



MEETING DATE: 4/18/2005

ITEM NO. 16

COUNCIL AGENDA REPORT

DATE: MARCH 31, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ORDINANCE OF THE TOWN OF LOS AMENDING DIVISION 1 OF ARTICLE III OF CHAPTER 2 OF THE LOS GATOS TOWN CODE (SECTION 2.30.020) TO DESIGNATE THE MAYOR OR VICE-MAYOR TO APPROVE PAYROLL OR ATTENDANCE RECORDS OF ALL COUNCIL-APPOINTED EMPLOYEES AND THE TOWN COUNCIL

RECOMMENDATION:

1. Accept staff report
2. Allow for public comments (not a formal public hearing)
3. Direct Clerk Administrator to read the title of the proposed ordinance
4. Waive the reading of the text of the proposed ordinance (requires motion and majority approval)
5. Introduce the ordinance (requires motion and majority approval)
6. Direct the Clerk Administrator to publish according to law

BACKGROUND:

Subsection (b) of Town Code Section 2.30.020 currently provides that the Town Clerk shall certify or approve payrolls or attendance records or all Council-appointed employees and the Town Council. However, in June 2004 Council approved Ordinance No. 2133 adding Town Code Section 1.20.120, which effectively amends subsection (b) of Section 2.30.020 to designating the Town Clerk Administrator as the position that shall certify or approve payrolls or attendance records or all Council-appointed employees and the Town Council.

PREPARED BY: **ORRY P. KORB**
Town Attorney

OPK:pg

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Reviewed by: *JS* Assistant Town Manager _____ Town Attorney _____ Clerk Administrator
_____ Finance _____ Community Development

Revised: 3/31/05 4:28 pm

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

SUBJECT: ORDINANCE OF THE TOWN OF LOS AMENDING DIVISION 1 OF ARTICLE
III OF CHAPTER 2 OF THE LOS GATOS TOWN CODE (SECTION 2.30.020)
MARCH 31, 2005

DISCUSSION:

This ordinance is proposed for the purpose of amending the Town Code to designate the Mayor or, in the Mayor's absence, the Vice-Mayor as the positions responsible for approving payroll or attendance records for Council appointees and, where necessary, members of Council. That would avoid any possible conflict that might arise from having the Clerk Administrator, a position supervised by the Town Manager, approving payroll or attendance records for Manager or the Town Attorney, or, where appropriate, members of Council.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT: None.

Attachment: Proposed Ordinance

ORDINANCE

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING DIVISION 1
OF ARTICLE III OF CHAPTER 2 OF THE LOS GATOS TOWN CODE
(SECTION 2.30.020) TO DESIGNATE THE MAYOR OR VICE-MAYOR TO
APPROVE PAYROLL OR ATTENDANCE RECORDS OF ALL COUNCIL-APPOINTED
EMPLOYEES AND THE TOWN COUNCIL

WHEREAS, subsection (b) of Town Code section 2.30.020 currently provides that the
Town Clerk shall certify or approve payrolls or attendance records or all Council-appointed
employees and the Town Council, and

WHEREAS, subsection (a) of Town Code section 1.20.120, added in June 2004
(Ordinance No. 2133) amends subsection (b) of section 2.30.020 designating the Town Clerk
Administrator as the position that shall certify or approve payrolls or attendance records or all
Council-appointed employees and the Town Council, and

WHEREAS, the Town Council believes that the responsibility for certifying or
approving payrolls or attendance records of all Council-appointed employees and the Town
Council is more appropriately placed in the leadership of the Town Council.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ORDAINS AS FOLLOWS:**

SECTION I

That subsection (b) of section 2.30.020 of Division 1 of Article III of Chapter 2 of the Los
Gatos Town Code is amended to read as follows:

(b) Department heads shall certify or approve departmental payrolls or attendance records for employees in their departments. The Town Manager will certify or approve payroll or attendance of the department heads and Town Clerk. The Mayor or, in the Mayor's absence, the Vice-Mayor shall certify or approve payrolls or attendance records of all Council-appointed employees and the Town Council.

SECTION II

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

SECTION III

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2005, and adopted by the following vote as an Ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, 2005. This Ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA