

ORDINANCE NO. 0007-2021

**AN ORDINANCE OF THE CITY OF
MCFARLAND AMENDING AND RESTATING
MCFARLAND MUNICIPAL CODE 2.16.040, 2.16.070,
2.16.080, 2.16.180 CONCERNING CITY MANAGER, AND
ADOPTING A NEW 2.28.010, 2.28.020 WHILE
RENUMBERING CURRENT CODES 2.28.010, 2.28.020 AND
2.28.030 CONCERNING THE POLICE DEPARTMENT**

Section 1. Recitals.

WHEREAS, The City of McFarland ("City") desires to amend, clarify and codify its Municipal Code Chapter related to City Manager and Police Department;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify (1) the City Manager Compensation, Powers and Duties over employees, appointments, promotions, removals, and demotions and additional duties and (2) establishment of the police department and the chief of police;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Chapter 2.16 and 2.28 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City's goals and objectives while reducing the potentially negative impacts arising from incompatible Municipal Code Chapters.

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

Section 2. Section 2.16 of the McFarland Municipal Code is hereby amended and restated to read as follows:

2.16.040 Compensation.

- A. The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and fix by resolution or by contract, and said compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate.
- B. The city manager 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 the city council; reimbursement shall only be made, however, when a verified, itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the city council and approved.

2.16.070 Powers and duties—Authority over employees.

It shall be the duty of the city manager, and he/she shall have the authority to control, order and give directions to all officers and employees of the city other than the city attorney, Chief of Police, or the city treasurer/finance director.

2.16.080 Powers and duties—Appointments, promotions, removals and demotions.

It shall be the duty of the city manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney, the Chief of Police, and the city treasurer/finance director, subject to the rules and regulations of the city personnel ordinance, insofar as the personnel ordinance does not conflict with the ordinance codified in this chapter, it being the intent and purpose of the city council that in case of any conflict between the ordinance codified in this chapter and the city personnel ordinance and rules and regulations thereunder, that the ordinance codified in this chapter shall prevail.

2.16.180 - Additional duties.

It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance or resolution or other action of the city council. The city manager may hold any other office or position in the city other than an elective office: during the time he/she holds such other office or position he/she shall receive as compensation only the compensation payable under the provisions of this chapter or as set by resolution or contract.

Section 3. Section 2.28 of the McFarland Municipal Code is hereby adopted, amended and restated to read as follows:

2.28.010 - Established.

There is established a police department of the city consisting of a chief of police, a police force and such other officers, clerks and employees as the city council may, from time to time, prescribe.

2.28.020 - Chief of Police.

(a) The Chief of Police shall be appointed by the City Council.

(b) The Chief of Police shall be in control of the operation of the Police Department, subject to the supervision of the City Council, and shall direct the Department so it fulfills the duties delegated to it by law as follows:

(1) Under the administrative direction of the City Council, to plan, organize and direct the activities of the Police Department in law enforcement and crime prevention; and

(2) To do related work as required.

(c) The Police Department shall adhere to standards for recruitment and training established by the California Commission on Police Officer Standards and Training (POST). The POST Commission and its representatives may make such inquiries as they may deem appropriate from time to time to ascertain whether the POST standards are being adhered to.

2.28.010 – Qualification for state aid

Renumbered as 2.28.030

2.28.020 – Recruitment and training standards

Renumbered as 2.28.040

2.28.030 – Training of public safety dispatchers

Renumbered as 2.28.050

Section 4. The Amended Chapter 2.16 of the McFarland Municipal Code is set forth in Exhibit “A” to this Ordinance and incorporated herein by reference.

Section 5. The Amended Chapter 2.28 of the McFarland Municipal Code is set forth in Exhibit “B” to this Ordinance and incorporated herein by reference.

Section 6. NOTICE. The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.


Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 8. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 9. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 28th day of October 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Tafoya	X			
Maria T. Perez	X			
Saul Ayon	X			
Ricardo Cano	X			



Sally Tafoya, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on October 28, 2021.

ATTEST:



Francisca Alvarado, City Clerk



APPROVED AS TO FORM:



Nathan M. Hodges, City Attorney