

**RECEIVED**  
December 04, 2017  
**Commission on  
State Mandates**

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December 4, 2017

VIA DROPBOX

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: *Los Angeles Region Water Permit – Cities of Los Angeles  
County, 13-TC-01; California Regional Water Quality Control  
Board, Los Angeles Region, Order No. R4-2012-0175*

Dear Ms. Halsey:

In accordance with my discussion with Jill Magee, enclosed are copies of Chapter 6.1 of the Charter of the City of Vernon, setting forth that the City Administrator is the Chief Administrative Officer of the City, and Section 2.6-6 of the Vernon Code of Ordinances, setting forth that the City Administrator is the administrative head of the City's government, responsible for the efficient administration of all of the City's affairs, with the powers of such an administrative head. Please add these ordinances to the City of Vernon's test claim submission.

Please advise me if you need any additional information. Thank you for your attention to this matter.

Very truly yours,



Howard Gest

HDG:da

Enclosure

Print

Vernon, CA Code of Ordinances

## **Article VI. City Administrator.**

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### **CH: 6.1. Appointment.**

The City Council shall appoint, by majority vote, a City Administrator who shall be the Chief Administrative Officer of the City of Vernon. The City Administrator shall serve at the pleasure of the Council except as may otherwise be provided by written contract.

The City Administrator shall engage in no other business or occupation except as may be permitted by the Council.

(Adopted and ratified by voters at election of November 8, 2011)

### **CH: 6.2. Compensation.**

Compensation for the City Administrator shall be set by the City Council.

(Adopted and ratified by voters at election of November 8, 2011)

### **CH: 6.3. Duties.**

The City Administrator shall be responsible to the City Council for the proper and efficient management of all the affairs of the City and those specific duties assigned to the City Administrator by this Charter or by the City Council. The specific duties of the City Administrator may be specified by ordinance, resolution or order of the City Council.

(Adopted and ratified by voters at election of November 8, 2011)

### **CH: 6.4. Noninterference.**

The power to direct the City Administrator rests with the Council as a governing body, not with its individual members. No individual member of the Council, without authorization of the Council, shall in any manner direct or request the City Administrator to appoint any person to and/or remove any person from any office or position of employment with the City.

No individual member of the City Council, without authorization of the Council, shall give orders or instructions publicly or privately to any person under the jurisdiction of the City Administrator or otherwise interfere with the administrative staff of the City.

No individual member of the City Council, without authorization of the Council, shall undertake to coerce or direct the City Administrator with respect to any of the City Administrator's duties, and/or any municipal contract, and/or in connection with the purchase of any municipal supplies.

(Adopted and ratified by voters at election of November 8, 2011)

**CH: 6.5. Eligibility.**

No person shall be eligible to be appointed City Administrator while serving as a member of the City Council or within two years following the termination of membership on the City Council.

(Adopted and ratified by voters at election of November 8, 2011)

**CH: 6.6. Other positions.**

The City Council may appoint the City Administrator to any other office in the City and direct the City Administrator to carry out the duties of that office or any other position of employment with the City in addition to his or her duties as City Administrator.

(Adopted and ratified by voters at election of November 8, 2011)

## **Article II. City Administration.\***

*\*Editor's Note—*Prior ordinance history includes portions of Ordinance Nos. 883, 992, 994, 1035 and 1107.

### **Sec. 2.6. City Administrator - purpose.**

The City Council finds and determines that the administrative affairs of the municipal government of the city will be handled more expeditiously, efficiently, and satisfactorily if the City Administrator, acting on behalf of the Council, will attend to necessary administrative affairs, will correlate and coordinate various municipal activities, will compile data, will prepare reports relating to the affairs of city government, and will generally act as the agent of the Council in the discharge of administrative duties. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-1. City administrator qualifications.**

The city administrator shall be selected by the city council. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-2. Compensation and expenses.**

The city administrator shall receive such compensation and expense allowances as the council shall, from time to time, determine, and such compensation and expenses shall be a proper charge against such funds of the city as the council shall designate.

The city administrator shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties, or incurred when traveling on business pertaining to the city under the direction of, or with the express consent, of the council. Reimbursement shall be made only in accordance with an itemized claim setting forth the sums expended or obligations incurred in the manner provided by the council for the presentation of claims for reimbursement of expenses of other city officers and employees. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-3. Absence.**

In case of the absence or disability of the city administrator, the city council may designate some duly qualified person to perform the duties of the city administrator during the period of absence or disability of the city administrator, subject, however, to any conditions that the city council deems appropriate. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-4. Bond.**

The city administrator shall, before entering upon the duties of his office, give a good and sufficient corporate surety bond to the city in such an amount and form as shall be approved by the city attorney and as required by any law of the state or of the city. Such bond shall be conditioned upon the faithful performance and discharge of his duties and for the proper

application and payment of all money or property coming into his hands by virtue of his office. A general bond covering more than one officer or employee of the city shall suffice if it meets the requirements set forth in this section. The premium of such bond shall be paid by the city. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-5. Standards of performance.**

In the discharge of his duties, the city administrator shall endeavor at all times to exercise the highest degree of tact, patience, and courtesy in his contacts with the public, with the council, and with all city commissions, boards, departments, offices, and employees and shall use his best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city to the end that the highest possible standard of public service shall be continuously maintained. (Ord. No. 1121, Exh. A.)

#### **Sec. 2.6-6. Powers and duties.**

The city administrator shall be the administrative head of the government of the city, under the direction and control of the council. He shall be responsible for the efficient administration of all of the affairs of the city which affairs are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, he shall have the following powers and duties:

(a) *General supervision.* To execute on behalf of the council its administrative supervision and control of such affairs of the city as may be placed in his charge, or which are not otherwise provided for by the council. The city council reserves the right to modify, amend or supersede any such action taken by the city administrator.

(b) *Enforcement.* To see that the laws of the State of California pertaining to the City, and all laws and ordinances of the City are duly enforced and that all franchises, permits and privileges granted by the City are faithfully observed.

(c) *Personnel and organization.* The City Administrator shall establish a manual of the rules, policies and procedures necessary to the administration of the merit system of those appointive officers and employees who shall be included in the system. Preexisting personnel policies and procedures consistent with the merit system will be incorporated into the manual where appropriate. The City Administrator, or his or her designee, is authorized to promulgate appropriate instruction and guidance for the purpose of providing the administrative policy and procedural direction necessary to implement the rules, policies and procedures for the administration of the merit system. The City Administrator shall retain ultimate authority and responsibility for any delegated actions.

Except as excluded from this authority herein, the City Administrator is authorized to appoint, promote, direct, discipline, suspend, demote, and terminate, and take other actions affecting, any employee of the City, as reasonably necessary.

The City Council, and not the City Administrator, is authorized to appoint the head of each of the departments established in the Code, after receiving the recommendation of the City Administrator. The City Administrator shall advise the City Council of any proposed termination prior to its effective date.

The City Attorney, and not the City Administrator, is authorized to appoint, promote, direct, discipline, suspend, demote, terminate, and take other actions affecting, his or her respective staff, as reasonably necessary. The City Attorney is not subject to the powers of the City Administrator.

The City Council is authorized to appoint, promote, direct, discipline, suspend, demote, terminate, and take other actions affecting, the City Administrator and City Attorney, as reasonably necessary.

The City Administrator shall recommend to the City Council such reorganization of officers, departments or divisions as may be indicated in the interests of the efficient, effective and economical conduct of the City's business, and to effect such reorganization when authorized by appropriate ordinance, resolution or motion of the City Council.

(d) *Rules and regulations.* To preserve such rules, regulations, and policies as the City Council shall deem necessary or expedient for the conduct of administrative services, and to revoke, suspend or amend any rule, regulation or policy established by any officer, department head, or other person in the administrative services. The City Council reserves the right to modify, amend or supercede any such action taken by the City Administrator.

(e) *Compensation plan.* To prepare and to recommend to the Council, from time to time, desirable revisions of the compensation plan of the City.

(f) *Assist the Council.* To attend meetings of the Council and its committees and to report upon and discuss any matter concerning the affairs of the departments, services or activities under his supervision upon which, in his judgment, the Council should be informed, or upon which his views or opinions are requested by the Council.

(g) *Carry out Council decisions.* To carry out, on behalf of the Council, its policies, rules, regulations and laws relating to the administration of the affairs of the City, its departments, divisions, and services.

(h) *Budget.* To supervise the preparation of a detailed, proposed municipal budget and, together with the department heads, submit the same to the Council before the 1st day of May of each year, and to offer his recommendations as to such increases, decreases, cancellations, transfers, or changes in any of the items included in the proposed budget as in his judgment should be made before adoption of the final budget; to be responsible for the administration of the budget after its final adoption; and to keep the Council informed with respect thereto.

(i) *Purchasing.* As agent for the Council to exercise the power of approval or rejection of expenditures for all departments, divisions, services and officers of the City government in accordance with the municipal budget adopted by the Council.

(j) *Recommendations to the Council.* To recommend to the Council for adoption such measures and ordinances as he deems necessary or expedient.

(k) *Studies and reports.* To make such surveys, studies, reports, and recommendations as he may deem desirable on any matter affecting the interests of the people or City as budgeted or as may be requested by the Council.

(l) *Council agenda.* To prepare the agenda for all regular, special, or adjourned meetings of the Council in accordance with the laws establishing rules for Council meetings.

(m) *Mail*. To receive and open all mail addressed in whole or in part to the Council, or to the Mayor or to the Mayor Pro Tem by title only, and to give immediate attention thereto to the end that all administrative business referred to in such communications, and not necessarily requiring action by the Council, may be disposed of in an expeditious manner; provided, however, all actions taken pursuant to such communications shall be reported to the Council at its next regular meeting thereafter, or by separate communication to each member of the Council.

(n) *Financial conditions*. To keep the Council at all times fully advised as to the financial conditions and needs of the City.

(o) *Investigations*. To make investigations into the affairs of the City in any department or division thereof and any contract or the proper performance of any obligation running to the City.

(p) *Full-time duties*. To devote his entire time to the duties and interests of the City.

(q) *Duty of other officers*. It shall be the duty of all other officers including the City Clerk, the City Treasurer, and the City Attorney to cooperate with and assist the City Administrator in administering the affairs of the City most efficiently, economically, and harmoniously so far as may be consistent with their duties as prescribed by law and this Code.

(r) *Other powers and duties*. To perform such other duties and exercise such other powers as are necessarily incident to the powers set forth in this section or as may be assigned or delegated to him, from time to time, by action of the Council.

(Ord. No. 1121, Exh. A; Ord. No. 1126, Exh. B; Ord. No. 1131, Exh. A; Ord. No. 1202, § 4.)

#### **Sec. 2.6-7. Limitations imposed.**

The City Administrator shall not attempt to establish general policy which it is the province of the Council to determine, nor shall he commit or bind the Council or any member thereof to any action, plan, or program requiring official Council action. It is not intended by the provision of this chapter to grant any authority to, or impose any duty upon, the City Administrator which is now or hereafter may be vested in or imposed by general state law on the Mayor, City Councilmen, or any other City commission, department, officer, or employee. (Ord. No. 1121, Exh. A.)



**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 14, 2017, I served the:

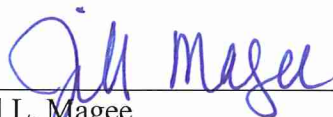
- **Notice of Complete Test Claim, Removal from Inactive Status, Consolidation with 13-TC-02, Renaming of Matter, Schedule for Comments, and Tentative Hearing Date issued December 14, 2017**
- **City of Vernon Ordinance Regarding City Administrator's Duties filed December 4, 2017**
- **Claimants' Response to Second Notice of Incomplete Joint Test Claim filed November 20, 2017**
- **City of Downey Revised Test Claim Form filed August 21, 2017**
- **Test Claim filed by Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier (Claimants) on June 30, 2014, revised on August 10, 2017, August 21, 2017, November 20, 2017, and December 4, 2017**

*California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-01 and 13-TC-02*

Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier, County of Los Angeles, and Los Angeles County Flood Control District, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 14, 2017 at Sacramento, California.



\_\_\_\_\_  
Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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(916) 323-3562



# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 12/12/17

**Claim Number:** 13-TC-01 and 13-TC-02

**Matter:** California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175

**Claimants:** City of Agoura Hills  
City of Bellflower  
City of Beverly Hills  
City of Carson  
City of Cerritos  
City of Commerce  
City of Downey  
City of Huntington Park  
City of Lakewood  
City of Manhattan Beach  
City of Norwalk  
City of Pico Rivera  
City of Rancho Palos Verdes  
City of Redondo Beach  
City of San Marino  
City of Santa Clarita  
City of Santa Fe Springs  
City of Signal Hill  
City of South El Monte  
City of Vernon  
City of Westlake Village  
City of Whittier  
County of Los Angeles  
Los Angeles County Flood Control District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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