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REGULAR

NUMBER **197.12**

TITLE: **AN ORDINANCE OF THE CITY OF MILPITAS AMENDING SECTION 1.00 OF CHAPTER 3, TITLE VI OF THE MILPITAS MUNCIPAL CODE BY TRANSFERRING THE PARKS DIVISION TO PUBLIC WORKS DEPARTMENT AND RECREATION DIVISION TO HUMAN RESOURCES DEPARTMENT**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of May 8, 2012, upon motion by Councilmember Giordano, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the Milpitas Municipal Code permits the City Manager to assign the work of City government functions to such departments authorized by the City Council; and

WHEREAS, it would promote the rational and efficient operation of City government to transfer the Parks Division to the Public Works Department and the Recreation Division to the Human Resources Department.

NOW THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE VI, CHAPTER 3

Title VI, Chapter 3, Section 1.00 ("Establishment of Departments of City") of the Milpitas Municipal Code is hereby amended with the deletion of text in subsection H. ("Parks and Recreation"). The amended and restated Section 1.00 shall read as follows:

VI-3-1.00 - Establishment of Departments of City

Pursuant to the provision of Section VI-1-2.08 of the Milpitas Municipal Code, the work of the City government shall be distributed among the following departments of the City:

A. City Manager;
B. City Attorney;
C. Finance;
D. Human Resources and Recreation Services;
E. Information Services;
F. Planning and Neighborhood Services;
G. Public Works and Engineering;
H. Police;
I. Fire; and
J. Building and Safety.

SECTION 3. SEVERABILITY

In the event any section or portion of this Ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.