

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF COMMERCE, CALIFORNIA,
AMENDING CHAPTER 2.04.050, OF TITLE 2 OF THE COMMERCE
MUNICIPAL CODE RELATED TO THE CITY MANAGER
~~ADMINISTRATOR~~ 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 ~~(also referred to as the City Administrator)~~ 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, Commerce Municipal Code Section 2.04.050 currently requires a supermajority of four council member vote in order to remove, whereas most jurisdictions only require a simple majority of the City Council; and

WHEREAS, the City Council wishes to amend Commerce Municipal Code Section 2.04.050 to require three votes for the removal of the City Manager;

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 of Title 2 of the Commerce Municipal Code to read as follows:

2.04.050 - Removal in general.

The city council shall appoint the city manager and may remove him or her, subject to his or her contractual rights, if any, by a ~~four~~ three-member vote of the city council. ~~At least thirty days before the removal becomes effective, the city council shall, by a four member vote of its members, adopt a preliminary resolution stating the reason for his or her removal. By the preliminary resolution, the council may suspend the manager from duty, but shall in any case cause to be paid to him or her forthwith any unpaid balance of his or her monthly salary. His or her monthly salary shall continue to be paid for the next one calendar month following adoption of the preliminary resolution.~~

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