sentence, clause, or phrases be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance causing it to be posted as required by law.

PASSED, APPROVED AND ADOPTED the _____ day of _____ 2024.

Hugo A. Argumedo, Mayor

ATTEST:

Lena Shumway, City Clerk