

TOWN OF SAN ANSELMO

ORDINANCE NO. 846

AN ORDINANCE REPEALING CHAPTER 2 OF TITLE 2  
OF THE SAN ANSELMO MUNICIPAL CODE SUBSTITUTING  
A NEW CHAPTER 2 ENTITLED "TOWN ADMINISTRATOR"

The Town Council of the Town of San Anselmo does hereby ordain:

Section 1: Chapter 2 of Title 2 of the San Anselmo Municipal Code is hereby repealed.

Section 2: A new Chapter 2 to Title 2 is hereby added to the San Anselmo Municipal Code to read as follows:

Chapter 2 - Town Administrator

Section 2-2.201. Office. The office of Town Administrator, formerly called Chief Administrative Officer, is hereby reestablished.

Section 2-2.202. Appointment of Town Administrator. The town administrator shall be appointed by a majority vote of the town council and shall hold office at the pleasure of the town council. He/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 herein. At the time of appointment the person chosen need not be a resident of the Town or of the State of California. No council member shall receive such appointment during the term for which a council member shall have been elected nor within two years after the expiration of his or her term.

Section 2-2.203. Bond. The town administrator shall furnish a surety bond to be approved by the council, said bond to be conditioned on the faithful performance of the administrator's duties. The premium of the bond shall be paid by the town.

Section 2-2.204. Compensation. The town administrator shall receive such compensation as the town council shall fix. The town administrator shall be reimbursed for all actual and necessary expenses incurred in the performance of his or her official duties.

Section 2-2.205. Agreements on Employment. Nothing in this chapter shall be construed as a limitation on the power or the authority of the town council to enter into any supplemental agreement with the town administrator delineating additional items and conditions of employment.

Section 2-2.206. Town Administrator Excluded from Civil Service System. The office of the town administrator is hereby specifically excluded from the civil service or personnel system of the town and the town administrator shall not be entitled to the benefits, advantages or protection of the civil service or personnel system of the town; she/he shall not be subject to the procedures outlined or prevailing in the system.

Section 2-2.207. Acting Town Administrator. The assistant town administrator, herein denominated administrative assistant, shall serve as acting town administrator during any temporary absence or disability of the town administrator. In the event there is no administrative assistant, the town administrator, by filing a written notice with the town clerk shall designate a qualified town employee to exercise the powers and perform the duties of town administrator during the administrator's temporary absence or disability. If the town administrator fails to so-designate an acting administrative assistant, the town council may, in case of absence or disability of the town administrator, designate a qualified town employee to be acting administrative assistant.

Section 2-2.208. Powers and Duties of Town administrator. The town administrator shall be chief administrative officer of the town. The administrator may head one or more departments and shall be responsible to the town council for the proper administration of all affairs of the town. To that end he/she shall have power and shall be required to:

(a) **Appointment, Removal, Promotion, Demotion, Powers.** Subject to the approval of a majority of the Town Council, the town administrator may appoint, promote and when necessary demote, suspend or remove any department head. The town administrator 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 administrator shall have the authority to establish

administrative policies and to authorize department heads to issue administrative procedures as may be indicated in the interest of efficient, effective and economical conduct of the town's business.

**(c) Control of Officers, Employees and/or Organization.** The town administrator shall control, order, and give directions to all heads of departments and to subordinate officers and employees of the town through their department heads; transfer employees from one department to another; conduct studies and effect such administrative reorganization of departments and operational units as may be indicated in the interest of 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 administrator in administering the affairs of the town efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the Town.

**(e) Enforcement of Laws.** To see all laws and ordinances 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 represent the town in its negotiations and working relationship with the State of California, the County of Marin and other governmental jurisdictions; provided any contracts negotiated for the exchange of services from any other governmental jurisdictions shall be subject to approval by the town council.

**(g) Performance of Financial Duties.** To serve as Finance Director; perform or have performed by a properly qualified certified public accountant all the duties and powers imposed by law on the town auditor; to serve as Risk Management Director.

**(h) Attendance at Council Meetings.** To attend all meetings of the Town Council unless excused therefrom by the council.

**(i) Recommendations to Town Council.** To recommend to the town council adoption of such measures, including ordinances and resolutions as the administrator may deem necessary or expedient for the health, safety, or welfare of the town or for the improvement of administrative services. The

town administrator shall recommend 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 Town Council Agendas.** The town administrator shall prepare or direct the preparation of council agendas, assuring all matters coming before the council are well researched, and well documented, alternatives set forth, costs indicated and indirect as well as direct consequences considered.

(k) **Preparation of Ordinances, Resolutions, Agreements, Leases, Franchises and Similar Documents.** The town administrator 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) **Advice as to Finances.** To keep the town 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 town council the proposed annual budget.

(n) **Purchase of Supplies.** Subject to and in accordance with the town purchasing ordinance 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 town council or is included in a budget which has been approved and adopted by the town council. No expenditures shall be submitted or recommended to the town council except on report or approval by the town administrator.

(o) **Investigation of Town Affairs and Complaints.** The town administrator shall investigate the affairs of the town or any department or division thereof. The town administrator shall investigate all complaints in relation 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.

(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 town council.

(r) **Hours of Employment.** The town administrator 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 town council.

(s) **Performance of Delegated Duties.** To perform such other duties and exercise such other powers as may be delegated to the town administrator from time to time by ordinance, resolution, motion or other action by the town council.

(t) **Attendance at Commission and Board Meetings.** To attend any and all board meetings of any commissions or boards created by the town council upon the administrator's own volition or as directed by the town council. At any such meeting the town administrator shall be heard on all matters he wishes to present to such commissions and boards.

(u) **Labor Relations.** To act as Personnel Officer, Affirmative Action Officer, and Labor Relations Director, including negotiation of collective bargaining agreements subject to Council ratification and recommendation of pay and benefits for non-represented employees.

Section 2-2.209. Administration of Town Government. Except for purposes of inquiry, the council and its members shall deal with the administrative service solely through the town administrator, and neither the council nor any member thereof shall give orders to any subordinates of the town administrator, either publicly or privately.

The town administrator shall take his orders from the town council and no individual council member shall give any order or instruction to the town administrator.

A council member who is prepared to query the conduct of the administrator or any employee shall first discuss and seek to resolve the problem with the administrator. The Council shall take such steps as are necessary to assure that unfounded public criticism of the administrator or other employees is countered and dealt with in an open, appropriate and timely manner.

Section 2-2.210. Removal of Town Administrator. Removal of the town administrator shall be only by a vote of at least three members of the town council at a regular meeting or special meeting of the town council called for that purpose. In case of her/his intended removal by the town council, the town administrator shall be furnished with a written notice stating the council's intention to remove her or him at least thirty (30) days before the effective date of removal unless extraordinary circumstances obtain, in which case the Council may dispense with any written notice.

After furnishing the town administrator with a written notice of intended removal, the town council may suspend the town administrator from duty but compensation shall continue until removal by action of the council.

In removing the town administrator the town council may use its uncontrolled discretion. The removal action shall be final and need not depend upon any showing of cause whatsoever.

The town administrator 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 of San Anselmo at which election a member of the town council is elected; the purpose of this provision is to allow any newly elected member of the town council or a reorganized town council to observe the actions and ability of the town administrator in the performance of the powers and duties of that office. After expiration of the 90-day period aforementioned, the preceding provisions of this section on removal of the town administrator shall be applicable.

Section 2-2.211. Conflicting Ordinances or Code Provisions. All town ordinances and all code provisions of the San Anselmo Municipal 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.

Section 2-2.212. Authorizing Town Administrator to Sign Town Contracts and Conveyances. As provided by section 40602 of the Government Code, the town administrator is hereby authorized to sign, in lieu of the mayor, all written contracts and conveyances made or entered into by the town.

Section 3. The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on the 27th day of September, 1983, and was thereafter at a regular meeting of the Town Council held on the 11th day of October, 1983, duly passed and adopted by the following vote:

AYES: Councilmembers Capurro, Buckle, Ollinger, Wooliever

NOES: None

ABSENT: Councilmember Toal

Caroline Foster  
Town Clerk