CHAPTER ONE: ORGANIZATION, FUNCTIONS, AND GENERAL PROVISIONS

Subchapter 1.03: Officers and Employees

1.03.010 Officers and Employees Authorized.

(a) The City Council authorizes and establishes the following offices to perform the duties set forth in the state laws: City Manager, City Attorney, Chief of Police, City Engineer, Building Official, City Planner and Zoning Administrator.

(b) The City Manager is authorized to establish additional offices to perform the duties necessary to implement the Town's policies, programs and regulations.

(c) The following departments are established: the Public Works and Planning Department, City Manager/City Clerk Department, City Attorney's Department, Police Department, Recreation Services, and such other departments as are authorized from time to time by resolution of the City Council.

(d) Except as otherwise limited in this Code or by the City Council, the City Manager is authorized to assign Town employees and Town operations to the department that will best serve the needs of the public, and to hire and appoint all officers and employees. However, the City Manager may not hire officers or employees beyond the number and classifications of officers and employees shown in the Town's budget or in a separate resolution establishing the authorized staffing level for the Town.

[*History*: formerly § 1.401, ORD. 205, 12/8/76; ORD. 258, 02/11/81; ORD. 283, 2/9/83; ORD. 296, 04/11/84; ORD. 620, 9/8/04; ORD. 666, 2/13/08; ORD. 711, 10/10/12]

[*Reference*: GOVT CODE § 36502, 36503, 36505, 41801 et seq.]

1.03.015 Public Works and Planning Director

(a) The Director of the Public Works and Planning Department shall be appointed by the City Manager, subject to confirmation by the City Council, and shall serve at the will of the City Manager.

(b) The duties of the Director of Public Works and Planning shall be to supervise and manage all CSG and Town employees providing engineering, building code, planning services and code enforcement services to or on behalf of the Town.

[*History*: New, ORD. 711, 10/10/12]

1.03.020 City Manager.

(a) *Office Created.* The office of the City Manager of the Town of Colma is hereby created and established. The City Manager shall be appointed by the City Council wholly on the basis of administrative and executive ability and qualifications, and shall hold office for and during the pleasure of the City Council.

(b) *Eligibility.* No member of the City Council shall be eligible for appointment as City Manager until one year has elapsed after such Council member shall have ceased to be a member of the City Council. Nothing herein shall either preclude or require that the position of City Manager be held by a City Clerk or a Deputy City Clerk.

(c) [Omitted]

(d) *Acting City Manager.* The Assistant City Manager, if any, shall serve as manager pro tempore during any temporary absence or disability of the City Manager. In the event there is no Assistant City Manager, the City Council may designate a qualified city employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. In the event the City Manager's absence or disability extends over a two-month period, the City Council may, after the two-month period, appoint an Acting City Manager.

(e) *Compensation.* The City Manager shall receive such compensation as the City Council shall from time to time determine.

(f) *Powers and Duties.* The City Manager shall be the administrative head of the government of the City under the direction and control of the City Council, except as otherwise provided in this ordinance. The City Manager shall be responsible for the efficient administration of all the affairs of the City which are under his or her control. In addition to the City Manager's general powers as administrative head, and not as a limitation thereon, it shall be the City Manager's duty and the City Manager shall have the powers set forth in the following subsections.

(1) Law Enforcement. It shall be the duty of the City Manager to enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed.

(2) Authority Over Employees. It shall be the duty of the City Manager, and the City Manager shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the City under the City Manager's jurisdiction through their department heads.

(3) Power of Appointment, Discipline, and Removal. The City Manager shall, in accordance with all applicable personnel ordinances, rules and regulations, appoint, discipline, remove, promote and demote any and all officers and employees of the Town of Colma, except for the City Treasurer, City Clerk, and City Attorney.

(4) Ordinances. It shall be the duty of the City Manager, and the City Manager shall recommend to the City Council for adoption such measures and ordinances as the City Manager deems necessary.

(5) Attendance at Council Meetings. It shall be the duty of the City Manager to attend all meetings of the City Council unless, at the City Manager's request, the City Manager is excused there from by the Mayor individually or the City Council, except when the City Manager's removal is under consideration.

(6) Financial Reports. It shall be the duty of the City Manager to keep the City Council at all times fully advised as to the financial condition and needs of the City.

(7) It shall be the duty of the City Manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval.

(8) Expenditure Control and Purchasing. It shall be the duty of the City Manager to see that no expenditures shall be submitted or recommended to the City Council, except on approval of the City Manager or the City Manager's authorized representative. The City Manager, or the City Manager's authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the City. The City Manager may delegate to the Chief of Police responsibility for purchase of equipment and supplies to be used by the Police Department.

(9) 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 the City Manager from time to time by ordinance or resolution or other official action of the City Council.

(g) Termination.

(1) Unless there is a written contract to the contrary, the City Council may at any time, in its sole and absolute discretion, terminate the employment of the City Manager, with or without cause, upon a vote of at least three members.

(2) Notwithstanding (1) above, the City Manager shall not be removed from office, other than for misconduct as defined in the Town of *Colma Personnel Policies and Procedures Manual*, within a period of 90 days next succeeding any general or special municipal election held in which a member or members of the City Council is elected, or within a period of 90 days next following the appointment of new member to the City Council. The purpose and intent of this provision is to allow any newly elected or appointed member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of that office. After the expiration of said 90-day period the provisions of section (I) above shall apply.

(h) *Agreements on Employment.* Nothing in this ordinance shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this ordinance.

[*History*: formerly § 1.407, ORD. 258, 2/11/81; ORD. 291, 8/10/83; ORD. 291, 8/10/83; ORD. 513, 5/14/97; ORD. 540, 10/14/98; ORD. 620, 9/8/04]

[*Reference*: GOVT CODE § 36518, 41801-41803]

1.03.030 City Attorney.

(a) The City Attorney shall be appointed by and shall serve at the will of the City Council. The City Attorney may be an independent contractor retained by Colma.

(b) The duties of the City Attorney shall be those now or hereafter fixed by the laws of the State of California and by this Code, including, but not limited to, the duties to advise the City officials in all legal matters pertaining to City business and draft and review ~~all~~ proposed ordinances, resolutions and other legal documents.

[*History*: formerly § 1.402, ORD. 205, 12/8/76; ORD. 283 2/9/83; ORD. 620, 9/8/04; ORD. 681, 9/9/09]

[*Reference: :*GOV'T CODE § 36505, 36506, 41801-41803]

1.03.040 Chief of Police.

(a) The Chief of Police shall be appointed by the City Manager, subject to confirmation by the City Council, and shall serve at the will of the City Manager.

(b) The Chief of Police shall, subject to the overall management and supervision of the City Manager, manage, supervise, and direct the operations of the Police Department; appoint, discipline, remove, promote and demote any and all officers and employees of the Police Department, whether sworn or unsworn, in accordance with all applicable personnel ordinances, rules and regulations; and perform such other duties as may be required by law or assigned by the City Manager.

[*History* : formerly § 1.403 ORD. 205, 12/8/76; ORD. 283, 2/9/83; ORD. 513, 5/14/97; ORD. 540, 10/14/98; ORD. 283, 2/9/83; ORD. 620, 9/8/04; ORD. 681, 9/9/09]

[*Reference::* GOV'T CODE § 36505, 36506, 41601, 41603, 41605-41611]

1.03.050 City Engineer.

(a) The City Engineer shall be appointed by the City Manager and shall serve at its pleasure the will of the City Manager. The City Engineer may be an independent contractor retained by the Town.

(b) The duties of the City Engineer shall be those now or hereafter fixed by this Code, the City Manager, and the laws of the State of California for a civil engineer and the superintendent of streets.

[*History*: formerly § 1.404, ORD. 205, 12/8/76; ORD. 283, 2/9/83; ORD. 620, 9/8/04; ORD. 681, 9/9/09; ORD. 711, 10/10/12]

[*Reference::* GOV'T CODE § 36505, 36506]

1.03.060 Building Official.

(a) The City Building Official shall be appointed by the City Manager and shall serve at its pleasure the will of the City Manager. The City Building Official may be an independent contractor retained by the Town.

(b) The duties of the City Building Inspector shall be those now or hereafter fixed by the laws of the State of California and by this Code, and the City Manager.

[*History*: formerly § 1.405, ORD. 205, 12/8/76; ORD. 283, 2/9/83; ORD. 422, 03/13/91; ORD. 620, 9/8/04; ORD. 681, 9/9/09; ORD. 711, 10/10/12]

[*Reference:* GOV'T CODE § 36505, 36506]

1.03.070 Health Officer.

(a) The Town of Colma hereby consents to the San Mateo County Health Officer enforcing and observing in the Town, orders and quarantine regulations prescribed by the California Department of Health Services and the San Mateo County Health Department, other regulations issues under the Health and Safety Code, and all other statutes and regulations relating to the public health.

(b) The County Health Officer shall be and hereby is designated the City Health Officer for the Town of Colma. The duties of the City Health Officer shall be those now or hereafter fixed by the laws of the State of California and by this Code. The City Health Officer shall not receive any compensation from the Town of Colma in addition to his compensation from the County of San Mateo, but Colma may reimburse the County for such salaries and expenses as are mutually agreed upon.

[*History*: formerly § 1.406 ORD. 205, 12/8/76; ORD. 283, 2/9/83; ORD. 620, 9/8/04; ORD. 671, 7/9/08; ORD. 681, 9/9/09]

[*Reference*: GOV'T CODE §36505; Health & Safety Code § 101375]

1.03.080 City Planner; Zoning Administrator.

(a) The City Planner shall be appointed by the City Manager and shall serve at the will of the City Manager. The City Planner may be an independent contractor retained by the City.

(b) The duties of the City Planner shall be those now or hereafter fixed by the laws of the State of California and by this Code, and the City Manager.

(c) The office of Zoning Administrator is hereby created and established. The City Planner shall serve as the Zoning Administrator. The Zoning Administrator shall decide only those applications for land use entitlements and other permits that are expressly assigned by the City Council to the Zoning Administrator under this Code; all other applications for conditional uses or other land use entitlements and permits shall be decided by the City Council.

[*History*: formerly § 1.408, ORD. 283, 2/9/83; ORD. 620, 9/8/04; ORD. 681, 9/9/09; ORD. 706, 3/14/12; ORD. 711, 10/10/12]

[*Reference*: GOV'T CODE §36505; 65900-65902]

1.03.090 City Clerk.

The City Clerk shall be appointed by the City Council of the Town of Colma. The duties of the City Clerk shall be those now or hereafter fixed by the laws of the State of California and by the City Council.

[*History*: formerly § 1.303, ORD. 205, 12/8/76; ORD. 528, 4/14/98; ORD. 620, 9/8/04]

[*Reference*: GOV'T CODE §36501, 36502, 36503, 40801 et seq.]

1.03.100 City Treasurer.

The City Treasurer shall be appointed by the City Council of the Town of Colma. The duties of the City Treasurer shall be those now or hereafter fixed by the laws of the State of California, and by the City Council.

[*History*: formerly § 1.301, ORD. 205, 12/8/76; ORD. 620, 9/8/04; Ord. 693-A, 11/2/10]

[*Reference:* GOV'T CODE §36501, 36502, 36503, 41001 et seq.]

1.03.110 Public Officials' Bonds.

The Town shall obtain a master surety bond, as authorized by law, for the faithful performance of all duties by each public official of the Town, including the accounting for and payment of all funds coming into the official's possession or control, in an amount to be approved from time to time by the City Council. Any premium for such bond shall be a proper charge against the Town's General Fund.

[*History:* ORD. 205, 12/8/76; ORD. 620, 9/8/04]

[*Reference:* GOV'T CODE § 1481]