



## TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council      **Date:** June 11, 2013

**From:** Frank Robinson, Town Manager      **Item No:** 8  
Town Manager's Office

**Subject:** INTRODUCE ORDINANCE NO. 448 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 2.10 (TOWN CLERK) OF TITLE 2 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO THE OFFICE OF THE TOWN CLERK AND CHAPTER 2.60 (PERSONNEL) OF TITLE 2 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO EXCEPTIONS OF CHAPTER 2.60.

**T.M. Approval:** \_\_\_\_\_      **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

1. Move to **WAIVE** reading of Ordinance 448 in its entirety and read by title only.
2. Move to **INTRODUCE** Ordinance No. 448 amending Chapter 2.10 (Town Clerk) and Chapter 2.60 (Personnel) of Title 2 of The Town of Apple Valley Municipal Code By Amending Section 2.10.010 Relating to the Office and Compensation of the Town Clerk and Section 2.60.030 Relating to Exceptions of Chapter 2.60.

### SUMMARY STATEMENT:

The Town Clerk currently holds office at the pleasure of the Town Council. The Town Council would like the Town Clerk to hold office at the pleasure of the Town Manager.

**ORDINANCE NO. 448**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 2.10 (TOWN CLERK) OF TITLE 2 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO THE OFFICE OF THE TOWN CLERK AND CHAPTER 2.60 (PERSONNEL) OF TITLE 2 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO EXCEPTIONS OF CHAPTER 2.60.**

WHEREAS, the Town Clerk currently holds office at the pleasure of the Town Council; and

WHEREAS, the Town Council wants the Town Clerk to hold office at the pleasure of the Town Manager, not the Town Council.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

**Section 1.** Chapter 2.10 of Title 2 of the Town of Apple Valley Municipal Code is hereby amended by modifying Section 2.10.010.

**2.10.010 Office created--Term.** The office of the Town Clerk is created and established. The Town Clerk shall hold office at the pleasure of the Town Manager in accordance with 2.60.030(i)(i)-(iv).

**Section 2.** Chapter 2.60 of Title 2 of the Town of Apple Valley Municipal Code is hereby amended by modifying Section 2.60.030.

**2.60.030 Exceptions.** The provisions of this chapter shall apply to all offices, positions and employments in the service of the Town, except:

...[skipping subdivisions (a) through (h)]

(i). Assistant Town Managers, the Town Clerk and Department Heads.

(i) Persons appointed or promoted to Assistant Town Manager, Town Clerk and Department Head positions by the Town Manager on or after the effective date of this Ordinance shall serve at the will and pleasure of the Town Manager and may be terminated from Town employment by the Town Manager without proof of cause or other justification and without right of appeal or hearing.

(ii) Department Heads appointed or promoted to their Department Head positions prior to the effective date of this Ordinance shall have the right to be terminated only under the provisions of this municipal

code as it existed at the time of their appointment or promotion to the position, unless they modify the terms of their employment pursuant to a contract as described below.

(iii) The Town Manager is empowered to negotiate and enter into contracts on behalf of the Town with Assistant Town Managers, the Town Clerk and Department Heads establishing terms and conditions of employment and the separation therefrom. Said employment contracts shall take precedence over and supersede any otherwise applicable ordinance, resolution, rule or regulation, previous or current including, but not limited to, this Subsection 2.60.030.

(iv) Nothing in this Subsection shall be deemed to give the Town Manager the right to appoint or remove the Town Treasurer or the Town Attorney.

**Section 3.** All other provisions of Chapter 2.10 and Chapter 2.60 shall remain in effect.

**Section 4.** Effective Date. This ordinance shall be come effective thirty days from and after its adoption.

**Section 5.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Curt Emick, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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John Brown  
Town Attorney

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Frank W. Robinson  
Town Manager