

1 RESOLUTION NO. 4853

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF VERNON APPROVING THE EXECUTION OF AN
3 EMPLOYMENT AGREEMENT FOR BRUCE V. MALKENHORST
AS THE CITY ADMINISTRATOR FOR THE CITY OF VERNON

5 WHEREAS, the City Council of the City of Vernon adopted
6 Ordinance No. 883 on August 1, 1978; and

7 WHEREAS, Ordinance No. 883 established the position of
8 City Administrator; and

9 WHEREAS, Bruce V. Malkenhorst has served as the City
10 Administrator since August 1, 1978; and

11 WHEREAS, Section 2.7-7 of the Code of the City of
12 Vernon, California has been amended by Ordinance No. 922 to
13 provide for an employment agreement; and

14 WHEREAS, the City Council of the City of Vernon and
15 Bruce V. Malkenhorst desire to enter into an Employment Agreement
16 for City Administrator services; and

17 WHEREAS, Bruce V. Malkenhorst is desirous of entering
18 into the said Employment Agreement with said City Council
19 providing for a one (1) year notice of termination.

20 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
21 THE CITY OF VERNON AS FOLLOWS:

22 SECTION 1: That the City Council of the City of Vernon
23 does hereby find and determine that the recitals contained
24 hereinabove are true and correct.

25 SECTION 2: That the City Council of the City of Vernon
26 does hereby approve the Employment Agreement with Bruce V.
27 Malkenhorst for City Administrator services, a copy of which
28 is attached hereto as Exhibit "A" and incorporated herein by

SECTION 4: That the City Clerk of the City of Vernon shall certify to the passage of this Resolution and thereupon and thereafter the same shall be in full force and effect.

LEONIS C. MALBURG, Mayor

BRUCE V. MALKENHORST, City Clerk

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)
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5 I, BRUCE V. MALKENHORST, City Clerk of the City of
6 Vernon, do hereby certify that the foregoing Resolution, being
7 Resolution No. 4853, was duly adopted by the City Council
8 of the City of Vernon, and was approved by the Mayor of said
9 City at a regular meeting of the City Council held on Tuesday,
10 _____, 19
11

12 BRUCE V. MALKENHORST, City Clerk
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15 (SEAL)
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EMPLOYMENT AGREEMENT

FOR

THE POSITION OF CITY ADMINISTRATOR

THE CITY OF VERNON, a Municipal Corporation (hereinafter "CITY") and BRUCE V. MALKENHORST (hereinafter "MALKENHORST") do hereby agree as follows:

1. In the event that either the CITY or MALKENHORST desire to terminate the employment of MALKENHORST, said notice of termination shall be given in writing by either party one (1) year prior to said termination date.

Executed in duplicate this _____ day of _____, 19____.

CITY OF VERNON
A Municipal Corporation

By _____
Leonis C. Malburg, Mayor

Bruce F. Malkenhorst

ATTEST:

BRUCE V. MALKENHORST, City Clerk

EXHIBIT A

EX. 18 - 4

CalPERS131567

ORDINANCE NO. 883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERNON REPEALING ARTICLE II, SECTIONS 2.6 THROUGH 2.9 OF THE CODE OF THE CITY OF VERNON AND ADDING NEW ARTICLE II, SECTION 2.6 THROUGH 2.9 OF THE CODE OF THE CITY OF VERNON ESTABLISHING THE OFFICE OF THE CITY ADMINISTRATOR AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the adoption by the State of California of the Meyer-Miliias-Brown Act (Government Code Section 3500, et seq.) has created the need for increased coordination of personnel administration; and

WHEREAS, the City Council of the City of Vernon had previously established the position of Administrative Officer; and

WHEREAS, the City Council of the City of Vernon hereby finds and determines that there is a need to establish the position of City Administrator and provide for appropriate power and duties but does not intend to create a City Manager form of government; and

WHEREAS, the City Council of the City of Vernon hereby finds and determines that a City Administrator with appropriate powers and duties is necessary in order to provide an effective and efficient administration of the City Council's policies and purposes and to provide continuity of the administration of the Council's policies on a day-to-day basis; and

WHEREAS, the City Council intends to retain all existing authority to dismiss and appoint all officers and employees and that said City Administrator shall not have the powers provided for in Section 34856 of the Government Code; and

WHEREAS, the City Administrator will perform the duties of the City Clerk and shall be appointed to be the City Clerk

1 for the City of Vernon and will have all of the powers and
2 obligations provided for in the Government Code.

3 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
4 THE CITY OF VERNON AS FOLLOWS:

5 SECTION 1: The City Council of the City of Vernon hereby
6 finds and determines that the recitals contained hereinabove are
7 true and correct.

8 SECTION 2: That the City Council of the City of Vernon
9 hereby finds and determines that it is necessary for the efficient
10 functioning of the City that the office of City Administrator be
11 created.

12 SECTION 3: That Article II, Sections 2.6 through 2.9 of
13 the Code of the City of Vernon establishing the Administrative
14 office is hereby repealed.

15 SECTION 4: That Article II, Sections 2.6 through 2.9
16 is hereby added to the Code of the City of Vernon to read as
17 follows:

18 "ARTICLE II

19 CITY ADMINISTRATOR

20 SECTION 2.6

21 Purpose.

22 The City Council finds and determines that the
23 administrative affairs of the Municipal Govern-
24 ment of the City would be handled more expeditious-
25 ly, efficiently, and satisfactorily through an
26 officer, who acting on behalf of the Council,
27 would attend to such administrative affairs,
28 to correlate and coordinate various municipal

activities, compile data, prepare reports relating to the affairs of City government, and to generally act as the agent of the Council in the discharge of administrative duties.

SECTION 2.7-1

Office Created - Qualifications.

There is hereby created in the service of the City the position of City Administrator. The City Administrator shall be selected by the Council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience, in, and knowledge of, accepted practices in respect to the duties of his office as set forth in this article.

SECTION 2.7-2

Compensation and Expenses.

The City Administrator shall receive such compensation and expense allowances as the Council shall, from time to time, determine, and such compensation and expenses shall be a proper charge against such funds of the City as the Council shall designate.

The City Administrator shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties, or incurred when traveling on business pertaining to the City

1 under the direction of, or with the express
2 consent, of the Council. Reimbursement shall
3 be made only in accordance with an itemized
4 claim setting forth the sums expended or
5 obligations incurred in the manner provided
6 by the Council for the presentation of claims
7 for reimbursement of expenses of other City
8 officers and employees.

9 SECTION 2.7-3

10 City Clerk.

11 The Clerk Administrator is hereby appointed to
12 serve as the City Clerk and shall have the
13 powers and duties provided for in the Government
14 Code.

15 SECTION 2.7-4

16 Municipal Employee Relations Representative.

17 The City Administrator is hereby appointed as
18 the Municipal Employee Relations Representative
19 (MERR) and shall serve in said capacity and
20 shall be responsible for the performance of all
21 duties and obligations provided for in Resolution
22 4027, and in addition thereto, shall be in
23 accordance with City Council policy and direction
24 be responsible for all of the labor relations
25 for the City.

26 SECTION 2.7-5

27 Personnel Director.

28 The City Administrator shall serve as the Per-

sonnel Director of the City.

SECTION 2.7-6

Absence.

In case of the absence or disability of the City Administrator, the City Council may designate some duly qualified person to perform the duties of the City Administrator during the period of absence or disability of said City Administrator, subject, however, to said person's furnishing a corporate surety bond and conditioned on faithful performance of the duties required to be performed as set forth in Section 2.7 herein.

SECTION 2.7-7

Removal After Municipal Election.

Notwithstanding the provisions of this Article hereinbefore enumerated, the City Administrator shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held at which said election a member of the Council is elected; the purpose of this provision is to allow any newly elected member of the Council or a re-organized Council to observe the actions and ability of the Administrator in the performance of the powers and duties of his office. After the expiration of the ninety (90) days aforementioned, the provisions of the preceding

1 Section as to the removal of the Administrator
2 shall apply and be effective.

3 SECTION 2.7-8

4 Bond.

5 The City Administrator shall, before entering
6 upon the duties of his office, give a good
7 and sufficient corporate surety bond to the
8 City in such an amount and form as shall be
9 approved by the City Attorney and as required
10 by any law of the State or of the City. Such
11 bond shall be conditioned upon the faithful
12 performance and discharge of his duties and
13 for the proper application and payment of all
14 money or property coming into his hands by
15 virtue of his office. A general bond covering
16 more than one officer or employee of the City
17 shall suffice if it meets the requirements set
18 forth in this Section. The premium for such
19 bond shall be paid by the City.

20 SECTION 2.7-9

21 Standards of Performance.

22 In the discharge of his duties, the City
23 Administrator shall endeavor at all times to
24 exercise the highest degree of tact, patience,
25 and courtesy in his contacts with the public,
26 with the Council, and with all City Commissions,
27 Boards, Departments, Offices, and Employees and
28 shall use his best efforts to establish and

1 maintain a harmonious relationship among all
2 personnel employed in the government of the
3 City to the end that the highest possible
4 standard of public service shall be continuously
5 maintained.

6 SECTION 2.8

7 Powers and Duties.

8 The City Administrator shall be the administrative
9 head of the government of the City, under the
10 direction and control of the Council. He shall
11 be responsible for the efficient administration
12 of all of the affairs of the City which affairs
13 are under his control. In addition to his general
14 powers as administrative head, and not as a limita-
15 tion thereon, he shall have the following powers
16 and duties:

17 (a) General Supervision.

18 To execute on behalf of the Council its adminis-
19 trative supervision and control of such affairs
20 of the City as may be placed in his charge, or
21 which are not otherwise provided for by the
22 Council and to exercise control over and to super-
23 vise in general all Departments and Divisions of
24 the City Government and all appointive officers
25 and employees thereof. The City Council reserves
26 the right to modify, amend or supercede any such
27 action taken by the City Administrator.

28 (b) Enforcement.

1 To see that the laws of the State of Cali-
2 fornia pertaining to the City, and all laws
3 and ordinances of the City are duly enforced
4 and that all franchises, permits and privileges
5 granted by the City are faithfully observed.

6 (c) Personnel and Organization.

7 To administer, supervise and enforce all
8 personnel resolutions, ordinances, minute
9 orders and policies of the City Council and
10 to recommend to the Council such reorganiza-
11 tion of officers, departments or divisions
12 as may be indicated in the interests of the
13 efficient, effective, and economical conduct
14 of the City's business, and to effect such
15 reorganization when authorized by appropriate
16 ordinance, resolution or motion of the Council
17 and to administer and supervise all personnel
18 testing, examination, and other department
19 heads' recommendations relating to dismissal,
20 suspension, and discipline of officers and
21 employees within their respective departments
22 and to act generally as the personnel director
23 for the City of Vernon.

24 (d) Rules and Regulations.

25 To prescribe such rules, regulations, and
26 policies as the City Council shall deem necessary
27 or expedient for the conduct of administrative
28 services, and to revoke, suspend or amend any

1 rule, regulation, or policy established by any
2 officer, department head, or other person in
3 the administrative services. The City Council
4 reserves the right to modify, amend or supercede
5 any such action taken by the City Administrator.

6 (e) Compensation Plan.

7 To prepare and to recommend to the Council,
8 from time to time, desirable revisions of the
9 compensation plan of the City.

10 (f) Assist the Council.

11 To attend meetings of the Council and its
12 Committees and to report upon and discuss any
13 matter concerning the affairs of the departments,
14 services or activities under his supervision
15 upon which, in his judgment, the Council should
16 be informed, or upon which his views or opinions
17 are requested by the Council.

18 (g) Carry Out Council Decisions.

19 To carry out, on behalf of the Council, its
20 policies, rules, regulations and laws relating
21 to the administration of the affairs of the City,
22 its departments, divisions, and services.

23 (h) Budget.

24 To supervise the preparation of a detailed, pro-
25 posed municipal budget and submit the same to the
26 Council before the 15th day of May of each year,
27 and to offer his recommendations as to such in-
28 creases, decreases, cancellations, transfers, or

1 changes in any of the items included in the pro-
2 posed budget as in his judgment should be made
3 before adoption of the final budget; to be re-
4 sponsible for the administration of the budget
5 after its final adoption; and to keep the
6 Council informed with respect thereto.

7 (i) Purchasing.

8 As agent for the Council to exercise the power
9 of approval or rejection of expenditures for
10 all departments, divisions, services and offices
11 of the City Government in accordance with the
12 municipal budget adopted by the Council.

13 (j) Recommendations to the Council.

14 To recommend to the Council for adoption such
15 measures and ordinances as he deems necessary
16 or expedient.

17 (k) Studies and Reports.

18 To make such surveys, studies, reports, and
19 recommendations as he may deem desirable on
20 any matter affecting the interests of the
21 people or City as budgeted or as may be re-
22 quested by the Council.

23 (l) Council Agenda.

24 To prepare the agenda for all regular, special,
25 or adjourned meetings of the Council in ac-
26 cordance with the laws establishing rules for
27 Council meetings.

28 (m) Mail.

1 To receive and open all mail addressed in whole
2 or in part to the Council, or to the Mayor or
3 to the Mayor Pro Tem by title only, and to give
4 immediate attention thereto to the end that all
5 administrative business referred to in such
6 communications, and not necessarily requiring
7 action by the Council, may be disposed of in an
8 expeditious manner; provided, however, all
9 actions taken pursuant to such communications
10 shall be reported to the Council at its next
11 regular meeting thereafter, or by separate
12 communication to each member of the Council.

13 (n) Financial Conditions.

14 To keep the Council at all times fully advised
15 as to the financial conditions and needs of the
16 City.

17 (o) Investigations.

18 To make investigations into the affairs of the
19 City in any department or division thereof and
20 any contract or the proper performance of any
21 obligation running to the City.

22 (p) Full-Time Duties.

23 To devote his entire time to the duties and
24 interests of the City.

25 (q) Duty of Other Officers.

26 It shall be the duty of all other officers
27 including the City Clerk, the City Treasurer,
28 and the City Attorney to cooperate with and

1 assist the City Administrator in administering
2 the affairs of the City most efficiently,
3 economically, and harmoniously so far as may
4 be consistent with their duties as prescribed
5 by law and this Code.

6 (r) Other Powers and Duties.

7 To perform such other duties and exercise such
8 other powers as are necessarily incident to the
9 powers set forth in this Section or as may be
10 assigned or delegated to him, from time to time,
11 by action of the Council.

12 SECTION 2.9


13 Limitations Imposed.

14 The City Administrator shall not attempt to
15 establish general policy which it is the pro-
16 vince of the Council to determine, nor shall he
17 commit or bind the Council or any member thereof
18 to any action, plan, or program requiring official
19 Council action. It is not intended by the pro-
20 vision of this Chapter to grant any authority to,
21 or impose any duty upon, the City Administrator
22 which is now or hereafter may be vested in or
23 imposed by general state law on the Mayor, City
24 Councilmen, or any other City Commission, Depart-
25 ment, Officer, or Employee."

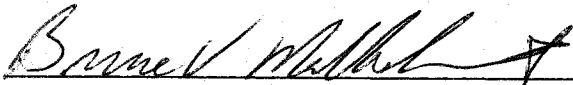
26 SECTION 5: There being no newspaper printed, published
27 and circulated in the City of Vernon, the City Clerk is hereby
28 directed to certify to the passage of this Ordinance and shall

1 post the same or cause the same to be posted in three (3) of
2 the most public places in the City of Vernon, to wit: The north-
3 west corner of 38th Street and Santa Fe Avenue, the northeast
4 corner of Leonis Boulevard and Pacific Boulevard, and on the
5 bulletin board in the lobby of the City Hall of said City, located
6 at 4305 Santa Fe Avenue, all in the City of Vernon, County of
7 Los Angeles, State of California; that this Ordinance shall be in
8 full force and effect thirty (30) days from and after said posting.

9 PASSED, APPROVED AND ADOPTED this ^{1st} day of ^{Aug} August
10 1978.

11 
12 LEONIS C. MALBURG, Mayor

13 ATTEST:

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15 BRUCE V. MALKENHORST, City Clerk
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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)
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5 I, BRUCE V. MALKENHORST, City Clerk of the City of Vernon,
6 do hereby certify that the foregoing Ordinance, being Ordinance
7 No. 883, was duly and regularly introduced at a regular
8 meeting of the City Council of the City of Vernon, held on
9 July 24, 1978, and thereafter finally adopted at a regular
10 meeting of said City Council held on August 1, 1978, by the
11 following vote:

12 AYES: Councilmen: Gonzales, Ybarra, McCormick, Malburg

13 NOES: Councilmen: None

14 ABSENT: Councilmen: Kaeser
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16 
17 Bruce V. Malkenhorst, City Clerk
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19 (SEAL)
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AFFIDAVIT OF POSTING


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF VERNON)

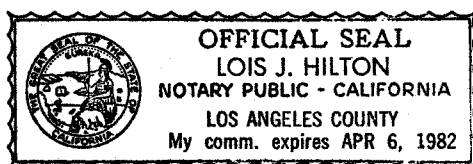
I, BRUCE V. MALKENHORST, City Clerk of the City of Vernon, do hereby certify that I did, on the 2nd day of August, 1978, post three (3) copies of Ordinance No. 883 An Ordinance of the City Council of the City of Vernon Establishing the Office of City Administrator and Repealing all Ordinances and parts in conflict therewith, one in each of the following places, to wit: At the northwest corner of 38th Street and Santa Fe Avenue, at the northeast corner of Leonis Boulevard and Pacific Boulevard, and on the bulletin board in the lobby of the City Hall of the City of Vernon, located at 4305 Santa Fe Avenue, all in said City, there being no newspaper of general circulation printed and published in the City of Vernon.

Signed this 2nd day of August, 1978.


BRUCE V. MALKENHORST, City Clerk

Subscribed and sworn to before me
this 2nd day of August, 1978.


Notary Public in and for the County of
Los Angeles, State of California.



4305 Santa Fe Avenue, Vernon, CA 90058

1/5/82

RESOLUTION NO. 4853 - A Resolution of the City Council of the City of Vernon Approving The Execution Of An Employment Agreement For Bruce V. Malkenhorst As The City Administrator For The City Of Vernon, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 4853 be approved and adopted. Motion carried.

AYES: McCormick, Davis, Malburg, Ybarra, Gonzales
NOES: None
Absent: None

Communication from Bruce V. Malkenhorst, Personnel Director, dated January 5, 1982, transmitting minutes of the Personnel Committee Meeting held January 4, 1982, for approval of recommendations contained therein, was presented.

It was moved by Gonzales, seconded by Davis, that the minutes of the Personnel Committee Meeting held January 4, 1982 be approved as written and recommendations contained therein be adopted. Motion carried.

RESOLUTION NO. 4865 - A Resolution of the City Council of the City of Vernon Approving The Execution Of A Contract By And Between Steel Casting Company And The City Of Vernon Which Provides For Electrical Services, was presented. (Deferred from December 15, 1981 meeting).

It was moved by Ybarra, seconded by McCormick, that approval of Resolution No. 4865 be deferred until the next regular City Council Meeting to be held January 19, 1982. Motion carried.

Communication from Louis S. Hauger, Director Environmental Health, dated December 15, 1981, advising that in accordance with Section 459 of the California Health and Safety Code the City Jail has been inspected and that the facility complies with the standards and requirements prescribed by the Board of Corrections regarding environmental conditions, was presented.

It was moved by Gonzales, seconded by Ybarra, that the communication from the Director Environmental Health, be received and filed. Motion carried.

Communication from L. A. Espinoza, Chief of Police, dated December 15, 1981, recommending authority and funds for him to attend the 1982 California Police Chiefs Annual Conference in Santa Barbara, from February 2-5, 1982, with an expense allowance of \$429.00, was presented.

It was moved by Ybarra, seconded by McCormick, that the recommendation of the Chief of Police be approved and authority be granted to issue warrant in the amount of \$429.00 to L. A. Espinoza, to attend the 1982 California Police Chiefs Annual Conference in Santa Barbara. Motion carried.

Communication from Alhambra City Council, dated December 16, 1981, regarding their support of SB 393 and SB1278 by Senator Newton Russell which Relate to the Definition of Pornography and Restriction of the Display of Sexually Explicit Materials to Minors, and asking the Council's support of same, was presented

It was moved by McCormick, seconded by Davis that the communication from the Alhambra City Council, be received and filed. Motion carried.