

ORDINANCE NO. 3054

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
MUNICIPAL CODE SECTION 2.03.020 TO DESIGNATE THE
APPOINTING AUTHORITY FOR COUNCIL ASSISTANTS,
SENIOR COUNCIL ASSISTANTS AND OTHER POSITIONS
IN THE DEPARTMENT OF MAYOR AND COUNCIL

WHEREAS, Charter section 201 vests all powers of the City, except as otherwise provided in the Charter, in the City Council; and

WHEREAS, Charter section 501 grants the Council authority to create departments in the City and assign functions to the departments; and

WHEREAS, the Council established the Department of Mayor and Council by Ordinance 2619 in 1994 pursuant to the authority of Charter Section 501; and

WHEREAS, the Department of Mayor and Council has the responsibility of policy setting and constituent relations, inter-agency relations, and intra-agency/policy implementation, but not administrative services; and

WHEREAS, Ordinance 2619 was codified in Chula Vista Municipal Code, Chapter 2.03, entitled Department of Mayor and Council; and

WHEREAS, Charter sections 501 and 505 grant the Council the authority to establish positions in the Department of Mayor and Council; and

WHEREAS, the elected Mayor and elected Councilmembers, and the private secretary to the Mayor and Council are the only Charter-mandated positions in the Department of Mayor and Council at the present time; and

WHEREAS, Charter section 500 provides that the private secretary to the Mayor and Council shall be appointed by the Council as a body; further, the private secretary may be removed by the Council at any time by a majority vote of the members of the Council; and

WHEREAS, Charter sections 201 and 304 provide that the City Council may delegate appointing authority for positions established in the Department of Mayor so long as the delegation of appointing authority is not in conflict with the Charter; and

WHEREAS, it is the intent of the City Council to delegate the appointing authority for positions established in the Department of Mayor and Council, not inconsistent with the Charter; specifically, to delegate appointing authority to the Mayor for all positions established within the Department through the legislative process, except for those legislative positions designated by Council to serve at the will of the entire Council or individual Councilmembers.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION 1: That Chapter 2.03, Section 2.03.020 of the Chula Vista Municipal Code is hereby amended to read as follows:

2.03.020 Establishment of department of mayor and council.

A. The department of mayor and council shall have assigned to it the elected mayor and elected councilmembers, the private secretary to the mayor and council that is permitted by Charter, any additional Charter positions assigned to either the mayor or mayor and council, and any positions assigned to the department of mayor and council through the legislative process, including the budgetary process or such other means commonly recognized for assignment of personnel. Subject to the provisions of the Charter, positions so assigned to the department of mayor and council shall be given an unclassified status.

B. The mayor shall serve as department head and appointing authority, except when designated otherwise by the Charter or by the council. The appointing authority includes the power to appoint and the power to remove from office. Persons in positions, other than clerical, who are appointed by the mayor shall be term-limited to correspond to the tenure of the mayor, unless removed prior to the end of the mayor's term.

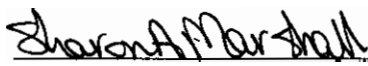
C. The council may, by ordinance not in conflict with the Charter, designate the council as the appointing authority for a position created through the legislative process. A person appointed by the council in the department of mayor and council may be removed by a majority vote of the members of the council.

D. The council may, by ordinance not in conflict with the Charter, designate an individual councilmember as the appointing authority for those positions serving at the individual councilmember's direction. Council assistants and senior council assistants shall be appointed by the individual councilmembers. Council assistants and senior council assistants shall be term-limited to correspond to the tenure of the individual, appointing councilmember, unless removed prior to the end of the councilmember's term.


SECTION II: This ordinance shall take effect and be in full force thirty days from its adoption.

Submitted by

Approved as to form by



Ann Moore
City Attorney



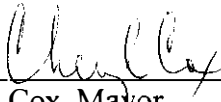
Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 12th day of December 2006, by the following vote:

AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3054 had its first reading at a regular meeting held on the 5th day of December, 2006 and its second reading and adoption at a regular meeting of said City Council held on the 12th day of December 2006.

Executed this 12th day of December 2006.



Susan Bigelow, MMC, City Clerk