

CHAPTER 3. OFFICERS AND EMPLOYEES

Sections:

- 3.010 Chief Administrative Officer.
- 3.020 Appointment and Qualifications of District Manager and Engineer.
- 3.030 Authority, Responsibilities and Duties of District Manager and Engineer.
- 3.040 Political Activities of District Manager and Engineer.
- 3.050 Employment of Assistants.
- 3.060 Employment Policy.
- 3.070 Establishment of a System of Rules and Personnel Practices.
- 3.080 Appointing Authority.
- 3.090 Exemptions from Personnel System.
- 3.100 Right of Entry.

3.010 Chief Administrative Officer. There is created the office of “District Manager and Engineer.” The “District Manager and Engineer” or “District Manager” is the chief administrative officer of the district.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)

3.020 Appointment and Qualifications of District Manager and Engineer. The board shall appoint the district manager and engineer who shall be a civil engineer and shall have a certificate of registration in the State of California.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)

3.030 Authority, Responsibility and Duties of District Manager and Engineer. The district manager and engineer shall be the administrative head of the district, acting under the direction and control of the board of directors, except as otherwise provided in this chapter. In addition to his/her general powers as chief administrator, and not as a limitation thereon, he/she shall have the powers and duties set forth as follows:

(A) To see that all rules, regulations, resolutions, and ordinances of the district are duly observed and enforced;

(B) To set policies consistent with rules, regulations, resolutions, and ordinances of the District.

(C) To establish departments and organize the functions of the district, and to control, order, and give directions to all heads of departments and to subordinate officers and employees of the district under his jurisdiction through their department heads, and to transfer employees from one department to another;

(D) To appoint, discipline and dismiss any and all officers and employees of the district as provided in the district’s merit system rules;

(E) To attend all meetings of the board of directors, unless excused therefrom by the board of directors;

(F) To recommend to the board of directors for adoption of such measures, rules, regulations, and ordinances as he deems necessary and expedient, including specifications and requirements controlling the construction, repair, maintenance, and operation of the district’s sanitary sewer system;

(G) To keep the board of directors at all-time fully advised as to the financial conditions and needs of the district;

(H) To prepare and submit to the board the annual budget and to administer it after its adoption, and to maintain accounting and reports on the fiscal operation of the district;

(I) To purchase or cause to be purchased all supplies for all of the departments or divisions of the district. No expenditures shall be submitted or recommended to the board of directors except on report and approval of the district manager and engineer;

(J) To make investigation into the affairs of the district and any department or division thereof and any contract or the proper performance of any obligation owing to the district;

(K) To investigate all complaints in relation to matters concerning the administration of the district;

(L) To execute general supervision over all facilities which are under the control and jurisdiction of the district;

(M) To make reports and initiate recommendations as may be desirable or as requested by the board of directors;

(N) To furnish to the district a corporate surety bond conditioned upon the faithful performance of the district manager and engineer's duties in the amount of fifty thousand dollars (\$50,000). The premium for the bond shall be paid by the district;

(O) To approve plans, specifications, and descriptions of work upon sewers in the district;

(P) To collect fees and charges, issue permits, establish funds consistent with ordinance, remit payments, and maintain records of all transactions;

(Q) To devote his/her entire working time, thought, and energy to the duties and interest of the district.

(T) To perform such other duties and to exercise such other powers as may be delegated to him from time to time by ordinance, resolution, or other action by the board of directors.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 101, February 8, 1989; Amended by Ord. 149, April 10, 2019)

3.040 Political Activities of the District Manager and Engineer. The district manager and engineer is free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part.

(A) Prohibited Activities: No person acting or serving as district manager and engineer is to become a candidate for elective office or take an active part in any political campaign or organization, or circulate or seek signatures to any petition provided for in any primary or election, or distribute badges, colors, or indicia favoring or opposing a candidate for election or nomination to the county or municipal public office within the County of Santa Clara. The activities proscribed herein shall extend only to those activities with respect to those political activities in the County of Santa Clara or any municipality within the county.

(B) Board Action: In the event that the district manager and engineer participates in the above-described prohibited activities, the board of directors shall determine whether or not participation in such activities jeopardizes the ability of the district manager and engineer to fulfill his/her duties and obligations to the district, and the board shall then take any action as it deems necessary.

(C) Severability: If any section, subsection, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional otherwise void or invalid by any court of competent jurisdiction, the validity of the remaining portions of this chapter shall not be affected thereby.

(Adopted by Ord. 101, February 8, 1989; Amended by Ord. 149, April 10, 2019)

3.050 Employment of Assistants. Upon approval of the board, the district manager and engineer may employ assistants. Each employment shall be made in accordance with the procedures specified in the merit system rules.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)

3.060 Employment Policy. It is the policy of the district to select employees on the basis of merit and to determine merit through practice and competitive examination. In return for faithful service, district employees are entitled to reasonable security of tenure. Tenure shall be dependent upon good behavior, efficiency, necessity of the work, and the appropriation of sufficient funds. The acts and decisions of the district shall be in accordance with merit system practices and policies.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)

3.070 Establishment of a System of Rules and Personnel Practices. The board shall by resolution establish a system of rules and personnel practices for employees of the district.

(Adopted by Ord. 62, April 12, 1978; Amended by Ord. 130, October 27, 1999; Amended by Ord. 149, April 10, 2019)

3.080 Appointing Authority. The district manager and engineer may make each appointment in accordance to the approved budget, and the established system of rules and personnel practices.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)

3.090 Exemptions from Personnel System. The following positions are exempted from the personnel system:

(A) Elective offices;

(B) Persons providing professional, technical and expert services to the district under contract.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 130, October 27, 1999; Amended by Ord. 149, April 10, 2019)

3.100 Right of Entry. Each district employee shall wear or carry official evidence establishing his/her position, and upon exhibiting it, may enter a premises in the performance of his/her official duties and in the enforcement of this code.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 62, April 12, 1978; Amended by Ord. 149, April 10, 2019)