

City of Hesperia

STAFF REPORT



DATE: August 5, 2025
TO: Mayor and Council Members
FROM: Pam Lee, City Attorney

SUBJECT: Ordinance No. 2 (Hesperia Municipal Code Chapter 2.08): Council-Manager Form of Government

RECOMMENDED ACTION

It is recommended that the Council review the following staff report and attachments to discuss whether to amend any portion of Ordinance No. 2 (Hesperia Municipal Code Chapter 2.08) or Chapter 6, Section A, Subsection 3 of the City Council Procedures Manual.

BACKGROUND

Modern day cities typically take on one of two forms of government: Council-Manager or Mayor-Council. In a Council-Manager form of government, the voters of a city elect a City Council, who sets the policies, adopts the budgets, and oversees the overall direction of the city. The City Council selects one of its own to rotate as Mayor, usually on an annual basis. The City Council also appoints a City Manager, who acts as the chief executive officer of the city and carries out the policies set by Council and day-to-day administrative operations of the city, including overseeing the employees of the city. The Council-Manager form of government is the most common and used by over half of the cities across the United States and most of the cities in California, including the City of Hesperia.

In a Mayor-Council form of government, the voters of a city elect a City Council, who sets the policies and approves the budgets. The voters of the city also elect a Mayor, who is a full-time, paid official who acts as the chief executive officer of the city and oversees the day-to-day operations of the city, as well as creates the budgets. Only five cities in California – Los Angeles, San Diego, San Francisco, Oakland and Fresno – use the Mayor-Council form of government. The Mayor-Council form of government is often times referred to as Strong Mayor form.

This item was presented for discussion at the August 1, 2023 City Council Meeting; after discussion, the City Council took no action on the item. On June 3, 2025, Mayor Pro Tem Gregg requested that this item be agendaized again for discussion.

ISSUES/ANALYSIS

When the City incorporated in 1988, it adopted the Council-Manager form of government under Ordinance No. 2, codified under Hesperia Municipal Code Chapter 2.08. Chapter 2.08 [City Manager] lays out the parameters of the City Manager, including eligibility, compensation, powers and duties, removal procedures, and internal relations with other employees. For example, the

City Manager is:

“...the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this chapter. He/she shall be responsible for the efficient administration of all the affairs of the city which are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, it shall be his/her duty and he/she shall have the powers set forth in the following subsections.

- A. **Law Enforcement.** It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.
- B. **Authority Over Employees.** It shall be the duty of the city manager, and he/she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his/her jurisdiction through their department heads.
- C. **Power of Appointment and Removal.** It shall be the duty of the city manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney.
- D. ...”
[etc.]...

HMC § 2.08.070

Additionally, Ordinance No. 2 also provides that “the city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his/her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager.” (HMC § 2.08.080(A).)

To further clarify the relationship between the City Council and the City Manager, the City Council Procedures Manual also provides that the City Council shall do the following:

- “Speak to the City Manager directly on issues and concerns;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council;
- Direct the City Manager to implement City Council’s policy decisions through the administrative functions of the City;
- Treat staff professionally and refrain from publicly criticizing individual employees;
- Avoid involvement in personnel issues except during City Council Closed sessions regarding City Council appointed staff such as City Manager and City Attorney, including hiring, firing, promoting, disciplining and other personnel matters;
- Discuss directly with the City Manager privately, as appropriate, any displeasure over work or behavior with a department or staff;
- Request information or research on a given topic from the City Manager for response (responses will be copied to all Council Members);
- Request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk, or department directors / division managers

- prior to the meeting whenever possible; and
- Present citizen complaints to the City Manager so the complaint and request for information can be disseminated to staff for appropriate action.”

(Chapter 6, Section A, Subsection 3.)

Based on the foregoing, memos related to interactions between employees and the City Council have been issued in the past. The most recent memo is attached to this staff report.

Overall, a Council-Manager form of government is best used in cities whose City Council meets less frequently (e.g., twice a month) and whose Mayor is not an administrative professional. This is the case with most cities in California, as the administration of day-to-day operations is left to the professional – the city manager. In larger cities whose City Council meets more frequently (e.g., once or twice a week), it may make more sense for the Mayor to be the head of administration to carry out functions and operations of the city.

Should the City Council decide to change or amend either the Ordinance or Procedures Manual, staff will take the appropriate direction to prepare said amendment and bring it back for consideration at another meeting.

CITY GOAL SUPPORTED BY THIS ITEM

Organizational Health – foster a high performing organization that provides opportunities for professional growth.

FISCAL IMPACT

None

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. Ordinance No. 2 (Hesperia Municipal Code Chapter 2.08)
2. City Council Procedures Manual, Chapter 6
3. Memo dated July 10, 2023