

**City of Garden Grove**  
**INTER-DEPARTMENT MEMORANDUM**

**To:** Matthew J. Fertal  
**From:** John D.R. Clark  
**Dept:** City Manager  
**Dept:** Human Resources  
**Subj:** REVISION OF MUNICIPAL  
CODE: TITLE 2  
**Date:** February 28, 2012

OBJECTIVE:

To secure City Council approval of an ordinance revising Title 2 of the Municipal Code, pursuant to staff's omnibus revision of the code.

BACKGROUND:

As indicated in the City Council Study Session on August 23<sup>rd</sup>, 2011, staff from the City Clerk's Office and the City Attorney's Office are reviewing and revising the entire Municipal Code, a task last done in 1969. In the intervening 42 years, a great many statutory and organizational references have become out-of-date. Additionally, there are some instances when operational processes have changed, or where greater efficiency and efficacy would suggest process changes.

DISCUSSION: TITLE 2

Title 2 is the administrative portion of the code and sets forth all of the structure of City government, including the form of government (Council-Manager), the various boards and commissions and the rules pertinent thereto, purchasing regulations, uniform hearing procedures, statutory departments and officials, the form and functioning of the City Council, a code of ethics applicable to all City officials, and the chapter that governs human resources and personnel rules.

As has been the case previously, the vast majority of changes are updating titles, references and terms to reflect current usage, updating language to reflect changes in state or federal law, modifications to reflect current practice, and similar "clean up" revisions.

*Substantive changes:*

*2.16.030—Assistant City Manager. Deletes this section which mandated the appointment of an Assistant City Manager. Currently, the City has a Deputy City Manager, which is a lower classification. There have also been periods of time when the City has had neither an Assistant City Manager nor a Deputy City Manager, so elimination of this mandate makes sense. The City Manager can still request City Council approval to create an Assistant City Manager position at any time. Note that*

*another code section provides for an "Acting" City Manager on those occasions when he is absent from the City, e.g., vacation.*

*2.21.010—Appointments to Commissions. Government Code Section 40605 provides that the Mayor, with the approval of the City council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute. The language is adjusted for consistency with Section 40605.*

*2.32.060—Removal (of Main Street Commissioners). The old language required a 4/5 vote to remove, which was related to its former status as the Parking and Main Street Commission. The new language changes removal to a simple majority of the City Council, which is consistent with all the other commissions.*

*2.44.040—Definitions. Adds a definition for "at-will" classes, i.e., department heads, managers and a few other very senior professionals that should not be part of the civil service system. The current code is ambiguous on this point, so elsewhere the language is revised to specifically state that "at-will" positions are not part of the civil service.*

*In the same section a definition is added for "benefited part-time positions," in the current language this is referenced elsewhere in the code in an ambiguous manner. These are what might be called "permanent part-time" positions that receive half-vacation, half-sick leave, and half-holidays (but no other benefits).*

*In the same section a definition is added for "inactive employee," being one who is out for more than six months on Worker's Compensation. Worker's Compensation law does not necessarily allow us to terminate (or retire on disability) an employee after six months, but putting them on inactive status allows the department to fill the position. In very rare instances, an inactive employee eventually returns to work, in that event, they're placed in their old job or a similar job, if available, or the next available such job. This has only occurred once during my tenure.*

*In the same section a definition is added for "reinstatement," which is referred to elsewhere in the code but not defined. Basically, reinstatement allows an employee to return to their old job within one year of separation, without going through the entire examination process.*

*In the same section a definition is added for "Y-rate," which like the above sections is referenced elsewhere in the code but not defined. A y-rate occurs when you freeze an employee's actual salary, and it stays frozen until the salary level for all other employees in the same class equals or exceeds the y-rated salary. This only happens when someone is reclassified or moved to a lower position and because they've been a good employee, there is a desire to mitigate the income loss. For example, a*

*reorganization of a department might result in an employee being moved into a lower position through no fault of their own.*

*2.44.170—Salary at Appointment. The current language allows the City Manager to authorize the appointment of new employees above "A" step, but only to "B" step or "C" step. Appointments to "D" step and higher require City Council approval. While this will not be an issue for several years to come, in the past it caused considerable delays in hiring, as City Council approval had to be sought out. Also, the prior Human Resources Director added steps to all of the pay scales in the 1990s as a cost-saving measure; prior to that, the City used a five-step scale which is still the industry standard. Now we have seven or eight step scales, increasing the need to schedule these actions for City Council consideration.*

*The industry standard is to allow the Human Resources Director to authorize appointments above "A" step but no higher than midpoint, and allow the City Manager to authorize appointment at any step. That is staff's recommendation embodied in the proposed revision.*

*2.44.175(B)—Probation Following Promotion. This clarifies the probationary period that must be served after a promotion, particularly in reference to the Fire Department. This is to correct a situation which occurred in 2009 whereby an employee was promoted from Public Works to Fire. One section implies that all new Firefighters serve a one-year probation, but another section defines probation for those promoted as being six months. Since this person was released from City service at 9 months, an argument was made that he had already passed probation. This clears up that discrepancy.*

*In the same section (subpart (D)), language is modified to allow the extension of probation with no conditions. From time to time department heads have wished to extend the probationary period of an employee, but the current language only allows that when the employee has had a leave-of-absence during probation.*

*In the same section (subpart (E)), language is added to specify how probation is handled when an employee first promotes, does not pass probation in the higher position, and returns to their "old" position, as well as when an employee is demoted into a lower position.*

*2.44.200—Advancement (of salary). Subpart 3, relating to the postponement of merit increases, is simplified. The current language that allows for a postponement of a merit increase requires that anniversary dates be reset if the postponement exceeds three months, which causes needless confusion and extra work for Payroll and the host department.*

*In the same section (subpart 5), relating to employees incorrectly placed at a higher salary range, there is currently a long list of methods whereby the employee can "pay back" the City. All of these methods are now illegal under the California Labor Code. In such instances, we now seek a voluntary payback agreement with the employee, typically involving deductions from pay over time, in lieu of seeking repayment via court action.*

*2.44.210—Salary on Promotion. Language is added that assignment pay may be taken into account when placing a promoted employee on their new pay scale. We have had the situation occur many times where an employee is "test driven" in a higher position by receiving an assignment pay (for example) of 5%, then is ultimately promoted into that position after a subsequent exam. The current language means they receive no pay raise upon promotion, which as expected has proven to be a major disincentive.*

*2.44.240—Salary on Reinstatement. Clarifies that a reinstated employee also returns to their previous accrual rates for vacation, etc.—this has been an issue of conflict in the past. Also specifically prohibits retirees returning to work part-time from making any claim as to reinstating to any benefit they may have received prior to retirement.*

*2.44.360—Outside Employment. Adds language that the Appointing Authority (department head) must specifically approve outside paid employment. There have been instances where employees have "moonlighted" in jobs that are incompatible with their City service.*

*2.44.370 (B)—Exceptions to the Standards of Conduct. Specifies that non-civil-service employees (top management, part-time, temporary, and commissioners) serve at the pleasure of their appointing authority (Mayor, City Manager, or department head) and are not subject to the appeal rights provided to civil service employees.*

*2.44.380 (A)(2)—Extra Duty. Current language allows a form of punishment called "extra duty," whereby an employee is forced to work without pay. This is no longer allowed under the California Labor Code and is recommended for deletion.*

*In the same section (subpart (A)(3)), new language is added to allow reduction-in-pay as a form of punishment.*

*2.44.390—Appeal Procedure. Language is revised to eliminate the "Ad Hoc Personnel Appeals Board" in favor of the joint selection of a hearing officer. To my knowledge, since incorporation, the City has never empanelled such an ad-hoc board, both sides have always opted to go the simpler route.*

FINANCIAL IMPACT:

None.

RECOMMENDED ACTIONS:

- Conduct the public hearing; and
- Introduce and conduct the first reading of the attached Ordinance amending Title 2 of the Garden Grove Municipal Code.



KATHY BAILOR, CMC  
City Clerk

  
JOHN D.R. CLARK  
Human Resources Director

Attachment: Proposed ordinance  
"Redline" version of Title 2

**Approved for Agenda Listing**

  
**Matthew Ferial**  
City Manager

## ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 2 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, TO REVISE AND UPDATE THE PROVISIONS RELATING TO THE PERSONNEL SYSTEM, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

***City Attorney's Summary***

***This Ordinance amends Title 2 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal laws, and to make other non-substantive changes. This Ordinance also amends multiple sections of Chapter 2.44 of Title 2 relating to the personnel system and human resources to conform to current law and City organization and practice, to clarify existing ambiguities, and to make certain substantive changes, including changes to: add definitions for currently undefined terms; authorize the City Manager to appoint employees at all salary steps; revise and clarify the provisions relating to City employee probationary periods; specify that assignment pay may be taken into account when placing a promoted employee on a new pay scale; clarify the leave accrual rates and seniority that apply to reinstated employees; specify that paid outside employment must be expressly approved by a City employee's department head; and modify the appeal procedures for employees subject to disciplinary action and to provide for the mutual selection of a Hearing Officer to hear such appeals.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove proposes amendments to Title 2 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal law, to revise and update the provision relating to the personnel/human resources system and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on February 28, 2012, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Title 2 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

EXHIBIT "A"

TITLE 2 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES



## **TITLE 2: ADMINISTRATION AND PERSONNEL\***

\* For provision relating to emergency services, see ~~Ch.~~Title 6.08 of this code.

### **CHAPTER 02: CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES**

#### **SECTION 2.02.005: Code Review**

All official boards, commissions, and committees of the City are to formally review the following Code of Ethics provided in this ~~chapter~~Chapter with their members annually during their first meeting in the month of April. New members are to be provided a copy of the Code of Ethics for their review when they are appointed or elected to each board, commission, or committee.  
(Ordinance 1437 § 1, 1975).

#### **SECTION 2.02.010: Declaration of Policy**

The proper operation of municipal government requires that ~~public officials~~Public Officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; and that public office not be used for personal gain.  
(Ordinance 1301 § 1 (part), 1972).

#### **SECTION 2.02.020: Responsibilities of Public Office**

~~Public officials~~Officials are all elective officials of the City and the members of all official boards, commissions, and committees of the City. ~~Public officials~~Officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out the laws of the Nation, State, and Municipality. ~~Public officials~~Officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their offices, regardless of personal considerations; recognizing that the public interest must be their primary concern, and that conduct in both their official and private affairs should be above reproach.  
(Ordinance 1301 § 1 (part), 1972).

#### **SECTION 2.02.030: Dedicated Service**

~~Public officials~~Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other ~~public officials~~Public Officials and employees unless prohibited from so doing by law or the officially recognized confidentiality of their work.  
(Ordinance 1301 § 1 (part), 1972).

#### **SECTION 2.02.040: Fair and Equal Treatment**

Preferential consideration of the request or petition of any individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen.  
(Ordinance 1301 § 1 (part), 1972).

**SECTION 2.02.050: Use of Public Property**

No ~~official~~Public Official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such ~~official~~Public Official or employee in the conduct of official business. No ~~public official~~Public Official or employee shall use the time of any City employee during working hours for personal convenience or profit. (Ordinance 1301 § 1 (part), 1972).

**SECTION 2.02.060: Obligations to Citizens**

- a. ~~Conflict with Proper Discharge of Duties. No public official~~(A) CONFLICT WITH PROPER DISCHARGE OF DUTIES. No Public Official or employee, while serving as such, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature ~~which~~that is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by law.
  
- b. ~~Incompatible Employment. No public official~~(B) INCOMPATIBLE EMPLOYMENT. No Public Official or employee shall accept other employment ~~which~~that he has reason to believe will either impair his independence of judgment as to his official duties or require him or induce him to disclose confidential information acquired by him in the course of and by reason of his official duties.
  
- c. ~~Disclosure of Confidential Information. No public official~~(C) DISCLOSURE OF CONFIDENTIAL INFORMATION. No Public Official or employee shall willfully and knowingly disclose for pecuniary gain to any other person confidential information acquired by him in the course of and by reason of his official duties nor shall any ~~public official~~Public Official or employee use any such information for the purpose of pecuniary gain.
  
- d. ~~Conflict of Interest~~(D) CONFLICT OF INTEREST. A conflict of interest exists in a matter before an officiala Public Official for consideration or determination if:
  - 1. ~~(1) The public official~~Public Official has a substantial financial or substantial personal interest in the outcome or as owner, member, partner, officer, employee, or stockholder of any corporation ~~where his interest exceeds three percent (3%) of the share of the corporation and/or other professional enterprise that will be affected by the outcome, and such interest is or may be adverse to the public interest in the proper performance of governmental duties by the official;~~Public Official;
  
  - 2. ~~He~~(2) The Public Official has reason to believe or expect that he will derive direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity;

3. ~~(3)~~ ~~The public official~~Public Official, because of bias, prejudice, or because he has prejudged a matter set for ~~public hearing~~Public Hearing, is incapable because of such bias, prejudice or prejudgment of granting to the matter before him a fair and impartial hearing.

~~(4)~~ Personal interest as distinguished from financial interest is defined as including, among other matters, an interest arising from blood or marriage relationships, or close business association.

(Ordinance 1301 § 1 (part), 1972).

### **SECTION 2.02.070: Disclosure of Interest and Disqualification**

~~(A)~~ Any councilmanCouncil Member who has a conflict of interest as defined herein, in any matter before the City Council, shall disclose such fact on the ~~records~~record of the City Council and refrain from participating in any discussion of voting thereon, provided that such exceptions shall be observed as are required by law.

~~(B)~~ Any member of any official board, commission, or committee who has a conflict of interest as defined herein in any matter before the board, commission, or committee of which he is a member, shall disclose such fact on the record of such board, commission, or committee and refrain from participating in any discussion or voting thereon, provided that such exceptions shall be observed as are required by law.

~~(C)~~ Any employee who has a financial or other special interest in a matter before the City Council or any board, commission, or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such board, commission, or committee relating to such matter, shall disclose on the record of the City Council or such board, commission, or committee, as the case may be, the nature and extent of such interest.

(Ordinance 1301 § 1 (part), 1972).

### **SECTION 2.02.080: Compliance with State Law**

~~Public officials~~Officials and employees of the City shall comply with applicable provisions of state law relative to conflicts of interest and generally regulating the conduct of ~~public officials~~Public Officials and employees.

(Ordinance 1301 § 1 (part), 1972).

### **SECTION 2.02.090: Violations -- Actions**

The violation of any provision of this ~~chapter~~Chapter shall be:

~~a.~~ ~~(1)~~ As to all City employees, grounds for dismissal from City employment;

~~b.~~ ~~(2)~~ As to any appointed position on any board, commission, or committee, grounds for removal from any such board, commission, or committee;

~~c.~~ ~~(3)~~ As to any prosecution of any elected ~~official~~Public Official, the City Council shall make findings of fact by at least a vote of three (3) City

~~Council members~~Members that an elected ~~official~~Public Official has, in fact, violated this ~~chapter~~Chapter as a prerequisite to prosecution. (Ordinance 1301 § 1 (part), 1972).

**SECTION 2.02.100: State Laws -- Control**

This ~~chapter~~Chapter and its application ~~is~~are intended to be supplemental to and consistent with all applicable state laws. (Ordinance 1301 § 1 (part), 1972).

**SECTION 2.02.110: Violations -- Penalty**

Any person violating any of the provisions of this ~~chapter~~Chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in Section 1.04.010 of this ~~code~~Code. (Ordinance 1301 § 1 (part), 1972).

**CHAPTER 04: CITY COUNCIL\***

\* For statutory provisions prescribing salaries for City Council ~~members~~Members, see Gov. C.A. § ~~36514~~Government Code § 36516.

**SECTION 2.04.010: Meetings**

The City Council shall hold ~~regular meetings~~Regular Meetings on the second and fourth Tuesdays of each month at the hour and place as prescribed by City Council ~~resolution~~Resolution.

(Ordinance 2653 § 1, 2005; Ordinance 2540 § 1, 2001; Ordinance 2486 § 1, 1999; Ordinance 2483 § 1, 1999; Ordinance 2477 § 1, 1999; Ordinance 2410 § 1, 1997; Ordinance 2404 § 1, 1997; Ordinance 2379 § 1, 1997; Ordinance 2317 § 1, 1995; Ordinance 2296 § 1, 1994; Ordinance 2279 § 1, 1993; Ordinance 2259 § 1, 1993; Ordinance 2206 § 1, 1991; Ordinance 2170 § 1, 1991; Ordinance 2068 § 1, 1988; Ordinance 2005 § 1, 1987; Ordinance 1991 § 1, 1987; Ordinance 1772, 1981; Ordinance 1666 § 1, 1978; Ordinance 1508 § 1, 1976; Ordinance 1487 § 1, 1976; Ordinance 1361 § 1, 1973; Ordinance 1332 § 1, 1973; Ordinance 1157 § 1, 1970; Ordinance 1115 § 1, 1970; Ordinance 1001 § 1, 1968; Ordinance 902 § 1, 1966; Ordinance 787A § 1, 1965; Ordinance 787 § 1, 1965; Ordinance 711 § 1, 1964; Prior Code § 2100).

**SECTION 2.04.020: Term ~~limits~~Limits**

a. ~~Purpose and Intent~~(A) PURPOSE AND INTENT. The State Legislature has amended Government Code Section 36502 to provide that cities may enact term limits for ~~Councilmembers~~Council Members, subject to a vote of the people. The City Council finds that it would be sound public policy to establish term limits with respect to the ~~office~~Office of Mayor and ~~Councilmember~~Council Member, pursuant to Government Code Section 36502.

b. ~~Establishment of Term Limits~~(B) ESTABLISHMENT OF TERM LIMITS.

1. ~~Office of Mayor~~(1) OFFICE OF MAYOR. No person shall serve more than four (4) consecutive two- ~~(2)~~ year ~~(2)~~ terms as Mayor. No person who has been appointed to the ~~office~~Office of Mayor for more than one (1) year of an unexpired term shall be eligible for more than three (3) subsequent terms.

2. ~~Councilmember~~(2) COUNCIL MEMBER. No person shall serve more than two (2) consecutive four- ~~(4)~~ year ~~(4)~~ terms as ~~Councilmember~~Council Member. No person who has been appointed to the ~~office~~Office of ~~Councilmember~~Council Member for more than two (2) years of an unexpired term shall be eligible for more than one (1) additional four- ~~(4)~~ year ~~(4)~~ term.

3. ~~Subsequent Terms~~.

(3) SUBSEQUENT TERMS.

A. (a) No person shall be eligible for further election or appointment to the ~~office~~Office of Mayor after completing four (4) consecutive terms in that office, as set forth in ~~subsection~~ ~~(b)~~Subsection (B)(1) above, until not less than two (2) years has or will have elapsed between the most recent date of such person's prior service as Mayor and the effective date of such person's most recent election or appointment to such office.

~~B.~~

(b) No person shall be eligible for further election or appointment to the ~~office~~Office of ~~Councilmember~~Council Member after completing two (2) consecutive terms in that office, as set forth in ~~subsection~~ ~~(b)~~Subsection (B)(2) above, until not less than two (2) years has or will have elapsed between the most recent date of such person's prior service as a ~~Councilmember~~ Council Member and the effective date of such person's most recent election or appointment to such office.

~~C.~~ (c) In the context of election to office, the phrase "two years" as used in this Section 020 shall mean the period between the date of assumption of office by elected officeholders following any general municipal election held in November of any even numbered year and the date of the assumption of office by elected officeholders following any general municipal election held in November of any immediately preceding or immediately succeeding even numbered year, even though such period may be more or less than an actual period of two years. In the context of an appointment to office, the phrase "two years" shall mean two calendar years.

4. ~~Exception~~(4) EXCEPTION. The term limit restrictions set forth in this section shall not be applicable to any person having completed consecutive terms in the ~~office~~Office of ~~Councilmember~~Council Member, desiring to be elected to the ~~office~~Office of Mayor, and vice-versa.

~~e. Prospective Application~~ (C) PROSPECTIVE APPLICATION. Pursuant to Government Code Section 36502(b), this term limit provision shall apply prospectively only.  
(Ordinance approved by voters November 2008; Ordinance approved by voters March 1996).

## **CHAPTER 08: CITY MANAGER\***

\* For statutory provisions regarding the City Manager form of government, see Gov. C.A. Government Code § 34851 et seq.

### **SECTION 2.08.010: Office Created**

The ~~office~~ Office of the City Manager is created and established. The City Manager shall be appointed by the City Council wholly on the basis of his qualified administrative and executive ability. He shall hold office for and during the pleasure of the City Council. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2200).

### **SECTION 2.08.020: Replacement Delay Under New City Council**

When a new City Council takes office following the most recent election and the City Manager under the newly formed City Council is an incumbent, there shall be a cooling-off period of one hundred twenty (120) days, during which time the considered replacement of the City Manager shall be held in abeyance. Such cooling-off period is intended as a time for full recognition and appreciation by the City Council of the range and depth of problems confronting City government and to know and understand the incumbent City Manager's skills in dealing with the City and its problems.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2200.1).

### **SECTION 2.08.030: Eligibility of Council ~~member~~ Member**

No ~~member of the City Council~~ Member shall be eligible for appointment as City Manager until one (1) year has elapsed after such Council ~~member~~ Member's term of ~~Council membership~~ Council membership has ceased.  
(Ordinance 1046 § 1 (part), 1969; Prior Code § 2202).

### **SECTION 2.08.040: Bond**

The City Manager shall furnish a corporate surety bond to be determined and approved by the City Council, and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as herein prescribed. Any premium for such bond shall be a proper charge against the City.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2203).

### **SECTION 2.08.050: Acting City Manager**

The ~~Assistant City Manager shall serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. In the event there is no Assistant City Manager,~~ the City Manager, by filing a written notice with the City Clerk, shall designate a qualified City employee to exercise the powers and perform the duties of City Manager during his temporary absence or disability. In the event

~~of the City Manager's extended absence or disability extends over a two-month period,~~ the City Council may, ~~after the two-month period,~~ appoint an ~~acting~~Acting City Manager.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2204).

#### **SECTION 2.08.060: Compensation**

The City Manager shall receive such compensation as the City Council shall from time to time determine. In addition, the City Manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2205).

#### **SECTION 2.08.070: Powers and Duties**

The City Manager shall be 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~~Chapter. He shall be responsible for the efficient administration of all the affairs of the City ~~which~~that are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and that of his designated representatives to have and exercise the powers set forth in Sections 2.08.080 through 2.08.200.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206).

#### **SECTION 2.08.080: Enforcement Duty**

It shall be the duty of the City Manager to enforce all laws and ~~ordinances~~Ordinances of the City and to see that all franchises, contracts, permits, and privileges granted by the City Council and/or other City boards, commissions, or bodies are faithfully observed. He is empowered to designate City officers or employees of the City to exercise the powers authorized by Section 836.5(a) of the California Penal Code, including the issuance of citations for violations of the provisions of the ~~municipal code~~Municipal Code pursuant to Sections 853.5 and 853.6 of the California Penal Code. He is also responsible for general policy supervision of the public safety functions and primary liaison between these departments and City Council.

(Ordinance 1605 § 1, 1977; Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.1).

#### **SECTION 2.08.081: Training and Education**

Any City officer or employee designated by the City Manager under Section 2.08.080 shall complete such training and education as is required by law prior to assuming any duties under said section.

(Ordinance 1605 § 2, 1977).

#### **SECTION 2.08.082: Limitations**

Any City officer or employee designated by the City Manager under Section 2.08.080 shall have the powers and duties granted by that section only when performing expressly assigned duties. At all other times such officers and

employees shall have no status as a Peace Officer or any powers, authority, or duties of a Peace Officer.  
(Ordinance 1605 § 3, 1977).

**SECTION 2.08.090: Authority Over Employees**

It shall be the duty of the City Manager, and he shall have the authority to control, order, and give directions to all ~~heads of departments~~Department Heads and to subordinate officers and employees of the City under his jurisdiction through their ~~department heads~~Department Heads.  
(Ordinance 1046 § 2 (part), 1969; Prior Code 2206.2).

**SECTION 2.08.100: Power of Appointment and Removal**

It shall be the duty of the City Manager to, ~~and he shall~~ appoint, remove, promote, and demote any and all officers and employees of the City, subject to all applicable ~~personnel ordinances~~Human Resources Ordinances, rules, and regulations. These powers particularly apply to all department and division heads and the primary assistants in the office of the City Manager, who shall not be subject to other ~~ordinances~~Ordinances, rules, or regulations.  
(Ordinance 1062 § 1, 1969; Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.3).

**SECTION 2.08.110: Administrative Reorganization of Offices**

It shall be the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions, or units under his direction as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.4).

**SECTION 2.08.120: Ordinance Recommendations**

It shall be the duty of the City Manager and he shall recommend to the City Council for adoption such measures and ~~ordinances~~Ordinances as he deems necessary.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.5).

**SECTION 2.08.130: Attendance at City Council Meetings**

It shall be the duty of the City Manager to attend all meetings of the City Council unless at his request he is excused therefrom by the Mayor individually, ~~or~~ the City Council, except when his removal is under consideration.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.6).

**SECTION 2.08.140: Financial Reports**

It shall be the duty of the City Manager to keep the City Council ~~at all times~~ fully advised at all times as to the financial condition and needs of the City.  
(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.7).

**SECTION 2.08.150: Budget and Salary Plan Preparation**

It shall be the duty of the City Manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval.



(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.8).

**SECTION 2.08.160: Five-Year Plan Preparation**

It shall be the duty and responsibility of the City Manager to prepare and submit a proposed ~~five-year plan~~ Five-Year Plan for the City. The ~~plan~~ Plan is to include the five-year forecasts with regard to resources (financial, physical, managerial, technical) and their allocation. The ~~five-year plan~~ Five-Year Plan is to be updated and modified annually.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.9).

**SECTION 2.08.170: Expenditure Control and Purchasing**

It shall be the duty of the City Manager to see that no expenditures are submitted or recommended to the City Council except on approval of the City Manager or his designated ~~controller~~ Finance Director. The City Manager, or his representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the City.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.10).

**SECTION 2.08.180: Investigations and Complaints**

It shall be the duty of the City Manager or his designated representative to make investigations into the affairs of the City and any department or division thereof, and any contract or the proper performance of any obligations of the City. Further, it shall be the duty of the City Manager or his designated representative to investigate all complaints in relation to matters concerning the administration of the City government, and in regard to the service maintained by public utilities in the City.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.11).

**SECTION 2.08.190: Public Property Supervision**

It shall be the duty of the City Manager and he shall exercise general supervision over all public buildings, public parks, and all other public property ~~which~~ that is under the control and jurisdiction of the City Council.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.12).

**SECTION 2.08.200: Additional Duties**

It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ~~ordinance~~ Ordinance or ~~resolution~~ Resolution or other official action of the City Council.

(Ordinance 1046 § 2 (part), 1969; Prior Code § 2206.13).

**SECTION 2.08.210: Council-Manager Relations**

The City Council and its ~~members~~ 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~~ Member thereof, shall give orders or instructions to any subordinates of the City Manager. The City Manager

shall take his orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council, and no individual ~~Councilman~~Council Member shall give any orders or instructions to the City Manager. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2207.1 ).

**SECTION 2.08.220: Departmental Cooperation**

It shall be the duty and basic responsibility of all subordinate officers to assist the City Manager in administering the affairs of the City efficiently, economically, and for the good of the city. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2207.2).

**SECTION 2.08.230: Attendance at Commission Meetings**

The City Manager may attend any and all meetings of the ~~Planning Commission, Recreation and Parks Commission, and any other~~any commission, board, or committee created by the City Council, upon his own volition or upon direction of the City Council. At such meetings ~~which~~that the City Manager attends, he shall be heard by such commission, board, or committee as to all matters upon which he wishes to address the members thereof; and he shall inform the members as to the status of any matter being considered by the City Council; and he shall cooperate to the fullest extent with the members of all commissions, boards, or committees appointed by the City Council. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2207.3).

**SECTION 2.08.240: Removal of the City Manager**

The removal of the City Manager shall be effected only by a majority vote of the whole City Council as then constituted, convened in a ~~regular~~Regular City Council ~~meeting~~Meeting, subject to the provisions of this ~~section~~Section and Section 2.08.020. In case of intended removal, the City Manager shall be furnished with a written notice at least sixty (60) days before the effective date of his dismissal stating the City Council's intention to remove him, or, in lieu of notice, ~~sixty days'~~ (60) days pay shall be granted. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2208.1).

**SECTION 2.08.250: Knowledge of Current Methods of Office**

It shall be a basic obligation for the City Manager to continually be aware of the most modern techniques, methods, and programs in the field to ensure the efficient prosecution of his office. He is to be prepared and able to attend schools, conferences, symposiums, etc., which are deemed most valuable, but which do not detract from the execution of his responsibilities. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2209).

**SECTION 2.08.260: Agreements on Employment**

Nothing in this ~~chapter~~Chapter shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this ~~chapter~~Chapter. (Ordinance 1046 § 2 (part), 1969; Prior Code § 2210).

## **CHAPTER 09: CITY ATTORNEY**

### **SECTION 2.09.010: Office of City Attorney Created**

The office of City Attorney, as set forth in Government Code Section 36505, is established. The City Attorney shall be appointed by the City Council wholly on the basis of his qualifications. He shall hold office for and during the pleasure of the City Council.

(Ordinance 2152 § 1 (part), 1990).

### **SECTION 2.09.020: Replacement Delay Under New Council**

When a new City Council takes office following the most recent election, there shall be a cooling-off period of one hundred twenty (120) days, during which time the considered replacement of an incumbent City Attorney shall be held in abeyance. Such cooling-off period is intended as a time for evaluation of the performance of the incumbent City Attorney and his office.

(Ordinance 2152 § 1 (part), 1990).

### **SECTION 2.09.030: Eligibility of ~~Councilmember~~Council Member**

No ~~member of the City Council~~ Member shall be eligible for appointment as City Attorney until one (1) year has elapsed after such ~~Councilmember~~ Council Member's term of ~~councilmembership~~ Council membership has ceased.

(Ordinance 2152 § 1 (part), 1990).

### **SECTION 2.09.040: Bond**

The City Attorney shall furnish a corporate surety bond to be determined and approved by the City Council, and shall be conditioned upon the faithful performance of the duties imposed upon the City Attorney as herein prescribed. Any premium for such bond shall be a proper charge against the City.

(Ordinance 2152 § 1 (part), 1990).

### **SECTION 2.09.050: Acting City Attorney**

a. ~~(A)~~ (B) The ~~Senior Deputy~~ Assistant City Attorney shall serve as City Attorney Pro Tempore during any temporary absence or disability of the City Attorney. In the event that there are two (2) ~~Senior Deputy~~ Assistant City Attorneys or no incumbent occupies such a position, the City Attorney shall file a written notice with the City Clerk to designate the qualified ~~deputy assistant~~ or other attorney to exercise the powers and perform the duties of City Attorney. In the event the City Attorney fails to so appoint, the City Council shall appoint an Acting City Attorney.

b. (B) In the event there is no incumbent in the position of City Attorney, the City Council shall appoint a qualified attorney to act as City Attorney Pro Tempore or permanently.

(Ordinance 2152 § 1 (part), 1990).

**SECTION 2.09.060: Compensation**

The City Attorney shall receive such compensation as the City Council shall from time to time determine. In addition, the City Attorney shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties. (Ordinance 2152 § 1 (part), 1990).

**SECTION 2.09.070: Powers and Duties**

(A) The City Attorney shall represent and defend the City; its boards and commissions; and its officers and employees in all municipal legal matters as required by law and directed by the City Council.

(B) Further, the City Attorney shall perform such other duties related to municipal affairs as may be assigned to him by the City Council and by the City Manager. (Ordinance 2152 § 1 (part), 1990).

**SECTION 2.09.080: Attendance at Meetings**

The City Attorney shall attend such meetings of the City Council and of City boards and commissions as the City Council or the City Manager, with approval of the City Council, shall direct. (Ordinance 2152 § 1 (part), 1990).

**SECTION 2.09.090: Removal**

(A) The removal of the City Attorney shall be effected only by a majority vote of the whole City Council at a ~~regular~~Regular City Council ~~meeting~~Meeting. Not less than thirty (30) days before such action can be taken, the City Attorney shall be given a statement of deficiencies, orally, or in writing, and an opportunity to respond.

(B) The City Attorney may respond to the deficiencies in writing and orally at a City Council session. At the election of the City Council, the performance evaluation shall be held in ~~closed session~~Closed Session, subject only to Brown Act requirements. (Ordinance 2152 § 1 (part), 1990).

**SECTION 2.09.100: Agreements on Employment**

The terms and conditions of employment of the City Attorney shall be established by ~~ordinance~~Ordinance or by ~~resolution~~Resolution of the City Council. (Ordinance 2152 § 1 (part), 1990).

**CHAPTER 12: OFFICES--GENERALLY**

**SECTION 2.12.010: Location**

(A) The head offices of the City shall be located and maintained at the City Hall, ~~11391~~11222 Acacia Parkway, Garden Grove, California.

(B) Other offices and facilities for City agencies, departments, officers, and employees shall be located at the City Hall or in such other places as may be deemed appropriate and established by the City Council.  
(Ordinance 945 § 2 (part), 1967; Prior Code § 2310).

### **SECTION 2.12.020: Holidays -- Hours of Business**

The City offices shall operate on the following schedules or such other schedules as may be deemed appropriate by the City Council:

a.— (A) The City offices shall be closed on Saturdays; Sundays; New Year's Day; Memorial Day; Independence Day; Labor Day; ~~Thanksgiving Day; day after Thanksgiving Day; Christmas Day; Good Friday Noon to 3:00 p.m.; Noon to 5:00 p.m. on the working day before the observed Christmas holiday; and Noon to 5:00 p.m. on the working day before the observed New Year's holiday~~Veteran's Day; Thanksgiving Day; Christmas Eve; Christmas Day; New Years Eve; or other days in lieu of or in addition to these days, as may be deemed appropriate by the City Council.

b.— (B) Except for the days set forth in ~~subsection (a)~~Subsection (A), City offices shall be open for such business from ~~8:00~~7:30 a.m. until ~~5:00 p.m.~~3:30 p.m. Monday through Thursday and 7:30 a.m. until 5:00 p.m. Friday, City Hall closed alternating Fridays, or such other hours as may be established by the City Council or the City Manager.

c.— (C) Other provisions of this ~~section~~Section notwithstanding, the Police Headquarters, the Fire Headquarters, and the Fire Stations shall remain open and operational at all times.  
(Ordinance 1068 § 1, 1969; Ordinance 945 § 1 (part), 1967; Prior Code § 2311).

## **CHAPTER 16: ADMINISTRATION**

### **SECTION 2.16.010: Office of City Manager Established**

There is established, for the proper administration of the City, an Office of City Manager, under the direct supervision of the City Manager.  
(Ordinance 1068 § 2 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2320).

### **SECTION 2.16.020: Functions and Activities of the Office of City Manager**

The functions and duties of this office shall be to assist the City Manager in carrying out the duties and responsibilities outlined in Chapter 2.08. In addition, the functions and duties of this office shall be such as are assigned from time to time by the City Council for the proper and efficient execution of the City's various programs.  
(Ordinance 1068 § 2 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2321).

**~~SECTION 2.16.030: Assistant City Manager~~**

~~The City Manager shall appoint an assistant who shall act for the City Manager in his absence. This assistant shall aid in carrying out the functions and duties of the Office of City Manager and shall perform such other duties as required. (Ordinance 1068 § 2 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2322).~~

**SECTION 2.16.040: Bonds Required**

Individuals filling the following positions shall post bonds in the amount and of the type listed from time to time by ~~resolution~~Resolution of the City Council:

- a. — (1) City Manager
- b. ~~(2)~~ City Controller ~~Finance Director~~
- c. ~~(3)~~ City Treasurer
- d. ~~(4)~~ City Clerk
- e. — (5) Cashier
- f. — (6) Accounting Officer
- g. ~~(7)~~ Senior Accountant
- h. — ~~Manager of Fiscal Services~~ (8) Financial Services Manager
- i. ~~(9)~~ All Computer Programmers
- j. — (10) Anyone having access to City checks.  
(Ordinance 1432 § 1, 1975).

**CHAPTER 20: FISCAL ADMINISTRATION\***

\* For provisions relating to ~~finance~~Finance and ~~revenue~~Revenue, see Title 3 of this code.

**~~SECTION 2.20.010: Office of the Controller~~Finance Department Established**

There is established, for the proper planning, administration, and control of the City's financial affairs, ~~an Office of the Controller~~ a Finance Department. The administrative head shall be entitled "~~Controller~~."Finance Director." (Ordinance 1068 § 3 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2330).

**SECTION 2.20.020: Department Divisions**

In addition to the ~~Controller~~Finance Director's administrative office, the ~~Controller~~Finance Director shall have such divisions as may be established from

time to time and as are necessary for the proper carrying out of the functions, powers and duties assigned to the ~~Controller~~Finance Director under Section 2.20.030 and such other duties as may be required from time to time. (Ordinance 1068 § 3 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2331).

**SECTION 2.20.030: Powers and Duties of ~~Controller~~Finance Director**

On behalf of and under the direction of the City Manager, the ~~Controller~~Finance Director shall have the following powers and duties:

- a.— (1) Control and direct the administration of the financial affairs of the City;
- b.— (2) Compile the annual budget, including income and expenditure estimates;
- c.— (3) Maintain a general accounting system for the City government and each of its offices, departments, and agencies;
- d.— (4) Supervise the obligation and control of the expenditure of all moneys~~monies~~ to insure~~ensure~~ that budget appropriations are not exceeded, and audit and approve before payment by the City Treasurer all demands against the City government;
- e.— (5) Plan, organize, and direct a centralized purchasing program for the City to afford the benefits of competitive bidding, quantity buying, and product testing;
- f.— (6) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements to show the financial condition of the City, and within one hundred twenty (120) days after the close of each fiscal year submit a complete financial statement and report;
- g.— (7) See that all taxes, assessments, license fees, and other revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the county, state, or federal government or from any court, office, department, or agency of the City are collected;
- h.— (8) Supervise the keeping of current inventories of all property of the departments, offices, and agencies of the City;
- i.— (9) Be authorized to pay out, to persons duly entitled thereto, warrants drawn against any special deposit trust funds without appropriation and without advance approval of the City Council;

- j. ~~(10)~~ Be responsible for and carry out the duties generally held by a ~~director of finance~~the Finance Director which are imposed upon the City Clerk in Sections 37201 through 37209 and Sections 40802 through 40805 of the Government Code of the state;
- k. ~~Maintain the quality and extend the utilization of the data processing services of the Data Processing Division through the conduct of studies to reveal application areas in which the adoption of machine methods would be economical;~~
- l. ~~(11)~~ Perform organization methods, procedures, and forms control studies of municipal operations to develop recommendations for the improvement of program administration and performance; and
- m. ~~Supervise real property and right of way acquisition including pertinent studies, records, searches, descriptions, and preparation of deeds and documents. Manage all city owned properties which are leased or rented;~~
- n. ~~(12)~~ Perform such other duties as may be required of him by the City Manager.

(Ordinance 1068 § 3 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2332).

**SECTION 2.20.040: Bonds**

- a. ~~Controller~~(A) FINANCE DIRECTOR. Before assuming the duties of his office, the ~~Controller~~Finance Director shall execute and deliver to the City Clerk a bond conditioned for the faithful performance of the duties of said office in the amount established from time to time by Resolution of the City Council ~~of twenty five thousand dollars (\$25,000)~~, which shall be a legitimate charge against the City.
- b. ~~Treasurer~~(B) TREASURER. Before assuming the duties of his office, the Treasurer shall execute and file with the City Clerk a bond conditioned for the faithful performance of the duties of said office in the amount established from time to time by Resolution of the City Council ~~of twenty five thousand dollars (\$25,000)~~, which shall be a legitimate charge against the City.

(Ordinance 1068 § 3 (part), 1969; Ordinance 945 § 2 (part), 1967; Prior Code § 2333).

**SECTION 2.20.050: Procedure for Establishing Fees for Miscellaneous City Services**

After complying with the ~~public hearing~~Public Hearing and notice requirements set forth in the Government Code, the City Council may establish a fee by ~~resolution~~Resolution for the cost of City services payable by any person for whose benefit the services were performed.



- a.— ~~(1)~~ Before adopting such a ~~resolution~~ Resolution, the City Council shall conduct a noticed ~~public hearing~~ Public Hearing. A summary of the fee ~~resolution~~ Resolution shall be published twice giving notice of the time, date, and place for the ~~public hearing~~ Public Hearing. The first publication shall be at least ten (10) days before the hearing, and the second publication shall be at least five (5) days later.
  - b.— ~~(2)~~ At least ten (10) days before the hearing, a report shall be available to the public. The report shall contain the data indicating the estimated average cost to provide the service for which the fee is levied and the revenue sources anticipated for the services.
  - e.— ~~(3)~~ Any alternative procedure for adoption of fees provided for by state law shall be sufficient compliance with this ~~chapter~~ Chapter.
  - d.— ~~(4)~~ The procedure set forth herein may be used to set fees, as an alternative to any other procedure in this ~~code~~ Code or in any City ~~resolution~~ Resolution.
  - e.— ~~(5)~~ Any judicial action to challenge the validity of a fee established hereunder shall be commenced within one hundred twenty (120) days of the adoption of a fees ~~resolution~~ Resolution.
- (Ordinance 2126 § 1 (part), 1989).

**SECTION 2.20.060: Criteria for Administrative Determination of Fee Schedules**

The City Manager, or his designee, shall submit recommendations for consideration by the City Council for fees to provide for reimbursement for municipal services ~~which that~~ primarily benefit the members of the public served. The schedule of fees for such administrative services shall be structured to provide that all parties using a particular municipal service pay a reasonable share of the related costs thereof. To that end, the following criteria shall be used to determine the appropriate fees and the structure of the fee schedule:

- a.— ~~(1)~~ The actual and direct costs to the City of the service for which the fee is assessed;
- b.— ~~(2)~~ The cost share attributable to particular types of services provided to each ~~benefitted~~ benefited member of the public;
- e.— ~~(3)~~ The capital investment by the City in infrastructure or services directly attributable to the service or product provided;
- d.— ~~(4)~~ The most equitable and refined method of assessing fees for costs~~;~~ however, average costs can be used;

- e. ~~(5)~~ The probable incidental costs related to administering the services;
- f. ~~Costs~~ ~~(6)~~ The costs of fee collection;
- g. ~~A~~ ~~(7)~~ The fee level of the fee which ~~that~~ is sufficiently low so that the public is able to afford the public service for which the fee is charged;
- h. ~~(8)~~ If appropriate, a differential favorable to city residents, giving effect to the financial support by city residents/taxpayers for municipal overhead, including salaries and facilities; and
- i. ~~(9)~~ Such other similar factors as will effectuate the intent of this ordinance Chapter.

(Ordinance 2126 § 1 (part), 1989).

**SECTION 2.20.070: Alternative Procedure--Adoption of Fees by Resolution**

The procedure set forth in this ~~chapter~~ Chapter, including adoption of fees by ~~resolution~~ Resolution, may be used as an alternative procedure to any procedure set forth elsewhere in the City ~~code~~ Code at the option of the City Manager.  
(Ordinance 2126 § 1 (part), 1989).

**CHAPTER 21: COMMITTEES/COMMISSIONS GENERALLY**

**SECTION 2.21.010: Appointment to Commissions**

~~Every Councilmember and the Mayor shall each appoint one (1) member of each commission, committee, or board, subject to a majority vote of approval of the City Council, unless the resolution or ordinance for the creation of the commission, committee, or board provides otherwise, or State or Federal law provides otherwise. Where a commission has more than five (5) members, the Mayor shall appoint all additional members, subject to a majority vote of approval of the City Council.~~

(A) Pursuant to Government Code Section 40605 the Mayor, with the approval of the City council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statue.

(B) On or before December 31st of each year, the City Clerk shall prepare a local appointments list for all regular and ongoing boards, commissions, and committees referred to herein. The local appointment list will contain the following information:

- a. (1) A list of all appointive positions that will expire during the next calendar year, with the name of the incumbent appointee, date of appointment, date the term expires, and the necessary qualifications for the position; and
- b. (2) A list of all boards, commissions, and committees and the necessary qualifications for each position.

(C) The local appointments list shall be made available to the public for a reasonable fee, which shall not exceed the actual cost thereof, and a copy shall be provided to the Garden Grove Regional Branch of the Orange County Public Library.

(Ordinance 2604 § 2, 2003; Ordinance 2314 § 2, 1995; Ordinance 2032 § 1, 1988; Ordinance 2010 § 1, 1987; Ordinance 1628, 1977).

#### **SECTION 2.21.012: Terms of Office**

The term of office for all members of boards, commissions, and committees shall be from the date of appointment to the date of the first meeting of the City Council following each regular municipal election; provided, however, that a member shall remain in office until his or her successor is appointed or as otherwise set forth herein.

(Ordinance 2604 § 3, 2003; Ordinance 2032 § 4 (part), 1988; Ordinance 2010 § 2, 1987).

#### **SECTION 2.21.013: Vacancy**

(A) Whenever an unscheduled vacancy occurs on a board, commission, or committee referred to herein, whether due to resignation, removal, or other cause, a special vacancy notice shall be posted in the ~~office of the City Clerk's Office~~, Information CenterCenters of City Hall, and in such other places as ~~directed by the City Council~~ published in a local newspaper, within twenty (20) days after the vacancy occurs. A final appointment to the board, committee, or commission to fill the vacancy shall not be made for at least ten (10) working days after posting of the notice.

(B) If the City Council determines that an emergency exists, it may fill an unscheduled vacancy immediately. Persons appointed to fill vacancies shall serve on an acting basis until final appointment is made, and in no event longer than the unexpired term unless reappointed.

(Ordinance 2032 § 4 (part), 1988; Ordinance 2010 § 3, 1987).

#### **SECTION 2.21.014: Removal**

If the ~~mayor~~Mayor or council member wishes to remove one of his or her appointees before that ~~appointees~~appointee's term has expired, this action shall be submitted as a ~~regular agenda item~~Regular Agenda Item for a vote by the ~~city council~~City Council. A majority of those voting are required for removal. The exception to this procedure is if a ~~commissioner~~Commissioner is absent without being excused for fails to attend three (3) consecutive meetings. In this case, the ~~appointing mayor or council member may remove the appointee~~Commissioner shall be automatically removed without a vote of the ~~city council~~City Council.

(Ordinance 2604 § 4, 2003; Ordinance 2314 § 3, 1995; Ordinance 2139 § 1, 1990; Ordinance 2032 §§ 3, 4 (part), 1988; Ordinance 2010 § 4, 1987).

#### **SECTION 2.21.015: Qualifications for Members**

Members of all commissions or boards created by ~~ordinance~~Ordinance or ~~resolution~~Resolution shall be and remain residents of the city, who are eligible by reason of age, citizenship, and otherwise to register to vote, with the exceptions hereinafter provided.

a. ~~(1)~~ (1) Minors who are and remain city residents are eligible to serve on the ~~Youth Commission and such other commissions as~~any commission the City Council may create by ~~ordinance~~Ordinance providing for eligibility of minors to serve as commissioners.

b. ~~(2)~~ (2) Nonresidents may serve on the ~~Parking and Main Street Commission~~ and such other commissions as the City Council may create for specialized limited functions, if the City Council finds that the commission is intended to represent and further the interests of a specialized industry, trade, or profession, and that the representation and furtherance will ultimately serve the public interest, as provided in Title 2, California ~~Administrative Code of Regulations~~ Section 18703(e).18707.4.

(Ordinance 2085 § 1, 1989).

#### **SECTION 2.21.016: Member Compensation**

No compensation shall be provided for the members of any of the City commissions or committees that are or may be established pursuant to ~~ordinance~~Ordinance or ~~resolution~~Resolution of the City Council, except where otherwise provided for in said ~~ordinance or resolution.~~Ordinance or Resolution.

(Ordinance 2273 § 17, 1993).

#### **SECTION 2.21.017: Dental Insurance**

All members of any of the City commissions or committees that are or may be established pursuant to ~~ordinance~~Ordinance or ~~resolution~~Resolution of the City Council shall be entitled to participate in the City's dental plan made available to City ~~Councilmembers~~Council Members and City management. Participation in any program shall be voluntary, and at the sole expense of the Commissioner or Committee member.

(Ordinance 2273 § 18, 1993).

### **CHAPTER 24: PLANNING\***

\* For statutory provisions relating to the establishment of a ~~planning agency~~Planning Agency, see ~~Gov. C.A. Government Code~~ § 65100. As to local planning generally, see ~~Gov. C.A. Government Code~~ §§ 65100 et seq.

#### **SECTION 2.24.010: Agency Created**

Pursuant to the provisions of Title 7, Chapter 3 of the Government Code of the state, a Planning Agency is created. The Planning Agency shall consist of the Planning Commission, the Community ~~Development Services~~ Department, and the Planning Coordinating Committee. The Planning Agency shall be responsible to the City Council for recommendations on the development of the community.

(Ordinance 2273 § 5, 1993; Ordinance 1628 § 7, 1977; Ordinance 1213 § 1 (part), 1971; Ordinance 1068 § 5, 1969; Prior Code § 2340).

**SECTION 2.24.020: Commission Created**

Pursuant to the provisions of Title 7, Chapter 3 of the California Government Code, a Planning Commission is created consisting of seven (7) members.  
(Ordinance 2314 § 4, 1995; Ordinance 2273 § 6, 1993; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341).

**SECTION 2.24.030: Qualifications**

All commissioners shall be residents and qualified electors of the city and shall not be employees of the City.

The composition of the Commission shall be such that broad community interests are represented as fully as possible.

(Ordinance 1628 § 8, 1977; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341.1).

**SECTION 2.24.050: Vacancy**

If any member of the Commission ceases to be a resident of the city, or a qualified elector of the city, or becomes an employee of the City, said membership on the Commission shall be terminated and the position declared vacant.

(Ordinance 1628 § 9, 1977; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341.3).

**SECTION 2.24.070: ~~Chairman~~Chair**

At the first ~~regular meeting~~Regular Meeting after January 1st of each year, the Commission shall elect from its membership a ~~chairman~~Chair and a ~~vice-chairman~~Vice-Chair to serve one-year terms. ~~No commissioner shall serve more than two (2) consecutive terms as chairman or vice-chairman.~~

(Ordinance 2087 § 1, 1989).

**SECTION 2.24.080: Meetings**

~~Three~~Four (~~3~~4) members shall constitute a quorum. Meetings shall be held as prescribed by ~~resolution~~Resolution of the City Council. All hearings and meetings of the Commission shall be open to the public and minutes thereof shall be maintained.

(Ordinance 2273 § 7, 1993; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341.6).

**SECTION 2.24.100: Duties**

The duties of the Planning Commission are as follows:

- a.— (1) It shall develop and maintain the Comprehensive General Plan for the city consistent with good environmental, economic, and social planning practices.

- b.— (2) It shall develop plans, policies, standards, and design guidelines for the comprehensive planning, regulation, and development of land uses consistent with the goals of the City.
- e.— (3) It shall periodically review the Capital Improvement Program of the City and make recommendations to the City Council on matters pertaining to the implementation of the Comprehensive General Plan.
- d.— (4) It shall endeavor to promote the City and educate its citizens as to its problems, policies, and programs.
- e.— (5) It shall perform such other functions as are designated by the City Council and the City Manager.
- f.— (6) It shall develop criteria, policies, and development standards for the comprehensive planning, regulation, and development of land uses consistent with the goals of the City concerning waiver procedures and guidelines on its own motion or at the request of the City Council. The Commission shall consider and may recommend changes in these standards and regulations.

(Ordinance 2092 § 4, 1989; Ordinance 2022 § 1, 1987; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341.8).

**SECTION 2.24.110: Staff Services**

Services required for the proper operation of the Planning Commission shall be provided by the Planning Agency staff. The Planning Agency staff shall be designated by the City Manager or his designee.

(Ordinance 1628 § 10, 1977; Ordinance 1213 § 1 (part), 1971; Prior Code § 2341.9).

**CHAPTER 32: MAIN STREET COMMISSION\***

\* For provisions relating to parking in general, see Chapter 10.56 of this Code.

**SECTION 2.32.010: Authority**

(A) The regulations contained in this Chapter are prescribed by the City pursuant to authority provided in Title 4, Division 3, Part 2, Chapter 5 of the California Government Code, in particular Section 37361, et seq., relating to the provision of places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use, which may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both, and the Landscaping and Lighting Act of 1972, Division 15, Part 2, California Streets and Highways Code, Section 22500, et seq.

(B) There exists that certain Main Street Assessment District No. 1 established pursuant to the Landscaping and Lighting Act of 1972, Division 15, Part 2, California Streets and Highways Code, Section 22500, et seq. (Main Street District).

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004; Ordinance 1755 § 1 (part), 1981).

#### **SECTION 2.32.020: Created -- Membership**

The "Main Street Commission for the Main Street District" is established and shall be referred to as the "Main Street Commission." The Main Street Commission shall consist of seven (7) members. The membership shall consist of at least six (6) property owner(s) and/or tenant(s) of business(es) within the Main Street District. One (1) member may be a member-at-large.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004).

#### **SECTION 2.32.030: Appointment Process**

Pursuant to California Government Code Section 40605, Members of the Main Street Commission shall be appointed by the Mayor, subject to approval by the City Council.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005).

#### **SECTION 2.32.040: Term of Office**

The term of office of the Members of the Main Street Commission shall be from the date of appointment to the date of the first meeting of the City Council following each regular municipal election. Members shall hold office until they resign, are removed, or their successors are named and take office.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1; 2004).

#### **SECTION 2.32.050: ~~Chairman~~Chair and Vice-~~Chairman~~Chair**

At the first Regular Meeting after January 1<sup>st</sup> each year, the Members of the Main Street Commission shall select from their membership a Chairman and a Vice ~~Chairman~~ to serve one- (1) year terms.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004; Ordinance 1755 § 1 (part), 1981).

#### **SECTION 2.32.060: Removal**

Members of the Main Street Commission may be removed by the ~~City Council by a~~ Mayor ~~four-fifths (4/5) vote~~ at any time, subject to the approval of the City Council.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004; Ordinance 1755 § 1 (part), 1981).

#### **SECTION 2.32.070: Compensation**

The Members of the Main Street Commission shall serve without compensation.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004).

**SECTION 2.32.080: Meetings Times -- Quorum**

The Main Street Commission shall meet on a bi-monthly basis. A majority of the regular Members of the Main Street Commission shall constitute a quorum. (Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance ~~2627~~2727 § 1, 2004).

**SECTION 2.32.090: Advisory Commission; Duties**

The Main Street Commission is an advisory body; the duties of the Main Street Commission shall be as follows:

~~a.~~(1) Review proposed building design plans and site plans; and make recommendations to the Planning Commission and the Agency for Community Development, as appropriate, relative to the approval, denial, or modification of the plan based upon its conformance with the regulations and criteria of the Main Street Historical-Retail Combining Zone;

~~b.~~(2) Monitor the appearance of the buildings and grounds on Main Street to ensure that the revitalized and restored buildings are maintained in a proper and attractive way;

~~c.~~(3) Advise the City Council regarding the levy of annual assessments for the Main Street Assessment District No. 1 to provide for any proposed new improvements or any substantial changes in existing improvements and changes in level of maintenance from the previous year.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ord 2627 § 1, 2004).

**SECTION 2.32.100: Staff Assistance**

The City Manager may designate an administrative staff member and any other staff members to provide staff assistance to the Main Street Commission as the City Manager deems appropriate.

(Ordinance 2755 § 3 (part), 2009; Ordinance 2654 § 1, 2005; Ordinance 2627 § 1, 2004).

**CHAPTER 34: GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT**

**SECTION 2.34.010: Created**

The City Council, pursuant to Section 33200 of the Health and Safety Code of the State, declares itself to be the redevelopment agency of the City established by Section 33100 of the Health and Safety Code of the State.

(Ordinance 1628 § 15, 1977; Ordinance 1373 § 1 (part), 1974).

**SECTION 2.34.020: Name**

The agency created in Section 2.34.010 shall be known as the "Garden Grove Agency for Community Development," and hereinafter referred to as "the Agency." (Ordinance 1373 § 1 (part), 1974).

**SECTION 2.34.030: Authority**



Except as expressly provided in this ~~chapter~~Chapter, the Agency shall have all the rights, powers, duties, privileges, and immunities set forth in the Community Redevelopment Law of the State.  
(Ordinance 1373 § 1 (part), 1974).

**SECTION 2.34.050: Territorial Limits**

The territorial limits of the Agency shall be in accordance with the provisions of the Community Redevelopment Law of the State.  
(Ordinance 1373 § 1 (part), 1974).

**SECTION 2.34.070: Compensation**

- a.— (A) Pursuant to the authorization of the Health and Safety Code Sections 33114 and 33114.5, the City Council does hereby establish compensation for members of the Garden Grove Agency for Community Development to be at the rate of thirty dollars (\$30) per member for each meeting of the Agency attended by the member.
- b.— (B) No member shall receive compensation for attending more than four (4) meetings during any calendar month.
- c.— (C) In addition, members shall receive their actual and necessary expenses incurred in the discharge of their duties.
- d.— (D) Provisions contained in this section regarding the compensation of thirty dollars (\$30) per meeting shall commence the first meeting of the Garden Grove Agency for Community Development following the municipal election to be held on April 8, 1980.  
(Ordinance 1703 §§ 1-4, 1979).

**CHAPTER 44: PERSONNEL SYSTEM HUMAN RESOURCES**

**SECTION 2.44.010: Short Title**

This ~~chapter~~Chapter shall be known as the ~~Personnel~~Human Resources Ordinance.  
(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.020: Purpose**

In order to establish an equitable, efficient, and uniform procedure for dealing with ~~personnel~~Human Resources matters, and to place municipal employment on a merit basis, so that the best qualified persons available shall be brought into and retained by the service of the City, the ~~personnel system~~Human Resources System in this ~~chapter~~Chapter is adopted.  
(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.030: ~~Personnel Officer~~Human Resources Director -- Powers and Duties**

The City Manager shall be ~~the Personnel Officer~~. With the approval of the City Council, the City Manager may delegate any of the powers and duties conferred

~~upon him as Personnel Officer under this chapter to any other employee of the City, provided that said other employee is qualified by education and/or experience to perform such duties, or the City Manager may recommend that such powers and duties be performed under contract as provided by this chapter. The Personnel Officer shall:~~appoint a Director of Human Resources in accordance with Section 2.08.100. On behalf of and under the direction of the City Manager, the Human Resources Director shall:

- a. ~~(1)~~ (1) Prepare and recommend to the City Council, as required, amendments to this ~~chapter.~~Chapter. The City Attorney shall approve the legality of such amendments prior to their submission to the City Council;
- b. ~~(2)~~ (2) Prepare a salary plan and revisions thereto as required;
- e. ~~(3)~~ (3) Be responsible for administration of the following procedures within the framework of this ~~chapter.~~Chapter:
  - 1. ~~(a)~~ (a) The formulation of titles and specifications for each class of position in the competitive service of the City~~;~~;
  - 2. ~~(b)~~ (b) The allocation of positions to classes in the competitive service on the basis of duties, responsibilities, and requirements~~;~~;
  - 3. ~~(c)~~ (c) The public announcement of vacancies and examinations and the acceptance of applications for employment~~;~~;
  - 4. ~~(d)~~ (d) The preparation and conduct of examinations and the establishment and use of eligibility lists containing names of persons eligible for appointment~~;~~;
  - 5. ~~(e)~~ (e) The certification and appointment of persons from eligibility lists to fill vacancies and the making of temporary and emergency appointments~~;~~;
  - 6. ~~(f)~~ (f) The evaluation of employees during the probationary period and periodically thereafter~~;~~;
  - 7. ~~(g)~~ (g) The transfer, promotion, demotion, discipline, and re-employment of employees in the competitive service~~;~~;
  - 8. ~~(h)~~ (h) The standardization of hours of work, attendance and leave regulations, and working conditions~~;~~;
  - 9. ~~(i)~~ (i) The development of employees' morale, welfare, training, and safety~~;~~;

- ~~10.~~ (j) The separation from the competitive service of employees through layoff and dismissal~~;~~
- ~~11.~~ (k) The maintenance and use of necessary records and forms related to the Personnel~~Human Resources~~ Department~~;~~
- ~~12.~~ (l) The establishment and maintenance of suitable methods of effective communication between employees and their supervisors; between employees and the City Manager; and between employees and the City Council, relating to conditions of employment in the City service~~;~~
- ~~13.~~ (m) The development of a pay and benefit package for management and ~~confidential~~unrepresented employees and the presentation of this package to the City Council~~;~~
- ~~14.~~ (n) The development and administration of the City's Employee/~~Employer~~ Relations Program consistent with the letter and intent of the state law and the City's Employee Relations Resolution~~;~~
- ~~15.~~ (o) The development and administration of policies ~~which~~that assure an unbiased work environment and fully ~~protects~~protect the rights of each employee~~;~~
- (p) The conduct of investigations and inquiries into claims of violation of this Chapter and of the City's Administrative Regulations, Resolutions, Policies and Procedures as they relate to Human Resources; and
- ~~16.~~ Performing(q) The performance of any other related duties as necessitated by State law or action of the City Council~~;~~

~~d.~~ (4) Administer all other provisions of this ~~chapter~~Chapter that are not specifically reserved to the City Council or the City Manager.

(5) Reasonably interpret and apply the provisions of this Chapter. (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.040: Definitions**

Except as otherwise provided in this ~~section~~Section, all words and terms used in this ~~chapter~~Chapter shall have their common dictionary meanings as same relates to ~~personnel policies and procedures.~~Human Resources Policies and Procedures. The following words and terms, however, shall have the meanings as defined hereinafter:

(1) "Acting Appointment" means the appointment of a person to a classification in the City service on an ~~interim~~temporary basis during

which that person will continue to occupy the position from which he/she was appointed, if any.

- (2) "Allocation" means the assignment of a single position to its proper class in accordance with the duties exercised, and the educational and experience requirements; or, the assignment of a class to a salary range or rate.
- (3) "Appointing Authority" means the head of a department. For purposes of this Chapter, the City Manager is the department head of the Office of the City Manager.
- (4) "Appointment" means the employment of a person in a position.
- (5) "At-Will Class" means those classes designated by Resolution of the City Council as having an employment relationship in which the City has the absolute discretion and authority to terminate the relationship for any reason or no reason at all.
- (6) "Authorized Budgeted Position" means those ~~full and part-time~~ positions in the City service ~~which~~that have been authorized by City Council action.
- (7) "Base Salary" means the salary range and step established in a salary resolution by the City Council exclusive of any overtime, shift-differential, incentive, or other type of premium pay an employee may receive.
- (8) "Benefited Part-Time Position" means a position working more than half time, but less than full time and designated by the City Council in the Benefited Part-Time Authorized Position List.
- (9) "Call-Back Duty" occurs when an employee is unexpectedly ordered by his/her department to return to duty, following the termination of his normal work shift or work week and departure from his work location, because of unanticipated work requirements.
- (10) "Class" means the designation by City Council Resolution of a group of positions sufficiently similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the equitable application of common standards of selection and compensation.
- (11) "Classification Plan" means the designation ~~by resolution of the City Council~~ of a title for each class, together with the specifications for each class as prepared and maintained by the ~~Personnel Officer~~Human Resources Director.

- (12) "Class Specifications" means a written description of a class, setting forth the essential characteristics, ~~knowledge~~knowledge, skills, abilities, and requirements of positions in the class.
- (13) "Compensatory Time Off" means time taken off, with pay, from work, in lieu of overtime pay previously accrued by the employee.
- (14) "Compensatory Time Pay" means compensation, in lieu of compensatory time off, at an hourly rate based on an employee's base salary rate.
- (15) "Competitive Service" means all positions in the City service except those ~~specifically excluded by this chapter.~~positions and persons set forth in Section 2.44.050. Appointment to a position in the competitive service requires an open and competitive selection process.
- (16) "Continuous Service" means the employment without break or interruption of an employee having a probationary or regular appointment. A break or interruption in continuous service shall be construed as a severance of the employee from his/her employment initiated by either the City or the employee for periods of more than fifteen (15) consecutive calendar days.
- (17) "Demotion" means the voluntary or involuntary reduction of an employee from a position in one class to a position in another class having a lower maximum salary rate, other than by failure of promotional probation.
- (18) "Dismissal" means the involuntary separation, including layoff, of an employee from the City service.
- (19) "Employee" means a person occupying a position in the City service.
- (20) "Exempt Classes" means those classes of positions that, by the nature of the job requirements, do not earn overtime. These classes include ~~department heads, division heads, and/or assistant department heads and those administrative and supervisory classes designated by the City Council action, that are responsible for the performance of a key departmental function or activity, when appointed on a regular, probationary, acting, or other basis,~~ but are not limited to, Department Heads, Division Heads, Assistant Department Heads, and those classes deemed by the Human Resources Director to be exempt from the overtime requirements of the Fair Labor Standards Act.
- (21) "Full-Time Position" means a position in the competitive service of the City which ~~requires at least forty (40) hours of work per week,~~ designated by the City Council in the Authorized Position List as being full-time.

(22) "Inactive" means a regular, full-time employee who is off work at least six (6) months consecutively due to an industrial injury or disability.

(23) "Incidental Overtime" means the designation given to overtime of less than fifteen (15) minutes, that is nonrecurrent.

~~"Interim Employee" means a person who has been appointed to an interim position.~~

(24) "Limited Term Position" means a full-time position designated in the Authorized Position List as intending to have a total duration of one (1), two (2), or three (3) fiscal years at the conclusion of which the position ceases to exist and the person occupying the position, if any, shall be laid off.

~~"Interim Position" means a full-time or part-time position for a designated period of time which may extend beyond the six-month limit reserved for temporary positions. Interim Positions accrue all fringe benefits and salary increases the same as full-time and part-time permanent positions during the authorized period of employment.~~

(25) "Merit Salary Increase" means the increase of an employee's salary within the salary range established for the class of position he/she occupies as a result of satisfactory job performance in such position.

(26) "Overtime" means the time which an interim, probationary, or permanent that an employee is required to work beyond the number of hours prescribed for a full-time employee in that classification in a week.

(27) "Part-Time Unbenefited Position" means a position not designated by the City Council as a benefited part-time position and is, in the sole discretion of the Human Resources Director, intended as having a work week of fewer hours than the work week established for full-time positions. A part-time position may be either interim, temporary, or permanent. less than an average of twenty (20) hours.

(28) "Permanent Position" means a full-time or part-time position, which is expected to exist indefinitely.

(29) "Position" means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.

(30) "Probationary Appointment" means the probationary employment of a person. A "probationary appointment" A Probationary Appointment is for a specified period, during which job performance is evaluated as a basis for a subsequent regular appointment.

(31) "Probationary Employee" means an employee who has a serving an initial probationary appointment period.

- (32) "Probationary Period" means a working test period that is part of the selection process ~~and during which an employee is required to demonstrate fitness for the duties of the position to which he/ she has been assigned by actual performance of such duties.~~ As used in this ~~chapter~~Chapter, the term "initial probationary period" means an employee's first probationary period during continuous City employment.
- (33) "Promotion" means the advancement of an employee from a position in one class to a position in another class having a higher maximum salary rate.
- (34) "Reclassification" means the reassignment of a position from one class to a different class in accordance with a re-evaluation of the minimum qualifications, duties, and responsibilities of the position.
- (35) "Regular Appointment" means the appointment of a person ~~into~~ a permanent budgeted position. A ~~regular appointment~~Regular Appointment follows successful completion of a probationary period and signifies satisfactory performance of duties and responsibilities in the position to which the employee is assigned.
- (36) "Regular Employee" means an employee who has successfully completed the initial probationary period in a permanent budgeted position.
- (37) "Reinstatement" means appointing a person to a permanent position allocated to a class in which he previously held regular status and from which he was separated in good standing no more than one (1) year prior to the new appointment date.
- (38) "Rejection" means the involuntary separation from the City service of an employee who does not successfully complete his/~~her~~ initial probationary period or an employee who does not complete his probationary period in a position in a different class to which he has been involuntarily demoted, or, ~~the reduction~~return to prior class of an employee who ~~did~~ does not successfully complete his/~~her~~ probationary period in a position in a different class ~~into~~ which he/~~she~~ had previously acquired regular status. has been promoted, transferred, or voluntarily demoted.
- (39) "Resignation" means the voluntary separation of an employee from the City service.
- (40) "Salary Anniversary Date" means the future date on which an ~~interim~~a, probationary, or regular employee is eligible, on the basis of satisfactory job performance for a prescribed period, for a merit salary increase within the salary range established for the class of position he/~~she~~ occupies.

(41) "Salary Plan" means the assignment by City Council ~~resolution~~Resolution of salary ranges and/or salary rates to each class.

(42) "Salary Range" means the range of salary rates for a class.

(43) "Salary Rate" means the dollar amount of each step in a salary range; or the flat dollar amount for a class not having a salary range.

(44) "Salary Step" means the minimum through maximum salary increments of a salary range.

(45) "Standby Duty" means that an employee who is released from duty is required by his/~~her~~ department to leave notice where he/~~she~~ can be reached and that he/~~she~~ be available to return to duty when required. "Standby Duty" requires that an employee 1) be ready to respond immediately, 2) be reachable by phone, 3) be able to report within a specified period of time, and 4) refrain from activities ~~which~~ that might impair his ability to perform assigned duties.

~~"Temporary Appointment" means an appointment to a temporary or permanent position for a period of six (6) months or less which may be extended by the City Manager for a maximum of an additional six (6) months.~~

(46) "Temporary Employee" means a person who has been appointed to a temporary position or to a permanent position for a limited period.

(47) "Temporary Position" means a full-time or part-time position ~~of limited duration designated by the appointing authority as intending to have a~~ duration of less than one (1) year.

(48) "Termination" means the separation of an employee from the City service because of retirement, resignation, death, or dismissal.

(49) "Title," "Class Title," "Title of Class" means the official name applied to a class and to each position allocated to the class, and to the incumbent of each position.

(50) "Transfer" means a change of an employee from one position to another position in the same class, or in another class having substantially the same maximum salary rate, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.

(51) "Y-Rate" means an employee's salary is frozen at the present level until such time as subsequent general salary increases cause the salary range for the employee's class to catch-up or exceed the employee's salary at the "Y" rate.

(Ordinance 1756 § 1 (part), 1981).



**SECTION 2.44.050: Competitive Service --Chapter Exemptions**

The provisions of this chapter, the salary plan and the classification plan, shall apply to all following officials and employees in are excluded from the competitive service of the City, except the following:

- a.— (1) Elective officers;
  - b.— (2) Members of appointive boards, commissions, and committees;
  - e.— (3) Persons engaged under contract to supply expert, professional, or technical services for a definite period of time;
  - d.— (4) Volunteer personnel who receive no regular compensation from the City;
  - (5) Persons appointed to a position in a class that is designated by City Council Resolution as an "at-will" class;
  - (6) Temporary employees, and
  - (7) Employees in part-time unbenefited positions.
- (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.060: Appointment to Competitive Service**

All appointments to positions within the competitive service of the City shall be made according to merit and fitness to be ascertained as far as practicable by the selection process and shall comply with Sections 2.44.070 through 2.44.130. (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.070: Request to Fill Vacancy**

Whenever a ~~department head~~ an Appointing Authority wishes to fill a vacant position in the competitive service, he/she shall submit a written request to fill the vacancy to the ~~Personnel Officer~~ Human Resources Director, which then must be approved by the City Manager. (Ordinance 1756 § 1 (part), 1981 ).

**SECTION 2.44.080: Certification of Eligibles**

When a request by a ~~department head~~ an Appointing Authority to fill a vacant position in the competitive service has been approved, the ~~Personnel Officer~~ Human Resources Director shall forward to the ~~department head~~ Appointing Authority an eligibility list of persons eligible for appointment to the vacant position. (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.090: Appointments**

- a.— Below Level of Department Head: (A) BELOW LEVEL OF DEPARTMENT HEAD. All appointments to ~~positions in the competitive service below the level of department head~~ Department Head shall be made by the ~~head of the department~~ Appointing Authority subject to the approval of the Personnel

~~Officer~~Human Resources Director and in accordance with the rules of the City Council as established by ~~ordinance and resolution~~. ~~Department heads~~Ordinance and Resolution. An Appointing Authority shall appoint only from among those persons who have been certified to them by the ~~Personnel Officer~~Human Resources Director as being eligible for the particular class of employment. Appointments shall be made in writing on forms prescribed by the ~~Personnel Officer~~Human Resources Director. Copies of the appointment, signed by the ~~department head~~Appointing Authority and approved by the ~~Personnel Officer~~Human Resources Director, shall be delivered to the ~~Controller~~Finance Director before payment shall be made to any employee occupying a position in the competitive service.

b. ~~(B)~~ DEPARTMENT HEADS - ADMINISTRATIVE POSITIONS. ~~The titles for Department Heads~~Administrative Positions. ~~The titles for department heads and other administrative positions shall be as prescribed by City Council resolution~~the classification plan and appointments to positions therein shall be made in accordance with Section 2.08.100.

e. ~~City Manager~~(C) CITY MANAGER. The appointment of the City Manager shall be as stated in Section 2.08.010. (Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.100: Acting Appointment Assignment of Current Employee**

In accordance with this ~~code~~Code, an employee may be ~~appointed~~assigned by the ~~department head~~Appointing Authority, with the approval of the Director of Human Resources, to serve in an ~~acting~~Acting capacity as defined in Section 2.44.040. ~~An acting appointment~~An Acting assignment shall not exceed a period of six (6) months unless the ~~City Manager~~Director of Human Resources extends an ~~acting appointment~~Acting assignment for a maximum of another six (6) months. The employee so acting shall continue to retain his/her previous anniversary date and his/her advancement in his/her previous position shall be determined the same as if he/she had not been ~~appointed~~assigned to another position in an ~~acting~~Acting capacity. An employee shall no longer hold an ~~acting appointment~~Acting assignment whenever another person is appointed to the position in which he/she served in an ~~acting~~Acting capacity or whenever the ~~department head~~Appointing Authority terminates such ~~acting appointment~~Acting assignment. (Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.110: Temporary Appointment**

~~In the absence of persons eligible for a probationary appointment to a permanent or temporary position, a temporary appointment~~A Temporary Appointment may be made, subject to the approval of the ~~Personnel Officer~~Human Resources Director, of a qualified person for not more than ~~six (6) months~~except as may be otherwise permitted by action of the City Managerone (1) year. (Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.120: Probationary Appointment Following Temporary Appointment or Acting Assignment**

(A) Whenever an ~~interim or a~~ temporary employee or regular employee serving in an Acting Assignment, serving without a break in service, is, upon the recommendation of his/her ~~department head~~ Appointing Authority and approval by the ~~Personnel Officer~~ Human Resources Director, given a ~~probationary appointment~~ Probationary Appointment to a position in the same class in the City service, his/her ~~the~~ probationary period may be computed from the initial date of said ~~interim or temporary appointment; or acting assignment.~~

(B) The provision in this ~~section~~ Section pertaining to eligibility for advancement within a salary range shall not apply when an ~~interim or a~~ temporary employee in a class received, without break in his/her continuous City service, a ~~probationary appointment~~ Probationary Appointment to a permanent position in a different class having a higher salary range. The salary anniversary date of such appointee shall be the date of his/her ~~this~~ probationary appointment to the new position.

(Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.130: Pre-Employment Medical and/or Physical Examination**

Prior to appointment to a position in the competitive service, a person may be required to pass a medical, psychological, and/or physical examination to the satisfaction of the ~~Personnel Officer~~ Human Resources Director. The scope and type of examination is to be determined by the ~~Personnel Officer~~ Human Resources Director. If a person fails to pass such an examination, he/she may be disqualified from consideration for employment. All such pre-employment examinations shall be conducted at City expense.

(Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.140: Number and Classification of Positions**

a. ~~City Council Authority to Specify.~~ (A) CITY COUNCIL AUTHORITY TO SPECIFY. The number and classification of full-time permanent positions in the various ~~city~~ City departments and offices shall be set forth by ~~resolution~~ Resolution of the City Council. The City Council may increase or decrease by official action the number of positions in any department or office. Appointments to full-time permanent positions shall not be made in excess of the number of full-time positions allowed by official action of the City Council.

b. ~~Authorization to Maintain Reserve Police Force.~~ (B) AUTHORIZATION TO MAINTAIN RESERVE POLICE FORCE. The Police Chief is authorized to maintain a reserve police force not to exceed in size at any time the total number of authorized full-time permanent sworn positions in the Police Department.

c. ~~Authorization to Establish Interim Positions.~~ (C) AUTHORIZATION TO ESTABLISH LIMITED TERM POSITIONS. Interim Limited term positions may be authorized by City Council action, and shall specify a term of one (1), two (2), or three (3) fiscal years. Appointments to interim limited term positions shall ~~not be made in excess of number of positions or the time periods authorized by the City Council.~~ be made in the same manner as for regular

positions. Limited term positions accrue all benefits and salary increases the same as full-time and part-time permanent positions for the duration of the position.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.150: Salary Ranges and Rates**

The establishment of salary ranges and salary rates and the allocation of classes thereto shall be by ~~resolution of the City Council~~: Resolution.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.160: Administration of Salary Plan**

Administration of the ~~salary plan~~ Salary Plan shall be in accordance with Sections 2.44.170 through 2.44.340.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.170: Salary at Appointment**

Except as otherwise provided by this ~~chapter~~ Chapter, all new employees shall be appointed at the first step of the salary range for the particular class in which the appointment is made. The ~~City Manager~~ Human Resources Director may authorize the appointment of a new employee at the first, second, or third step of the salary range for the particular class in which the appointment is made. The City ~~Council~~ Manager may authorize ~~by resolution or minute order~~ that a particular position be filled at any step within the salary range.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.175: Probation**

a. ~~Initial Probationary Period.~~ (A) INITIAL PROBATIONARY PERIOD. Every person receiving an appointment to a permanent or limited term position in the competitive service which has not been designated as temporary or less than half time shall be required to serve an initial probationary period of ~~six~~ six (6) ~~months~~ years, commencing on the date of appointment, except ~~public safety employees~~ sworn police personnel, whose initial probationary period shall be ~~as follows:~~ eighteen (18) months commencing on the date of appointment.

1. ~~Sworn fire personnel, one (1) year commencing on the date of appointment;~~
2. ~~Sworn police personnel, eighteen (18) months commencing on the date of appointment.~~

b. ~~Probationary Period Following Promotion.~~

(B) PROBATIONARY PERIOD FOLLOWING PROMOTION.

1. (1) REGULAR EMPLOYEE. A ~~regular employee~~ Regular Employee who is promoted to a position in which he has not previously passed probation shall serve a ~~probationary period~~ Probationary Period of six (6) months in

the new position to which he/she has been promoted, commencing on the date of such promotion, except as follows:

(a) Sworn fire positions shall require a one (1) year Probationary Period;

(b) Sworn police positions shall require an eighteen- (18) month Probationary Period.

2. ~~Probationary Employee.~~ (2) PROBATIONARY EMPLOYEE. A probationary employee who is promoted to a position in a class with a higher salary range shall complete the ~~probationary period~~ Probationary Period of six (6) months required of employees with regular status who have been promoted, except as follows:

(a) Sworn fire positions shall require a one (1) year Probationary Period;

(b) Sworn police positions shall require an eighteen- (18) month Probationary Period.

e. ~~Effect of Leave of Absence on Probationary Period. The granting of any leave of absence without pay~~ (C) EFFECT OF LEAVE OF ABSENCE ON PROBATIONARY PERIOD. Any absence exceeding fifteen (15) consecutive calendar days shall cause the employee's ~~probationary period~~ Probationary Period to be extended by the number of calendar days for which such ~~leave of absence~~ has been granted, less the first fifteen (15) calendar days of such leave.

d. ~~Extension of Probationary Period.~~ (D) EXTENSION OF PROBATIONARY PERIOD. A department head ~~An Appointing Authority~~ may extend, without the employee having the right of appeal or hearing, the ~~probationary period~~ Probationary Period of a probationary employee for up to six (6) months, provided:

1. ~~A six (6) month probationary employee has been absent from a probationary position in excess of fifteen (15) working days other than those days that are granted as paid holidays or paid vacation leave by the City.~~

2. ~~A one (1) year probationary employee has been absent from a probationary position in excess of thirty (30) working days other than those days that are granted as paid holidays or paid vacation leave by the City.~~

3. ~~An eighteen (18) month probationary employee has been absent from a probationary position in excess of forty five (45) working days other than those days that are granted as paid holidays or paid vacation leave by the city.~~

e. ~~Rejection of Employee During Probationary Period:~~

(E) REJECTION OF EMPLOYEE DURING PROBATIONARY PERIOD.

1. ~~Probationary Employee.~~ (1) PROBATIONARY EMPLOYEE. A probationary employee Probationary Employee may be separated from City service at any time during the probationary period at the sole discretion of the Appointing Authority with the approval of the Human Resources Director without right of appeal or hearing.

~~2. Regular employee.~~

~~(2) REGULAR EMPLOYEE-PROMOTION. A regular employee promoted to a position in another classification and who is rejected from this position during the probationary period prescribed in this chapter may be restored to the position from which he was promoted. When a Regular Employee fails his promotional probation, the employee shall have the right to return to his former class and position. When an employee is returned to his former class and position under the provisions of this Section, the employee shall serve the remainder of any uncompleted probationary period in the former class. If the employee's former position is no longer vacant the employee shall have the right to return to a class in his former occupational series closest to, but no higher than, the salary range of the class which the employee occupied immediately prior to promotion and shall serve the remainder of any probationary period not completed in the former class.~~

~~(3) REGULAR EMPLOYEE-VOLUNTARY DEMOTION. A Regular Employee voluntarily demoted to a position in another classification and who is rejected from this position during the Probationary Period prescribed in this Chapter shall be restored to the position from which he was demoted or to any other class with substantially equivalent salary.~~

~~f. Application of Probationary Status to Reinstated Employees.~~

~~(F) APPLICATION OF PROBATIONARY STATUS TO REINSTATED EMPLOYEES. A person reinstated in the same or a lower level classification within the same classification series, who held regular status and who was separated in good standing, shall not be required to serve a probationary period Probationary Period if such reinstatement occurs within one (1) year from the date of separation.~~

~~(Ordinance 1756 § 1 (part), 1981).~~

#### **SECTION 2.44.180: Advancement Within Salary Range**

~~Advancement within a salary range Salary Range shall be authorized only after the affirmative recommendation of the department head Appointing Authority and with the approval of the Personnel Officer. Only interim, probationary, and permanent employees holding positions allocated to a salary range shall be eligible for such advancement. Human Resources Director. Such recommendation may be made only on the basis of satisfactory job performance. The City Manager may advance an employee within the assigned salary range as deemed appropriate on the basis of exceptional employee performance and merit.~~

~~(Ordinance 1756 § 1 (part), 1981).~~

#### **SECTION 2.44.190: Salary Anniversary Date**

~~a. Appointment at First Step of Salary Range. (A) APPOINTMENT AT FIRST STEP OF SALARY RANGE. A person appointed at the first step of the salary range for the class to which his/her position is allocated shall have a salary~~

anniversary date ~~which that~~ shall be six (6) months from the date of his/her appointment to said position.

- b. ~~Appointment Above First Step of Salary Range.~~ (B) APPOINTMENT ABOVE FIRST STEP OF SALARY RANGE. A person appointed at a step higher than the first step of the salary range for the class to which his/her position is allocated shall have a salary anniversary date ~~which that~~ shall be one (1) year from the date of this appointment to said position.  
(Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.200: Advancement Procedure**

The following provisions shall govern the normal advancement procedures for employees assigned to positions having a salary range:

- a. ~~Notification of Eligibility to Department Head.~~ (1) NOTIFICATION OF ELIGIBILITY TO APPOINTING AUTHORITY. Thirty (30) days prior to each employee's salary anniversary date, and annually thereafter until the employee reaches the maximum step of the salary range for his/her class, the ~~Personnel Officer~~ Human Resources Director shall advise the ~~department head~~ Appointing Authority in writing of the employee's pending eligibility for a merit salary increase. The ~~department head~~ Appointing Authority shall subsequently advise the ~~Personnel Officer~~ Human Resources Director in writing prior to the employee's salary anniversary date whether or not he recommends advancement of the employee to the next higher step in the appropriate salary range.
- b. ~~Notification of Authorization to Controller.~~ (2) NOTIFICATION OF AUTHORITY TO FINANCE DIRECTOR. If the ~~department head~~ Appointing Authority recommends the advancement of the employee to the next higher salary step, the ~~Personnel Officer~~ Human Resources Director shall notify the ~~Controller~~ Finance Director in writing of the approved merit salary increase and such notification shall constitute authorization for the ~~Controller~~ Finance Director to make payment to the employee at the specified higher rate. Such payment shall commence at the start of the pay period nearest to the employee's salary anniversary date.
- c. ~~Postponement of Merit Salary Increase.~~  
(3) POSTPONEMENT OF MERIT SALARY INCREASE. If a ~~department head~~ recommends An Appointing Authority may recommend that advancement of the employee to the next higher salary step be postponed pending further review of the employee's job performance, ~~the employee will not be assigned a new salary anniversary date providing that said postponement does not exceed a period of three (3) months. If, during or~~ at the conclusion of the period of postponement, the ~~department head~~ Appointing Authority recommends that the employee be advanced to next higher salary step, the ~~Personnel Officer~~ Human Resource Director shall notify the ~~Controller~~ Finance Director in writing and such notification constitutes authorization for the ~~Controller~~ Finance Director to make

payment to the employee at the specified higher rate. Such payment ~~increase shall commence~~ be effective at the beginning of the nearest next pay period. ~~If said postponement exceeds three (3) months, the employee will be assigned a new salary anniversary date which shall be the date to which his/her previous salary anniversary date was postponed.~~

d. ~~Failure to Notify Department Head of Employee's Eligibility.~~

(4) FAILURE TO NOTIFY APPOINTING AUTHORITY OF EMPLOYEE'S ELIGIBILITY. Should an employee's salary anniversary date be overlooked through error, and upon discovery of the error the employee is recommended for a merit salary increase, the ~~Controller~~ Finance Director shall honor a supplemental payment compensating the employee for the additional salary he/she should have received dating from the start of the pay period nearest to his/her salary anniversary date.

e. ~~Error in Determination of Correct Salary Rate.~~ (5) ERROR IN DETERMINATION OF CORRECT SALARY RATE.

Should an employee be advanced to a higher step in the salary range for his/her class than for which he/she was recommended through error, such error shall be corrected immediately following its discovery. ~~Reimbursement to the City by the employee for said error shall be made by one of the following methods or a combination thereof:~~

- ~~1. Application of accrued equivalent time off for overtime service;~~
- ~~2. Application of equivalent time off for overtime service earned during the year immediately following the date of the discovery of said error;~~
- ~~3. Application of the increase in the employee's salary following his/her next merit salary increase; or~~
- ~~4. Any other method mutually agreed to. Determination of which one or combination of the above methods of reimbursement should be used shall be made by the department head subject to the approval of the Personnel Officer. Should the employee terminate before full reimbursement to the City has been made, the money required to complete reimbursement shall be deducted from his/her final pay check.~~

f. ~~Adjustment in Salary Anniversary Date Due to Leave of Absence.~~ (6) ADJUSTMENT IN SALARY ANNIVERSARY DATE DUE TO LEAVE OF ABSENCE.

The granting of any ~~leave~~ Leave of absence ~~Absence~~ without pay exceeding fifteen (15) consecutive calendar days shall cause the employee's salary anniversary date to be postponed by the number of calendar days for which such leave of absence has been granted, less the first fifteen (15) calendar days of such leave. The employee shall be assigned a new salary anniversary date ~~which that~~ shall be the date to which his/her previous salary anniversary date has been postponed.

(Ordinance 1756 § 1 (part), 1981).

## **SECTION 2.44.210: Salary on Promotion**



Any employee who is appointed to a position in a class allocated to a higher salary range than the class in which he/she formerly occupied a position shall receive the nearest higher monthly salary which is at least five percent (5%) higher than his/her previous base salary, including any special assignment pay currently in effect, but in no case shall he/she be compensated above the top step of the new salary range unless the City Council grants specific approval. Payment in such new salary range shall ~~begin on the nearest~~ be effective at the beginning of the next pay period in which the appointment became effective as indicated on the City Personnel Action Form. The effective date of the promotion shall be the employee's new salary anniversary date.

(Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.220: Salary on Transfer**

Any employee who is transferred from one ~~position to another in the same class or to another position in a class having~~ substantially the same salary range shall be compensated at the same step in the salary range as he/she previously received. "Substantially the same" means a variance of no more than five percent (5%). The employee's salary anniversary date shall remain the same as it was before transfer. (Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.230: Salary Upon Appointment to a Position in an Acting Capacity**

- a. ~~Basic Compensation.~~ (A) BASIC COMPENSATION. An employee who is appointed to serve in an acting capacity shall be compensated at five percent (5%) higher than his/her base salary in his/her current position at the time of such appointment; provided, however, that he/she shall in no case receive less than the amount paid for the first step of the position to which he/she is so appointed. If the salary paid at the first step is less than five percent (5%) higher than the employee's base salary, then the salary of the next regular step for the acting position shall be paid. In no case shall he be compensated above the top step of the new salary range.
- b. ~~No Merit Increase for Acting Capacity.~~ (B) NO MERIT INCREASE FOR ACTING CAPACITY. A person appointed in an acting capacity Acting Capacity shall be eligible to receive merit increases in his/her permanent position during the acting appointment, but shall not be entitled to merit increases in the position ~~which~~ that he/she holds in an acting capacity.

(Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.240: Salary on Reinstatement**

A person reinstated in a position allocated to a class in which he/she previously held regular status and from which he was separated in good standing may, with the approval of the ~~City Council~~ Human Resources Director and pursuant to the recommendation of the Personnel Officer and the head of the department ~~the~~ Appointing Authority of the department to in which he/she would be reinstated, be appointed to the same step of the salary range for the particular class of position at

the step ~~which~~that he/she occupied at the effective date of his separation resignation. Upon reinstatement ~~the employee'~~ the employee's leave accrual rates shall be the same as existed prior to his separation-resignation, and his seniority shall be computed from the date of original appointment less the time between separation resignation and reinstatement. The employee's salary anniversary date shall be the effective date of the reinstatement. This Section shall not apply to persons reinstating from or to a part-time position, nor shall it apply to retired employees returning to work pursuant to California Government Code Section 21221 or California Government Code Section 21224. (Ordinance 1756 § 1 (part), 1981).

#### **SECTION 2.44.250: Salary on Demotion**

The salary of an employee who is demoted to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall be determined as follows:

- a. ~~Involuntary Demotion.~~ (1) INVOLUTARY DEMOTION. An employee who is involuntarily demoted to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall have his/her monthly salary reduced to the nearest lower monthly salary rate in the salary range for the class to which he/she has been demoted. In lieu of a reduction in salary, the City Manager may approve a "Y" rate for the employee. A "Y" rate exists when the employee's salary is frozen at the present level until such time as subsequent general salary increases catch-up or exceed the employee's salary at the "Y" rate. He/she shall not be required to serve a probationary period in the lower position unless he/she has not completed his initial probationary period as required by this ~~chapter~~Chapter. In such case, he/she will be required to complete his/her probationary period in the lower position. ~~The effective date of this demotion shall become his/her new~~ The employee shall retain the salary anniversary date and he/she shall subsequently earn eligibility for merit salary increases as provided by this chapter he had in the higher position.
  
- b. ~~Voluntary Demotion.~~ (2) VOLUNTARY DEMOTION. An employee who is demoted at his/her own request to a position in a class allocated to a lower salary range than the class in which he/she formerly occupied a position shall have his/her monthly salary reduced to the nearest lower monthly salary in the salary range for the class to which he/she has been demoted. In lieu of a reduction in salary, the City Manager may approve a "Y" rate for the employee. A "Y" rate exists when the employee's salary is frozen at the present level until such time as subsequent general salary increases catch-up or exceed the employee's salary at the "Y" rate. He/she shall ~~not~~ be required to serve a probationary period of six (6) months in the lower position ~~unless he/she has not completed his/her initial probationary period as required by this chapter.~~ In such case, he/she will be required to complete his/her probationary period in the lower position. The employee shall retain the salary anniversary date he/she had in the higher position.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.260: Changes in Salary Allocation**

Whenever a classification is reallocated to a new salary range, the salary of any employee in that classification (except an employee in an acting capacity) shall be determined as follows:

- a. ~~Allocation to a Higher Salary Range.~~ (1) ALLOCATION TO A HIGHER SALARY RANGE. If the class is reallocated to a higher salary range, the employee shall be compensated at the step in the new salary range ~~which~~that is most nearly equivalent to ~~what~~that he/she was receiving in the range to which the class was previously allocated. With the approval of the ~~Personnel Officer~~Human Resources Director, the employee may be compensated at the same step in the new salary range as he/she was receiving in the range to which the class was previously allocated. The employee's anniversary date shall not change.
  
- b. ~~Allocation to a Lower Salary Range.~~ (2) ALLOCATION TO A LOWER SALARY RANGE. If the class is reallocated to a lower salary range, the salary of the employee shall not change unless it is greater than the maximum step of the lower salary range, in which case it shall be reduced to the maximum step of the new range. The employee's salary anniversary date shall not change.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.270: Salary on Position Reclassification**

The salary of an employee in a position that is reclassified shall be determined as follows:

- a. ~~Class With Same Salary Range.~~ (1) CLASS WITH SAME SALARY RANGE. If the position is reclassified to a class with the same salary range as the previous class, and if the incumbent is appointed to the reclassified position, the salary rate and the salary anniversary date of the employee shall not change. This provision shall also apply to the change of class title, provided there is no change in the basic duties of the position.
  
- b. ~~Class With Higher Salary Range.~~ (2) CLASS WITH HIGHER SALARY RANGE. If the position is reclassified to a class with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he/she shall be compensated at the step in the new salary range ~~which~~that comes nearest to, but not less than, five percent (5%) higher than the step he/she held in the previous salary range. The salary anniversary date of the employee ~~servicing in an acting capacity shall be re-established based on the provisions of Section 2.44.230.~~ shall not change.
  
- c. ~~Class with Lower Salary Range.~~ (3) CLASS WITH LOWER SALARY RANGE. If the position is reclassified to a class with a lower salary range

than the previous class, and if the incumbent is appointed to the reclassified position, his/her salary shall not change unless it is greater than the maximum step of the lower salary range, in which case it shall be reduced to the maximum step of the new range. In lieu of a reduction in salary, the City Manager may approve a "Y" rate for the employee. A "Y" rate exists when the employee's salary is frozen at the present level until such time as subsequent general salary increases catch-up or exceed the employee's salary at the "Y" rate. The incumbent's salary anniversary date shall not change. ~~The salary of the employee serving in an acting capacity shall be re-established based on the provisions of Section 2.44.230.~~

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.280: Reduction in Salary**

Any employee who is being paid on a salary step higher than the first step of a salary range may be reduced by one or more steps on the recommendation of the ~~head of the department in which he is employed~~Appointing Authority and with the approval of the Director of Human Resources and the City Manager. The effective date of the salary reduction shall be the employee's new salary anniversary date. (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.290: City Council Authority to Specify Salary**

Notwithstanding anything in the ~~chapter~~this Chapter to the contrary, the City Council may by ~~resolution~~Resolution, upon recommendation of the City Manager, specify that the incumbent of a particular position shall occupy a step on the salary range for that class either higher or lower than that provided for elsewhere in this ~~chapter~~Chapter. (Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.300: Compensation for Part-Time and Temporary Employment**

a. ~~Part-Time Employee Hourly Rate.~~(A) PART-TIME EMPLOYEE – HOURLY RATE. A part-time employee, whether benefited or unbenefited, shall be compensated at the hourly rate to which his/her particular class has been allocated by City Council ~~resolution~~Resolution. If an hourly rate has not been so allocated, a part-time employee shall be paid an hourly rate equivalent to the monthly salary to which he/she would be entitled under the provisions of this ~~chapter~~Chapter were he/she a full-time employee.

b. ~~Part Time Employee Benefits.~~  
(B) PART-TIME EMPLOYEE – BENEFITS.

~~1.(1) Sick Leave. Part time regular and interim employees working more than half time, but less than full time in authorized budgeted positions~~ Benefited Part-Time Employees shall be eligible for one- half the time accruing to full-time regular employees for sick leave benefits. Three Half of the six days accrued may be used for family sick leave. Part-time unbenefited employees ~~not employed in a regularly budgeted position~~ are ineligible for sick leave benefits.

~~2.(2) Holidays. Part-time regular and interim employees working more than half-time, but less than full-time in authorized budgeted positions Benefited Part-Time Employees shall accrue one-half the normal holiday entitlement of a full-time employee. Part-time unbenefited employees not employed in a regularly budgeted position are ineligible for holiday benefits.~~

~~3.(3) On-the-Job Injury Leave. Part-time regular and interim employees working more than half-time but less than full-time in authorized budgeted positions Benefited Part-Time Employees shall accrue one-half the normal on-the-job injury entitlement of a full-time employee. Part-time unbenefited employees not employed in a regularly budgeted position are eligible for on-the-job injury benefits in accordance with the provisions of state law.~~

~~4. (4) Vacation. Part-time regular and interim employees working more than half-time, but less than full-time in authorized budgeted positions Benefited Part-Time Employees shall be eligible for one-half the time accruing to full-time regular employees for vacation benefits. Anniversary dates shall be determined according to time elapsed from date of appointment. Part-time unbenefited employees not employed in an authorized budgeted position are ineligible for vacation benefits.~~

~~c. Part-Time Employee – Salary Increases.(C) PART-TIME EMPLOYEE – SALARY INCREASES. A part-time employee will be eligible for a merit step increase from A step to B step upon working three hundred (300) hours and six (6) months. The employee will thereafter be eligible for each subsequent merit increase after working six hundred (600) hours and one (1) year.~~

~~d. Temporary Employee. (D) TEMPORARY EMPLOYEE. Temporary Persons employed on a temporary basis employees shall be compensated at the daily rate which is the equivalent of the first step of the salary range to which their particular class is allocated. Where, however, the ~~Personnel Officer~~Human Resources Director has determined that it is extremely difficult to secure competent persons for such temporary employment at such a daily rate, the ~~City Manager~~Human Resources Director may authorize payment at a daily rate equivalent to one of the higher steps of the salary range to which the class is allocated. Temporary employees are not eligible for sick leave, holiday, and/or vacation benefits. (Ordinance 1756 § 1 (part), 1981).~~

### **SECTION 2.44.310: Additional Compensation**

Notwithstanding anything in this ~~chapter~~Chapter to the contrary, when in the judgment of the City Council it becomes necessary or desirable to utilize the service of City employees in capacities other than those for which they are regularly employed, the City Council may, by ~~minute order~~Minute Order, so authorize and fix an additional rate of compensation for such employees, and they shall be paid in accordance with the provisions of this ~~chapter~~Chapter. (Ordinance 1756 § 1 (part), 1981).

### **SECTION 2.44.320: Salary Payment Procedure**

- a. ~~Intent of Salary Plan.~~ (A) INTENT OF SALARY PLAN. Whenever compensation is fixed for a class by ~~resolution of the City Council~~ Resolution, such compensation is the monthly salary to be paid to a person in a position allocated to the class unless otherwise stated.
- b. ~~Salary Payment Schedule.~~ (B) SALARY PAYMENT SCHEDULE. All personnel in ~~positions designated as either permanent, interim, part-time, or temporary~~ shall be paid on a biweekly basis.
- c. ~~Source of Compensation.~~ (C) SOURCE OF COMPENSATION. Compensation for all personnel in the competitive service of the City shall be paid out of the General Fund or such other fund as may be provided by City ~~ordinance~~ Council Ordinance or City Council ~~resolution~~ Resolution, upon certification by the department head Appointing Authority to the ~~Controller~~ Finance Director.
- d. ~~Termination Procedure.~~ (D) TERMINATION PROCEDURE. Whenever a person terminates his/her employment with the City, or has been dismissed by the head of the department, the department head Department Head, the Appointing Authority for which the employee worked shall immediately notify the ~~Personnel Officer~~ Human Resources Director of such separation in writing. The ~~Personnel Officer~~ The Human Resources Director shall advise the ~~Controller~~ Finance Director of such action, whereupon the ~~Controller~~ Finance Director shall instruct that a warrant be drafted and issued to the terminated individual compensating him/her for the period of time and/or pay due him/her up to the time of separation.  
(Ordinance 1756 § 1 (part), 1981).

**~~SECTION 2.44.330: Salary for Portion of Pay Period~~**

~~A regular or probationary employee serving on a full-time basis who works less than a full biweekly pay period, except when on authorized leave of absence with pay, shall receive as compensation for such period an amount equal to that portion of the established monthly salary as the number of days worked bears to the number of actual working days in such employee's normal work schedule for such biweekly pay period. The number of days worked in such biweekly pay period shall include paid holidays authorized by this chapter.  
(Ordinance 1756 § 1 (part), 1981).~~

**SECTION 2.44.340: Leaves**

For the purpose of computing entitlement to leaves of absence, vacation, and sick leave: an employee's continuous service shall be based on the effective date on which he/she receives his/her initial probationary appointment to the competitive service.  
(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.350: On-the-Job Injury Leave**

- a. ~~Compensation~~ (A) COMPENSATION. Whenever any employee, except sworn Police and Fire sworn personnel and those employees listed in subsection ~~(c)~~ Subsection (C) of this section ~~Section~~, is compelled by direction of his/her physician to be absent from duty on account of injury arising out of and in the course of his/her City employment, he/she shall receive full compensation during the first three (3) calendar days of such absence. Thereafter, during such absence, he/she may elect to apply prorated accrued sick leave to such absence and to receive compensation ~~therefor~~ thenceforth in the amount equal to the difference between the compensation to which he/she is entitled under the California Worker's Compensation Law and his/her regular City salary, not to exceed the amount of his/her earned sick leave. If the employee does elect and has applied his/her sick leave to such absence, then he/she shall be entitled to receive a cumulative total of six (6) months' of such combined compensation for absences following and related to the occurrence of a specific injury. Such compensation shall be in an amount equal to the difference between the compensation to which he/she is entitled under the California Worker's Compensation Law and his/her regular City salary.
- b. ~~Accrual of Leave Benefits~~ (B) ACCRUAL OF LEAVE BENEFITS. Subject to the provisions of subsection ~~(c)~~ Subsection (C) of this section ~~Section~~, any probationary or permanent employee shall continue to accrue vacation, holidays, and sick leave and to earn eligibility for consideration for merit salary increases during an absence resulting from an on-the-job injury providing he/she receives compensation payments under the provisions of the California Worker's Compensation Law.
- c. ~~Accrual of Benefits for Part Time and Temporary Employees~~ (C) ACCRUAL OF BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES. ~~Part~~ Benefited part-time employees working at least half time but less than full time shall accrue one-half the benefits as indicated in subsection ~~(b)~~ Subsection (B) of this section ~~Section~~ applying to full-time employees. ~~All part-time employees working less than half time, all part-time employees not employed in a regularly budgeted position, Part-time unbenefited employees and temporary employees shall be ineligible for the benefits.~~ benefits indicated in Subsection (B).

(Ordinance 1756 § 1 (part), 1981).

### **SECTION 2.44.360: Outside Employment**

- a. ~~General Policy~~ (A) GENERAL POLICY. ~~An~~ A full-time employee in the competitive service shall not engage in any paid employment, activity or enterprise ~~which~~ that is inconsistent, incompatible, or in conflict with his/her duties, functions or responsibilities as a City employee, nor shall he/she engage in any outside activity ~~which~~ that will directly or indirectly contribute to the lessening of his/her effectiveness as a City employee. The Appointing Authority must expressly approve any outside paid employment, activity or enterprise. Such approval shall not be unreasonably withheld.
- b. ~~Determination of Inconsistent Activities~~ (B) DETERMINATION OF INCONSISTENT ACTIVITIES. In making a determination as to the consistency

or inconsistency of outside activities, the ~~appointing authority~~Appointing Authority shall consider, among other pertinent factors, whether the activity:

- ~~1.~~ (1) Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act ~~which~~that the employee, if not performing such act, would be required or expected to ~~render~~ perform in the regular course or hours of his/~~her~~ City employment or as a part of his/~~her~~ duties as a City employee. ; or,
- ~~2.~~ (2) Involves the performance of an act in other than his/~~her~~ capacity as a City employee, ~~which~~ act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by ~~which~~that he/~~she~~ is employed; or,
- ~~3.~~ (3) Involves conditions or factors ~~which~~that would probably directly or indirectly lessen the efficiency of the employee in his/~~her~~ regular City employment, or conditions in which there is a substantial danger of injury or illness to the employee; or,
- ~~4.~~ (4) Involves the use for private gain or advantage of City time, facilities, equipment and supplies, prestige, ~~or~~ influence of one's City office or employment.

~~e.~~ ~~Improper Use of City Equipment Prohibited.~~ (C) IMPROPER USE OF CITY EQUIPMENT PROHIBITED.

(1) No City-owned equipment, autos, trucks, instruments, tools, supplies, machines, or other item ~~which~~that is the property of the City shall be used by any employee except upon prior approval of the ~~appointing authority.~~Appointing Authority.

(2) No employee shall allow any unauthorized person to rent, borrow, ~~or~~ use any of the items mentioned above unless upon prior approval of the ~~appointing authority.~~Appointing Authority.

~~d.~~ ~~Violations and Penalties.~~ (D) VIOLATIONS AND PENALTIES. Any violation of the provisions of this ~~section~~Section respecting outside employment or activity, or improper use of City equipment, shall constitute grounds for disciplinary action, ~~including~~ immediate dismissal of a City employee who commits such violation.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.370: Disciplinary Actions**

~~a.~~ ~~Standards of Conduct.~~ (A) STANDARDS OF CONDUCT. Except as provided below the tenure of every City employee shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action, which



shall be commensurate with the seriousness of the offense and with due consideration of the employee's prior performance record.

(B) EXCEPTIONS TO THE STANDARDS OF CONDUCT. The tenure of at-will employees, probationary employees, temporary employees, part-time unbenefited employees, and members of appointive boards, commissions, and committees shall be at the pleasure and sole discretion of the Appointing Authority.

~~b. Alteration of Personnel Records.~~ (C) ALTERATION OF HUMAN RESOURCES RECORDS. Any employee who willingly and improperly alters, changes, deletes, or falsifies or willingly and improperly causes any alteration, change, deletion, or falsification of any ~~personnel~~ Human Resources record or records shall be subject to disciplinary action.

(Ordinance 1756 § 1 (part), 1981).

### **SECTION 2.44.380: Disciplinary Procedures**

(A) Except for those types of employees exempted in Section 2.44.370 (B), the following procedure shall be followed when, in the judgment of the department head ~~Appointing Authority~~, an employee has committed an act or omission that ~~justified~~ justifies the disciplinary action indicated. ~~In the case of any member of the staff of the City Manager's office, the City Manager shall, for the purpose of this section, be considered to be a department head.~~ Except for written warnings/reprimands, the ~~department head~~ Appointing Authority or his/her designee shall advise employees of contemplated disciplinary actions in writing and allow the employee an opportunity to respond to such charges prior to taking action.

~~1. (1) Warning/Reprimand. If the warning/reprimand~~ Warning/Reprimand is in writing, the ~~department head~~ Appointing Authority shall give the employee a copy and forward a copy to the ~~Personnel Officer~~ Human Resources Director for review and retention in the employee's personal history file. A written ~~warning/reprimand~~ Warning/Reprimand shall contain a description of the events ~~which~~ that necessitated the action, specific expectations of change by the employee, notice of further action in the event a change by the employee does not occur, and, if applicable, reference to the appeal procedure as contained in Section 2.44.390.

~~2. Extra Duty. In the event of the suspension of an employee, the department head may offer an option to the employee to work extra duty, in lieu of suspension. The employee involved shall have the option to accept or refuse such extra duty, without prejudice to his/her appeal rights as prescribed in Section 2.44.390.~~

~~3. (2) Suspension. A department head~~ An Appointing Authority may suspend an employee ~~with or without pay from his/her position for the good of the City service or for just cause.~~ The ~~department head~~ Appointing Authority shall advise the ~~Personnel Officer~~ in writing of such action and shall give a copy of such statement to the ~~employee.~~ Human Resources Director in writing of his intention to suspend

an employee, stating the reasons therefore, prior to taking such action. Upon approval of the Human Resources Director, the Appointing Authority shall give a copy of said written notice of intended suspension to the employee and forward a fully-executed copy to the Human Resources Director for review and retention in the employee's personnel file. The written statement shall contain a description of the events which that necessitated the suspension, a statement of the charges, notification that the employee may review available materials leading to on which the suspension is based, the right of the employee to meet with the department head Appointing Authority or to respond in writing within a reasonable time frame to the charges, notice of further action in the event a change by the employee does not occur, and, if applicable, reference to the appeal procedure as contained in Section 2.44.390. Unless extended by approval of the City Manager on written recommendation of the department head Human Resources Director and the Appointing Authority, the maximum period of suspension shall be thirty (30) calendar days.

(3) Reduction in Pay. An Appointing Authority may reduce the salary of an employee for just cause. The Appointing Authority shall advise the Human Resources Director in writing of his intention to reduce the salary of an employee by reassigning the employee to a lesser step on his pay scale, stating the reasons therefore, prior to taking such action. Upon approval of the Human Resources Director, the Appointing Authority shall give a copy of said written notice of intended salary reduction to the employee and forward a fully-executed copy to the Human Resources Director for review and retention in the employee's personnel file. The written statement shall contain a description of the events that necessitated the reduction in pay, a statement of the charges, notification that the employee may review materials on which the reduction in pay is based, the right of the employee to meet with the Appointing Authority or respond in writing within a reasonable time frame to the charges, notice of further action in the event a change by the employee does not occur, and, if applicable, reference to the appeal procedure in Section 2.44.390.

4. (4) Demotion. A department head An Appointing Authority may demote an employee for just cause. The Appointing Authority shall advise the Personnel Officer Human Resources Director in writing of his intention to demote an employee, stating the reasons therefore, prior to taking such action. In demoting an employee, the department head shall make an order in writing and Upon approval of the Human Resources Director, the Appointing Authority shall give a copy of said order for written notice of intended demotion to the employee and forward a fully-executed copy to the Personnel Officer Human Resources Director for review and retention in the employee's personal history personnel file. The written statement shall contain a description of the events which that necessitated the demotion, a statement of the charges, notification that the employee may review available materials leading to on which the demotion is based,

the right of the employee to meet with the ~~department head~~Appointing Authority or respond in writing within a reasonable time frame to the charges, notice of further action in the event a change by the employee does not occur, and, if applicable, reference to the appeal procedure in Section 2.44.390.

~~5.— (5) Dismissal. A department head shall advise the Personnel Officer~~An Appointing Authority may dismiss an employee for just cause. The Appointing Authority shall advise the Human Resources Director in writing of his intention to dismiss an employee, stating the reasons therefore, prior to taking such action unless there are reasonable circumstances which that prohibit such notification. ~~In dismissing an employee, the department head shall make an order in writing stating specifically the cause for dismissal. The department head~~Upon approval of the Human Resources Director, the Appointing Authority shall give a copy of said order for written notice of intended dismissal to the employee and forward a copy to the Personnel Officer fully-executed copy to the Human Resources Director for review and retention in the employee's personal personnel history file. The written statement shall contain a description of the events that necessitated the dismissal, a statement of the charges, notification that the employee may review available materials leading to on which the dismissal is based, the right of the employee to meet with the ~~department head~~Appointing Authority or respond in writing within a reasonable time frame to the charges, notice of further action in the event a change by the employee does not occur, and, if applicable, reference to the appeal procedure in Section 2.44.390.

(Ordinance 1756 § 1 (part), 1981).

### **SECTION 2.44.390: Appeal Procedure**

(A) The appeal procedure described herein shall apply to cases of disciplinary action or in individual classification problems, resulting in suspension, reduction in pay, demotion or otherwise affecting the regular full-time employee, or dismissal. It shall not be applicable to written reprimands unless otherwise required by law. It shall not be applicable to those positions which may be deemed exempt by City Council resolution or to at-will employees, probationary employees, temporary employees, part-time unbenefited employees, or members of appointive boards, commissions, and committees.

~~1. (B) Following a review of a proposed disciplinary action by the employee's immediate supervisor and department head, the Personnel Officer, where indicated~~Skelly meeting, if requested by the employee, and/or a review of any documents or statements provided by the employee, the Human Resources Director shall cause to be served on the employee affected, by registered mail or personal delivery, a statement signed by the department head or Personnel Officer of the specific charges against the employee or the reason for the classification actionAppointing Authority of the final discipline, if any, imposed. This statement shall clearly inform the employee that he/she has the right,

within seven (7) working days after receipt of this notice, to request a hearing ~~on the charges or classification action, appeal the decision~~ by filing the request a notice of appeal with the City Manager, Human Resources Director.

2.— (C) If within the seven (7) day appeal period the employee involved does not file said notice of appeal, unless good cause for the failure is shown, the action of the City Manager Appointing Authority shall be considered conclusive and shall take effect as prescribed by him/her with no further right of appeal.

3.— (D) If within the seven (7) day appeal period, the employee involved files such notice of appeal, there shall be created an ad hoc Personnel Appeals Board, who shall be selected as follows: a Hearing Officer shall be selected by mutual consent of the Human Resources Director and the Appellant from a panel submitted by the American Arbitration Association or such other source as is mutually agreeable.

- A.— ~~The City Council shall appoint one (1) person, not directly or indirectly involved in municipal operations;~~
- B.— ~~The appellant shall appoint one (1) person, not directly or indirectly involved in municipal operations;~~
- C.— ~~Both of the above members of the ad hoc Personnel Appeals Board shall select a third member from a panel submitted by the American Arbitration Association. The Board shall select its own chairman;~~

D.— (E) The cost of the ~~appeal proceedings~~ Hearing Officer shall be shared equally by the City and the appellant Appellant, unless otherwise required by law.

4.— ~~Within five (5) days after the formation of the ad hoc Personnel Appeals Board it shall fix the hearing date. This hearing shall be a public hearing, unless the employee requests a closed hearing.~~

5.— (F) At least seventy two (72) ~~hoursten~~ (10) working days prior to the hearing, the employee Appellant shall have the right to submit to the City Manager Human Resources Director the names and addresses of City employee witnesses to testify in his/her on his behalf. These witnesses shall be subpoenaed by the City Manager made reasonably available by the City for their presence at the hearing.

6.— (G) The employee Appellant shall have the right to be represented at the hearing, which shall not be bound by technical rules of evidence.

7.— (H) ~~Within five (5) days after~~ After the conclusion of the hearing, the ad hoc ~~Personnel Appeals Board~~ Hearing Officer shall notify the employee involved Appellant and the City Manager of its Human Resources Director of his decision. This decision shall be subject to review by the City Manager and City Council, with the review limited to the record regarding hearing procedures.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.400: Abolition of Position**

a. ~~Procedure~~ (A) PROCEDURE.

(1) Whenever in the judgment of the City Manager it becomes necessary in the interest of economy or because the necessity for a position no longer exists, the City Manager may abolish a position in the competitive service and lay off, demote, or transfer the employee holding such position without granting the right of appeal to said employee.

(2) Seniority and competency shall be observed in effecting a reduction in personnel. ~~Layoff~~ Layoffs shall be made within classes of positions and all employees with temporary appointments to positions in the affected class or classes shall be laid off prior to the layoff of any probationary or regular employee. For layoff purposes, competency of a person shall be determined by the ~~head of the department~~ Department Head in which the person is employed.

b. ~~Re-employment.~~ (B) RE-EMPLOYMENT.

(1) The names of employees laid off shall be placed upon re-employment lists for classes ~~which~~ that, in the opinion of the ~~Personnel Officer~~ Human Resources Director, require basically the same qualifications and duties and responsibilities as those of the class of position from which layoff was made.

(2) Names of persons laid off shall be placed upon re-employment lists in order of their seniority and competency, and shall remain on such lists for a period of one (1) year unless re-employed sooner. For re-employment purposes, competency of a person laid off shall be determined by the ~~head of the department~~ Department Head in which such person worked.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.410: Nondiscrimination**

(A) No person in the competitive service, or seeking admission thereto, shall be favored or discriminated against in his/~~her~~ employment because of race, color, sex, national origin, age, marital status, religion, handicap, medical condition, ancestry, sexual orientation, or political opinions/affiliations.

(B) This ~~chapter~~ Chapter shall be deemed to contain the language required by Sections 45050 and 45051 of the Government Code subject to the exceptions contained in Sections 45052, 45053, and 45054 of the Government Code.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.420: Right to Contract for Special Service**

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the development and administration of any phase of the ~~personnel~~ Human Resources program and the City Council may contract for the performance of such services with any qualified person or agency.

(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.430: Appropriation of Funds**

The City Council shall appropriate such funds as are necessary to carry out the provisions of this ~~chapter~~Chapter.  
(Ordinance 1756 § 1 (part), 1981).

**SECTION 2.44.440: Nepotism Policy**

a- (A) For the purpose of this section, a "relative" is defined as a spouse; parent (including foster); sibling (including foster and step); children (including adoptive, foster, or step); in-laws; grandparent or grandchild; aunt or uncle; niece or nephew.

b- (B) No City official or employee shall participate in making, or advising on, employment decisions concerning a relative with regard to employment in the City.

c- (C) No person shall be disqualified from employment in the City, or be given special consideration for employment, by virtue of the fact that the person is a relative of another person employed in the City or a relative of any person serving as a City Council Member or Commissioner.

d- (D) Nothing herein shall prevent the Mayor or ~~member of the City Council~~ Members from voting on warrants for payment occurring in the regular course of events as part of a consent calendar on the City Council Agenda.  
(Ordinance 2661, 2005; Ordinance 2570 § 1, 2002; Ordinance 2517 § 1, 2000).

**CHAPTER 48: LAW ENFORCEMENT TRAINING\***

\*For statutory provisions regarding standards for recruitment and training, see Penal ~~C.A.Code~~ Code §13522.

**SECTION 2.48.010: Adherence to State Standards**

Pursuant to Section 13522 of the Penal Code of the ~~State~~state, the City, while receiving aid from the ~~State~~state, pursuant to Chapter 1 of Title 4, part 4 of the Penal Code, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.  
(Ordinance 570 § 2, 1962; Ordinance 570A § 2, 1962).

**CHAPTER 50: PURCHASE AND SALE OF PROPERTY**

**SECTION 2.50.010: Adoption of Purchasing System**

To establish efficient procedures for the purchase of supplies, services, and equipment; to secure for the City supplies, services, and equipment at the lowest possible cost commensurate with quality needed; to exercise positive financial control of purchases; to clearly define authority for the purchasing function; and to assure the quality of purchases a purchasing system is hereby adopted.  
(Ordinance 1274 § 1 (part), 1972).

**SECTION 2.50.020: Purchasing Authority**

As established in Chapter 2.20, the ~~Controller~~Finance Director shall have the following authority, any part of which may be delegated to the Purchasing Division:

- a.— (1) Purchase or contract for supplies, services, and equipment required by any using agency in accordance with purchasing procedures prescribed by this ~~chapter~~Chapter, such administrative regulations as he shall adopt for the internal management and operation of the Purchasing Division, and such other rules and regulations as shall be prescribed by the City Council or City Manager;
- b.— (2) Negotiate and recommend execution of contracts for the purchase of supplies, services, and equipment;
- c.— (3) Act to procure for the City the needed quality in supplies, services, and equipment at the least expense to the City;
- d.— (4) Discourage uniform bidding and endeavor to obtain as fully and open competition as possible on all purchases;
- e.— (5) Prepare and recommend to the City Council through the City Manager, rules governing the purchase of supplies, services, and equipment for the City;
- f.— (6) Prepare and recommend to the City Council through the City Manager, revisions and amendments to the purchasing rules;
- g.— (7) Keep informed of current developments in the field of purchasing, prices, market conditions, and new products;
- h.— (8) Prescribe and maintain such forms as reasonably necessary to the operation of this ~~chapter~~Chapter and other rules and regulations;
- i.— (9) Supervise the inspection of all supplies, services, and equipment purchased to insure conformance with specifications;
- j.— (10) Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment ~~which~~that cannot be used by any agency or ~~which~~that have become unsuitable for City use; and
- k.— (11) Maintain a bidder's list, vendor's catalog file, and records needed for the efficient operation of the Purchasing Division.

(Ordinance 1274 § 1 (part), 1972).

### **SECTION 2.50.030: Exemptions from Centralized Purchasing**

The ~~Controller~~Finance Director may authorize any department or division to purchase or contract for specified supplies, services, and equipment independently of the Purchasing Division; but he shall require that such purchases or contracts be made in conformity with the procedures established by this ~~chapter~~Chapter.

(Ordinance 1274 § 1 (part), 1972).

**SECTION 2.50.040: Estimates of Requirements**

All using agencies shall file detailed estimates of their requirements in supplies, services, and equipment in such manner, at such time, and for such future periods as the ~~Controller~~Finance Director shall prescribe.

(Ordinance 1274 § 1 (part), 1972).

**SECTION 2.50.050: Requisitions**

Using agencies shall submit requests for supplies, services, and equipment to the ~~purchasing division~~Purchasing Division by standard requisition forms.

(Ordinance 1274 § 1 (part), 1972).

**SECTION 2.50.060: Bidding**

Purchases of supplies, services, equipment, and the sale of personal property shall be by bid procedures pursuant to Sections 2.50.100 and 2.50.110. Bidding may be dispensed with only when:

- a.—~~(1)~~ The amount is less than twenty-five thousand dollars (\$25,000); ~~or~~
- b.—~~(2)~~ The Finance Director determines that the supplies, services, and equipment are urgently required and the amount involved is less than five thousand dollars (\$5,000); ~~or~~
- c.—~~(3)~~ An emergency requires that an order be placed with the nearest available source of supply; or
- d.—~~(4)~~ The Finance Director determines that the commodity can be obtained from only one vendor.

(Ordinance 2674 § 1, 2005; Ordinance 1987 § 1, 1987; Ordinance 1319 § 1, 1973; Ordinance 1274 § 1 (part), 1972).

**SECTION 2.50.070: Emergency Purchase Justification**

- a.—~~(A)~~ When bidding procedures are dispensed under Section ~~2.60.060(a)~~,2.50.060, the department ~~which~~that places such orders with the nearest available source of supply must submit a written justification to the Purchasing Division ~~with~~within forty-eight (48) hours explaining the emergency conditions necessitating the placement of said order.
- b.—~~(B)~~ In cases of an emergency, when repair or replacements are necessary, the City Council may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.