

COUNCIL AGENDA – MARCH 5, 2013

SUBJECT: SECOND READING – ORDINANCE 1795, INTERFERENCE WITH ADMINISTRATIVE FUNCTIONS OF THE CITY

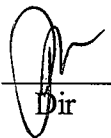
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1795, 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 Council Manic Interference with Administrative Functions of the City, was given first reading on February 19, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1795, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1795

Item No. 17

  
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ORDINANCE NO. 1795

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 March, 2013.

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Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

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By: Patrice Hildreth, Chief Deputy City Clerk