

ORDINANCE NO. 612-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, TO REPEAL MURRIETA MUNICIPAL CODE SECTIONS 2.08.090-2.08.130 AND 2.08.150-2.08.170 WHICH SET FORTH REGULATIONS FOR THE CITY'S RELATIONSHIP WITH THE CITY MANAGER

Summary: This ordinance repeals sections within Chapter 2 of the Murrieta Municipal Code ("MMC") relating to the City Manager.

WHEREAS, the City aims to maintain a high performing organization that values transparency, accountability, and organizational efficiency; and

WHEREAS, the City Council updates the Murrieta Municipal Code ("MMC") from time to time as needed to comply with new laws and address unnecessary provisions; and

WHEREAS, the City Council now desires to remove portions of Chapter 2.08 of the MMC to eliminate language that is not needed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Sections 2.08.090 through 2.08.130 are hereby repealed from the Murrieta Municipal Code (strikethrough text is used to show the repealed language):

~~"2.08.090 Attendance at commission meetings.~~

~~The city manager may attend any and all meetings of the planning commission, and any other commission, board or committee created by the city council, upon his or her own volition or upon direction of the city council. At such meetings which the city manager attends, he or she shall be heard by such commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof. He or she shall inform such members as to the status of any matter being considered by the city council, and he or she shall cooperate to the fullest extent with members of all commissions, boards or committees appointed by the city council.~~

~~2.08.100 Removal Method Notice.~~

~~The removal of the city manager shall be effected only by a majority vote of the whole council as then constituted, convened in a regular council meeting, subject, however, to the provisions of Section 2.08.110 through 2.08.160 of this chapter. In case of his or her intended removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him or her and the reason therefor at least thirty (30) days before the effective date of his or her removal.~~

~~2.08.110 Removal Hearing.~~

~~Within seven days after the delivery to the city manager such notice required in Section 2.08.100 of this chapter, he or she may, by written notification to the city clerk, request a~~

hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty (30) day period, at which the city manager shall appear and be heard, with or without counsel.

~~2.08.120 Removal—Suspension pending hearing.~~

~~After furnishing the city manager with written notice of intended removal, the city council may suspend him or her from duty, but his or her compensation shall continue until his or her removal by resolution of the council passed subsequent to the hearing described in Section 2.08.110 of this chapter.~~

~~2.08.130 Removal—Council discretion.~~

~~In removing the city manager, except as provided in Section 2.08.150 of this chapter, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the city manager to present to the city council his or her grounds of opposition to his or her removal prior to its action.”~~

SECTION 2. Sections 2.08.150 through 2.08.170 are hereby repealed from the Murrieta Municipal Code (striketrough text is used to show the repealed language):

~~“2.08.150—Willful misconduct—Determination.~~

~~In the event the intended removal of the city manager is for willful misconduct in office, written notice to the city manager as provided in Section 2.08.100 of this chapter shall state that the reason for removal is willful misconduct in office and shall state specific facts which constitute such willful misconduct. The procedure for hearing and for suspension pending hearing shall be followed as stated in Sections 2.08.100 through 2.08.140 of this chapter. A determination of willful misconduct in office shall be evidenced by specific findings of facts constituting such willful misconduct. The determination of what constitutes willful misconduct shall be within the sole discretion of the city council provided that it shall relate to the welfare of the city.~~

~~2.08.160 Willful misconduct—Defined.~~

~~Willful misconduct includes conduct directly related to conduct in office and directly related to the duties of office. It includes the refusal to follow the lawful directions of the city council. It also includes conduct not directly related to the performance of official duties of the office when such conduct has a direct and harmful effect on the welfare of the city. Evidence of such direct and harmful effect shall include but shall not be limited to, conviction of a felony.~~

~~2.08.170 Agreements with council.~~

~~Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.”~~

SECTION 3. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

PASSED AND ADOPTED this ____ day of _____, 2024.

Lori Stone, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 612-24 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ___ day of _____, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

Certificate of Publication

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that the summary of Ordinance No. 612-24 was duly published according to law and the order of the City Council of said City and the same was so published in *Press Enterprise*, a newspaper of general circulation on the following dates:

Introduced Ordinance:

Adopted Ordinance:

In witness whereof, I have hereunto subscribed my name this ___ day of _____, 2024.

Cristal McDonald, City Clerk