

ORDINANCE NO. 1448

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE AMENDING PORTIONS OF
THE MARYSVILLE ADMINISTRATIVE CODE, TITLE 5, PART 4, CHAPTER 4, SECTIONS
10000-10025**

THE CITY COUNCIL OF THE CITY OF MARYSVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Article 2. RESIGNATION, SUSPENSION, DISCHARGE AND REMOVAL

10015 Notice of Resignation Required.

No employee in the Executive service shall vacate or resign his position, except upon Thirty (30) days advance written notice delivered to the City Manager.

(a) The City Manager may waive all or part of the advance notice requirement.

10016 At-Will Employment.

All employees in the Executive service serve at the will and pleasure of the City Manager, who shall have sole authority for taking actions involving suspension, discharge or removal of such employees.

10017 Discharge or Removal.

All employees in the Executive service are subject to immediate discharge or removal by the City Manager, subject to any terms provided within the current version of the Executive and Mid-Management Compensation Plan.

10018 Immediate Relief from Duty.

Notwithstanding any provision of this Article to the contrary, the City Manager may immediately relieve any discharged or removed employee in the Executive service from his employment status, duties and responsibilities.

10019 [Reserved]

10020 Suspension.

As an alternative to discharge or removal, the City Manager may immediately suspend any employee in the Executive service for a period not to exceed thirty days (30) when, in his judgment, the employee has failed to carry out his duties and responsibilities in a manner consistent with the best interests and high standards of the Executive service. The City Manager may, but is not required to, provide notice to an employee subject to suspension under this Section.

10021 Vacancy So Created.

Any action of the City Manager to immediately relieve an employee in the Executive service of his duties and responsibilities pursuant to Section [10018](#) shall be deemed to create a vacancy in the position so affected.

(a) In the case of suspended employees, the City Manager may appoint a qualified person temporarily to carry out the duties and responsibilities of the vacant position during the period of suspension.

(b) In the case of discharge or removal, a vacancy shall be deemed to have been created at the time the notice relieving the employee of his duties is delivered or mailed.

10022 Abolishment of Position or Elimination of Funding.

Unless otherwise agreed by an affected incumbent, no occupied position in the Executive service shall be abolished, nor shall the funding for any such occupied position be deleted, nor appropriations therefor be removed from any city budget unless notice of such action is delivered or mailed to the incumbent so affected in advance of such action.

10023 Payment of Certain Benefits on Separation.

Any employee in the Executive service who is removed or discharged by the City Manager, except if removal or discharge is for misfeasance, malfeasance or commission of a felony, or whose position is abolished or the appropriation for which is deleted, shall receive a lump sum payment for unused, accumulated earned leaves as herein provided.

(1) Compensated annual leave shall not exceed Three Hundred Twelve (312) hours.

(2) Administrative Leave is earned monthly and only the accrued hours shall be compensated upon separation.

10024 [Reserved]

10025 Grounds for Removal Need Not Be Stated.

Nothing in this Article shall be deemed to require that any notice hereunder specify the grounds for removal, discharge, suspension, abolishment of position, or elimination of funding.

Severability.

If any provision(s) of this chapter is declared invalid by a court of competent jurisdiction, it is the intent of the City Council that such invalid provision(s) be severed from the remaining provisions of the Administrative Code so that regulation and control of employment terms may remain in place.

Effective Date

This Ordinance shall become effective thirty days from and after its passage. The City Clerk is hereby authorized and directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Marysville within fifteen (15) days after the adoption of the ordinance.

This Ordinance was introduced before the City Council of the City of Marysville, County of Yuba,

at a duly noticed meeting of the City Council held on 7th day of November 2023 and passed and adopted at the regular meeting of said Council on the 21st day of November, 2023 by the following roll call vote:

Ayes: Stuart Gilchrist, Dominique Belza, Brad Hudson, Bruce Buttacavoli and Chris Branscum
Noes: None
Absent: None
Abstain: None

City of Marysville, California
By its Council

By: 

Nicole Moe, City Clerk

By: 

Chris Branscum, Mayor

Attestation Date: 11/29/23

Approved as to form and
Legal Sufficiency

By:  11-30-23

Brant J. Bordsen, City Attorney