

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE NO. 387, AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 2.60 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE AND DESIGNATING CERTAIN ASSISTANT TOWN MANAGER AND DEPARTMENT HEAD POSITIONS TO SERVE AT THE WILL AND PLEASURE OF THE TOWN MANAGER

Summary Statement:

At the meeting of September 9, 2008, the Town Council introduced Ordinance No. 387 that detailed the new reorganization structure for the Town of Apple Valley. The Town Manager is authorized to complete such organization and reorganization of offices, positions or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the Town's business.

Based on the foregoing, staff recommends adoption of Ordinance No. 387.

Recommended Action:

Adopt Ordinance No. 387.

Proposed by: Frank Robinson, Town Manager Item Number _____

T. M. Approval: _____ Budgeted Item Yes No N/A

ORDINANCE NO. 387

AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 2.60 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE AND DESIGNATING CERTAIN ASSISTANT TOWN MANAGER AND DEPARTMENT HEAD POSITIONS TO SERVE AT THE WILL AND PLEASURE OF THE TOWN MANAGER

The Town Council of the Town of Apple Valley does hereby ordain as follows:

SECTION 1. Section 2.60.030 of Chapter 2.60 of the Town Municipal Code is hereby amended to add Subsection (i) which shall read as follows:

(i). Assistant Town Managers and Department Heads.

(i) Persons appointed or promoted to Assistant Town Manager and Department Head positions by the Town Manager on or after the effective date of this Ordinance shall serve at the will and pleasure of the Town Manager and may be terminated from Town employment by the Town Manager without proof of cause or other justification and without right of appeal or hearing.

(ii) Department Heads appointed or promoted to their Department Head positions prior to the effective date of this Ordinance shall have the right to be terminated only under the provisions of this municipal code as it existed at the time of their appointment or promotion to the position, unless they modify the terms of their employment pursuant to a contract as described below.

(iii) The Town Manager is empowered to negotiate and enter into contracts on behalf of the Town with Assistant Town Managers and Department Heads establishing terms and conditions of employment and the separation therefrom. Said employment contracts shall take precedence over and supersede any otherwise applicable ordinance, resolution, rule or regulation, previous or current including, but not limited to, this Subsection 2.60.030.

(iv) Nothing in this Subsection shall be deemed to give the Town Manager the right to appoint or remove the Town Clerk, Town Treasurer or the Town Attorney.

SECTION 2. Except as specifically amended or revised by the provisions of this Ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 3. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 23rd day of September, 2008.

Tim Jasper, Mayor

Attest:

La Vonda M-Pearson, CMC, Town Clerk

Approved as to form:

Approved as to content:

John E. Brown, Town Attorney

Frank Robinson, Town Manager

JOB DESCRIPTION

ASSISTANT TOWN MANAGER/ECONOMIC AND COMMUNITY DEVELOPMENT

The position of Assistant Town Manager/Economic and Community Development is an appointed position by the Town Manager. The individual in this position works at the pleasure of the Town Manager and receives all direction and supervision from the Town Manager. Under policy direction from the Town Manager, the Assistant Town Manager of Economic and Community Development plans, organizes, directs and integrates the Town's economic and community development activities; provides expert professional assistance to Town management in areas of expertise, including business recruitment and retention, redevelopment activity, housing and community development programming, general plan and community development block grant administration, and performs related duties as required.

DESCRIPTION OF DUTIES

- Manages and supervises the community and economic development departments to achieve the Town's goals within available resources, plans and organizes workloads and staff assignments, and evaluates assigned staff and reviews progress and directs changes as needed;
- Plans departmental long-range operational needs with respect to equipment, personnel, and services and supervises the implementation of such plans;
- Establishes policies and procedures for the department in order to implement directives from the Town Manager and Town Council;
- Formulates, issues, and enforces departmental rules, regulations, and procedures in accordance with applicable Town policies for all department members, handles grievances, and maintains departmental discipline and the general conduct of assigned personnel;
- Responds directly or through subordinate staff to public or other inquiries relative to economic development community development, planning and zoning regulations and ordinances and resolves complex disputes involving department policies and procedures on specific projects and other information;
- Supervises and coordinates the development of plans for land use, including location of commercial, industrial, and residential areas;

- Directs the analysis of population density and growth information, and economic development trends for use in related planning research;
- Supervises and coordinates the review of development plans and proposals submitted to the Town. Assures all development proposals meet with the various provisions of the Town's regulations and policies, and are consistent with existing zoning for the parcel in question and conditions of previous zoning approval;
- Supervises and coordinates the preparation and presentation of the annual department budget;
- Supervises and coordinates monthly reports to the Town Manager regarding the departments' activities and prepares a quarterly report as appropriate for presentation to the Town Council;
- Attends conferences and meetings to keep abreast of current trends in the profession, represents the department in a variety of local, county, state and other meetings and performs other duties as required.

QUALIFICATIONS AND EXPERIENCE

A candidate for this position should possess a minimum four-year college or university degree in economic development, urban planning or a closely related field. A master's degree in public administration is highly desirable. Ten years of progressively responsible professional economic development or urban planning experience, at least six of which have been in a supervisory capacity, or any equivalent combination of education and experience will qualify for appointment to this position.

JOB DESCRIPTION

ASSISTANT TOWN MANAGER/MUNICIPAL OPERATIONS AND CONTRACT SERVICES

The position of Assistant Town Manager/Municipal Operations and Contract Services is an appointed position by the Town Manager. The individual in this position works at the pleasure of the Town Manager and receives all direction and supervision from the Town Manager. Under policy direction from the Town Manager, the Assistant Town Manager of Municipal Operations and Contract Services plans, organizes, directs and integrates the Town's public works and utilities activities and functions; provides expert professional assistance to Town management in areas of expertise, including engineering, municipal water, wastewater collection, street and landscape maintenance; animal control and animal shelter operations, code enforcement, transportation, parks and recreation, and performs related duties as required.

DESCRIPTION OF DUTIES

- Plans, organizes, controls, integrates and evaluates the work of the Public Works Department; develops, implements and monitors long-term plans, goals and objectives focused on achieving the Town's mission and Council priorities; directs the development of and monitors performance against the annual department budget; manages and directs the development, implementation and evaluation of plans, policies, systems and procedures to achieve annual goals, objectives and work standards;
- Plans, organizes, directs and evaluates the performance of assigned staff; establishes performance requirements and personal development targets; regularly monitors performance and provides coaching for performance improvement and development; makes decisions on compensation to recognize performance; takes disciplinary action, up to and including termination, to address performance deficiencies, in accordance with the Town's personnel rules and regulations;
- Provides leadership and works with department staff to develop and retain highly competent, customer service-oriented staff through selection, compensation, training and day-to-day management practices which support the Town's mission and values;
- Integrates and directs the efforts and results of supervisors and staff engaged in the maintenance and repair of the Town's public works, water distribution and wastewater collection system infrastructure, code enforcement, animal control, animal shelter and parks and recreation;

- Advises the Town Council, Town Manager, citizen groups, individuals, contractors and others on departmental issues; assembles necessary resources to solve a broad range of programmatic and service delivery problems in the delivery of public works and utilities services;
- Coordinates, reviews and approves the work of the Town's contract Town Engineer and a wide variety of independent service providers, including traffic engineers, rubbish collectors, public works maintenance and construction contractors, public utilities maintenance and construction contractors; landscape architects and landscaping contractors, tree maintenance contractors and others;
- Monitors developments related to public works and utilities matters, evaluates their impact on Town operations, and implements policy and procedure improvements;
- Represents the Town in negotiations with other agencies, utilities, groups and individuals on a wide variety of issues pertaining to public works and public utilities;
- Develops specifications and bid documents for a variety of public works and public utilities-related designs, construction and maintenance projects; recommends contract awards, negotiates contract provisions and coordinates, reviews and approves contractor's performance; and
- Reviews and advises on development plans and permits for work in Town rights-of-way.

QUALIFICATIONS AND EXPERIENCE

A candidate for this position should have a working knowledge of the theory, principles, practices and techniques of public works, traffic engineering, municipal water and sewers engineering, and public works and utilities maintenance functions; applicable federal, state and local law, codes and regulations governing the administration of public works and public utilities functions with at least ten years of progressively responsible civil engineering and/or public works or utilities experience, at least six of which were at a management and supervisory level; While a college degree is desirable, an equivalent combination of training and experience which enables a candidate to carry out the duties as described will be acceptable for appointment to this position.