ORDINANCE NO. 21-1153U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.04 (CITY MANAGER), OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE, TO AMEND PROVISION RELATED TO THE CITY MANAGER'S CONTRACT AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

- A. Section 2.04.040 of the West Hollywood Municipal Code (WHMC) only authorizes the City Council to appoint a City Manager for an "indefinite term" and includes antiquated provisions for removal of the City Manager that are not needed for a contract that has a set term. This section has not been amended since first adopted in 1985.
- B. In order to ensure that the City can immediately appoint the new city manager with a compliant contract, this ordinance must go into effect immediately. The City and State are currently in a period of a declared local emergency. Governor Newsom is expected to lift capacity and distancing restrictions for most businesses and activities on June 15, 2021. The smooth and speedy transition of City Manager duties is especially critical as the City begins to recover from the worst of the COVID-19 pandemic.
- C. The City Council therefore finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety by ensuring the effective transfer to, and performance of, vital duties by the new City Manager before City Manager Arevalo retires.

<u>SECTION 2</u>. Section 2.04.040 of Chapter 2.04 of Title 2 of the West Hollywood Municipal Code is amended to read as follows:

2.04.040 Removal of City Manager

The council shall appoint the city manager, and at any time prior to the expiration of any applicable employment agreement, may remove the city manager by three members voting affirmatively for such removal. The council, in removing the city manager, shall use its uncontrolled discretion and its action shall be final, and shall not depend upon any particular showing or degree of proof.

<u>SECTION 3.</u> Environmental Review. The City Council finds that adoption and implementation of this ordinance is not a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3) and 15378(b)(5). The City Council also alternatively finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity to clarify the requirements for lawfully appointment of a City Manager by the City Council of West Hollywood that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines.

SECTION 4. Urgency Declaration. The City Council finds and declares that the adoption and implementation of this ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as prompt appointment of the new City Manager will ensure as smooth a transition in the City's executive leadership as possible during a readjustment phase of the COVID-19 pandemic. The urgency ordinance provides the city with immediate certainty that it can fill the City Manager position immediately with contract terms that reflect the more modern provisions of state law and that the contract controls the employment terms for the City Manager. Without the urgency ordinance, the City Council would not be able to approve the agreement until August 22, 2021, creating a gap from Mr. Arevalo's retirement and Mr. Wilson's formal appointment, Even a brief gap in this essential role risks harming the public welfare as the City emerges from the COVID-19 pandemic, which is especially important to the public health, safety, and welfare as the state prepares to lift capacity and social distancing restrictions for most businesses and activities on June 15. By way of example only, even a brief vacancy in this essential position risks harm to the public welfare given the rapid revisions of various state and county orders that imposed restrictions during the COVID-19 pandemic. More specifically, Governor Newsom intends to lift capacity and distancing restrictions for most businesses and activities on June 15. 2021, and will eliminate the colored-tier system Blueprint for a Safer Economy. Wellequipped and continuous leadership is needed to help City residents recover from a devastated economy and return to normal. Many look to the City on how to implement and interpret new guidance, programs, and legislation from federal, state, and county government, which evolve as more individuals are vaccinated and the spread of COVID-19 appears to subside. For the foregoing reasons, it is urgent that Mr. Wilson's contract be effective on July 7, 2021, and the code changes are necessary. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 7th day of June, 2021 by the following vote:

AYES: Councilmember: D'Amico, Erickson, Shyne, Mayor Pro

Tempore Meister, and Mayor Horvath.

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NOES: Councilmember: None.
ABSENT: Councilmember: None.
ABSTAIN: Councilmember: None.

LINDSEY P. HORVATH, MAYOR

ATTEST:

MELISSA CROWDER, ACTING CITY CLERK

STATE OF CALIFORNIA (COUNTY OF LOS ANGELES (CITY OF WEST HOLLYWOOD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WEST HOLD (CITY OF WEST HOLD)WEST HOLD (CITY OF WE

I, MELISSA CROWDER, Acting City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 21-1153U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on this 7th day of June, 2021.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 8th DAY OF JUNE, 2021.

MELISSA CROWDER, ACTING CITY CLERK

AFFIDAVIT OF POSTING

State of California) County of Los Angeles) City of West Hollywood)

I declare under penalty of perjury that I am employed by the City of West Hollywood in the Office of the City Clerk, and that this document was posted on:

Date: June 8, 2021 Signature:\\Alyssa T. Poblador\\ Office of the City Clerk