

In the Matter of the Calculation of Final Compensation of:

Bruce Malkenhorst, Sr., Respondent,
and
City of Vernon, Respondent

OAH Case No. 2013080917

CalPERS Case No. 2012-0671

EXHIBIT LL (10 PAGES)

RESOLUTION NO. 7967

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 VERNON DECLARING ITS INTENT REGARDING THE CITY'S
5 ADMINISTRATIVE ORGANIZATION

6 WHEREAS, the City of Vernon was established by vote of its
7 inhabitants on September 16, 1905; and

8 WHEREAS, the Trustees who were elected on September 16,
9 1905, met at the Vernon School House in the City of Vernon on
10 September 30, 1905, and adopted Resolution No. 4 to confirm the
11 reasons for incorporation and which provided, in part, as follows:

12 "1. To promote and advance manufacturing industries
13 of whatever nature, except what is commonly known as
14 the manufacture [sic] of tankage, a product of a
15 fertilizing plant;

16 2. That while we invite all persons who so desire
17 to live and have their homes within said city, yet
18 they should do so having regard for the rights of
19 manufacturing industries;

20 3. To promote the maintenance of manufacturing
21 interests which may be established within said city
22 under a liberal policy;" and

23 WHEREAS, these guiding principles have been the center piece
24 of the City of Vernon Official Seal represented by the motto
25 "Exclusively Industrial"; and

26 WHEREAS, since its inception, the City of Vernon has
27 developed as an industrial community in which the community's land
28 uses are devoted almost exclusively to industrial purposes; and

1 WHEREAS, the City's land uses have been almost exclusively
2 industrial since pre-World War II; and

3 WHEREAS, the City reflects the character of its business
4 community and both influences and is influenced by its needs; and

5 WHEREAS, a community devoted to industrial purposes has
6 special needs and paramount among them is the need for its government
7 to act quickly and decisively in performing its duties; and

8 WHEREAS, on May 4, 1971, the City Council of the City of
9 Vernon adopted Ordinance No. 827 which established the City of Vernon
10 Municipal Code; and

11 WHEREAS, at the General Municipal Election held on April 12,
12 1988, the City of Vernon's electorate approved the City Charter of the
13 City of Vernon; and

14 WHEREAS, as a city dedicated to business, Vernon has
15 historically viewed itself as a business and, where practicable, has
16 operated accordingly; and

17 WHEREAS, the City of Vernon Charter authorizes the City
18 Council to establish the administration of the City of Vernon; and

19 WHEREAS, the City Council of the City of Vernon has
20 established the "City Administrator" position for the City of Vernon
21 in Chapter 2, Article II of the City of Vernon Municipal Code.

22 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
23 CITY OF VERNON AS FOLLOWS:

24 SECTION 1: It is hereby declared that the City Council of
25 the City of Vernon's intention has been and is that the City's
26 administration be operated, where practicable, in a manner similar to
27 the operation of a private business subject to all of the
28 duties and obligations of a municipal corporation in the State of

1 California.

2 SECTION 2: The City Council has established a City
3 Administrator to be the Chief Administrative Officer of the City of
4 Vernon. The City Administrator is accountable to the City Council for
5 the proper and efficient management of all the City's affairs and
6 those specific duties assigned to the City Administrator by the
7 Charter and by the City Council.

8 SECTION 3: The City Administrator has at all times served
9 and continues to serve at the will and pleasure of the City Council.
10 The City Council reserves the right to terminate the City
11 Administrator at any time, and for no reason, or for any reason at
12 all.

13 SECTION 4: It has been and continues to be the intent of
14 the City Council to operate the City of Vernon efficiently and, where
15 practicable, in the same fashion as business is conducted in the
16 private sector so that municipal services are provided in a productive
17 manner to a primarily industrial constituency.

18 SECTION 5: The City Council has, through its policies and
19 procedures, organized the provision of municipal services in order to
20 provide a business-friendly environment for the growth of business and
21 the establishment of employment for citizens residing in the City of
22 Vernon and in cities located around Vernon. It was and continues to
23 be the City Council's intent that

24 (1) The City Administrator will attend to all necessary
25 administrative affairs of the City and will generally act as the City
26 Council's agent in the discharge of administrative duties;

27 (2) The City Administrator shall be the administrative head
28 of the City's government, acting only under the direction and control

1 of the City Council as provided in the Charter and the City of Vernon
2 Municipal Code; and

3 (3) The City Council continues to reserve the right to
4 modify, amend or supersede any such action or recommendation made or
5 taken by the City Administrator.

6 However, the City Council intends that, subject to the
7 above, the City Administrator will discharge his duties similar to the
8 manner in which a chief executive officer of a private corporation
9 manages the administration of the corporation, where practicable, and
10 shall be the individual responsible for the administration of the
11 City's organization and for making recommendations to the City Council
12 on all matters affecting the City of Vernon's administration.

13 SECTION 6: The City Council of the City of Vernon also
14 intends that the City Administrator will discharge all of the duties
15 and obligations of a municipal corporation as provided for in its
16 Code, its Charter and the applicable statutes enacted by the
17 Legislature of the State of California.

18 SECTION 7: The City Council of the City of Vernon
19 acknowledges and accepts that the City of Vernon has evolved over time
20 into an industrial community with unique needs and conditions that
21 require creative solutions to provide services in accordance with the
22 increasing obligations and duties imposed upon it by the Legislature
23 of the State of California during the past 25 years.

24 SECTION 8: The City Council of the City of Vernon hereby
25 declares that having the City Administrator responsible for the entire
26 administration of the City avoids the conflicts and organizational
27 politics that frequently occur in political organizations when many
28 executives independently report to a City Council.

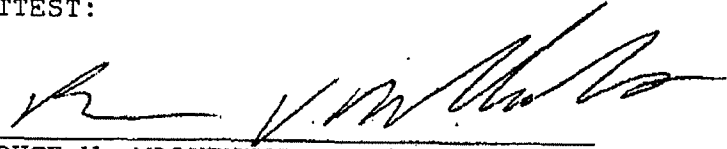
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SECTION 9: The City Clerk of the City of Vernon shall certify to the passage of this resolution, and thereupon and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 15th day of May, 2002.


LEONIS C. MALBURG, Mayor

ATTEST:


BRUCE V. MALKENHORST, City Clerk

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)

4 I, BRUCE V. MALKENHORST, City Clerk of the City of Vernon, do
5 hereby certify that the foregoing Resolution, being Resolution No.
6 7967, was duly adopted by the City Council of the City of Vernon at a
7 regular meeting of the City Council duly held on Wednesday, May 15,
8 2002, and thereafter was duly signed by the Mayor of the City of
9 Vernon.


BRUCE V. MALKENHORST, City Clerk

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13 (SEAL)

SUPPORTING DOCUMENTS

COV-MALSR 00004608

CITY ADMINISTRATOR/CITY CLERK'S

INTER-OFFICE MEMORANDUM

DATE: May 22, 2002

TO: Joan Francone, Risk Manager/Personnel Assistant

NBY
FROM: Nelly Giron
Assistant to the Chief Deputy City Clerk

RE: Resolution No. 7967

Per your request, transmitted herewith is a copy of Resolution No. 7967 declaring its intent regarding the City's Administrative Organization, approved on May 15, 2002.

:gm

COV-MALSR 00004609

CITY COUNCIL

LEONIS C. MALBURG
Mayor

THOMAS A. YBARRA
Mayor Pro-Tem

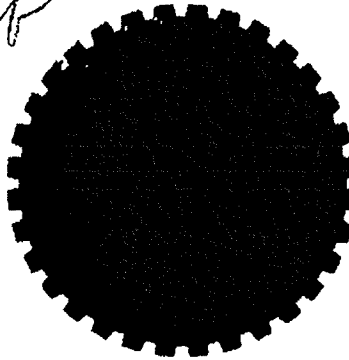
WM. "BILL" DAVIS
Councilman

H. "LARRY" GONZALES
Councilman

W. MICHAEL MCCORMICK
Councilman

BRUCE V. MALKENHORST
City Administrator/City Clerk
FAX (323) 826-1438

M. J. H.



CITY HALL

4305 SANTA FE AVENUE, VERNON, CALIFORNIA 90058
TELEPHONE (323) 583-8811

EDUARDO OLIVO
City Attorney
FAX: (562) 869-1883

KEVIN WILSON
Director of Community Services & Water
FAX: (323) 826-1435

KENNETH J. DeDARIO
Director of Municipal Utilities
FAX: (323) 826-1425

STEVEN E. PARKER
Fire Chief
FAX: (323) 826-1407

BRUCE W. OLSON
Police Chief
FAX: (323) 826-1481

May 9, 2002

*CC 015102
RES. NO. 1967*

City Council
City of Vernon

Honorable Members:

Recommending that a Resolution be adopted to reaffirm the City's intent regarding its Administrative Organization.

Very truly yours,

Bruce V. Malkenhorst

Bruce V. Malkenhorst
City Administrator/City Clerk

BVM/gm

Recommending that a Resolution be adopted to reaffirm the City's intent regarding its
Administrative Organization.