

6.0 *Structure, Accountability, Governance & Management Efficiencies*

This section establishes the City of Holtville's authority and scope of governance, and describes its governance structure, principles of governance, methods for ensuring public engagement in the decision-making process, and management of human capital, and public input in developing the SAP/MSR.

6.1 Authority for Governance and Scope of Local Agency Powers

Authorization for local government flows from the State of California. The U.S. Constitution does not reference local government; rather, the U.S. Constitution conveys all powers not delegated to the federal government to the States, and it is the states that in a similar manner extend authority to local government. The California Constitution contains provisions for counties and cities, and State statutes create special districts.

The organization of local governance is commonly misunderstood to be hierarchical (i.e., special districts, counties at the apex, etc.) with each superseding layer exercising oversight on layers below. This is not the case, however, as local government is structured to instill each state-authorized subdivision with a level of sovereignty, which allows it to govern without intrusion from other units of local government. In the absence of criminal actions, the electorate is the sole overseer of local government. Provisions in the California Elections Code for initiative, referendum, and recall apply to cities and counties by cross-reference to special districts.¹ Nevertheless, despite a prerogative of self-rule, local agencies operate in a complex environment of partnerships, shared resources, and State and federal mandates, which taken together, restrict local authority.

The California Constitution provides cities with explicit authority to make and enforce police, sanitary, and other ordinances and regulations not in conflict with State law.² Charter cities enjoy somewhat more flexibility in providing services than do general law cities; however, all city councils have wide discretion over city activities within city boundaries. The City of Holtville is not a charter city. Notwithstanding their ability to make intra-city service decisions without interference, cities, like all other local agencies, must petition the LAFCO for approval before providing extra-territorial service.³

¹ See for instance, Water Code §71532

² California Constitution, Article XI, Section 7.

³ Government Code §56133.

6.2 Government Structure Options

The public relies on local agencies and service providers to function in a manner that will produce efficient public services. The ability of service providers to meet the public's expectations depends, in part, on the capacity of providers' administrative, management, and operational systems to meet demands. Consistent with a "form-follows-function" model, the internal organization of local agencies and service providers must be structured to produce optimum efficiencies.

Elected officials are responsible for shaping the missions of service providers and ensuring that missions are translated into actions. The authority of a city council does not usually extend to developing actual programs or supervising staff; responsibility for this activity falls to the city manager and administrative staff. Legislation such as the Ralph M. Brown Act and the Meyer-Millias-Brown Act also govern the scope of administrative involvement permitted to elected officials. In the real world of practical local government, however, executive staff often put forward policy proposals for their governing bodies to adopt, and elected officials sometimes involve themselves in staff level issues in an eagerness to implement policies. Nevertheless, understanding and respecting the distinct roles that officials and staff perform is essential.

The City of Holtville is structured according to the Council-Manager form of local government. The council-manager form is a system of local government that combines the strong political leadership of elected officials in the form of a governing body, with the strong managerial experience of an appointed local government manager. The council-manager form establishes a representative system where all power is concentrated in the elected council and where the council hires a professionally trained manager to oversee the delivery of public services.

Figure 6-1 presents the City of Holtville's decision tree, or organizational chart. Reporting directly to the City Council include the City Clerk, City Manager, and Planning Commission. The City Treasurer is an elected official and works with the City Council. The City Attorney advises the City Manager. The City's four departments, Police, Public Works, Finance, and Fire, and their respective administrative staffs are organized under the City Manager.

City Council Decisions: The City Council is responsible for final approval of budgets, implementation of policies/amendments, strategic plans, approval of contracts, development standards/conditions, appropriations/expenditures not included in the adopted budget, addition/reduction of staff, addition/modification of job descriptions and positions, and salary increases pertaining to negotiations.

Planning Commission Decisions: The Planning Commission makes recommendations to the City Council on issues related to development and zoning variances. The Planning Commission is the final decision-maker related to applications for Conditional Use Permits, which are required for certain construction projects and businesses.

Administrative Decisions: The City Manager, working with input from City staff, can make decisions independent of the City Council related to budgeted items, improvements, and professional services that do not require a request for proposal. Each Department Director has the authority to make a wide range of departmental management decisions.

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**Figure 6-1
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The City provides an avenue of appeal for all City decisions. The City Manager gathers as much information possible regarding the concern of the individual who is considering an appeal to see if there is a way to resolve the matter. If the individual proceeds with an appeal, the appeal must be addressed to the City Clerk, who then places the item on the agenda for Council review.

6.3 Accountability and Principles of Governance

Local government is part of a democratic system that values the electorate as the most influential component of any public organization. Local public officials are popularly elected or appointed as proxy to implement the electorate's will in discharging agencies' missions. Empowerment of the electorate requires local agencies to accommodate the public's need for access, information, and participation.

Without public engagement in the affairs of local agencies, the pool of potential officials is diminished, policy decisions will not be driven by public input, and the legitimacy for public authority is jeopardized. Before the public can be engaged in local government there must be awareness of local agencies and the services they provide. The City encourages public participation in every step of the decision-making process. Open meetings must be scheduled for the convenience of the public and conducted in compliance with the Ralph M. Brown Act. The City of Holtville has never had a violation related to the Ralph M. Brown Act or the Political Reform Act.

Public affairs must be conducted in a manner that disseminates information about the City's activities and involves the public in decision-making. The City strives to clearly articulate its missions and has adopted the following mission statement:

The City of Holtville is committed to providing quality services, the protection of the environment and our community lifestyles. To achieve this commitment, the City has established the following goals:

- *Holtville actively involves all citizens in the decision making process.*
- *To safeguard the health and safety of our residents, visitors and property.*
- *Maintain Holtville's desirable living environment through good planning which recognizes the need to preserve its diverse social fabric, hometown character and small town atmosphere.*
- *Implement strategic planning to provide and maintain adequate streets, sidewalks, public buildings, parks, municipal utilities and public transportation.*
- *Encourage new development, but maintain the City's commitment to quality design and the preservation of historic structures, open space and parks.*
- *Develop and maintain a regional cooperation among our neighboring communities and governmental agencies in areas of mutual concern.*
- *Promote and encourage an environment that looks to develop retail facilities, recreational and tourist attractions, and job producing projects.*
- *Maintain and strengthen our well trained, responsive and courteous work force.*
- *Prudently manage the City's financial resources and provide for adequate reserves.*

The governing bodies of all local agencies are either popularly elected or appointed as proxy and are required to conform to state regulations concerning campaign disclosure laws, incompatible offices, and conflicts of interest. Compensation to officials must fall within statutory limits. Communication among local officials and between officials and employees is limited under open-meeting laws. Exchange of information must take place within controlled environments that provide maximum opportunity for the public to participate in agency decisions.

Members of the public are elected to City Council during citywide elections held when a council seat becomes available. There are five seats on the City Council and terms are staggered with each term lasting four years. Members of the City Council are not subject to term limits.

Planning Commissioners are formally appointed by the City Council. Planning Commissioners serve four-year terms. When one of the five seats on the Planning Commission becomes available, the City posts an advertisement and letters of interest are required to be submitted to the City Clerk.

The City Council and Planning Commission hold regularly scheduled public meetings at established times. Agendas are posted 72 hours in advance and mailed to local newspapers, other public agencies, and individuals on mailing lists. Public comment periods are provided as prescribed by State law. All public meetings are held in accordance to the provisions outlined in the Brown Act and no incidences of Brown Act violations have been reported.

Although the City does not have formal standards for customer service, customer service is emphasized in every department. The City is in the process of recommending specific customer service-related policies to Council for adoption. Periodically administrative support staff and other City staff are sent to training outside the Imperial Valley for training that will improve public response skills.

6.4 Managing Human Capital

To effectively produce and deliver public services, service providers must manage human assets with the same emphasis and vigor that is placed on “brick-and-mortar” assets. The objectives of capital improvement programs are typically to identify and prioritize needs and translate those needs into funded programs. This objective should be replicated in programs that focus on human capital.

Managing the human component of public service production is more complicated than just identifying the types and numbers of positions that production requires, however. Public agencies must conform to multiple layers of regulations mandating practices for hiring and retaining public personnel. Federal laws, such as the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the National Labor Relations Act (LRA), the U.S. Family Medical Leave Act (FMLA), and the Occupational Safety and Health Act (OSHA) apply to local agencies and are frequently replicated and amplified in State regulations. Laws applying to the private sector are sometimes applied to the public sector, typically with higher standards. For example, the California Family Leave Act affects only those private organizations employing 50 or more persons; however, all units of local government, regardless of staffing levels, shall comply.⁴

⁴ Government Code § 12945(c) (2).

The Meyers-Milias-Brown Act guides employer/employee interaction and provides employees of local agencies and service providers with the right to organize and be recognized: "No public agency shall unreasonably withhold recognition of employee organizations."⁵ In return, local agencies may adopt reasonable rules and regulations for administration of employer/employee relations after good faith consultation with employee organizations.

The City contracts with private sector service providers for several of its services, which effectively limits staff levels and generate cost savings. With regards to some administrative and public works functions, the demand for services does not justify hiring a full time staff member. The City's contract with Valley Environmental Services for solid waste disposal services is justified due to the enormous procurement and operations costs related to maintaining a fleet of serviceable solid waste disposal trucks and other equipment.

The City also conducts an annual audit of its finances. The independent auditor's report is conducted in accordance with the generally accepted auditing standards. A pre-audit is done in June at the end of the fiscal year to be reviewed and the final audit is performed in September of the new fiscal year. The report is intended for the information of the City Council, finance committee, management and Federal and State awarding agencies. Staff recommendations are made to the Council when appropriate.

6.5 Public Input

Part of the municipal service review process involves gathering information from as many sources as possible and engaging the public in the review of regional services. Two public hearings were held to solicit public input to assist in the preparation of this document; one before the Planning Commission on July 18, 2005 and the other before the City Council on July 25, 2005. These meetings were noticed and public comment periods were provided as prescribed by State law.

⁵ Government Code § 3507.