

COUNCIL AGENDA – FEBRUARY 5, 2013

SUBJECT: REQUEST TO SCHEDULE PUBLIC HEARING FOR THE
CONSIDERATION OF AN ORDINANCE ADDING PENALTY
PROVISIONS TO THE MUNICIPAL CODE RELATED TO CHARTER
SECTION 67 PERTAINING TO INTERFERENCE

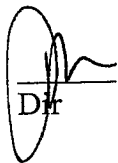
SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

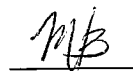
COMMENT: At the Council Meeting of January 15, 2013, the City Council authorized staff to proceed with a proposed Ordinance to amend the Municipal Code to add penalty provisions regarding Council interference in the administrative functions of the City. Because said ordinance proposes to establish a penalty, it is recommended that a public hearing be scheduled to consider adoption of the ordinance.

RECOMMENDATION: That the City Council direct staff to schedule and notice a public hearing for February 19, 2013 for the consideration of an ordinance adding penalty provisions to the Municipal Code related to Charter Section 67 pertaining to Interference.

ATTACHMENTS: Draft Ordinance

Report No. 13


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ACTING

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING SECTIONS 2-6.1 AND 2-6.2 TO CHAPTER 2, ARTICLE I OF
THE PORTERVILLE MUNICIPAL CODE
REGARDING COUNCILMANIC INTERFERENCE WITH ADMINISTRATIVE
FUNCTIONS OF THE CITY**

**THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:**

Section 1. Code Amendment. Sections 2-6.1 and 2-6.2 are hereby added to Chapter 2, Article I, of the Porterville Municipal Code, to read as follows:

**CHAPTER 2
ARTICLE I**

Section 2-6.1. Interference with Performance of Duties of City Manager.

- (a) As set forth in Section 67 of the Porterville Municipal Charter, no member of the City Council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable State and Federal law.
- (b) The City Council shall deal with the administrative functions of the City through the city manager. The City Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions. No City Council member shall give an order or orders to any subordinate of the City under the jurisdiction of the City Manager or other such officers, either publicly or privately.
- (c) Violations of this Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9.

Section 2-6.2. Political Activities of Council Members, Administrative Officers, and Employees.

- (a) As set forth (and unless otherwise specified) in Section 67 of the Porterville Municipal Charter, political activities of, and campaign contributions by, the City's legislative officers, administrative officers, and employees shall be governed in accordance with applicable State and Federal law.

- (b) All City legislative officers, administrative officers, and employees are prohibited from engaging in political activities during working hours.
- (c) All City officers and employees are prohibited from engaging in political activities at their work place. Furthermore, all City officers and employees are prohibited from engaging in political activities on City property, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.
- (d) Violations of the Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9, in addition to any applicable State and Federal laws restricting said activities.

Section 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of February, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk