

25. Resolution Repealing Resolution 2017-016 and Designating the Officers and Employees of the City Authorized to Exercise the Authority of the Appointed Officials in Their Respective Absences and Designating Salary and Benefits for the Acting City Manager After Service of More Than Thirty Days

Department(s):

Recommended Action: Approve a Resolution repealing Resolution No. 2017-016 and designating the officers and employees authorized to exercise authority of the City Manager, City Attorney, and City Clerk in their respective absence and designating salary and benefits for the Acting City Manager after service of more than thirty days.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF SANTA ANA REPEALING RESOLUTION 2017-016 AND DESIGNATING THE OFFICERS AND EMPLOYEES OF THE CITY AUTHORIZED TO EXERCISE AUTHORITY OF THE APPOINTED OFFICIALS IN THEIR RESPECTIVE ABSENCES AND DESIGNATING SALARY AND BENEFITS FOR THE ACTING CITY MANAGER AFTER SERVICE OF MORE THAN THIRTY DAYS



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 7, 2024

TOPIC: Designation of Authority in Absence of Appointed Officials; Salary and Benefits for Acting City Manager

AGENDA TITLE

Resolution Repealing Resolution 2017-016 and Designating the Officers and Employees of the City Authorized to Exercise the Authority of the Appointed Officials in Their Respective Absences and Designating Salary and Benefits for the Acting City Manager After Service of More Than Thirty Days

RECOMMENDED ACTION

Approve a Resolution repealing Resolution No. 2017-016 and designating the officers and employees authorized to exercise authority of the City Manager, City Attorney, and City Clerk in their respective absence and designating salary and benefits for the Acting City Manager after service of more than thirty days.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF SANTA ANA REPEALING RESOLUTION 2017-016 AND DESIGNATING THE OFFICERS AND EMPLOYEES OF THE CITY AUTHORIZED TO EXERCISE AUTHORITY OF THE APPOINTED OFFICIALS IN THEIR RESPECTIVE ABSENCES AND DESIGNATING SALARY AND BENEFITS FOR THE ACTING CITY MANAGER AFTER SERVICE OF MORE THAN THIRTY DAYS

GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

In 2005, the City Council adopted Resolution No. 2005-051 identifying those City officers authorized to act as the City Manager in the absence of the City Manager. In May 2017, Resolution No. 2005-051 was repealed by Resolution No. 2017-016 which updated the titles of the officers and employees authorized to act as the City Manager in the absence of the City Manager. Resolution No. 2017-016 also provided that the Acting City Manager would receive a salary of \$1 more than the Police Chief and the benefits specified in the Executive Management compensation and benefits resolution after service of more than thirty (30) days.

The proposed Resolution identifies those City officers and executives who are authorized to serve as the Acting City Manager in the absence of a designation by the current City Manager or the City Council. The Santa Ana City Charter provides that the City Manager may designate a person to act in his or her position for a temporary period and the City Council has authority to appoint an Acting City Manager. The succession identified in the proposed Resolution will only apply when the City Manager has not made an appointment or the City Manager has left the service of the City and the City Council has not appointed an Acting or Interim City Manager. The succession remains the same as that set forth in Resolution No. 2017-016 and is as follows:

- (1) Assistant City Manager;
- (2) Deputy City Manager;
- (3) Chief of Police;
- (4) Executive Director of Finance and Management Services; and
- (5) Executive Director of Human Resources.

As for compensation and benefits for an Acting City Manager, the proposed Resolution provides that any person serving more than 30 days in an acting capacity, without a contract or specific approval of the City Manager, shall receive the pay and benefits provided to the Executive Management official with the highest base salary plus one (\$1) dollar. The Acting City Manager will not, however, receive any pay or benefits that are specific to public safety officers. The pay and benefits are specified to be retroactive to the 31st day of service.

Currently, there is no resolution authorizing any City employee to act as the City Attorney or the City Clerk in the absence of a designation by the respective Appointed Official or the City Council. The proposed Resolution identifies those City employees in the City Attorney's Office and also in the City Clerk's Office who would be authorized to serve as the Acting City Attorney or Acting City Clerk in the respective absence of the City Attorney and City Clerk. The succession identified in the proposed Resolution would apply when the City Attorney or City Clerk has not made an Acting appointment or the City Attorney or City Clerk have left the service of the City and the City Council has not appointed an Acting or Interim City Attorney or City Clerk. The succession proposed for the City Attorney is: (1) Chief Assistant City Attorney; (2) Senior Assistant City Attorney. The succession proposed for the City Clerk is the Assistant City Clerk.

The proposed Resolution specifies that, to the extent there is more than one City officer or employee with the same title, the designated officer or employee would be the last person designated as Acting by the Appointed Official and if no officer or employee had been designated as Acting by the Appointed Official, the designation would go to the officer or employee that had their current title for the longest amount of time.

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FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution

Submitted By: Lori Schnaider, Acting Executive Director of Human Resources

Approved By: Alvaro Nuñez, Acting City Manager

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REPEALING RESOLUTION 2017-016 AND DESIGNATING THE OFFICERS AND EMPLOYEES OF THE CITY AUTHORIZED TO EXERCISE THE AUTHORITY OF THE APPOINTED OFFICIALS IN THEIR RESPECTIVE ABSENCES AND DESIGNATING SALARY AND BENEFITS FOR THE ACTING CITY MANAGER AFTER SERVICE OF MORE THAN THIRTY DAYS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. By Resolution 2017-016, the City Council deputized certain city officers with the power to act as City Manager under certain circumstances.
- B. With the addition of officers of the City with the same title, the City Council finds it necessary and advisable to repeal Resolution 2017-016; to clarify the designation of officers of the City authorized to exercise the authority of the City Manager in the City Manager's absence; and modify the rules for compensating an Acting City Manager serving for more than 30 days.
- C. Currently, there is no succession resolution for the City Attorney or City Clerk in the event of their absence. The City Council finds it necessary and advisable to deputize certain City employees, in the offices of the City Attorney and City Clerk, with the power to act as City Attorney and City Clerk under certain circumstances.
- D. This Resolution references "Appointed Official(s)" which means for purposes of this Resolution, the City Manager, City Attorney and City Clerk.

Section 2. Resolution 2017-016 is hereby repealed and shall have no further force or effect. Notwithstanding the foregoing, the repeal of said Resolution shall have no effect upon any action taken by any city officer pursuant thereto prior to the effective date of this Resolution.

Section 3. In the absence of a written designation by the City Manager in accordance with Section 503 of the Santa Ana City Charter or designation by the City Council, the following officers of the City, in the order designated, are deputized to exercise any and all authority granted to the office of the City Manager by the charter and

ordinances of the City of Santa Ana, by any resolution or agreement approved by the City Council of the City of Santa Ana, or by any other legal authority:

- (1) Assistant City Manager
- (2) Deputy City Manager
- (3) Chief of Police
- (4) Executive Director of Finance and Management Services
- (5) Executive Director of Human Resources

Each officer on the above list shall be considered senior to the officers following such officer on the above list for purposes of this Resolution. For purposes of this Resolution, the term "City Manager" shall include any officer designated as "Acting City Manager" by the City Council. Nothing herein shall limit or restrict the City Council from designating an acting, interim or permanent City Manager.

Section 4. In the absence of a written designation by the City Attorney or designation by the City Council, the following employees of the City Attorney's office, in the order designated, are deputized to exercise any and all authority granted to the office of the City Attorney by the charter and ordinances of the City of Santa Ana, by any resolution or agreement approved by the City Council of the City of Santa Ana, or by any other legal authority:

- (1) Chief Assistant City Attorney¹
- (2) Senior Assistant City Attorney²

Each employee on the above list shall be considered senior to the employees following such employee on the above list for purposes of this Resolution. For purposes of this Resolution, the term "City Attorney" shall include any officer designated as "Acting City Attorney" by the City Council. Nothing herein shall limit or restrict the City Council from designating an acting, interim or permanent City Attorney.

Section 5. In the absence of a written designation by the City Clerk or designation by the City Council, the Assistant City Clerk is deputized to exercise any and all authority granted to the office of the City Clerk by the charter and ordinances of the City of Santa Ana, by any resolution or agreement approved by the City Council of the City of Santa Ana, or by any other legal authority.

For purposes of this Resolution, the term "City Clerk" shall include any officer designated as "Acting City Clerk" by the City Council. Nothing herein shall limit or restrict the City Council from designating an acting, interim or permanent City Clerk.

Section 6. In the event there is more than one city official or city employee with the same title, the first city official or employee to be deputized pursuant to this Resolution shall be the city official or employee that was last designated in writing in the acting role by

¹ The title of Chief Assistant City Attorney includes Chief Assistant City Attorney-Employee Relations.

² The title of Senior Assistant City Attorney includes Senior Assistant City Attorney-Employee Relations.

the Appointed Official. In the event that none of the city officials or city employees had previously been designated in an acting role, then the deputized city official or employee that has held their title the longest will be deputized first.

Section 7. Any person designated as the Acting City Manager either by the City Manager in accordance with Santa Ana City Charter Section 503 or by operation of this Resolution, and who served for more than thirty (30) days, shall as of the 31st day of service, receive the same base salary and benefits provided to the highest paid member of the unrepresented Executive Management classification as set forth in the Basic Compensation and Benefit Plan for Classes of Employment Designated as Unrepresented Executive Management plus one dollar (\$1.00); provided, however, that the Acting City Manager shall not receive any benefits specific to law enforcement or public safety officers. The compensation and benefits provided for herein shall be retroactive to the 31st day of service. The City Council may by agreement approved by a majority vote of the Council provide for different compensation, benefits and conditions of employment for an Acting City Manager.

Section 8. Any person designated as the Acting City Attorney either by the City Attorney in writing or by operation of this Resolution, and who served for more than thirty (30) days, shall receive the compensation set forth in their bargaining unit's Memorandum of Understanding with the City for an acting position designated as Executive Management.

Section 9. Any person designated as the Acting City Clerk either by the City Clerk in writing or by operation of this Resolution, and who served for more than thirty (30) days, shall receive the compensation set forth in their bargaining unit's Memorandum of Understanding with the City for an acting position designated as Executive Management.

Section 10. The authority granted by sections 3-5 of this Resolution shall only be exercised by the officers or employees designated therein and only in accordance with the following standards:

- (a) The authority shall be exercised only in the absence of the Appointed Official; and
- (b) The authority shall be exercised only as to matters which cannot reasonably be postponed until the return of the Appointed Official or as to minor and routine matters.

Section 11. No action by an officer or employee designated in sections 3-5 of this Resolution pursuant to the authority granted therein shall be invalid by reason of noncompliance with the standards set forth in sections 7-9 of this Resolution. However, the Appointed Official shall have the same authority to rescind such action as if such action had been taken by the Appointed Official in the first instance.

Section 12. Nothing in this Resolution shall be construed to limit the existing authority of the Appointed Officials to delegate matters for action by subordinate officers or

employees or to designate subordinate officers or employees to act as his or her representative on any matter.

Section 13. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of May 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on May __, 2024.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana