

ORDINANCE O2018-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE TITLE 2 BY ENACTING A NEW CHAPTER 2.42 TO ESTABLISH A NEW APPOINTIVE OFFICER AND DEPARTMENT HEAD POSITION FOR THE UTILITIES DIRECTOR; AND BY AMENDING CHAPTERS 2.12, 2.40, 2.46, 2.48, AND 2.52 TO UPDATE THE LIST OF APPOINTIVE OFFICERS AND DEPARTMENT HEADS

WHEREAS, on June 5, 2018, the City Council adopted the Fiscal Year 2018-2019 Mid-Cycle Budget, authorizing staffing changes; and

WHEREAS, the Fiscal Year 2018-2019 Mid-Cycle Budget contained Decision Packages and a Revised Staffing Allocation Plan outlining staffing changes consistent with the reorganization of the Public Works and Parks and Recreation Departments, and establishing a Utilities Department; and

WHEREAS, the creation of a Utilities Director position requires a new Chapter 2.42 – Utilities Director be added to the Napa Municipal Code, as well as a modification to the position description for the Public Works Director (Chapter 2.40); and

WHEREAS, there is a concurrent need to update provisions of the Napa Municipal Code related to the identification of Department Head positions within the City, that are designated as “appointive officers” under City Charter Section 75, including removal of the superseded position titles for the Community Resources Director, Personnel Director, and Housing Director (amending Chapters 2.12, 2.46, 2.48, and 2.52); and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

SECTION 1: Amendment. Napa Municipal Code Section 2.12.050 is hereby amended by repealing the previous Section 2.12.050, and adopting language to read as set forth below:

“2.12.050 Appointive officers enumerated.

The appointive officers of the City shall include the City Manager, Assistant City Manager, City Clerk, City Attorney, Finance Director, Public Works Director, Utilities

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Director, Parks and Recreation Services Director, Community Development Director, Police Chief, Fire Chief, and Human Resources Director. These appointive officers are designated in accordance with City Charter Section 75.”

SECTION 2: Amendment. Napa Municipal Code Section 2.12.060 is hereby amended by repealing the previous Section 2.12.060, and adopting language to read as set forth below:

“2.12.060 Officers elected or appointed.

The members of City Council, including the Mayor and four Councilmembers are the only elected officers of the City. All other officers of the City shall be appointed officers, as provided by City Charter Sections 75, 76, and 77.”

SECTION 3: Amendment. Napa Municipal Code Section 2.12.120 is hereby amended by repealing the previous Section 2.12.120, and adopting language to read as set forth below:

“2.12.120 Additional powers.

Each officer shall have the powers and duties as provided by this code, and as provided by the statutes of this state, subject to any limitations set forth in the City Charter.”

SECTION 4: Amendment. Napa Municipal Code Section 2.40.010 is hereby amended by repealing the previous Section 2.40.010, and adopting language to read as set forth below:

“2.40.010 Public Works Director—General duties.

- A. The Public Works Director shall have the authority and duties prescribed by the City Manager, in accordance with this code, the charter, and the classification specification approved by the City Council, related to: development engineering; capital improvement program management; construction management and building inspection; streets, sidewalks and hardscape maintenance, facilities maintenance; and collection systems, and electrical maintenance.
- B. The City Manager shall designate in writing the person or persons duly licensed and authorized to perform the responsibilities of a city engineer and a city surveyor, in accordance with California Government Code Section 66416.5, and Section 16.08.035 of this code. The City Manager may designate the Public Works Director, or a person or persons under the management of the Public Works Director, to perform the responsibilities of the city engineer or the city surveyor.”

SECTION 6: Adoption. Napa Municipal Code Chapter 2.42 is hereby adopted to read as set forth below:

“Chapter 2.42  
Utilities Director

Section:

2.42.010 Appointive officer.

2.42.010 Appointive officer.

- A. Designation of Appointive Officer. The City Council hereby designates a Utilities Director as an appointive officer, pursuant to Charter Section 75.
- B. Authority and Duties. The Utilities Director shall have the authority and duties prescribed by the City Manager, in accordance with the classification specification approved by the City Council.
- C. Exempt Status. The Utilities Director is designated pursuant to City Council’s authority under Charter Section 75. Therefore, the Utilities Director shall not be subject to, and the Utilities Director shall be exempt from, the civil service rules and provisions of Charter Section 76.1.
- D. Appointment and Removal. The Utilities Director shall be appointed by the City Manager, and may be removed at any time by the City Manager.
- E. Unfilled Positions. The Utilities Director position may, in the discretion of the City Manager, be held open and unfilled, depending upon budget authorization approved by the City Council. Nothing in this section is intended to require the City Manager to either fill or hold open any position specified in this code.”

SECTION 7: Amendment. Napa Municipal Code Subsection 2.46 is hereby amended by repealing the previous Subsection 2.46.010(F) and adopting language to read as set forth below [NOTE: only Subsection 2.46.010(F) of this section is amended by this ordinance; and Subsections 2.46.010(A),(B), (C), (D), and (E) are not amended by this ordinance]:

- “F. Authority of Human Resources Director. The City Council hereby specifically reserves to itself the authority to administer provisions of the city’s human resources services as described in the classification specification for the Human Resources Director, and delegates that authority to the City Manager, which may be implemented by appropriate designees of the City Manager including the Human Resources Director. The authority reserved herein by the City Council is limited only to the extent that either the City Charter or the Civil Service Rules (approved by the City Council pursuant to City Charter Section 76.1(E)) grants specific authority to or identifies specific responsibilities of the Personnel Manager.”

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SECTION 8: Repeal. Napa Municipal Code Chapters 2.48 and 2.52 are hereby repealed in their entirety.

SECTION 9: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 10: Effective Date. This ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA  
COUNTY OF NAPA }  
CITY OF NAPA } SS:

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the 19<sup>th</sup> day of June, 2018, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 17<sup>th</sup> day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Dorothy Roberts  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney