



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: FEBRUARY 15, 2011

ITEM NUMBER: V-7

**SUBJECT:** AMENDMENT OF COSTA MESA MUNICIPAL CODE SECTION 2-97

**DATE:** FEBRUARY 10, 2011

**FROM:** KIMBERLY HALL BARLOW, CITY ATTORNEY

**PRESENTATION BY:** HAROLD W. POTTER, ASSISTANT CITY ATTORNEY

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY HALL BARLOW, CITY ATTORNEY,  
(714) 754-5399

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## **RECOMMENDATION:**

Introduce and give first reading, and waive further reading, of an ordinance amending section 2-97 of the Costa Mesa Municipal Code concerning appointment of the City Manager.

## **BACKGROUND:**

Council Member Mensinger previously requested that the City Attorney determine whether it would be lawful to change the title of the City Manager to Chief Executive Officer to make clear to the public the City Manager is the Chief Executive Officer of the City of Costa Mesa, just as businesses have Chief Executive Officers.

## **ANALYSIS:**

The California Government Code provides for the Council/City Manager form of government which typically applies to general law cities, and which was explicitly adopted in Costa Mesa when it was incorporated. There is no legal impediment to calling the City Manager by another title; however Costa Mesa's Municipal Code, Council Policies, Personnel Rules and Administrative Regulations contain numerous references to the City Manager. Thus, it appears that the most expedient way of addressing the title of the City Manager is by amending Costa Mesa Municipal Code section 2-97 to explicitly provide that the City Manager is the chief executive officer of the City and may be referred to as such or as the CEO.

## **ALTERNATIVES CONSIDERED:**

The Council could choose not to amend Municipal Code section 2-97 or give direction to staff regarding alternative changes to be made.

## **FISCAL REVIEW:**

There is no fiscal impact from this revision.

**CONCLUSION:**

The Council is requested to introduce, give first reading to, and waive further reading of proposed Ordinance amending Costa Mesa Municipal Code section 2-97 or, in the alternative to give direction to staff re: further or different revisions to be brought forward.

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**KIMBERLY HALL BARLOW**  
City Attorney



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**ALLAN L. ROEDER**  
City Manager

Attachment 1      Ordinance No. 11-XX

**ORDINANCE NO. 11-\_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING COSTA MESA MUNICIPAL CODE SECTION 2-97.**

WHEREAS, the City Council wishes to recognize that the City Manager is the Chief Executive Officer of the City of Costa Mesa; and

WHEREAS, the Costa Mesa Municipal Code should identify the City Manager as the Chief Executive Officer of the City.

WHEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2-97 of the Costa Mesa Municipal Code is hereby amended to read as follows:

Sec. 2-97. - Office created; appointment, tenure.

The office of city manager is hereby created and established. The city manager shall be appointed by the city council solely on the basis of his executive and administrative qualifications and ability and shall hold office at and during the pleasure of the city council as provided for in section 2-224.5 of this Code. The city manager is the chief executive officer of the city and may be referred to as the city manager or the CEO. All references in this code, adopted council resolutions or policies to the city manager or to the City CEO shall refer to the city manager.

Section 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law.

Section 3. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the NEWPORT BEACH/COSTA MESA DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 15<sup>th</sup> day of February, 2011.

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Gary Monahan, Mayor

ATTEST:

APPROVED AS TO FORM:

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Julie Folcik, City Clerk

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Kimberly Hall Barlow, City Attorney