

Chapter 2

TOWN MANAGER*

Sections:

- 2-2.01 **Office.**
- 2-2.02 **Appointment.**
- 2-2.03 **Bond.**
- 2-2.04 **Compensation.**
- 2-2.05 **Agreements for employment.**
- 2-2.06 **Exclusion from personnel system.**
- 2-2.07 **Acting Town Manager.**
- 2-2.08 **Powers and duties.**
- 2-2.09 **Administration of Town government.**
- 2-2.10 **Removal.**
- 2-2.11 **Conflicting laws and Code provisions.**
- 2-2.12 **Authority to sign contracts and conveyances.**

* Chapter 2 entitled "Chief Administrative Officer," consisting of Sections 2-2.201 through 2-2.203, as added by Ordinance No. 460, effective November 12, 1959, as amended by Ordinance Nos. 464, effective October 13, 1960, and 520, effective October 14, 1965, repealed by Ordinance No. 846, effective November 10, 1983. Sections 2-2.201 through 2-2.212, as added by said Ordinance No. 846, renumbered to Sections 2-2.01 through 2-2.12 by codifier to conform with the numbering system of the Code, repealed by Ordinance No. 1049, effective March 7, 2006. Chapter 2 entitled "Town Manager," consisting of Sections 2-2.01 through 2-2.12, as added by said Ordinance No. 1049.

2-2.01 Office.
 The office of Town Manager, formerly called the Town Administrator or the Chief Administrative Officer, is hereby established. Hereinafter in this Code when the title Town Administrator is mentioned it is replaced with Town Manager. (Ord. 1049, eff. March 7, 2006)

2-2.02 Appointment.
 The Town Manager shall be appointed by a majority vote of the Council and shall hold office at the pleasure of the Council. He or she shall be chosen by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office set forth in this chapter. At the time of appointment the person chosen need not be a resident of the Town or of the State. No Council member shall receive such appointment during the term for which a Council member shall have been elected, nor within two (2) years after the expiration of his or her term. (Ord. 1049, eff. March 7, 2006)

2-2.03 Bond.
 The Town Manager shall furnish a surety bond to be approved by the Council, such bond to be conditioned on the faithful performance of the duties of the Town Manager. The premium of the bond shall be paid by the Town. (Ord. 1049, eff. March 7, 2006)

2-2.04 Compensation.
 The Town Manager shall receive such compensation as the Council shall fix. The Town Manager shall be reimbursed for all actual and necessary expenses incurred in the performance of his or her official duties. (Ord. 1049, eff. March 7, 2006)

2-2.05 Agreements for employment.
 Nothing in this chapter shall be construed as a limitation on the power or the authority of the Council to enter into any supplemental agreement with the Town Manager delineating additional items and conditions of employment. (Ord. 1049, eff. March 7, 2006)

2-2.06 Exclusion from personnel system.
 The office of the Town Manager is hereby specifically excluded from the civil service or personnel system of the Town, and the Town Manager shall not be entitled to the benefits, advantages, or protection of the civil service or personnel system of the Town, and he or she shall not be subject to the procedures outlined or prevailing in the system. (Ord. 1049, eff. March 7, 2006)

2-2.07 Acting Town Manager.
 The Town Manager shall appoint an acting Town Manager during any temporary absence or disability of the Town Manager by filing a written notice with the Town Clerk, to designate a qualified Town employee to exercise the powers and perform the duties of the Town Manager during his or her temporary absence or disability. If the Town Manager fails to so designate an acting Town Manager, the Council, in case of the absence or disability of the Town Manager, may designate a qualified Town employee to be the acting Town Manager. (Ord. 1049, eff. March 7, 2006)

2-2.08 Powers and duties.
 The Town Manager shall be Chief Administrative Officer of the Town government under the direction and control of the Town Council. The Town Manager shall be responsible to the Council for the efficient administration

of all the affairs of the Town which are under his or her control. In addition to general powers as administrative head, and not as a limitation thereon, it shall be the Town Manager's duty and he or she shall have the powers set forth in the following subsections:

(a) Appointment, removal, promotion, and demotion powers. The Town Manager may appoint, promote, demote, suspend, or remove department heads or employees, pursuant to Section 34856 of the Government Code and subject to the Town's personnel rules and regulations. The Town Manager shall have no jurisdiction over the Town Clerk, Town Treasurer, or Town Attorney;

(b) Establish administrative policies. As the chief administrative officer of the Town, the Town Manager shall have the authority to establish administrative policies and to authorize department heads to issue administrative procedures as may be indicated in the interests of the efficient, effective, and economical conduct of the Town's business;

(c) Control of officers, employees, and/or organization. The Town Manager shall control, order, and give directions to all heads of departments and to the subordinate officers and employees of the Town through their department heads; transfer employees from one department to another; and conduct studies and effect such administrative reorganizations of departments and operational units as may be indicated in the interests of the efficient, effective, and economical conduct of the Town's business;

(d) Department cooperation. It shall be the duty of all subordinate officers and employees to assist the Town Manager in administering the affairs of the Town efficiently, economically, and harmoniously so far as may be consistent with their duties as prescribed by the laws of the Town;

(e) Enforcement of laws. To see that all laws of the Town are duly enforced and all franchises, contracts, permits, and privileges granted by the Town are faithfully observed;

(f) Representation of Town. To negotiate all contracts for services for which the Town has a service responsibility to its residents and desires to provide such service by contract. The contract shall be approved by the Town Council, after which the Town Manager shall administer the contract and determine that its provisions are carried out. To represent the Town in its negotiations and working relationships with the State, the County, and other governmental jurisdictions; provided, however, any contract negotiated for the exchange of services from any other governmental jurisdiction shall be subject to approval by the Council;

(g) Performance of financial duties. To serve as Chief Financial Officer; to perform or have performed by a properly qualified certified public accountant all the duties and powers imposed by law on the Town Auditor; and to serve as the Risk Manager;

(h) Attendance at Council meetings. To attend all meetings of the Council unless excused therefrom by the Council;

(i) Recommendations to the Council. To recommend to the Council the adoption of such measures, including ordinances and resolutions, as the Town Manager may deem necessary or expedient for the health, safety, or welfare of the Town or for the improvement of administrative services. The Town Manager shall recommend the elimination, modification, or simplification of regulations which may constitute excessive governmental interference in private affairs, which are unenforceable as a practical matter, or which involve bureaucratic red tape or delay;

(j) Preparation of Council agendas. The Town Manager shall prepare or direct the preparation of Council agendas in consultation with the Mayor, assuring that all matters coming before the Council are well researched and well documented, the alternatives set forth, the costs indicated, and the indirect as well as the direct consequences considered;

(k) Preparation of ordinances, resolutions, agreements, leases, franchises, and similar documents. The Town Manager shall prepare or direct the preparation, in consultation with the Town Attorney, of ordinances, resolutions, agreements, contracts, leases, franchises, and all similar documents, using specialists as may be necessary, assuring such instruments are set forth in plain language;

(l) Advise as to finances. To keep the Council fully advised at all times as to the financial conditions and needs of the Town;

(m) Preparation of the budget. To prepare and submit to the Council the proposed annual budget;

(n) Purchase of supplies. Subject to and in accordance with the purchasing provisions of the Town (Chapter 5 of this title), to direct and supervise the purchase and acquisition of all property, equipment, services, materials, and supplies for the Town, and for all departments and divisions thereof, provided the purchase or acquisition has been approved by the Council or is included in a budget which has been approved and adopted by the Council. No expenditure shall be submitted or recommended to the Council except on a report or approval by the Town Manager;

(o) Investigations of Town affairs and complaints. The Town Manager shall investigate the affairs of the Town or any department or division thereof. The Town

Manager shall investigate all complaints in regard to matters concerning the administration of the government of the Town and in regard to service maintained by the public utilities in the Town to see that all franchises, permits, and privileges granted by the Town are faithfully observed;

(p) (Not used)

(q) Supervision of public property. To exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the Council;

(r) Hours of employment. The Town Manager shall devote his or her entire working time to the duties of the office and shall be granted executive compensation for time spent as provided by the Council;

(s) Performance of delegated duties. To perform such other duties and exercise such other powers as may be delegated to the Town Manager from time to time by ordinance, resolution, motion, or other action by the Council;

(t) Attendance at commission and board meetings. To attend any and all meetings of any commission or board created by the Council upon his or her own volition or as directed by the Council. At any such meeting the Town Manager shall be heard on all matters he or she wishes to present to such commissions and boards; and

(u) Labor relations. To act as Personnel Officer, Affirmative Action Officer, and Labor Relations Director, including the negotiation of collective bargaining agreements subject to Council ratification and the recommendation of pay and benefits for non-represented employees. (Ord. 1049, eff. March 7, 2006)

2-2.09 Administration of Town government.

Except for the purposes of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the Town Manager, either publicly or privately.

The Town Manager shall take his or her orders from the Council, and no individual Council member shall give any order or instruction to the Town Manager.

A Council member who is prepared to query the conduct of the Town Manager or any employee shall first discuss and seek to resolve the problem with the Town Manager. The Council shall take such steps as are necessary to assure that unfounded public criticism of the Town Manager or other employees is countered and dealt with in an open, appropriate, and timely manner. (Ord. 1049, eff. March 7, 2006)

2-2.10 Removal.

The removal of the Town Manager shall be only by a vote of at least three (3) members of the Council at a regular meeting or special meeting of the Council called for such purpose. In case of his or her intended removal by the Council, the Town Manager shall be furnished with a written notice stating the Council's intention to remove him or her at least thirty (30) days before the effective date of the removal, unless extraordinary circumstances obtain, in which case the Council may dispense with any written notice.

After furnishing the Town Manager with a written notice of intended removal, the Council may suspend the Town Manager from duty, but compensation shall continue until removal by action of the Council.

In removing the Town Manager, the Council may use its uncontrolled discretion. The removal action shall be final and need not depend upon any showing of cause whatsoever.

The Town Manager shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the Town at which election a member of the Council is elected. The purpose of this provision is to allow any newly-elected member of the Council or a reorganized Council to observe the actions and ability of the Town Manager in the performance of the powers and duties of his office. After the expiration of such ninety (90) day period, the provisions of this section on the removal of the Town Manager shall be applicable. (Ord. 1049, eff. March 7, 2006)

2-2.11 Conflicting laws and Code provisions.

All town laws and all the provisions of this Code prescribing the duties of heads of departments shall remain in full force and effect, except insofar as they conflict with the provisions of this chapter, in which case the provisions of this chapter shall govern. (Ord. 1049, eff. March 7, 2006)

2-2.12 Authority to sign contracts and conveyances.

As provided in Section 40602 of the Government Code of the State, the Town Manager is hereby authorized to sign, in lieu of the Mayor, all written contracts and conveyances made or entered into by the Town. (Ord. 1049, eff. March 7, 2006)