

ORDINANCE NO. 330

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 2 (ADMINISTRATION AND PERSONNEL) TO AMEND SECTION 2.08.060 (POWERS AND DUTIES), SECTION 2.08.080 (DEPARTMENTAL COOPERATION), 2.12.020 (COMPENSATION), AND 2.12.030 (FUNCTIONS)

WHEREAS, Chapter 2.08.060 establishes that the City Manager shall be the administrative head of the government of the City under the direction and control of the City Council except as otherwise provided in this chapter, and

WHEREAS, Chapter 2.08.060 (B) establishes the City Manager's authority to appoint, remove, promote, and demote identified employees subject to all applicable personnel rules and regulations which may be adopted by the City Council; and

WHEREAS, Chapter 2.08.060 (C) establishes the City Manager's authority to control, order, and give directions to all department heads who are subject to his or her appointment and removal authority and to subordinate officers and employees of the City under his or her jurisdiction through their department heads; and

WHEREAS, the City Council on May 22, 2018, transferred the oversight, direction, and control of the City Clerk position from the City Council to the City Manager and directed the City Manager to submit a Municipal Code Amendment to effectuate the transfer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Amend 2.08.060 (B) to read as follows:

Appoint, remove, promote, and demote any and all officers and employees of the City except elected officers, the City Attorney, and the City Treasurer, subject to all applicable personnel rules and regulations which may be adopted by the City Council.

SECTION 2. Amend 2.08.080 to read as follows:

It shall be the duty of all subordinate officers, the City Attorney, and City Treasurer to assist the City Manager in administering the affairs of the City efficiently, economically, and harmoniously.

SECTION 3. Amend 2.12.020 to read as follows:

The City Clerk shall receive such compensation and expense allowance as the City Manager shall determine subject to all applicable personnel rules and regulations, which may be adopted by the City Council.

SECTION 4. Amend 2.12.030 (M) to read as follows:

Perform such other duties consistent with this code as may be required of the City Clerk by the City Manager.

SECTION 5. Compliance with CEQA. This proposed action is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code Regulations §§ 15000, et seq.) because it constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CC § 15378 (B)(4-5)).

SECTION 6. Inconsistencies. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02. Any provision of the Chino Hills Municipal Code (CHMC) or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 7. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 10. Preservation. Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 11. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. Effective Date. This Ordinance shall become effective immediately following its final passage and adoption.

SECTION 13. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED this 26th day of June, 2018.


PETER J. ROGERS, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:


MARK HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 330 was duly introduced at a regular meeting held June 12, 2018; and adopted at a regular meeting of the City Council held on the 26th day of June, 2018 by the following vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, ROGERS, BENNETT,
JOHSZ, MORAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 330 duly passed and adopted by the Chino Hills City Council at their regular meeting held on June 26, 2018 and that summaries of the Ordinance were published on June 16, 2018 and June 30, 2018 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK