

## **IMPARTIAL ANALYSIS BY CITY ATTORNEY CITY OF NAPA – MEASURE “C”**

This measure, if adopted, would amend Sections 75 and 76.1 of the Charter of the City of Napa to clarify the City Manager’s authority to hire all department heads, including the Police Chief and Fire Chief, and all employees in the offices of the City Manager and City Attorney. This measure was placed on the ballot by the City Council.

Under existing law, full time City employees must be hired using one of the following four processes, depending upon the classification of the employee being hired: (1) the City Council directly appoints the City Manager, City Attorney, City Clerk, and City Treasurer; (2) the City Manager directly appoints all appointive officers who are not appointed by the Council, including all department heads (including the “two Chiefs”: the Police Chief and Fire Chief), and all employees in the offices of the City Manager and the City Attorney; (3) City department heads appoint “classified employees” using lists of eligible candidates who are certified through the civil service selection process described in Charter Section 76.1(F); and (4) the Civil Service Commission appoints the Personnel Director (subject to the amendment proposed by Measure “B” on this ballot).

Under the existing Charter, there is an ambiguity and argued internal inconsistency between Section 75 (which clearly identifies the City Manager’s authority to appoint the two Chiefs) and Section 76.1 (which indicates that some “appointed” officers, including the two Chiefs, are subject to civil service processes of Section 76.1). Some employee representatives have argued that this ambiguity means the two Chiefs must be appointed using the civil service selection process summarized in item “(3)” above. City management has interpreted these provisions to mean that the City Manager is authorized to appoint the two Chiefs without following civil service processes; but, after the two Chiefs are “appointed,” the Chiefs then become subject to the civil service processes regarding potential discipline and termination.

This measure, if adopted, would eliminate the ambiguity summarized above, and it would amend the Charter to more clearly document City management’s current interpretation of the Charter. The City Manager would have the clear authority to directly appoint all appointive officers who are not appointed by the Council (specifically including the two Chiefs). After each Chief is hired by the City Manager, each Chief would then clearly have civil service protections related to potential discipline or termination (under Charter Section 76.1).

**The above statement is an impartial analysis of City of Napa Measure “C.” If you desire a copy of the measure, or any documents related to the measure (such as a marked-up version of City Charter Sections 75 and 76.1, showing the difference between the current text and changes proposed by Measure “C”), you may obtain a copy at no cost to you by making a request to the City Clerk by phone ((707) 257-9503), or email [clerk@cityofnapa.org](mailto:clerk@cityofnapa.org), or by visiting the City’s website at [cityofnapa.org](http://www.cityofnapa.org) (under “Quick Links” click “Elections” - [http://www.cityofnapa.org/index.php?option=com\\_content&task=view&id=26&Itemid=48](http://www.cityofnapa.org/index.php?option=com_content&task=view&id=26&Itemid=48)).**