

CURRENT SECTION

SECTION 411.

The City Council may establish City departments in addition to those created by this Charter and may prescribe the functions, powers and duties of all departments, except that no department established by this Charter may be abolished. No function assigned by this Charter to a particular department may be discontinued or assigned to any other unless this Charter specifically so provides.

RECOMMENDED CHANGE:

DELETE ENTIRE SECTION

ARGUMENT IN FAVOR OF DELETION:

The Charter of the City of Stockton is too long and contains unnecessary and repetitive language. It also contains significant inconsistencies. This section is another example. The general powers granted to the City in Section 300 already permit the formation of departments not specified in the Charter. The Charter provisions establishing specified departments describe their duties and functions. The existence of the specified department and its described duties and functions can only be changed by Charter amendment. Because this section addresses “all departments”, is inconsistent with Section 408, which states that “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.” It is also in direct conflict with Section 1202 which states that “the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City.” The City Council has the authority to direct the City Manager as their appointee and has always had the ability to provide feedback related to the operations of the City. In addition, the City Council provides strategic direction for City operations through adoption of the annual budget. Any significant changes to department structure, resources or employees are required to be brought to the City Council for budget appropriation. This section limits the ability of the City Manager and other appointed officers to effectively manage the organization. As professional managers the appointees need the ability to assign job functions to departments based on available resources, best practices and management support. Making appropriate assignments provides for both the effective and efficient functioning of each department.

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