

ITEM 4.2

**CITY MANAGER’S REPORT
DECEMBER 11, 2023 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 23-451 OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.08, SECTION 2.08.010 TITLED “CITY MANAGER”, OF THE LATHROP MUNICIPAL CODE, TO MODIFY AUTHORITY TO APPOINT AND REMOVE THE POLICE CHIEF**

RECOMMENDATION: **Waive Full Reading and Adopt Ordinance 23-451 Amending Title 2, Chapter 2.08, Section 2.08.010 Titled “City Manager”, Of The Lathrop Municipal Code, To Modify Authority To Appoint And Remove The Police Chief**

RECOMMENDED ACTION:

The City Council to conduct a second reading and adopt Ordinance 23-451 entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.08, SECTION 2.08.010 TITLED “CITY MANAGER”, OF THE LATHROP MUNICIPAL CODE, TO MODIFY AUTHORITY TO APPOINT AND REMOVE THE POLICE CHIEF

SUMMARY:

On November 13, 2023, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

AYES: Akinjo, Diallo, Lazard, Torres-O’Callaghan, and Dhaliwal
NOES: None
ABSTAIN: None
ABSENT: None

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:


Teresa Vargas, City Clerk

12/10/23
Date

ORDINANCE NO. 23-451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.08, SECTION 2.08.010 TITLED "CITY MANAGER", OF THE LATHROP MUNICIPAL CODE, TO MODIFY AUTHORITY TO APPOINT AND REMOVE THE POLICE CHIEF

WHEREAS, City Council was provided the opportunity to review a draft Ordinance to modify Lathrop Municipal Code section 2.08.010 regarding authority to appoint and remove the Police Chief; and

WHEREAS, City Council held a duly noticed public hearing at a regularly scheduled meeting on November 13, 2023 to review and consider a municipal code text amendment; and

WHEREAS, the proposed municipal code text amendment changes City Manager's authority to appoint and /or remove, and conduct performance evaluations of the Chief of Police; and

WHEREAS, proper notice of this public hearing was given in all respects required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Lathrop, based on substantial evidence in the administrative record or proceedings and pursuant to its independent review and consideration, does hereby approve the Lathrop Municipal Code text amendment incorporated herein.

FURTHER, BE IT ALSO ORDAINED by the City Council of the City of Lathrop as follows:

Section 1. Amendment to the Lathrop Municipal Code.

The Lathrop Municipal Code section 2.08.010 is hereby amended to add the text as shown by underlined language:

2.08.010 City manager.

...

3. Appointment and Removal. Pursuant to Government Code Section 34856, to appoint and remove all officers and department heads except the city attorney and the police chief. The city manager shall either appoint, remove, promote or demote all other city employees or approve their appointment, removal, promotion or demotion subject to all applicable personnel rules and regulations which may be adopted by the city council.

4. *Authority Over Employees. To control and give direction to all department heads and to subordinate employees of the city under the city manager's jurisdiction through their department heads.*

a. Police Chief. City Manager shall maintain control over and give direction to the police chief in accordance with the provisions of this chapter relative to the authority the City Manager possesses over all department heads but authority to appoint and/or remove the police chief and the administration of performance evaluations of the police chief shall be vested solely in the city council.

...

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City of any officer or employee thereof a mandatory duty of care toward persons and property within or without the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the California Government Code.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 13th day of November, 2023 and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney