

SECTION 405. Appointees.

The Council shall select the City Manager, City Attorney, City Clerk, City Auditor, and such other positions as may be provided for elsewhere in this Charter and such professional, technical and clerical employees to or for its own body as it may deem necessary; provided, however, that the Council shall not appoint to any position any business associate or any person related to the City Manager or any member of the Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least two-thirds (2/3) of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the Council in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are required of and received by other similar unclassified employees.

SECTION 408. Interference with City Manager.

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Charter Section 406. However, the Mayor and Councilmembers may express their views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees. Except for the purpose of inquiries and investigations under Charter Section 406, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Clerk or City Auditor, solely through the City Manager, City Attorney, City Clerk or City Auditor, respectively, and neither the Council nor its members nor the Mayor shall give orders to any of the subordinates of those appointees, either publicly or privately, except as otherwise provided in this Charter.

SECTION 410. Compensation.

Each member of the Council, including the Mayor, shall be paid as compensation for his or her services as a member of the Council, for each calendar month during which he or she is a member of the Council, a monthly salary together with appropriate benefits, which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.

Between March 1st and April 30th of every odd-numbered year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary and the benefits which it deems appropriate for the members of the Council, including the Mayor, for the two-year period commencing July 1st of that odd-numbered year. The amount recommended for each Councilmember shall be the same. The amount recommended for the Mayor may exceed that of the other members of the Council. The monthly salaries and benefits shall be in an amount which takes into account the time devoted to the office of Councilmember, and the full time nature of the office of Mayor.

No recommendation shall be made except upon the affirmative vote of three (3) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no changes be made.

Each biennial recommendation, together with the reasons therefor, shall be made in writing. Before it submits any such recommendation to the Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Salaries of the Councilmembers and Mayor may be reduced at any time by a two-thirds (2/3) vote of the Council.

Salaries established by ordinance adopted pursuant to the provisions of this section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

The compensation being paid to the Councilmembers as of the effective date of this section shall continue until established as required by this section.

(Amended Election 11/4/14 effective 12/23/14)

SECTION 1200. Nomination.

The Mayor shall nominate one (1) or more candidates for Council consideration for appointment to the position of City Manager. The City Manager shall be appointed by the Council for an indefinite term and shall not be removed from office except by a vote of a majority of the members of the Council; provided, however, that the City Manager shall not be removed from office within twelve (12) months from the date his or her duties are assumed, except for incompetence, malfeasance, misfeasance, or neglect of duty. In the case of removal within the said period, the City Manager may demand that written charges be made and a public hearing be held thereon before the Council prior to the date on which removal shall take effect; the decision and action on such a hearing shall be final, and pending such a hearing, the Council may suspend the City Manager from duty. The Council shall designate a qualified person to perform the duties of the City Manager in the event of the absence or disability of the City Manager, or in case there is a vacancy in such office. Whenever a vacancy occurs in the office of City Manager, the Mayor shall immediately initiate a procedure for the selection of a City Manager.

(Repealed and Added Election 03/07/2000, Effective 01/01/2001; Amended Election 11/8/94 effective 5/22/95; Amended Election 10/12/71 effective 12/6/71)

SECTION 1201. Chief Administrative Officer.

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the efficient administration of all the affairs of the City placed in his or her charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the following powers and duties:

(a) Except as otherwise provided elsewhere in this Charter, the City Manager shall appoint all officers and employees of the City; and, when he or she deems it necessary for the good of the service, the City Manager may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee whom under this Charter is appointed by the City Manager; provided, however, that the City Manager shall not appoint to any position any business associate or any person related to him or her or to any member of the City Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least two-thirds (2/3) of the members of the City Council if the City Council finds that the proposed appointment is in the interest of the City;

(b) Except as otherwise provided elsewhere by this Charter, the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City;

(c) The City Manager shall attend all regular and special meetings of the Council, other than closed executive sessions where the City Manager or another Council appointee is the subject of discussion, and to take part in its discussions, but not to vote. If the City Manager is unable to attend any regular or special meeting of the Council, he or she shall notify the Council in writing of such inability and set forth his or her reasons for non-attendance;

(d) The City Manager shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the Council which are subject to enforcement by the City Manager or by officers who are under the City Manager's direction and supervision;

(e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions of Article XIX of this Charter;

(f) The City Manager shall recommend to the Council for adoption such measures and ordinances as the City Manager may deem necessary or expedient;

(g) The City Manager may make and execute contracts and authorize expenditures pursuant to Section 2002 of this Charter, on behalf of the City;

(h) The City Manager shall submit an annual report on the finances and administrative activities of the City as of the end of the preceding fiscal year to the Council at a public meeting to be held within 30 days following receipt of the Annual Financial Statement. The annual report, which shall be personally certified by the City Manager to be accurate and complete, shall contain a statement indicating:

(1) Whether the revenues budgeted for the preceding fiscal year were actually received, and an explanation concerning any material differences between the total revenues budgeted and the revenues actually received;

(2) The extent to which expenditures budgeted actually were incurred, and an explanation for any material variance between budgeted expenditures and actual expenditures;

(3) The amount of the financial reserves of the City;

(4) All other information which, in the opinion of the City Manager, is necessary to provide an accurate and complete picture of the fiscal status and condition of the City. The report shall be in a form which is susceptible to confirmation by audit. It shall be made available to the public in the Office of the City Clerk.

(i) The City Manager shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision; shall keep the Council

fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable or as requested by Council;

(j) The City Manager shall appoint such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the City Manager; provided, however, that the members of such boards shall not receive any compensation.

(k) The City Manager shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or as authorized or required by the Council.

(Amended Election 11/4/14 effective 12/23/14; Repealed and Amended Election 03/07/2000, Effective 01/01/2001; Amended Election 11/8/94 effective 5/22/95; Amended Election 6/5/84 effective 6/26/84; Amended Election 10/12/71 effective 12/6/71; Amended Election 10/14/47 effective 3/3/48)

* **Historical Note:**

Section 3**: Repealed Election 10/9/51 effective 3/6/52.

** This section number refers to a numbering system that was in place prior to the Election of 11/8/94.

SECTION 2502. Civil Service Commission; Creation and Term of Office.

There is hereby created, subject to the provisions of this act, a Civil Service Commission, which shall be composed of five (5) members, none of whom shall hold any other public office, place or position of employment with the City of Stockton. The members of such Commission shall be appointed to staggered terms of three (3) years by the legislative body of the City of Stockton. That the legislative body of the City of Stockton shall provide by ordinance or resolution for the payment of the services of the Commissioners. The failure upon the part of the said legislative body of the City to appoint said Commissioners, shall be deemed a violation of this act and shall be punishable as such. No person shall be appointed as a member of such Commission who is not a citizen of the United States and a resident and elector of the City of Stockton. Any member of such Commission may be removed from office by the legislative body of the City for incompetency, incompatibility or dereliction of duty or malfeasance in office or other good cause, provided, however, that no member of the Commission shall be removed until charges have been preferred in writing, due notice given and a full hearing had. The members of such Commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Three (3) members of such Commission shall constitute a quorum the votes of any three (3) members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission under or by virtue of the provisions of this act. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of three (3) years. Vacancies in the Civil Service Board from whatever cause shall be filled by a majority vote of the legislative body of the City for the unexpired term. Whenever the word "Commission" is used herein, it shall mean the Civil Service Commission.

(Amended Election 10/11/77 effective 11/2/77; Amended Election 10/9/73 effective 1/17/74; Added Election 10/8/35 effective 1/22/37)
