

**Chapter 2.08**

**ADMINISTRATIVE OFFICER**

**Sections:**

- 2.08.010 Created.**
- 2.08.015 Applicability of Merit System Rules and Regulations.**
- 2.08.020 Residence requirement—Eligibility.**
- 2.08.030 Appointment of substitute in case of absence.**
- 2.08.040 Removal**
- 2.08.050 Compensation.**
- 2.08.060 Powers and duties.**
- 2.08.070 Association with city council.**

**2.08.010 Created.**

The position of City Administrator is created and established in the unclassified service of the City. The City Administrator shall be appointed by the City Council solely on the basis of his or her executive and administrative qualifications and ability and shall hold office at the pleasure of the City Council, subject to the provisions of this Chapter. The City Council may enter into an employment agreement with the City Administrator which sets forth additional terms and conditions of employment, provided that any such employment agreement shall be consistent with the provisions of this Chapter. (Ord. 81 § 1, 1953; Ord. 802, §1, 2013)

**2.08.015 Applicability of Merit System Rules and Regulations.**

It is the intent of the City Council in enacting this Chapter to exclude the position of City Administrator from Chapter 9 (Probationary Status) and Chapter 10 (Disciplinary Proceedings) of the “City of Ripon Merit System Rules and Regulations”. The City Council may enter into an

employment agreement with the City Administrator pursuant to which additional provisions of the Merit System Rules and Regulations are made inapplicable to the City Administrator, and are instead addressed in the employment agreement. (Ord. 802, §1, 2013)

**2.08.020 Residence requirement—Eligibility.**

A. The City Administrator shall live within the boundaries of the Ripon Unified School District within six (6) months after acceptance of appointment to the position. Should the City Administrator desire to move outside of the boundaries of the Ripon Unified School District while serving in the position, then, upon the request of the City Administrator, the City Council may, in its discretion, approve or deny such request.

B. No person elected or appointed to membership on the City Council shall, subsequent to such election or appointment, be eligible for appointment as City Administrator of the City until one (1) year has elapsed after he or she has ceased to be a member of the City Council. (Ord. 802, §1, 2013)

**2.08.030 Appointment of Substitute in Case of Absence.**

In case of the absence or suspension of the City Administrator, the City Council may designate another duly qualified person to perform the duties of the City Administrator. (Ord. 802, §1, 2013)

**2.08.040 Removal.**

The City Council shall appoint the City Administrator for an indefinite term. The City Administrator may be removed from service in the following circumstances:

A. Resignation. The City Administrator may resign at any time by providing a thirty (30) day written notice of his or her resignation to the City Council.

B. Removal for Cause/Procedure. The City Council may remove the City Administrator for cause by a three (3) member vote of the council. At least thirty (30) days before such removal shall become effective, the City Council shall by a three (3) member vote of the City Council adopt a resolution stating the reasons for the removal. The resolution shall be published at least two (2) times in a newspaper of general circulation printed and published and circulated in the City prior to the effective date of the resolution providing for the removal of the City Administrator. By the resolution, the City Council in its absolute discretion may suspend the City Administrator immediately from duty, but shall, in any case, cause to be paid to him or her any unpaid balance of his or her salary up to the date upon which the removal shall become effective. The City Council's action to remove the City Administrator pursuant to this Section shall be final. For purposes of this Section, "for cause" shall mean that the City Administrator has:

1. Engaged in willful misconduct, gross negligence, or repeated failure to satisfactorily perform his or her job duties, when such conduct continues for thirty (30) days after the City Council has provided written notice to the City Administrator outlining the alleged deficiency(ies);
2. Engaged in an act constituting fraud against, theft from or embezzlement from the City; or
3. Been convicted of, or has entered a plea of nolo contendere to, a felony or other crime involving moral turpitude.

C. Removal Without Cause. The City Council may remove the City Administrator without cause (defined to include any circumstance other than those described in Section 2.08.040(B)) by a four (4) member vote of the City Council. The City Administrator shall be paid any unpaid balance of his or her salary up to the date upon which the removal shall become effective. The City Council's action to remove the City Administrator pursuant to this Section shall be final.

D. Limitation on Removal After Municipal Election. Notwithstanding the provisions of this Section, the City Administrator shall not be removed from office during or within a period of ninety (90) days following any general municipal election held in the City at which a member of the City Council is elected. The purpose of this provision is to allow any newly elected member of the City Council, or a reorganized City Council, to observe the actions and ability of the City Administrator in the performance of the powers and duties of his or her office. After the expiration of the ninety (90) day period, the remaining provisions of this Section governing removal of the City Administrator shall apply and be effective. (Ord. 802, §1, 2013)

#### **2.08.050 Compensation.**

A. The City Administrator shall receive such compensation as the City Council shall from time to time determine and fix, and the compensation shall be a proper charge against such funds of the City as the City Council shall designate.

B. The City Administrator shall be reimbursed for all sums necessarily incurred or paid by him or her in the performance of his or her duties, or incurred when traveling on business pertaining to the business of the City under direction of the City Council. (Ord. 802, §1, 2013)

**2.08.060 Powers and Duties.**

The City Administrator shall be the administrative head of the City government under the direction and control of the City Council, except as otherwise provided in this Chapter. The City Administrator shall be responsible for the efficient administration of all the affairs of the City which are under this control. In addition to general powers as administrative head, and not as a limitation thereon, it shall be the City Administrator's duty and he or she shall have the power and duty to do the following:

- A. See that all laws and ordinances of the City are duly enforced, and that all franchises, permits and privileges granted by the City are faithfully observed.
- B. Analyze the functions, duties and activities of the various departments, divisions and services of the City government and of all employees thereof and to make such recommendations to the City Council with reference thereto as in his or her judgment will result in the highest degree of efficiency in the overall operation of the City government.
- C. Appoint and remove, subject to any personnel rules and regulations and personnel ordinance of the City, any officers and employees of the City, except the elected officers and their respective staffs; subject further, however, at all times to ratification of any such action by the City Council. In addition to the elective officers and their respective staffs, the planning commission, the personnel board, and the positions of City Attorney and City Engineer shall be excluded from the scope of the City Administrator's oversight obligations; however, the services and facilities of the City Engineer, City Attorney, the planning commission, and the personnel board, shall be made available to the City Administrator;
- D. Exercise control over all departments of the

City government and over all appointive officers and employees thereof, except elective officers and their respective staffs.

- E. Attend all meetings of the City Council unless excused therefrom by the City Council, except when his or her removal is under consideration by the Council.
- F. Recommend to the City Council for adoption such measures and ordinances as he or she deems necessary or expedient.
- G. Keep the City Council at all times fully advised as to the financial conditions and needs of the City.
- H. Cause to be prepared and submitted to him or her by each department, division or service of the City government, itemized annual estimates of income and expenditures required by any of them for capital outlay, salaries, wages and miscellaneous operating costs; to tabulate the same into a preliminary consolidated municipal budget and submit the same to the City Council before the fifteenth day of May of each year with his or her recommendations as to such changes which he or she deems advisable.
- I. Prepare and to submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year, such financial report not to be confused with the City Clerk's report to the state controller.
- J. Purchase or cause to be purchased all supplies for all of the departments or divisions of the City.
- K. Make investigation into the affairs of the City, and any department or division thereof, and any contract, or the proper performance of any obligations of the City.
- L. Investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City, and to

see that all franchises, permits and privileges granted by the City are faithfully performed and observed.

M. Exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the City Council.

N. Devote his or her entire time to the duties of this office and the interest of the City.

O. Provide leadership for civic movements designed to benefit the residents of the City when so authorized by the City Council.

P. Supervise in general the operations of all departments of the City, securing special counsel as required.

Q. Compile and keep up to date a complete inventory of all property, real and personal, owned by the City and to recommend to the City Council the purchase of new machinery, equipment and supplies whenever in his or her

judgment the same can be obtained at the best advantage, taking into consideration trade-in value of machinery and equipment, etc., in use.

R. 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. (Ord. 802, §1, 2013)

**2.08.070 Association with City Council.**

A. The City Council and its members shall deal with the administrative services of the City through the City Administrator, except for the purpose of inquiry.

B. It is the responsibility of the City Council and its members to aid and assist in an advisory capacity, any department head, individually or collectively, on any phase of policy and/or public relations, provided, however, that such association shall not conflict with the administrative duties of the City Administrator. (Ord. 802, §1, 2013)