

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council Meetings
- 2.06 City Administrator/City Manager
- 2.08 Transfer of Functions
- 2.16 Unclaimed Property
- 2.20 Community Redevelopment Agency
- 2.24 Planning Commission
- 2.28 Official Bonds
- 2.32 Law Enforcement Officers
- 2.34 Selection and Training Standards of Safety Dispatchers
- 2.40 Employee Retirement Contract
- 2.44 Civil Defense
- 2.45 Employer-Employee Relations
- 2.48 Personnel System

Chapter 2.04

CITY COUNCIL MEETINGS*

Sections:

- 2.04.010 Time designated.
- 2.04.020 Place designated.

* For statutory provisions on the time and place of meetings, see Gov. Code §54954.

2.04.010 Time designated.

The city council shall, from time to time, set the date and time for regular city council meetings by the adoption of a resolution. (Ord. 329 §1, 2003: Ord. 319 §1, 2001: Ord. 249 §1, 1991: Ord. 137 §2, 1978: Ord. 54 §2, 1966).

2.04.020 Place designated.

The City Council Chambers, 200 Campus Drive, Arvin, California, is established as the meeting place of the Arvin city council. (Ord. 319 §2, 2001: Ord. 137 §3, 1978: Ord. 54 §3, 1966).

Chapter 2.06

CITY ADMINISTRATOR/CITY MANAGER

I
CITY MANAGER

Sections:

- 2.06.010 Office created.
- 2.06.020 Residence.
- 2.06.030 Eligibility.
- 2.06.040 Bond.
- 2.06.050 Acting city manager.
- 2.06.060 Compensation.

II
POWERS AND DUTIES

Sections:

- 2.06.070 Powers and duties.
- 2.06.080 Enforcement of franchises, etc.
- 2.06.090 Authority over employees.
- 2.06.100 Power of appointment and removal.
- 2.06.110 Administrative reorganization of offices.
- 2.06.120 Ordinances recommended for adoption.
- 2.06.130 Attendance at council meetings.
- 2.06.140 Financial reports.
- 2.06.150 Budget.
- 2.06.160 Purchasing.
- 2.06.170 Investigations and complaints.
- 2.06.180 Public buildings.
- 2.06.190 Hours of employment.
- 2.06.200 Additional duties.

III
INTERNAL RELATIONS

Sections:

- 2.06.210 Council and manager relations.
- 2.06.220 Departmental cooperation.
- 2.06.230 Attendance at commission meetings.

IV
REMOVAL PROCEDURE

Sections:

- 2.06.240 Removal of manager.
- 2.06.250 Discretion of council.
- 2.06.260 Hearing.
- 2.06.270 Suspension pending hearing.
- 2.06.280 Limitation on removal.

V
MISCELLANEOUS PROVISIONS

Sections:

- 2.06.290 Agreements on employment.
- 2.06.300 Confirming amendments.

I
CITY MANAGER

2.06.010 Office created.

The office of the city manager is hereby created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications, and shall hold office for and during the pleasure of the city council. (Ord. 183 §1, 1983).

2.06.020 Residence.

Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within ninety (90) days thereafter the city manager must become a resident of the city, unless the city council approves his residence outside the city. (Ord. 183 §2, 1983).

2.06.030 Eligibility.

No member of the city council shall be eligible for appointment as city manager until one (1) year has elapsed after such council member shall have ceased to be a member of the city council. (Ord. 183 §3, 1983).

2.06.040 Bond.

The city manager may be required to furnish a corporate surety bond to be approved by the city council, in such sum as may be determined by the city council, and which 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. (Ord. 183 §4, 1983).

2.06.050 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 a letter filed with the city clerk, shall designate a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. This letter is to be filed after approval of the city council, or if the city council does not approve any such designee then it may designate such person. In the event the city manager's absence or disability extends over a one-month period, the city council may, after the one (1) month period, appoint an acting city manager. (Ord. 183 §5, 1983).

2.06.060 Compensation.

A. The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine, and the compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate.

B. In addition, said city manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties, including those incurred when traveling on business pertaining to the city, reimbursement shall only be made, however, when an itemized claim setting forth the sums expended has been presented to and approved by the city council.

C. On termination of employment of the city manager by reason of involuntary removal from service other than for wilful misconduct in office, the city manager shall receive lump sum cash severance pay in the amount provided in the written employment agreement between the city and the city manager, which shall not exceed an amount equal to twelve (12) months' pay computed at the highest salary

received by the city manager during his service with the city. Involuntary removal from service shall include resignation because of reduction in pay not applicable to all employees of the city. (Ord. 338, 2004; Ord. 183 §6, 1983).

II. POWERS AND DUTIES

2.06.070 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. He shall be responsible for the efficient administration of all affairs of the city which 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 he shall have the powers set forth in Sections 2.06.080 through 2.06.200. (Ord. 183 §7(part), 1983).

2.06.080 Enforcement of franchises, etc.

It shall be the duty of the city manager to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed. (Ord. 183 §7.1, 1983).

2.06.090 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 and to subordinate officers and employees of the city under his jurisdiction through their department heads, except the city attorney, and the city clerk as to the conduct of those duties imposed by the Government Code. (Ord. 200, 1984: Ord. 183 §7.2, 1983).

2.06.100 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, except the city attorney, subject to all applicable personnel ordinances, rules and regulations, and subject to the review and approval of the city council. (Ord. 332, 2003: Ord. 183 §7.3, 1983).

2.06.110 Administrative reorganization of offices.

It shall be the duty and responsibility of the city manager to conduct studies and recommend to the city council 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. (Ord. 183 §7.4, 1983).

2.06.120 Ordinances recommended for adoption.

It shall be the duty of the city manager and he shall recommend to the city council for adoption such measures and ordinances as he deems necessary. (Ord. 183 §7.5, 1983).

2.06.130 Attendance at council meetings.

It shall be the duty of the city manager to attend all meetings of the city council. (Ord. 183 §7.6, 1983).

2.06.140 Financial reports.

It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city. (Ord. 183 §7.7, 1983).

2.06.150 Budget.

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. (Ord. 183 §7.8, 1983).

2.06.160 Purchasing.

No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager. (Ord. 183 §7.9, 1983).

2.06.170 Investigations and complaints.

It shall be the duty of the city manager 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 to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the ser-

vice maintained by public utilities in the city. (Ord. 183 §7.10, 1983).

2.06.180 Public buildings.

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 are under the control and jurisdiction of the city council. (Ord. 183 §7.11, 1983).

2.06.190 Hours of employment.

It shall be the duty of the city manager to devote his entire time to the duties of his office and in furthering the interests of the city. (Ord. 183 §7.12, 1983).

2.06.200 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 or resolution or other official action of the city council. (Ord. 183 §7.13, 1983).

III
INTERNAL RELATIONS

2.06.210 Council and manager relations.

The city council and its members do hereby express the desire to deal with the administrative services of the city through the city manager. (Ord. 183 §8.1, 1983).

2.06.220 Departmental cooperation.

It shall be the duty of all subordinate officers, and the city clerk, city treasurer, chief of police and city attorney, to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously. (Ord. 183 §8.2, 1983).

2.06.230 Attendance at commission meetings.

The city manager may attend any and all meetings of the planning commission, and any other commissions, boards or committees created by the city council, upon his own volition or upon direction of the city council. At such meetings which the city manager attends, he shall be heard by such commissions, boards or committees as to all mat-

ters 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. (Ord. 183 §8.3, 1983).

IV REMOVAL PROCEDURE

2.06.240 Removal of manager.

The removal of the city manager shall be effected only by a majority vote of the whole council as then constituted, convened in a regular or special council meeting, subject to the provisions of Sections 2.06.250 through 2.06.280. In case of his intended removal by the city council, the city manager shall be furnished with a thirty (30) day prior written notice stating the council's intention to remove him and the reason thereof or, and the date, time and place of the meeting. (Ord. 183 §9.1, 1983).

2.06.250 Discretion of council.

In removing the city manager, the city council shall use its uncontrolled discretion, and its action shall be final and shall not depend upon any particular showing or degree of proof; nor does any stated reason of the city council for the intended removal or removal need to be one which constitutes cause. (Ord. 183 §9.2, 1983).

2.06.260 Hearing.

Within seven (7) days after the delivery to the city manager of such notice required in this section, he may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty (30) day period, at which the city manager shall appear and be heard, with or without counsel. (Ord. 183 §9.3, 1983).

2.06.270 Suspension pending hearing.

After furnishing the city manager with written notice of intended removal, the city council, may suspend him

from duty, but his compensation shall continue until his removal by resolution of the council passed subsequent to the hearing described in Section 2.06.260. (Ord. 183 §9.4, 1983).

2.06.280 Limitation on removal.

Notwithstanding the provisions of this article, proceedings for removal of the city manager shall not be instituted other than for cause, during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election a member of the city council is elected. The purpose of this provision is to allow any newly elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his office. After the expiration of the ninety (90) day period aforementioned, the provisions of Article IV as to the removal of the city manager shall apply and be effective. (Ord. 183 §9.5, 1983).

V

MISCELLANEOUS PROVISIONS

2.06.290 Agreements on employment.

Nothing in this 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 ordinance. (Ord. 183 §10, 1983).

2.06.300 Confirming amendments.

Wherever in any ordinance, resolution or motion of the council enacted, adopted or passed prior to the effective date of the ordinance codified in this chapter, the words "city administrator" appear, there shall be deemed substituted the words "city manager." Wherever in any city contract, franchise or permit entered into or granted prior to the effective date of the ordinance codified herein, any duty, power, right or responsibility is vested in the city administrator, the city manager shall exercise the same. (Ord. 183 §11, 1983).

Chapter 2.08

TRANSFER OF FUNCTIONS*

Sections:

2.08.010 Affected officials.

* For statutory provisions authorizing the transfer of certain duties to the county, see Gov. Code §51500 et seq.

2.08.010 Affected officials.

Pursuant to the authority given by Section 51500 and following of the Government Code of the state the duties of city assessor and tax collector are transferred to the assessor and tax collector of the county. The duties of the city treasurer shall continue to be performed by the city treasurer and are not transferred to the county treasurer by this chapter. (Ord. 6 §1, 1960).

Chapter 2.16

UNCLAIMED PROPERTY*

Sections:

2.16.010 Storage by police department authorized.

2.16.020 Sale--Requirements.

* For statutory provisions on lost and unclaimed property, see Civil Code §2080 et seq.

2.16.010 Storage by police department authorized.

When lost, abandoned or otherwise unclaimed property, except vehicles subject to registration under the California Vehicle Code, comes into possession of the city police department, the police department may hold or store the same until it is claimed and all just and reasonable charges for saving and storage thereof have been paid. (Ord. 39 §1, 1963).

2.16.020 Sale--Requirements.

The police department shall hold all unclaimed property in its possession under Section 2.16.010 for a period of three (3) months. If the owner or other person entitled to the possession thereof fails to claim the property within three (3) months after the same comes into the possession of the city police department, the chief of police may sell it to the highest bidder at public auction at the place where the same may be held or stored, first having caused notice of sale to be given at least five (5) days before the time fixed for sale, by publication once in a newspaper of general circulation published in the county where the sale is to be held. Any excess in the proceeds of the sale after paying such charges and expenses of sale, including but not limited to the costs of advertising, shall be deposited in the city treasury in the general fund. On payment of the price bid for the property, the chief of police shall deliver the property to the highest bidder with a bill of sale stating that the sale is made without warranty and in accordance with this ordinance and the provisions of Section 2080 et seq of the California Civil Code. In any case where there is no bid offered for the property, or if the highest bid offered does not exceed the charges for saving, holding and storage and the expenses of sale, the same shall become the property of this city as compensation for expenses incurred. (Ord. 300, 1996: Ord. 133 §16, 1978; Ord. 39 §1, 1963).

Chapter 2.20

COMMUNITY DEVELOPMENT AGENCY

Sections:

2.20.010 Created--Authority.

2.20.020 Powers and duties--Statutory authority.

2.20.010 Created--Authority.

It is found and declared, pursuant to Section 33101 of the Community Redevelopment Law, that there is a need for the community redevelopment agency created by Section 33100 of said Law to function in the city, and the commu-

nity redevelopment agency is authorized to transact business and exercise its powers under the Community Redevelopment Law. (Ord. 126 §1, 1977).

2.20.020 Powers and duties--Statutory authority.

Pursuant to the provisions of Section 33203 of the Health and Safety Code, the city council determines that it shall no longer function as an agency, and shall appoint five (5) resident electors of the community as members of the agency. (Ord. 238 §3, 1989).

Chapter 2.24

PLANNING COMMISSION*

Sections:

- 2.24.010 Composition.
- 2.24.020 Appointments--Terms--Vacancies.
- 2.24.030 Duties.

* For statutory provisions on local planning commissions, see Gov. Code §§65100 et seq. and 65150.

2.24.010 Composition.

The planning commission shall consist of five (5) members who shall be qualified electors of the city. (Ord. 213 §1(part), 1985: Ord. 8 §1, 1960).

2.24.020 Appointments--Terms--Vacancies.

Each member of the city council shall nominate one (1) person for appointment to the planning commission. Except as otherwise provided in this chapter, a planning commissioner shall be appointed and shall serve a term which parallels the term of the city council member who made the appointment. When the term of the city council member who made the commissioner appointment expires, so, too, does the term of the planning commissioner. However, the planning commissioner shall continue to serve until appointment and qualification of his or her successor. If vacancies shall occur, otherwise than by expiration of term, they shall be filled by appointment for the unexpired portion of the term. Planning commissioners shall

serve at the pleasure of the city council and may be removed at any time by the affirmative vote of four (4) members of the city council. (Ord. 361 §1, 2005: Ord. 333, 2003: Ord. 213 §1(part), 1985: Ord. 8 §2, 1960).

2.24.030 Duties.

The planning commission shall exercise all duties established by the laws of the state relating to city planning commissions and such additional duties as may be prescribed by the city council. (Ord. 8 §3, 1960).

Chapter 2.28

OFFICIAL BONDS*

Sections:

2.28.010 City clerk and city treasurer.

* For statutory provisions on the bonds of city officers, see Gov. Code §36518 et seq.; for provisions on official bonds generally, see Gov. Code §1450 et seq.

2.28.010 City clerk and city treasurer.

The city clerk and the city treasurer shall each execute to the city an official bond for the due and faithful performance of their respective duties in the penal sums of five thousand dollars (\$5,000.00) each. (Ord. 17 §1, 1960).

Chapter 2.32

LAW ENFORCEMENT OFFICERS

Sections:

2.32.010 Statutory authority to receive aid.

2.32.020 Compliance with recruitment and training standards required.

2.32.030 Police organization.

2.32.010 Statutory authority to receive aid.

The city council declares that it desires to qualify the city to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the state. (Ord. 20 §1, 1961).

2.32.020 Compliance with recruitment and training standards required.

Pursuant to the provisions of Section 13522 of Chapter 1 of Title 4, Part 4 of the Penal Code of the state, the city while receiving aid from the state pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 20 §2, 1961).

2.32.030 Police organization.

For the purposes of Section 3508 of the Government Code, police officers of the city may form, join, participate in, and be represented by employee organizations of their own choosing for the purposes of representation on all matters of employer-employee relations, provided such employee organizations:

- A. Are composed solely of such police officers;
 - B. Concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession; and
 - C. Are not subordinate to any other organization.
- (Ord. 152 §1, 1980).

Chapter 2.34

SELECTION AND TRAINING STANDARDS OF SAFETY DISPATCHERS

Sections:

- 2.34.010 Declaration of intent.
- 2.34.020 Adherence to standards.
- 2.34.030 State inquires authorized.
- 2.34.040 Pay period--Allocation of duty time.

2.34.010 Declaration of intent.

The city declares that it desires to qualify to receive aid from the state under the provisions of Section 13522, Chapter 1, of Title 4, Part 4, of the California Penal Code. (Ord. 243 §1, 1990).

2.34.020 Adherence to standards.

Pursuant to Section 13510(c), Chapter 1, the Arvin police department will adhere to standards for recruitment and training established by the California Commission on Peace Officers Standards and Training (POST). (Ord. 243 §2, 1990).

2.34.030 State inquires authorized.

Pursuant to Section 13512, Chapter 1, the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the Arvin police department's public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training. (Ord. 243 §3, 1990).

2.34.040 Pay period--Allocation of duty time.

Based on the agency's records fifty percent (50%) or more of the communication center dispatch time in each pay period is in the performance of law enforcement dispatching duties. (Ord. 243 §4, 1990).

Chapter 2.40

EMPLOYEE RETIREMENT CONTRACT*

Sections:

2.40.010 Authorized.

2.40.020 Mayor shall execute.

* For statutory provisions authorizing a city to contract with the Public Employees' Retirement System, see Gov. Code §45345; for Public Employee's Retirement System generally see Gov. Code §20000 et seq.

2.40.010 Authorized.

A contract between the city council and the Board of Administration, California Public Employees' Retirement System is authorized, a copy of such contract being attached to the ordinance codified, in this chapter marked "Exhibit A," and by such reference made a part hereof as though set out in full in this chapter. (Ord. 109 §1, 1975).

2.40.020 Mayor shall execute.

The mayor is authorized, empowered and directed to execute the contract authorized in Section 2.40.010, for and on behalf of the agency designated in Section 2.40.010. (Ord. 109 §2, 1975).

Chapter 2.44

CIVIL DEFENSE*

Sections:

- 2.44.010 Purposes.
- 2.44.020 Definitions.
- 2.44.030 Civil defense and local emergency council--Created--Membership.
- 2.44.040 Civil defense and local emergency council--Powers and duties.
- 2.44.050 Civil defense and local emergency organization--Composition.
- 2.44.060 Civil defense and local emergency organization--Divisions, services and staff.
- 2.44.070 Director of civil defense and local emergency--Powers and duties.
- 2.44.080 Local emergency--Proclamation--Duration--Review.
- 2.44.090 Local emergency--Powers of director of civil defense and local emergency.
- 2.44.100 Violations--Penalty.

* For statutory provisions on disasters and emergencies generally, see Gov. Code §8550 et seq. For statutory provisions on local emergency powers, see Gov. Code §53000 et seq.

2.44.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of a local emergency, and to provide for the coordination of the civil defense and local emergency functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and local emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 133 §13(a), 1978; Ord. 24 §1, 1966).

2.44.020 Definitions.

As used in this chapter, the following words shall have the meaning ascribed to them in this section:

A. "Civil defense," means preparation for and carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from local emergencies. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

B. "Local emergency," means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity or natural catastrophe. (Ord. 133 §13(a), (b), 1978; Ord. 24, §2, 1966).

2.44.030 Civil defense and local emergency council--
Created--Membership.

The Arvin civil defense and local emergency council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of civil defense and local emergency who shall be vice-chairman;
- C. The assistant director, appointed by the mayor with the advice and consent of the city council who, under

the supervision of the director, shall develop civil defense and local emergency plans and organize the civil defense and local emergency program of this city, and shall have such other duties as may be assigned by the director;

D. Such deputy directors and chiefs of civil defense and local emergency departments, services or divisions as are provided for by resolution pursuant to this chapter;

E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and local emergency responsibility as may be appointed by the mayor with the advice and consent of the city council. (Ord. 133 §13(a), 1978; Ord. 24 §3, 1966).

2.44.040 Civil defense and local emergency council--
Powers and duties.

It is the duty of the Arvin civil defense and local emergency council, and it is empowered, to review and recommend for adoption by the city council, civil defense and local emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The civil defense and local emergency council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon the call of the vice-chairman. (Ord. 133 §13(a), 1978; Ord. 24 §4, 0966).

2.44.050 Civil defense and local emergency organization--
-Composition.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during a local emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.44.090 C, be charged with duties incident to the protection of life and property in this city during local emergency, shall constitute the civil defense and local emergency organization of the city. (Ord. 133 §13(a), 1978; Ord. 24-§8, 1966).

2.44.060 Civil defense and local emergency organization--
-Divisions, services and staff.

The functions and duties of the civil defense and local emergency organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution.

The city council shall, concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the civil defense and local emergency agencies of the federal government and the state. (Ord. 133 §13(a), 1978; Ord. 24 §9, 1966).

2.44.070 Director of civil defense and local emergency--
Powers and duties.

A. There is created the office of director of civil defense and local emergency. Such officer shall be appointed by the mayor with the advice and consent of the city council.

B. The director is empowered:

1. To request the city council to proclaim the existence or threatened existence of a local emergency and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time, and subject also to the time limit specification set forth in Section 2.44.080;

2. To request the Governor to proclaim a state of local emergency or a state of extreme emergency when in the opinion of the director the resources of the area or region are inadequate to cope with the local emergency;

3. To control and direct the effort of the civil defense and local emergency organization of this city for the accomplishment of the purposes of this chapter;

4. To direct coordination and cooperation between divisions, services and staff of the civil defense and local emergency organization of this city, and to resolve questions of authority and responsibility that may arise between them;

5. To represent the civil defense and local emergency organization of this city in all dealing with public or private agencies pertaining to civil defense and disaster. (Ord. 133 §13(a), 1978; Ord. 24 §6, 1966).

2.44.080 Local emergency--Proclamation--Duration--
Review.

A local emergency may be proclaimed only by the city council or by the director of civil defense and disaster. When proclaimed by the director of civil defense and disaster, the local emergency shall not remain in effect for a period in excess of seven (7) days unless the proclamation of local emergency has been ratified by the city council. The city council shall review, at least every fourteen (14) days until the local emergency is terminated, the need for continuing the local emergency and the city council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant. (Ord. 133 §13(c), 1978).

2.44.090 Local emergency--Powers of director of civil
defense and local emergency.

In the event of the proclamation of a local emergency as provided in this chapter, or the proclamation of a state of extreme emergency by the Governor of the Director of the California Disaster Office, the director of civil defense and local emergency is empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of local emergency or a state of extreme emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges,

benefits and immunities as are provided by state law for registered civil defense and local emergency service volunteers;

D. To requisition necessary personnel or material of any city department or agency;

E. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws. (Ord. 133(a), 1978; Ord. 24 §7, 1966).

2.44.100 Violations--Penalty.

It shall be a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person during a local emergency:

A. Wilfully to obstruct, hinder or delay any member of the civil defense and local emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the civil defense and local emergency agency of the state. (Ord. 133 §13(a), 1978; Ord. 24 §10, 1966).

Chapter 2.45

EMPLOYER-EMPLOYEE RELATIONS

Sections:

2.45.010 Title of ordinance.

- 2.45.020 Statement of purpose.
- 2.45.030 Definitions.
- 2.45.040 Employee rights.
- 2.45.050 City rights.
- 2.45.060 Meet and confer in good faith--Scope.
- 2.45.070 Consultation--Scope.
- 2.45.080 Advance notice.
- 2.45.090 Petition for recognition.
- 2.45.100 Appropriate unit.
- 2.45.110 Recognition of employee organizations as majority exclusive representative--Formal recognition.
- 2.45.120 City's designated representative.
- 2.45.130 Resolution of impasses.
- 2.45.140 Grievance procedure.
- 2.45.150 Memorandum of understanding.
- 2.45.160 Rules and regulations.
- 2.45.170 Construction.
- 2.45.180 Severability.

2.45.010 Title of ordinance.

This chapter shall be known as the "employer-employee relations ordinance of the city of Arvin." (Ord. 154 §1(part), 1980).

2.45.020 Statement of purpose.

The purpose of this chapter is to implement Chapter 10, Division 4, Title 1 of the Government Code of the state of California (Sections 3500 et seq.) captioned "Public Employee Organizations," by providing equitable, orderly and uniform procedures for the administration of employer-employee relations between the city and its employee organizations, and for resolving disputes regarding wages, hours and other terms and conditions of employment. (Ord. 154 §1(part), 1980).

2.45.030 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

A. "Appropriate unit" means a unit established pursuant to Section 2.45.100 of this chapter.

B. "City" means the city of Arvin, a municipal corporation, and where appropriate herein, "city" refers to

the city council, the governing body of the city, or any duly authorized management employee as herein defined.

C. "City's designated representative" means that person or persons designated by the council to consult, meet and confer, as provided for in this chapter.

D. "Consult" or "consultation" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.

E. "Employee" means any person regularly employed by the city in a probationary or permanent position.

F. "Employee, confidential" means an employee who is privy to decisions of city management affecting employer-employee relations.

G. "Employee, executive" means any employee having significant responsibilities for formulation or administering city policies and programs, including, but not limited to, the city manager, department heads, and such of their principal subordinates as are so designated by the city's designated authority based upon the recommendation of the city manager or department head concerned.

H. "Employee, management" means an executive employee or a supervisory management employee.

I. "Employee organization" means any organization which includes employees of the city and which has as one of its primary purposes representing such employees in their employment relations with the city.

J. "Employee, professional" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, engineers, architects, and various types of physical, chemical and biological scientists.

K. "Employee, supervisory management" means any employee having authority to recommend the transfer, suspension, layoff, recall, promotion, discharge, assignment, adjustment of grievances, or discipline of other employees, or having the responsibility to direct them if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. In order to differentiate leadmen, foremen and supervisory management employees, the allocation of classes to supervisory management categories for the purpose of assignment to supervi-

sory management shall be contingent on meeting both of the following minimum criteria:

1. Employees in the class should perform a variety of the supervisory tasks listed above, but these tasks must include:

- a. Assigning work to subordinate employees;
- b. Reviewing the work of subordinate employees;
- c. Evaluating the performance of subordinates, when required under any program of employee performance evaluation; and
- d. The authority to recommend the adjustment of grievances.

2. No class shall be allocated to a supervisory management category unless the job duties of a majority of the positions therein:

a. Require the incumbent to spend a minimum of fifteen (15) percent of his time engaged in performing the supervisory duties listed in subdivision 1 of this subsection K;

b. Are such that the incumbent does not engage in work similar to that of his subordinates more than seventy-five (75) percent of his time.

L. "Employer-employee relations" means the relationship between the city and its employees and their employee organizations, or when used in a general sense, the relationship between city management and employees or employee organizations.

M. "Grievance." A grievance is any dispute concerning the interpretation or application of this chapter or of rules and regulations governing personnel practices or working conditions; however, it does not concern the contents of the ordinance codified in this chapter or rules or regulations. Grievance procedures are set forth in Section 2.45.140.

N. "Impasse" means:

1. A deadlock in the discussions between a majority representative and the city over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter; or

2. Any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the "city's designated authority" made pursuant to Sections 2.45.09 or 2.45.110 of this chapter.

O. "Majority exclusive representative" means an employee organization, or its duly authorized representative, that has been granted formal recognition by the city as representing the majority of employees in an appropriate unit.

P. "Mediation" or "conciliation" means the efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion, determining the facts, and advice. Mediation and conciliation are interchangeable terms.

Q. "Meet and confer in good faith" (sometimes referred to herein as "meet and confer" or "meeting and conferring") means performance by duly authorized city representatives and duly authorized representatives of any employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment, in an effort to:

1. Reach agreement on those matters within the authority of such representatives; and
2. Reach agreement on what will be recommended to the city council on those matters within the decision making authority of the city council.

"Meet and confer in good faith" involves an exchange of ideas, but does not require either party to agree to a proposal or to make a concession.

R. "Memorandum of understanding" means a nonbinding written summary of the understanding reached as a result of the meeting and conferring process, to be signed by the city's designated authority and the representative of the employee organization.

S. "Ordinance" means, unless the context indicates otherwise, the employer-employee relations ordinance of the city of Arvin.

T. "Peace officer" means the same as this term is defined in Section 830, California Penal Code.

U. "Recognized employee organizations" means an employee organization which has been acknowledged by the city's designated authority as an employee organization that represents employees of the city. The rights accompanying recognition are:

1. Formal exclusive recognition, which is the right to meet and confer in good faith as the majority representative in an appropriate unit.

V. "Scope of representation" means all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the necessity for or organizational structure of any service or activity provided by law. City rights (Section 2.45.050) and employee rights (Section 2.45.040) are excluded from the scope of representation. (Ord. 154 §1(part), 1980).

2.45.040 Employee rights.

Employees' rights shall be included in the supplemental rules and regulations to implement the employer-employee relations ordinance of the city of Arvin. Employees of the city shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including, but not limited to wages, hours and other terms and conditions of employment. Employees of the city also have the right to refuse to join or participate in the activities of employee organizations, and shall have the right to represent themselves individually in their employment relations with the city. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the city or by any employee organization because of his exercise of these rights. The rights of peace officers to join employer organizations are as set forth in Arvin Ordinance No. 152. (Ord. 154 §1(part), 1980).

2.45.050 City rights.

A. The exclusive rights of the city include, but are not limited to, the right to determine the mission of its constituent departments, divisions, commissions and boards; set standards of service and municipal fees and charges; determine the procedures and standards of selection for employment, assignment, transfer and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of gov-

ernmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; exercise complete control and discretion over its organization and the technology of performing its work; contract for any service or activity.

B. All rights formerly or presently claimed by or vested in the city on the effective date of the ordinance codified in this chapter and not mentioned in subsection A of this section are retained by the city unless explicitly waived by the city by resolution of the council. (Ord. 154 §1(part), 1980.)

2.45.060 Meet and confer in good faith--Scope.

A. The city, through its representatives, shall meet and confer in good faith regarding wages, hours and other terms and conditions of employment with representatives of such recognized employee organizations, as defined in subdivision (B) of Section 3501 of the California Government Code, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

B. "Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process should include adequate time for the resolution of impasses.

C. The city shall not be required to meet and confer in good faith on any subject preempted by federal or state law or on city ordinances not affecting employee's rights, nor shall it be required to meet and confer in good faith on employee or city rights as defined in Sections 2.45.040 and 2.45.050, nor shall it be required to meet and confer in good faith on proposed amendments to the ordinance codified in this chapter not affecting employee's rights. (Ord. 154 §1(part), 1980).

2.45.070 Consultation--Scope.

All matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. The city, through its representatives, shall consult with an employee who requests the right to represent himself on employer-employee relations matters. Advance notice on matters subject to consultation, but outside the scope of representation, is desirable but not mandatory. (Ord. 154 §1(part), 1980).

2.45.080 Advance notice.

A. Reasonable written notice shall be given to each recognized employee organization affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope or representation proposed to be adopted by the city council or by any board or commission of the city, and each shall be given the opportunity to meet with such body prior to adoption.

B. In cases of emergency when the city or any board or commission of the city determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the city or the board or commission of the city shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation, if within the scope of representation. (Ord. 154 §1(part), 1980.)

2.45.090 Petition for recognition.

There is one level of employee organization recognition: formal exclusive. The recognition requirements are as follows:

A. Formal Exclusive Recognition--The Right to Meet and Confer in Good Faith as Majority Representative. An employee organization that seeks formal exclusive recognition in conformance with Government Code 3507 for purposes of meeting and conferring in good faith as the majority representative of employees in an appropriate unit shall file a petition with the city's designated authority containing the following information and documentation:

1. Name and address of the employee organization;
2. Names and titles of its officers;

3. Names of employee organization representatives who are authorized to speak on behalf of its members;

4. A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the city;

5. A statement whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with, a regional or state, or national or international organization, and if so, the name and address of each such regional, state or international organization;

6. Certified copies of the employee organization's constitution and bylaws, and those of any organization with which it is affiliated;

7. A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purposes;

8. A statement that the employee organization recognizes that the provisions of Section 923 of the Labor Code are not applicable to city employees;

9. A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin;

10. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein;

11. A statement that the employee organization has in its possession written proof, dated within six (6) months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relation with the city. Such written proof shall be submitted for confirmation to the city's designated authority;

12. A request that the city's designated authority recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation. (Ord. 154 §1(part), 1980).

2.45.100 Appropriate unit.

A. The city's designated authority, after reviewing the petition filed by an employee organization seeking formal exclusive recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether the unit proposed contains the largest feasible group with a community of interest among such employees. The following factors, among others, are to be considered in making such determination:

1. Which unit will assure employees the fullest freedom in the exercise of rights set forth under this chapter;
2. The history of employee relations:
 - a. In the unit,
 - b. Among other employees of the city, and
 - c. In similar public employment;
3. The effect of the unit on the efficient operation of the city and sound employer-employee relations;
4. The extent to which employees have common skills, working conditions, job duties, or similar educational requirements;
5. The effect on the existing classification structure of dividing a single classification among two (2) or more units.

B. Provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized. (Ord. 154 §1(part), 1980).

2.45.110 Recognition of employee organizations as majority exclusive representative--Formal recognition.

- A. The city's designated authority shall:
1. Determine the majority representative of city employees in an appropriate unit by arranging for a secret ballot election or by any other reasonable method which is based upon written proof, and is designed to ascertain the free choice of a majority of such employees. The employee organization found to represent a majority of the employees in an appropriate unit shall be granted formal recognition and is the only employee organization entitled to meet and confer in good faith in an effort to reach agreement on matters within the scope of representation for em-

ployees in such unit. This shall not preclude other recognized employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them;

2. Revoke the recognition rights of a majority representative, which has been found by secret ballot election no longer to be the majority representative subject to the limitations set forth in subsection B below.

B. The recognition rights of the majority representative designated in accordance with this section shall not be subject to challenge for a period of not less than twelve (12) months following the date of such recognition. (Ord. 154 §1(part), 1980).

2.45.120 City's designated representative.

For the purposes of Section 3500 and following the Government Code of the state of California, the Arvin city manager is designated as the representative of the city of Arvin which shall meet and confer or consult with representatives of employee or labor organizations or individual employees upon request which shall consider, as fully as possible, such presentations prior to the recommendations of establishing policy or course of action authorized by the Municipal Code. (Ord. 154 §1(part), 1980).

2.45.130 Resolution of impasses.

A. Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted.

B. The impasse procedures are as follows:

1. Mediation (or conciliation) as agreed to by both parties (defined in subsection P of Section 2.45.030); all mediation proceedings shall be private. The mediator shall make no public recommendations nor take any public position concerning the issues.

2. A determination by the city council after a hearing on the merits of the dispute.

3. Any other dispute-resolving procedures to which the parties mutually agree or which the city council may order.

C. Any party may initiate the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse

meeting may then be scheduled by the city's designated authority forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting is two-fold:

1. To permit a review of the position of all parties in a final effort to reach agreement on the disputed issues; and

2. If agreement is not concluded, to mutually select the specific impasse procedure to which the dispute may be submitted; in the absence of agreement between the parties on the point, the matter may be referred to the city council.

D. The fees and expenses, if any, of mediators or of any other impasse procedure, shall be payable one-half by the city and one-half by the employee organization. (Ord. 154 §1(part), 1980).

2.45.140 Grievance procedure.

All employees in the city service shall have the right to present a grievance. Grievance procedures shall be applicable to disagreements in the interpretation of terminology of ordinances, resolutions and rules adopted pursuant to discussions between a majority representative and the city. Grievance procedures are included in the supplemental rules and regulations to implement the employer-employee relations ordinance of the city of Arvin. (Ord. 154 §1 (part), 1980).

2.45.150 Memorandum of understanding.

A. When the meeting and conferring process is concluded between the city and a formally recognized employee organization representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the city's designated authority and majority representatives.

B. As to those matters within the authority of the city council, the memorandum of understanding shall be submitted to the city council for determination. (Ord. 154 §1(part) 1980).

2.45.160 Rules and regulations.

The city council shall adopt such rules and regulations necessary or convenient, and may from time to time adopt additional rules and regulations to implement the provisions of this chapter and Chapter 10, Division 4, Title 1 of the Government Code of the state of California (Sections 3500 et seq.). (Ord. 154 §1(part), 1980).

2.45.170 Construction.

A. Nothing in this chapter shall be construed to deny any person or employee the rights granted by federal, state and municipal law provisions.

B. The rights, powers and authority of the city council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.

C. The provisions of this chapter are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the state of California (Sections 3500 et seq. (Ord. 154 §1(part), 1980).

2.45.180 Severability.

If any provisions of this chapter, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. (Ord. 154 §1(part), 1980).

Chapter 2.48

PERSONNEL SYSTEM

Sections:

- 2.48.010 Definitions.
- 2.48.020 Adoption of personnel system.
- 2.48.030 Administration--City manager authority.
- 2.48.040 Rules and regulations--Adoption and amendment.
- 2.48.050 Application to competitive service-- Exceptions.
- 2.48.060 Status of present employees.

- 2.48.070 Appointments and promotions to vacant positions.
- 2.48.080 Probationary period.
- 2.48.090 Contracts for special services.
- 2.48.100 Layoff and reemployment.
- 2.48.110 Demotion, dismissal, reduction in pay, suspension or reprimand.
- 2.48.120 Right of appeal.
- 2.48.130 Political activity.

2.48.010 Definitions.

The terms used to administer the personnel system shall be defined in the personnel rules. (Ord. 215-B §1, 1987).

2.48.020 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the following personnel system set out in this chapter. (Ord. 215-B §2, 1987).

2.48.030 Administration--City manager authority.

The city manager shall administer the city personnel system, and may delegate any of the powers and duties be performed under contract as provided in section 2.48.090 of this chapter. The city manager shall:

- A. Act as the appointing authority for the city, with review and approval by the city council;
- B. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council;
- C. Prepare and recommend to the city council personnel rules and revisions, and amendments to such rules;
- D. Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan;
- E. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city;
- F. Provide for the publishing or posting of notices of tests for positions in the competitive service, the receiving of applications therefor; the conducting and grading of tests, the certification of a list of all persons

eligible for appointment to the appropriate position in the competitive service, and performing any other duty that may be required to administer the personnel system. (Ord. 215-B §3, 1987).

2.48.040 Rules and regulations--Adoption and amendment.

Personnel rules shall be adopted by resolution of the city council. The rules may establish regulations governing the personnel system, including:

A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

B. Appropriate announcement of the selection process and acceptance of applications for employment;

C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

E. Establishment of probationary testing periods;

F. Evaluation of employees during the probationary testing period and thereafter;

G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;

H. Separation of employees from the city service;

I. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements;

3. The establishment of any necessary appeal procedures. (Ord. 215-B §5, 1987).

2.48.050 Application to competitive service--Exceptions.

The provisions of this chapter shall apply to all offices, positions and employments in the service of the City, except:

A. Elective officers;

B. The city manager and any assistants to the city manager;

C. The city attorney and any assistant or deputy city attorneys;

D. The City Engineer or any assistants to the City Engineer;

E. Members of appointive boards, commissions, and committees;

F. All department heads;

G. Persons engaged under contract to supply expert, professional, technical or any other services;

H. Volunteer personnel, such as volunteer firemen or reserve police officers;

I. All council-appointed city officers;

J. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake, which threatens life or property;

K. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions, "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than two thousand and eight (2,080) hours per year, and has successfully completed the probationary period and been retained as provided in this chapter and the personnel rules.

L. Any position primarily funded under a state or federal employment program. (Ord. 215-B §4, 1987).

2.48.060 Status of present employees.

A. Any person holding a position included in the competitive service, who, on the effective date of the ordinance codified in this chapter, shall have served continuously in such position, or in some other position, or in some other position in competitive service, for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment. (Ord. 215-B §8, 1987).

2.48.070 Appointments and promotions to vacant positions.

A. Appointments and promotions shall be based on merit and fitness, to be ascertained so far as practical by competitive examination. Examinations may be used and conducted to aid the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates, such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as part of any examination.

B. In any examination, the city manager or his/her designee may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

C. The appointing authority of employees in the competitive service is the city manager. The city manager may delegate the appointing authority to any other officer or employee of the city. (Ord. 215-B §6, 1987).

2.48.080 Probationary period.

A. All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months. The appointing authority may extend such probationary period up to six additional months. The probationary period shall commence from the date of appointment. In the event of illness or injury requiring absence from work, the number of days absent shall be added to the length of the probationary period. During the probationary period, the employee may be rejected at any time without the right of appeal, hearing, or any grievance procedure.

B. If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the personnel officer a statement in writing to such effect, and stating that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated

at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the termination shall be served on the terminated employee by the personnel officer after the expiration of the selection period.

C. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged from the city service as provided in the personnel rules. If no vacancy exists in such position, he shall be placed on a reemployment list as provided in the personnel rules. (Ord. 215-B §7, 1987).

2.48.090 Contracts for special services.

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 establishment or operation of the personnel system. The city council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

A. The preparation of personnel rules and subsequent revisions and amendments thereof;

B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;

C. The preparation, conduct and grading of competitive tests;

D. The conduct of employee training programs;

E. Special and technical services of advisory or informational character on matters relating to personnel administration. (Ord. 251-B §13, 1987).

2.48.100 Layoff and reemployment.

Layoff and reemployment actions shall follow the process outlined in the personnel rules. (Ord. 215-B §11, 1987).

2.48.110 Demotion, dismissal, reduction in pay, suspension or reprimand.

The city manager or any delegated appointed power shall have the authority to demote, discharge, reprimand, reduce in pay or suspend any regular employee for cause in

accordance with procedures included in the personnel rules. (Ord. 215-B §9, 1987).

2.48.120 Right of appeal.

A. Any employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension, or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this chapter or the rules adopted thereunder.

B. All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this chapter. (Ord. 215-B §10, 1987).

2.48.130 Political activity.

The political activities of city employees shall conform to pertinent provisions of state law and any local provisions adopted pursuant to state law. (Ord. 215-B §12, 1987).