

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2023-011

ORDINANCE TO AMEND THE SAN LEANDRO MUNICIPAL CODE CHAPTER 1-2 DEPARTMENTS TO REFLECT THE CURRENT STRUCTURE OF CITY DEPARTMENTS

**WHEREAS**, the organizational structure of the City of San Leandro has changed over time to reflect the needs of the organization; and

**WHEREAS**, the reorganization of the Public Works Department and creation of the new Recreation and Parks Department provided an opportunity to update the Municipal Code to align with the City's current organizational structure.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES ORDAIN** as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. AMENDMENT OF CODE.** Chapter 1-2 of the San Leandro Municipal Code is amended in its entirety to read as follows:

**CHAPTER 1-2**

**DEPARTMENTS**

**Sections:**

- 1-2-100 DEPARTMENTS CREATED.**
- 1-2-105 CITY MANAGER—POWERS AND DUTIES.**
- 1-2-110 CITY CLERK FUNCTIONS.**
- 1-2-111 ELECTRONIC FILING OF CAMPAIGN DISCLOSURE.**
- 1-2-115 TITLE OF PUBLIC WORKS DIRECTOR, CITY ENGINEER, SUPERINTENDENT OF STREETS, ET AL.**
- 1-2-120 CITY TREASURER FUNCTION.**
- 1-2-125 FUNCTIONS OF COMMUNITY DEVELOPMENT DEPARTMENT.**
- 1-2-127 FUNCTIONS OF LIBRARY DEPARTMENT AND RECREATION HUMAN RESOURCES DEPARTMENT.**
- 1-2-128 FUNCTIONS OF HUMAN RESOURCES DEPARTMENT.**
- 1-2-129 FUNCTIONS OF FIRE DEPARTMENT.**
- 1-2-130 FUNCTIONS OF THE HUMAN SERVICES DEPARTMENT.**
- 1-2-131 FUNCTIONS OF THE RECREATION AND PARKS DEPARTMENT.**
- 1-2-132 FUNCTIONS OF THE INFORMATION TECHNOLOGY DEPARTMENT.**

**1-2-100 DEPARTMENTS CREATED.**

The following departments are hereby created, and shall be under the direct control of the designated department heads:

<b>Departments</b>	<b>Department Heads</b>
City Attorney	City Attorney
City Manager	City Manager
Community Development Department	Community Development Director
Finance Department	Finance Director
Fire Department	Alameda County Fire Chief (pursuant to contract with Alameda County Fire District)
Information Technology Department	Chief Technology Officer
Library Department	Library Director
Human Resources Department	Human Resources Director
Human Services Department	Human Services Director
Police Department	Police Chief
Public Works Department	Public Works Director
Recreation and Parks Department	Recreation and Parks Director

**1-2-105 CITY MANAGER—POWERS AND DUTIES.**

The City Manager shall possess exclusive administrative authority over all departments except that of City Attorney. The City Manager shall:

- (a) Create, reorganize and abolish divisions within each department as necessary for the proper administration of the City's business;
- (b) Assign duties to each department and division as necessary for efficient functioning of City services;
- (c) Assign employees to each department and division as necessary for the accomplishment of assigned duties;
- (d) Prescribe rules and regulations for the conduct of City officers and employees; and
- (e) Prescribe rules and regulations for the conduct of City administrative officers and employees.

**1-2-110 CITY CLERK FUNCTIONS.**

Notwithstanding Section 1-2-105, whenever a function, power, obligation or liability is imposed upon the office or personage of a City Clerk, either by the general laws of the State of

California, by the Charter of the City of San Leandro, by this Code or by any administrative rules, regulations, custom or practice of the City of San Leandro, the officer in the City Manager's office assigned to City Clerk duties shall have or exercise such function, power, obligation, or liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or liability. The City Manager shall, at all times, assign an officer of the City to the duties of City Clerk, and such officer shall possess the requisite qualifications for such duties. Such assignment shall be approved by the City Council. For the authentication and certification of official acts, documents, records, and election results and for the deposit and custody of resolutions, ordinances, minutes, disclosure statements, petitions and other official documents, the assigned officer shall use the seal, title and emoluments of the office of the City Clerk to the extent required by law.

**1-2-111 ELECTRONIC FILING OF CAMPAIGN DISCLOSURE.**

(a) Any elected officer, candidate, committee or other person required to file specified statements, reports, or other documents with the City Clerk as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 et seq.) and that has received contributions or made expenditures of Two Thousand Dollars (\$2,000.00) or more, may electronically file such statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code. Elected officers, candidates, and committees required to file statements may file such statements using the City Clerk's online system, unless exempt from the requirement to file pursuant to Government Code Section 84615 because the elected officer, candidate or committee received contributions totaling less than Two Thousand Dollars (\$2,000.00) and makes expenditures totaling less than Two Thousand Dollars (\$2,000.00) in a calendar year.

(b) The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(c) The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

(d) During the period commencing with the effective date of this ordinance, an elected officer, candidate, or committee may choose to opt-in to the electronic filing system by electronically filing California Fair Political Practices Commission (FPPC) campaign forms required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once the elected officer, candidate or committee has opted-in, all subsequent statements shall be filed electronically to ensure reporting continuity. An elected officer, candidate, or committee may opt-out of the electronic filing system by filing original statements in paper format with the City Clerk. Thereafter the elected officer, candidate or committee shall file all original statements in paper format with the City Clerk.

(e) Any elected officer, candidate, committee or other person who has electronically filed a statement, report, or other document using the City Clerk's online system is not required to file a copy of that statement in paper format with the City Clerk.

(f) In any instance in which an original statement, report, or other document must be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to, file the copy electronically.

(g) If the City Clerk's system is not capable of accepting a statement, an elected officer, candidate, committee or other person shall file that statement in paper format with the City Clerk.

(h) The City Clerk's office shall maintain, for a period of at least ten (10) years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits.

**1-2-115 TITLE OF PUBLIC WORKS DIRECTOR, CITY ENGINEER, SUPERINTENDENT OF STREETS, ET AL.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office or personage of a public works director, city engineer, superintendent of streets or the like, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation or liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or liability. The City Manager shall, at all times, assign an officer or officers of the City to the duties of a public works director, city engineer and superintendent of streets and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of the office of a public works director, city engineer or superintendent of streets to the extent required by law. As used herein, "Public Works Director" shall mean "Public Works Director," as appropriate to the text.

**1-2-120 CITY TREASURER FUNCTION.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office or personage of a City Treasurer either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager's designee to perform the duties of the City Finance Director shall have or exercise such function, power, obligation or liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation

or liability. The City Manager shall, at all times, assign the Finance Director of the City to the duties of a City Treasurer, and the Finance Director shall possess the requisite qualifications for such duties. For the authentication and certification of official acts, documents and records, the Finance Director shall use the seal, title and emoluments, if any, of the office of City Treasurer to the extent required by law.

**1-2-125 FUNCTIONS OF COMMUNITY DEVELOPMENT DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Community Development Department, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Community Development Director and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices. As used herein, "Community Development Director" shall mean Development Services Director, and Planning and Building Director as appropriate to the text.

**1-2-127 FUNCTIONS OF LIBRARY DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Library Director, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Library Director and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**1-2-128 FUNCTIONS OF HUMAN RESOURCES DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Human Resources Director, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or

exercise such function, power, obligation, or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation, or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Human Resources Director and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**1-2-129 FUNCTIONS OF FIRE DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Fire Chief, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, and only for the term of any agreement between the City and the Alameda County Fire Department, the Alameda County Fire Chief or designee shall have or exercise such function, power, obligation, or be subject to such liability. The Alameda County Fire Chief shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation, or incur such liability. The Alameda County Fire Chief shall, at all times and pursuant to agreement with the City, assign officers to the former duties of the San Leandro Fire Chief and his or her subordinate officers, and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the Alameda County Fire Chief and assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**1-2-130 FUNCTIONS OF HUMAN SERVICES DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Human Services Director, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation, or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation, or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Human Services Director and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**1-2-131 FUNCTIONS OF RECREATION AND PARKS DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Recreation and Parks Director, either by the general laws of the State of California, by the Charter of the City of San Leandro,

by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Recreation and Parks Director and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**1-2-132      FUNCTIONS OF INFORMATION TECHNOLOGY DEPARTMENT.**

Notwithstanding the provisions of this Code to the contrary, whenever a function, power, obligation or liability is imposed upon the office of the Chief Technology Officer, either by the general laws of the State of California, by the Charter of the City of San Leandro, by this Code, by an uncodified ordinance or by any administrative rules, regulations, custom or practice of the City of San Leandro, the City Manager or the City Manager's designee shall have or exercise such function, power, obligation or be subject to such liability and shall be fully vested with the requisite legal authority and exclusive responsibility to have or perform such function, power, obligation or incur such liability. The City Manager shall, at all times, assign officers of the City to the duties of the Chief Technology Officer and such officers shall possess the requisite licenses, registrations and qualifications for such duties. For the authentication and certification of official acts, documents, records and maps, the assigned officers shall use the seal, title and emoluments, if any, of their respective offices.

**SECTION 3.      CEQA.** Approval of this ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a mere text amendment, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

**SECTION 4.      SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced at a first reading by Councilmember Aguilar on the 20<sup>th</sup> day of November 2023, by the following vote:

**AYES:** Councilmembers Aguilar, Azevedo, Ballew, Reynes, Simon, and Mayor González(6)

**NOTES:** None (0)

**ABSENT:** Councilmember Bowen (1)

Passed and adopted on the 18<sup>th</sup> of December 2023 after publication on November 24, 2023 by the following vote:

**AYES:** ( )

**NOTES:** ( )

**ABSENT:** ( )

**ATTEST:** \_\_\_\_\_

Kelly B. Clancy, CMC  
City Clerk

DRAFT