

**ORDINANCE NO. 2007-03**

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA, AMENDING CHAPTER 2 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE TO GRANT TO THE CITY MANAGER THE AUTHORITY TO APPOINT, REMOVE, PROMOTE, AND DEMOTE THE CITY CLERK AND CITY TREASURER.**

**WHEREAS**, section 2.08.060.B of the City of American Canyon (City) Municipal Code (Municipal Code) currently authorizes and expects the City Manager to appoint, remove, promote, and demote any and all officers and employees of the City *except* elective officers, the City Attorney, the City Clerk and the City Treasurer; and,

**WHEREAS**, the functions of the City Treasurer currently reside with and are exercised by the City Finance Director, whom is an official serving at the pleasure of the City Manager; and,

**WHEREAS**, the past practice within the City has been, and is, for the City Manager to supervise, promote, evaluate, and have general accountability for the full and direct supervision of the City Clerk; and,

**WHEREAS**, the City wishes to vest the power to appoint, remove, promote, and demote the offices of City Clerk and City Treasurer within the authority of the City Manager to officially modify and reflect the realities of City governance and management; and,

**WHEREAS**, it is necessary to modify the Municipal Code to reflect these realities and to effectuate this change in authority.

**NOW THEREFORE**, the City Council of the City of American Canyon does hereby ordain as follows:

**SECTION 1.        Chapter 2.04 - City Manager**

Chapter 2.08 of the Municipal Code is amended as follows to provide:

Subsection B of section **2.08.060** shall be repealed and reenacted as follows:

B.     Except as provided for in subsection C, appoint, remove, promote, and demote any and all officers and employees of the city, except elective officers and the city attorney but including the offices of city clerk and city treasurer, subject to all applicable personnel rules and regulations which may be adopted by the council;

**SECTION 2.           Chapter 2.12 - City Clerk**

Chapter 2.12 of the Municipal Code is amended as follows:

- a.     The text of section **2.12.010** shall be repealed and reenacted as follows:

**2.12.010**     The office of city clerk is created and established. The city clerk shall hold such office at the pleasure of the city manager. The city manager may assign to him or her self the official duties of city clerk and, if this is done, then the city manager shall hold the office of city clerk at his or her own pleasure. The fact of the city manager has assigned to him or her self the official duties of city clerk shall not affect the city manager's power to subsequently relinquish the duties of city clerk and appoint another to assume said duties.

- b.     The text of section **2.12.020** shall be repealed and reenacted as follows:

**2.12.020**     If the city manager appoints a separate person to the office of city clerk, the city clerk shall receive such compensation and expense allowance as the city council shall from time to time determine, and such compensation shall be a proper charge against such funds of the city as the city council shall designate.

**SECTION 3.           Chapter 2.16 - City Treasurer**

Chapter 2.16 of the Municipal Code is amended as follows:

- a.     The text of section **2.16.010** shall be repealed and reenacted as follows:

**2.16.010**     The office of city treasurer is created and established. The city treasurer shall hold such office at the pleasure of the city manager.

- b.     The text of section **2.16.020** shall be repealed and reenacted as follows:

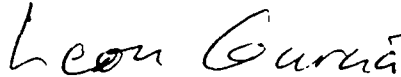
**2.16.020**     The city treasurer shall receive such compensation and expense allowance as the city council shall from time to time determine, and such compensation shall be a proper charge against such funds of the city as the city council shall designate.

**SECTION 4.        Effective Date**

This ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof.

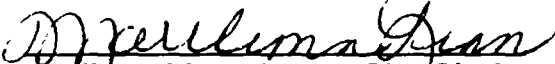
The foregoing ordinance was PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon, State of California held on February 1, 2007 by the following vote:

<b>AYES:</b>	<b>Garcia, Bennett, Callison, Coffey, West</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

  
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**Leon Garcia, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

  
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**Marilynn Linn, Acting City Clerk**

  
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**William D. Ross, City Attorney**