

## TITLE 2 -- ADMINISTRATION

### CHAPTER 2-1 CITY COUNCIL MEETINGS

- Section 2-1.01. Time, day and place.
- Section 2-1.02. Adjourned regular meetings: When held: Continuation of regular.
- Section 2-1.03. Adjourned regular meetings: Where held.
- Section 2-1.04. Special meetings.
- Section 2-1.05. City Council Chambers unavailable.
- Section 2-1.06. Defect in time or place.

### CHAPTER 2-2 CITY COUNCIL SALARIES

- Section 2-2.01. Authority.
- Section 2-2.02. Salaries designated.
- Section 2-2.03. Mayor's salary.
- Section 2-2.04. Reimbursement for Expenses.

### CHAPTER 2-3 CITY MANAGER

- Section 2-3.01. Established.
- Section 2-3.02. Appointment and removal.
- Section 2-3.03. Compensation.
- Section 2-3.04. Chief Administrative Officer: Powers and duties.
- Section 2-3.05. Service as personnel officer.
- Section 2-3.06. Budget preparation and administration.
- Section 2-3.07. Financial and administrative report.
- Section 2-3.08. Financial condition and recommendations.
- Section 2-3.09. Pay recommendations.
- Section 2-3.10. General recommendations.
- Section 2-3.11. Administrative reorganization.
- Section 2-3.12. Attendance at Council meetings.
- Section 2-3.13. Ordinance enforcement.
- Section 2-3.14. Investigations.
- Section 2-3.15. Emergency spending.
- Section 2-3.16. Assumption of City Manager's obligations and authority.

### CHAPTER 2-4 CITY ATTORNEY

- Section 2-4.01. Established.
- Section 2-4.02. Legal department.
- Section 2-4.03. Initiation of proceedings: Special counsel.
- Section 2-4.04. Legal advice.
- Section 2-4.05. Criminal prosecutions.
- Section 2-4.06. Suits and other matters.
- Section 2-4.07. Attendance at certain meetings.
- Section 2-4.08. Written opinions.
- Section 2-4.09. Bond and contract approval.
- Section 2-4.10. Drafting ordinances and resolutions.
- Section 2-4.11. Unspecified legal services.
- Section 2-4.12. Removal from office.

## **CHAPTER 2-5 CITY CLERK**

- Section 2-5.01. Powers and duties generally.**
- Section 2-5.02. Deputies.**
- Section 2-5.03. Administration of oaths: Certification of papers.**
- Section 2-5.04. Cooperation with the City Manager.**
- Section 2-5.05. Compensation.**

## **CHAPTER 2-6 CITY TREASURER**

- Section 2-6.01. Powers and duties generally.**
- Section 2-6.02. Deputies.**
- Section 2-6.03. Compensation.**
- Section 2-6.04. Cooperation with Director of Administrative Services.**

## **CHAPTER 2-7 DIRECTOR OF ADMINISTRATIVE SERVICES**

- Section 2-7.01. Established.**
- Section 2-7.02. Supervision of finances and accounts.**
- Section 2-7.03. Revenue collection.**
- Section 2-7.04. Payroll and warrant registers.**
- Section 2-7.05. Inventories.**
- Section 2-7.06. Budget preparation.**
- Section 2-7.07. Checks and warrants: Drawing generally.**
- Section 2-7.08. Checks and warrants: Budgeted items.**
- Section 2-7.09. Checks and warrants: Unbudgeted items.**
- Section 2-7.10. Checks and warrants: Signature.**

## **CHAPTER 2-8 BONDS FOR CITY OFFICERS AND EMPLOYEES**

- Section 2-8.01. City Manager.**
- Section 2-8.02. City Clerk and City Treasurer.**
- Section 2-8.03. Director of Administrative Services.**
- Section 2-8.04. Other officers and employees.**
- Section 2-8.05. Premium payment.**

## **CHAPTER 2-9 PENSION PLAN**

- Section 2-9.01. Definitions.**
- Section 2-9.02. Effectiveness of provisions.**
- Section 2-9.03. Applicability.**
- Section 2-9.04. Established.**
- Section 2-9.05. Death of employee.**
- Section 2-9.06. Termination before retirement: Choices.**
- Section 2-9.07. Termination before retirement: Cash refund.**
- Section 2-9.08. Retirement age.**
- Section 2-9.09. Contract with insurance carrier.**
- Section 2-9.10. Contract with State: Adoption.**
- Section 2-9.11. Contract with State: Amendment No. 1.**
- Section 2-9.12. Rules and regulations.**

## **CHAPTER 2-10 GROUP INSURANCE PLANS**

- Section 2-10.01. Established: Purpose.**
- Section 2-10.02. Applicability.**
- Section 2-10.03. Mandatory participation.**
- Section 2-10.04. Contracts with carriers.**
- Section 2-10.05. Payments to carriers.**
- Section 2-10.06. Retired and terminated employees.**
- Section 2-10.07. Changes in coverage.**

## **CHAPTER 2-11 EMPLOYMENT ELIGIBILITY OF FELONS**

- Section 2-11.01. Disqualification by felony conviction: Mitigating factors.**
- Section 2-11.02. Notice of disqualification.**
- Section 2-11.03. Appeal.**
- Section 2-11.04. Peace officer applicants.**
- Section 2-11.05. Access to criminal histories.**

## **CHAPTER 2-12 HISTORICAL MUSEUM**

- Section 2-12.100. Article 1. Museum**
- Section 2-12.101. Establishment.**
- Section 2-12.102. Deleted in its entirety.**
- Section 2-12.103. Regulations.**
- Section 2-12.104. Real property acceptance.**
- Section 2-12.105. Gifts and bequests.**
- Section 2-12.106. Purchases.**
- Section 2-12.107. Intermuseum loans.**
- Section 2-12.108. Museum fund.**
- Section 2-12.109. Special accounts.**
- Section 2-12.110. Claims.**
- Section 2-12.111. Admission.**
- Section 2-12.112. Disestablishment.**
- Section 2-12.113. Annual report.**

## **CHAPTER 2-13 PUBLIC LIBRARY**

- Section 2-13.01. Establishment.**

## **CHAPTER 2-14 RECREATION AND PARKS COMMISSION**

- Section 2-14.01. Recreation and parks system.**
- Section 2-14.02. Established: Composition.**
- Section 2-14.03. Appointment: Terms: Vacancies: Removal.**
- Section 2-14.04. Meetings: Chairman: Rules of Procedure.**
- Section 2-14.05. Secretary.**
- Section 2-14.06. Recommendations to Council: Powers generally.**
- Section 2-14.07. Compensation for Commission Members.**

## **CHAPTER 2-15 PLANNING COMMISSION**

- Section 2-15.01. Composition.**
- Section 2-15.02. Terms: Vacancies.**

**Section 2-15.03.** State law to govern.  
**Section 2-15.04.** Compensation and reimbursement.

## **CHAPTER 2-16 BOARDS, COMMISSIONS, AND COMMITTEES IN GENERAL**

**Section 2-16.01.** Deemed resignation.  
**Section 2-16.02.** Removal of members of boards, commissions and committees.

## **CHAPTER 2-17 EMERGENCY SERVICES**

**Section 2-17.01.** Purposes.  
**Section 2-17.02.** Definitions.  
**Section 2-17.03.** Emergency Services Council: Membership.  
**Section 2-17.04.** Emergency Services Council: Powers and duties.  
**Section 2-17.05.** Director and Assistant Director.  
**Section 2-17.06.** Powers of Director during emergencies or disasters.  
**Section 2-17.07.** Emergency services organization.  
**Section 2-17.08.** Divisions, services and staff of the emergency services organization.  
**Section 2-17.09.** Expenditures.  
**Section 2-17.10.** Misdemeanor violations.  
**Section 2-17.11.** Severability.

## **CHAPTER 2-18 PEACE OFFICER RECRUITMENT AND TRAINING**

**Section 2-18.01.** Desire to qualify for State aid.  
**Section 2-18.02.** Adherence to State standards.  
**Section 2-18.03.** Inquiries to assure adherence to standards.

## **CHAPTER 2-19 SPECIAL POLICE OFFICERS**

**Section 2-19.01.** Definitions.  
**Section 2-19.02.** Appointment: Number.  
**Section 2-19.03.** Call to duty.  
**Section 2-19.04.** Availability: Response.  
**Section 2-19.05.** Duties.  
**Section 2-19.06.** Authority.  
**Section 2-19.07.** Volunteer, part-time status: Compensation.  
**Section 2-19.08.** Badges: Issuance: Misuse.  
**Section 2-19.09.** Badges: Wearing required.  
**Section 2-19.10.** Forms: Applications: Records.

## **CHAPTER 2-20 PERSONNEL**

**Section 2-20.01.** Definitions.  
**Section 2-20.02.** Classification of positions.  
**Section 2-20.03.** Change of classifications.  
**Section 2-20.04.** Use of position class titles.  
**Section 2-20.04.1.** Job Descriptions (Specifications).  
**Section 2-20.05.** Compensation plan generally.  
**Section 2-20.06.** Salary increases.  
**Section 2-20.07.** Rules for application of plan.  
**Section 2-20.08.** Anniversary dates.  
**Section 2-20.09.** Applications, agreements and statements.

Section 2-20.09.1.	Recruitments.
Section 2-20.10.	Examinations.
Section 2-20.10.1.	Eligibility Lists.
Section 2-20.10.2.	Probation.
Section 2-20.11.	Promotion.
Section 2-20.12.	Demotion.
Section 2-20.13.	Transfer within range.
Section 2-20.14.	Work in equal or superior class.
Section 2-20.15.	Hours of work.
Section 2-20.16.	Part-time employment.
Section 2-20.17.	Overtime.
Section 2-20.18.	Work on holidays.
Section 2-20.19.	Vacation leave.
Section 2-20.20.	Holidays.
Section 2-20.21.	Sick leave.
Section 2-20.21.1.	Personal leave.
Section 2-20.22.	Incompatible activities.
Section 2-20.23.	Personnel records.
Section 2-20.24.	Military leave.
Section 2-20.25.	Regulations.
Section 2-20.26.	Schedule adoption and amendment.
Section 2-20.27.	Construction.

#### CHAPTER 2-21 SIGNING OF COMPLAINTS

Section 2-21.01.	Authority.
Section 2-21.02.	Liability of City.

#### CHAPTER 2-22 PUBLIC RECORDS

Repealed in its entirety by Ord. 2004-01, eff. 2/20/04

#### CHAPTER 2-23 CRIMINAL REPORTS AND RECORDS

Section 2-23.01.	Authority of police.
Section 2-23.02.	Authority of City Manager and City Attorney.

#### CHAPTER 2-24 FEE CHANGES

Section 2-24.100A.	Article 1. Hearings
Section 2-24.101.	Required: Other notice provisions.
Section 2-24.102.	Actions requiring notice.
Section 2-24.103.	Request for notice.
Section 2-24.104.	Manner of notice.
Section 2-24.105.	Cost and revenue data availability.
Section 2-24.200A.	Article 2. Automatic Increases
Section 2-24.201.	Authorization by Council.
Section 2-24.202.	Administrative cost-of-living adjustments.

#### CHAPTER 2-25 ELECTIONS

Section 2-25.01.	General Municipal Election.
Section 2-25.02.	Conduct of Elections.

## **CHAPTER 2-26 CLAIMS PROCEDURES**

- Section 2-26.01. Authority and purpose.**
- Section 2-26.02. Claims required.**
- Section 2-26.03. Form of Claim.**
- Section 2-26.04. Claim Prerequisite to Suit.**
- Section 2-26.05. Suit.**

## **CHAPTER 2-27 PAYMENT UNDER PROTEST**

- Section 2-27.01. Payment under protest required.**

## CHAPTER 2-1 CITY COUNCIL MEETINGS

### **Section 2-1.01. Time, day and place.**

Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at six-thirty (6:30) p.m., or if such regular meeting day shall be a legal holiday, then such meeting shall be held on the next day at six-thirty (6:30) p.m. at the Council Chambers of the City Hall. (Ord. 87-24 § 1, eff. 12/17/87; prior Code § 2-5)

### **Section 2-1.02. Adjourned regular meetings: When held: Continuation of regular.**

Adjourned meetings may be held between regular meetings on any day at any time as may be ordered in the motion for adjournment and an adjourned meeting shall be considered a continuation of the meeting from which it was adjourned. (Prior Code § 2-6)

### **Section 2-1.03. Adjourned regular meetings: Where held.**

Adjourned meetings shall be held within the City limits at such place as may be designated in the motion for adjournment. (Prior Code § 2-7)

### **Section 2-1.04. Special meetings.**

Special meetings may be held on any day at any time providing the provisions of the Government Code of the State respecting special meetings are complied with. (Prior Code § 2-8)

### **Section 2-1.05. City Council Chambers unavailable.**

In the event through accident, disaster, or other reason the City Council Chambers are not available or are not fit for the holding of a meeting therein, the Mayor may designate a place at which any meeting required to be held in the City Council Chambers may be held. (Prior Code § 2-9)

### **Section 2-1.06. Defect in time or place.**

No defect in the place or time of holding any meeting shall invalidate any proceedings had at the meeting. (Prior Code § 2-10)

## CHAPTER 2-2 CITY COUNCIL SALARIES

### **Section 2-2.01. Authority.**

This chapter is enacted pursuant to Section 36516 of the Government Code, authorizing the Council to provide by ordinance that each member of the Council shall receive a prescribed salary, the amount of which is based upon the population of the City as determined by estimates made by the State Department of Finance. (Prior Code § 2-10A.1)

### **Section 2-2.02. Salaries designated.**

Each member of the Council and the Mayor shall receive, exclusive of any money paid as reimbursement for actual and necessary expenses incurred in the performance of official City duties, as salary, the sum of one thousand and fifty dollars (\$1,050.00) per month. These salaries so increased shall become payable only on and after the effective date of the ordinance codified in this chapter. (Ord. 2008-02, eff. 3/20/08; Ord. 2005-08, eff. 8/19/05; Ord. 2001-15, eff. 8/15/01; Ord. 86-33 § 1, eff. 12/16/86; Ord. 86-30 § 1, eff. 1/15/87; Ord. 85-1113 § 2, eff. 1/16/86; Prior Code § 2-10A.2)

### **Section 2-2.03. Mayor's salary.**

The Mayor shall receive in addition to the salary set forth in Section 2-2.02 of this chapter, exclusive of any money paid as reimbursement for actual and necessary expenses incurred in the performance of official City duties, the sum of two hundred and fifty dollars (\$250.00) per month. This salary shall become payable only on and after the effective date of the ordinance codified in this chapter. (Ord. 2008-02, eff. 3/20/08; Ord. 2005-08, eff. 8/19/05; Ord. 2001-15, eff. 8/15/01; Ord. 86-34 § 1, eff. 12/16/86)

### **Section 2-2.04. Reimbursement for Expenses.**

Pursuant to Article XI, Section 5 of the California Constitution and the plenary authority to make and enforce all ordinances respecting municipal affairs provided by the City's charter, the Mayor and members of the Council may be reimbursed for reasonable expenses incurred in the performance of City business, including but not limited to the cost of meals furnished to third parties at meetings held to discuss legislation or other matters of benefit to the City. (Ord. 2003-02, eff. 3/6/03)

## CHAPTER 2-3 CITY MANAGER

### **Section 2-3.01. Established.**

The office of City Manager is created. (Prior Code § 2-11) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.02. Appointment and removal.**

A City Manager shall be appointed and removed by a majority vote of the City Council and shall be chosen by the Council solely on the basis of executive and administrative qualifications. (Prior Code § 2-12)

The City Manager may not be removed from office, except for cause, during the first ninety (90) days of a term of office of a Councilmember. (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.03. Compensation.**

The City Manager shall receive such compensation and benefits as the Council shall fix from time to time by ordinance or resolution. (Prior Code § 2-14) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.04. Chief Administrative Officer: Powers and duties.**

(a) The City Manager shall be the Chief Administrative Officer of the City and shall be responsible to the City Council for the proper administration of all affairs of the City. All department heads shall be responsible to the City Manager for the proper conduct of their department and for the employees and functions within that department.

(b) The City Manager shall have the powers and duties set out in this chapter, and shall perform such other duties as may be required by the Council. (Prior Code § 2-15 (part), (l)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.05. Service as personnel officer.**

The City Manager has the power and duty to serve as Personnel Officer of the City and appoint and, when necessary, suspend or dismiss any employee of the City. The City Manager may from time to time prepare and publish standards concerning appointment, suspension or removal of employees of any particular department and shall delegate to the head of such a department the ability to appoint, suspend or remove subordinate employees in such department pursuant to the standards so published. (Prior Code § 2-15 (a)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.06. Budget preparation and administration.**

The City Manager has the power and duty to prepare the annual budget and submit it to the Council together with a message describing the important features. The City Manager shall be responsible for the administration of the budget following its adoption by the Council. (Prior Code § 2-15 (b)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.07. Financial and administrative report.**

The City Manager has the power and duty to prepare and submit to the City Council a summary report concerning the finances and administrative activities of the City annually as of the end of each fiscal year. (Prior Code § 2-15 (c)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.08. Financial condition and recommendations.**

The City Manager has the power and duty to keep the Council advised of the financial condition and the future needs of the City and make such recommendations as deemed desirable. (Prior Code § 2-15 (d)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.09. Pay recommendations.**

The City Manager has the power and duty to recommend to the governing body annually, at the beginning of each calendar year, a standard schedule of pay for each appointive office and position in the City service. (Prior Code § 2-15 (e)) (Ord. 95-7, eff. 05/18/95)

### **Section 2-3.10. General recommendations.**

The City Manager has the power and duty to recommend to the governing body adoption of such measures as deemed necessary or expedient for the health, safety or welfare of the community, or for the improvement of services. (Prior Code § 2-15 (f)) (Ord. 95-7, eff. 05/18/95)

**Section 2-3.11. Administrative reorganization.**

The City Manager has the power and duty to consolidate or combine offices or departments with the approval of the City Council. (Prior Code § 2-15 (g)) (Ord. 95-7, eff. 05/18/95)

**Section 2-3.12. Attendance at Council meetings.**

The City Manager has the power and duty to attend all meetings of the City Council unless excused therefrom and take part in all matters coming before the Council. (Prior Code § 2-15 (h)) (Ord. 95-7, eff. 05/18/95)

**Section 2-3.13. Ordinance enforcement.**

The City Manager has the power and duty to supervise and coordinate the enforcement of all ordinances by the officers and employees of the City. (Prior Code § 2-15 (i)) (Ord. 95-7, eff. 05/18/95)

**Section 2-3.14. Investigations.**

The City Manager has the power and duty to investigate the affairs of the City, or any department or unit thereof and shall investigate all complaints in relation to matters concerning the administration of the government of the City. (Prior Code § 2-15 (l)) (Ord. 95-7, eff. 05/18/95)

**Section 2-3.15. Emergency spending.**

The City Manager has the power and duty, in case of accident, disaster or other circumstance creating a public emergency, to award contracts and make purchases for the purpose of meeting such emergency and shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized accounting of expenditures. (Prior Code § 2-15 (k)) (Ord. No. 95-7, Amended 05/18/95)

**Section 2-3.16. Assumption of City Manager's obligations and authority.**

The City Manager shall assume all the rights, duties, obligations and authority as provided in this Code, resolutions, rules, policies and agreements for the City Manager. (Ord. 95-7, eff. 05/18/95)

## CHAPTER 2-4 CITY ATTORNEY

### **Section 2-4.01. Established.**

The office of City Attorney is created. (Prior Code § 2-16)

### **Section 2-4.02. Legal department.**

A legal department is established. The City Attorney shall be the head of the department. The department shall be under the authority of the City Manager; provided, however, that the decision of the City Attorney shall be controlling as to all legal questions. (Prior Code § 2-17)

### **Section 2-4.03. Initiation of proceedings: Special counsel.**

With the approval of the City Manager, the City Attorney is authorized to initiate all proceedings in law or equity for the defense of the City and for the enforcement of all City ordinances. The City Manager may appoint special counsel to take charge thereof or assist the City Attorney. (Prior Code § 2-19)

### **Section 2-4.04. Legal advice.**

The City Attorney has the power and duty to advise the City Council, City Manager, City Planning Commission, the City Clerk and the City Treasurer in all legal matters pertaining to City business. (Prior Code § 2-20 (a))

### **Section 2-4.05. Criminal prosecutions.**

The City Attorney has the power and duty to prosecute on behalf of the City all criminal cases arising upon violations of this Code or other City ordinances. (Prior Code § 2-20 (b))

### **Section 2-4.06. Suits and other matters.**

The City Attorney has the power and duty to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. (Prior Code § 2-20 (c))

### **Section 2-4.07. Attendance at certain meetings.**

The City Attorney has the power and duty to attend all meetings of the Council and the Planning Commission unless excused therefrom. He shall be notified by the City Clerk of all meetings of the Council and by the secretary of the Planning Commission of all meetings of the Planning Commission. (Prior Code § 2-20 (d))

### **Section 2-4.08. Written opinions.**

The City Attorney has the power and duty to give his advice or opinion in writing whenever required by the Council, City Manager, Planning Commission, City Clerk or City Treasurer. (Prior Code § 2-20 (e))

### **Section 2-4.09. Bond and contract approval.**

The City Attorney shall approve the form of all bonds given to and all contracts made with the City. (Prior Code § 2-20 (f))

### **Section 2-4.10. Drafting ordinances and resolutions.**

(a) The City Attorney shall draft all proposed ordinances and amendments thereto for the City Council, and no proposed ordinance or amendment thereto shall be placed on the agenda of or be considered by the City Council unless the ordinance has been so drafted by the City Attorney; provided further, that resolutions by boards and commissions of the City recommending adoption of an ordinance or an amendment thereto shall state the subject matter under consideration and the purpose which the board or commission recommends be achieved by the proposed ordinance or amendment thereto, and may include a proposed text thereof. Upon order of the City Manager, the City Attorney shall draft the proposed ordinance or amendment thereto for presentation to the City Council.

(b) The City Attorney shall prepare all proposed resolutions for the City Council, except as provided in this chapter, and no other resolutions shall be placed on the agenda of the City Council or be considered by the City Council at any regular or adjourned regular meeting except resolutions of a ceremonial nature, which latter type of resolution shall include but not be limited to resolutions commemorating certain dates or events, expressing commendation for citizens or organizations and resolutions expressing the views of the Council as to public affairs which do not involve the status, powers, rights, duties, obligations or liabilities of the City. (Prior Code § 2-20 (g))

**Section 2-4.11. Unspecified legal services.**

The City Attorney has the power and duty to perform other legal services than those specified in this chapter as required from time to time by the City Council or City Manager. (Prior Code § 2-20 (h))

**Section 2-4.12. Removal from office.**

The City Attorney may not be removed from office, except for cause, during the first ninety (90) days of a term of office of a Councilmember. (Ord. 2004-01, eff. 2/20/04)

## **CHAPTER 2-5 CITY CLERK**

### **Section 2-5.01. Powers and duties generally.**

Pursuant to Article XI, Section 5 of the California Constitution and the plenary authority to make and enforce all ordinances respecting municipal affairs provided by the City's charter, the City Clerk shall have the powers and duties set out in this chapter, and shall perform such additional duties as are prescribed by this Code or other ordinances. All other powers and duties of the City Clerk as set forth in the California Codes, not otherwise mentioned herein, shall be performed by the City Manager or his/her designee. (Prior Code § 2-21 (part), (k); Ord. 2003-02, eff. 3/6/03)

### **Section 2-5.02. Deputies.**

The City Clerk may appoint deputies for whose acts s/he shall be responsible. The deputies shall hold office at the pleasure of the City Clerk. (Prior Code § 2-21 (e), Ord. 2000-06, eff. 8/1/00; Ord. 2003-02, eff. 3/6/03)

### **Section 2-5.03. Administration of oaths: Certification of papers.**

The City Clerk may administer oaths or affirmations and take and certify affidavits and depositions pertaining to City affairs and business. (Prior Code § 2-21 (f), Ord. 2000-06, eff. 8/1/00; Ord. 2003-02, eff. 3/6/03)

### **Section 2-5.04. Cooperation with the City Manager.**

The City Clerk shall work in conjunction with the City Manager and the City Manager shall work in conjunction with the City Clerk and provide any assistance necessary to the City Clerk. (Ord. 2000-06, eff. 8/1/00)

### **Section 2-5.05. Compensation.**

The City Clerk shall receive compensation at the rate of seventy-five dollars (\$75.00) per month. Such compensation prescribed for the City Clerk is considered full compensation with no other benefits attributed to the position. (Prior Code § 2-21.1, Ord. 2000-06, (eff. 8/1/00, Ord. 2003-02, eff. 3/6/03)

## **CHAPTER 2-6 CITY TREASURER**

### **Section 2-6.01. Powers and duties generally.**

Pursuant to Article XI, Section 5 of the California Constitution and the plenary authority to make and enforce all ordinances respecting municipal affairs provided by the City's charter, the City Treasurer shall have the powers and duties set out in this chapter, and shall perform such additional duties as are prescribed by this Code or other ordinances. All other powers and duties of the City Treasurer as set forth in the California Codes, not otherwise mentioned herein, shall be performed by the Director of Administrative Services or his/her designee.

The City Treasurer shall have the following powers and duties:

- (a) To authorize by signature the payment of warrants for obligations approved by legally designated persons;
- (b) To authorize by signature a report prepared by the Director of Administrative Services which provides an accounting of all receipts, disbursements and fund balances. The Director of Administrative Services shall file a copy with the City Clerk for the attention of the City Council. (Ord. 2004-01, eff. 2/20/04)

### **Section 2-6.02. Deputies.**

The City Treasurer may nominate deputies for whose acts s/he shall be responsible. Nominees shall be approved by the Director of Administrative Services. Such deputies shall hold office at the pleasure of the City Treasurer. The City Treasurer shall advise the City Council of the naming of deputies, and the City Council shall take note of same by minute order. (Ord. 2004-01, eff. 2/20/04)

### **Section 2-6.03. Compensation.**

The City Treasurer shall be compensated for duties in the amount of seventy-five dollars (\$75) per month. Such compensation prescribed for the City Treasurer is considered full compensation with no other benefits attributed to the position. (Ord. 86-9 § 1, eff. 5/1/86; Ord. 2004-01, eff. 2/20/04)

### **Section 2-6.04. Cooperation with Director of Administrative Services.**

The City Treasurer shall work in conjunction with the Director of Administrative Services and the Director of Administrative Services shall provide any assistance necessary to the Treasurer. (Ord. 2004-01, eff. 2/20/04)

## CHAPTER 2-7 DIRECTOR OF ADMINISTRATIVE SERVICES

### **Section 2-7.01. Established.**

The office of Director of Administrative Services is created. (Prior Code § 2-24)

### **Section 2-7.02. Supervision of finances and accounts.**

The Director of Administrative Services shall have supervision of the financial and accounting activities of the City, including maintenance of records reflecting the financial condition of the City, preparation of statements of receipts and disbursements, the necessary publication thereof, and including those duties contained in Sections 37208 and 40802 to 40805 of the Government Code of the State. (Prior Code § 2-26 (a))

### **Section 2-7.03. Revenue collection.**

The Director of Administrative Services shall have supervision of revenue collections, including all license fees and permits. (Prior Code § 2-26 (b))

### **Section 2-7.04. Payroll and warrant registers.**

The Director of Administrative Services shall have supervision of preparation of payrolls and warrant registers for all bills payable. (Prior Code § 2-26 (c))

### **Section 2-7.05. Inventories.**

The Director of Administrative Services shall supervise keeping of current property inventories of all City departments and necessary records appurtenant thereto. (Prior Code § 2-26 (d))

### **Section 2-7.06. Budget preparation.**

The Director of Administrative Services shall provide necessary material and assist in the preparation of the annual budget. (Prior Code § 2-26 (e))

### **Section 2-7.07. Checks and warrants: Drawing generally.**

Warrants and checks shall be ordered drawn by the Director of Administrative Services specifying thereon the purpose for which drawn and the fund from which payment is to be made. (Prior Code § 2-26 (f))

### **Section 2-7.08. Checks and warrants: Budgeted items.**

Warrants and checks representing budgetary demands conforming to a budget adopted by ordinance may be paid prior to ratification and approval by the Council, and shall then be included in a register of audited demands for presentation to the Council for ratification and approval at the next regular meeting. There shall be attached to the register an affidavit certifying the accuracy and availability of funds for payment thereof signed by the Director of Administrative Services or his designated deputy who shall have executed an official bond to the City in an amount equal to that of the Director of Administrative Services covering the faithful performance by such officer of the duties of his office. (Prior Code § 2-26 (g))

### **Section 2-7.09. Checks and warrants: Unbudgeted items.**

Warrants and checks not covered by Section 2-7.08 shall be presented to the City Council in identical manner to that set forth in Section 2-7.08, but shall not be paid prior to ratification and approval. (Prior Code § 2-26 (h))

### **Section 2-7.10. Checks and warrants: Signature.**

All warrants and checks shall be manually signed by the City Treasurer or his authorized deputy, or by the facsimile signature of the City Treasurer or his authorized deputy; provided further, however, that facsimile signatures shall not be used until the City Treasurer and/or his authorized deputy shall have complied with the provisions of State law applicable to such facsimile signatures. (Prior Code § 2-27)

## **CHAPTER 2-8 BONDS FOR CITY OFFICERS AND EMPLOYEES**

### **Section 2-8.01. City Manager.**

The City Manager shall furnish a surety bond to be approved by the Council, such bond to be conditioned on the faithful performance of his duties. The penal sum of the official bond of the City Manager is fixed in the amount of twenty-five thousand dollars (\$25,000). Such sum is in accordance with the written recommendations of the City Attorney, which written recommendations are on file in the office of the City Clerk. The premium of the bond shall be paid by the City. (Prior Code § 2-13)

### **Section 2-8.02. City Clerk and City Treasurer.**

The penal sums of the official bonds of the City Clerk and City Treasurer are fixed in the amount of fifty thousand dollars (\$50,000) each. All of such sums are in accordance with the written recommendations of the City Attorney, which written recommendations are on file in the office of the City Clerk. (Prior Code § 2-2)

### **Section 2-8.03. Director of Administrative Services.**

The Director of Administrative Services shall, before entering upon the duties of his office, execute a bond of the City conditioned upon the faithful performance of his duties in an amount not less than fifty thousand dollars (\$50,000). (Prior Code § 2-25)

### **Section 2-8.04. Other officers and employees.**

The City Council may require bonds of officers, agents and employees of the City other than the City Clerk and City Treasurer, and the penal sums of such bonds may be fixed by motion of the City Council, duly passed and adopted at a regular meeting or adjourned regular meeting. Such bonds of officers, agents and employees of the City, other than the City Clerk and City Treasurer, may be in the form of what are generally known as "position bonds," at the discretion of the City Council. (Prior Code § 2-3)

### **Section 2-8.05. Premium payment.**

Premiums upon the bonds of all officers, agents and employees of the City, if such bonds are executed by a surety company authorized to do business in the State, shall be paid by the City out of its general fund. (Prior Code § 2-4)

## CHAPTER 2-9 PENSION PLAN

### **Section 2-9.01. Definitions.**

As used in this chapter:

(a) "Carrier" means any insurance carrier with whom the City enters into the contract provided for in this chapter.

(b) "Retirement contract" means the contract between the City Council and the Board of Administration of the California State Employees' Retirement System referred to in Section 2-9.02 (a). (Prior Code §§ 2-51 (part), 2-59 (part))

### **Section 2-9.02. Effectiveness of provisions.**

(a) The provisions of this chapter providing for salary deductions, pension formula and other provisions having to do with the rate, amount and types of benefits for City employees pursuant to the pension plan, shall continue in full force and effect from and after the first day of January, 1968, insofar as the same are applicable and necessary to ensure the benefits of the employees and the rights of the City pursuant to the agreement between the City and Occidental Life Insurance Company of California, Contract No. 4454-N, as amended, and in effect on the 31st day of December, 1967.

(b) The provisions of this chapter with regard to salary deductions, pension formula, rates and amounts of contributions, benefits and the manner of payment upon death of employees before or after retirement and termination of employment prior to retirement from and after the first day of January, 1968, shall be suspended and are amended by the provisions of the contract between the City Council and the Board of Administration of the California State Employees' Retirement System, which contract is set forth as Exhibit A of Ordinance 671 of the City Council insofar as the provisions of the contract conflict with the provisions of this chapter, except as provided in Section 2-9.08. (Prior Code § 2-51 (part))

### **Section 2-9.03. Applicability.**

The provisions of this chapter and the pension plan provided for in this chapter shall, in order to establish the pension plan on a sound actuarial basis, apply to all full-time permanent employees of the City. (Prior Code § 2-52)

### **Section 2-9.04. Established.**

There is established in the City a pension plan to provide retirement and death benefits for City employees in order to effect economy and efficiency in the public service. This chapter is enacted pursuant to Article 2, Chapter 2, Division 5 of the Government Code of the State. (Prior Code § 2-51 (part))

### **Section 2-9.05. Death of employee.**

In the event an employee dies either before or after his retirement, there shall be payable to his beneficiaries, to be named by him, a sum equal to all deductions previously made under the terms of this plan from such employee's compensation, plus such interest as may have accumulated upon such deductions pursuant to the City's contract with the carrier defined in this chapter, less all payments which have been made to employee under the terms of this chapter and plan. (Prior Code § 2-55)

### **Section 2-9.06. Termination before retirement: Choices.**

In the event that any employee's employment by the City is terminated prior to retirement of the employee, such employee may elect:

(a) To receive in a lump sum an amount equal to an amount which his beneficiary would have received at such time under the provisions of Section 2-9.05; or

(b) To receive commencing at retirement age a monthly pension computed on the pension formula and reduced, for failure or inability to serve until retirement age, in accordance with the terms of the City's contract with the carrier. (Prior Code § 2-56)

### **Section 2-9.07. Termination before retirement: Cash refund.**

If an employee makes the election provided in subsection (b) of Section 2-9.06, he may at any time prior to the date his annuity payments are to commence elect and receive in lieu of all other benefits a cash refund in the amount of total contributions made by him together with credited interest by providing written notice of such election to the City's contract with the carrier. (Prior Code § 2-57)

**Section 2-9.08. Retirement age.**

Retirement age, as used in this chapter, shall mean the first calendar day of the month following the employee's sixty-seventh (67th) birthday. Termination of City services at that age shall be compulsory for all employees. The provisions of this section shall not limit the right of any employee, pursuant to the retirement contract, to retire under the State Employees' Retirement Systems at any time up to the age of seventy (70) years, at the option of the employee, but shall nevertheless require the termination of the service of the employee with the City. (Prior Code § 2-58)

**Section 2-9.09. Contract with insurance carrier.**

(a) The City shall, upon the adoption of the ordinance codified in this chapter and prior to the commencement of making deduction under the terms of this chapter, enter into a contract with an insurance carrier, licensed and permitted under the laws of the State to write and enter into the type of insurance contracts contemplated in this section, which contract shall provide for the payment to the employees of the City of the benefits provided for in this chapter. The contract shall further provide for the payment to the insurance carrier of all deductions made from employees' compensation under the terms of this chapter, and the City shall so pay the amount of the deductions to the carrier.

(b) The contract shall further provide for the total amount of payments required to be paid to the carrier in order to make the benefits available to employees. The City shall by the contract obligate itself to pay and shall pay to the carrier the amount of the difference between the total amount of payments to be made to the carrier and the amount of deductions from employees' compensation, from the City's funds and revenues, so long as the contract shall remain in force.

(c) As to employees who will under the terms of this chapter retire immediately upon the effective date of the provisions codified in this chapter without having made any contribution to the pension plan as provided for in this chapter, the City may exclude from its contract with the carrier all provisions for payment of a pension to the employees, in which event the City shall be obligated to pay to the employees the pension provided for in this chapter from its own funds. (Prior Code § 2-59 (part))

**Section 2-9.10. Contract with State: Adoption.**

(a) A contract between the City Council and the Board of Administration, California State Employees' Retirement System, is authorized. The contract is incorporated in this section by reference and by such reference made a part of this section as though set out in full in this section.

(b) The Mayor of the City Council is authorized, empowered and directed to execute the contract for and on behalf of the City.

(c) The contract, together with any and all amendments thereto which may be adopted from time to time, shall not be printed in this Code, but shall be maintained by the City Clerk in the official records (see File A-192). (Prior Code § 2-59.1 (a), (b), (c))

**Section 2-9.11. Contract with State: Amendment No. 1.**

(a) Amendment No. 1 to the contract between the City Council and the Board of Administration, California Public Employees' Retirement System is authorized. Amendment No. 1 is incorporated in this section by reference, and by such reference made a part of this section as though set out in this section in full.

(b) The Mayor of the City Council is authorized, empowered and directed to execute the amendment for and on behalf of the City Council. (Prior Code § 2-59.1 (d), (e))

**Section 2-9.12. Rules and regulations.**

The City Council shall have the power to adopt rules and regulations to effectuate and administer the pension plan and to further the purposes of this chapter. (Prior Code § 2-61)

## CHAPTER 2-10 GROUP INSURANCE PLANS

### **Section 2-10.01. Established: Purpose.**

There are established by the City group insurance plans to provide health, disability and death benefits for City employees pursuant to the laws of the State relating thereto. (Prior Code § 2-71)

### **Section 2-10.02. Applicability.**

(a) The provisions of this chapter shall apply to all management, fire and sworn police personnel with the first day of their employment as such.

(b) Members of the City Council are and shall be eligible for the plans under the provisions of this chapter.

(c) The provisions of this chapter shall apply to all permanent, full-time employees not otherwise provided for in this section upon completion of their six (6) months' probationary status. (Prior Code § 2-72)

### **Section 2-10.03. Mandatory participation.**

Participation in the group insurance plans provided for in this chapter is mandatory. It is the finding and determination of the Council that mandatory participation benefits all employees through better rates and better insurance provisions for all. The City Manager may waive this requirement for any employee if he finds it is in the best interest of the City to do so. (Prior Code § 2-73)

### **Section 2-10.04. Contracts with carriers.**

The City may, upon the adoption of the provisions codified in this chapter, enter into a contract or contracts with an insurance carrier or carriers licensed and permitted under the laws of the State to write and enter into the type of contracts contemplated in this chapter, which contracts shall provide for the provision of health benefits, salary continuation in the event of disability, and life insurance on all of the participating employees and officers as a group. (Prior Code § 2-74)

### **Section 2-10.05. Payments to carriers.**

Upon entering into a contract with any insurance carrier, the City shall pay to such insurance carrier a percentage to be set by resolution of the Council from time to time of all premiums payable on accounts of all officers and employees participating in the plan, and the participating officers and employees shall pay such premium percentages as set by resolution by authorizing the deduction of such from their compensation. In the event that the contract with the insurance carrier, entered into pursuant to this section, provides for coverage of dependents of the employee, such provisions may be included; provided, however, that the percentage of that premium for such additional coverage to be paid by the City is approved by resolution. Participation in such additional coverage for dependents by each employee shall be voluntary on the part of the employee. (Prior Code § 2-75)

### **Section 2-10.06. Retired and terminated employees.**

The City shall not be obligated or empowered to make any payment of premium on behalf of any officer or employee who has retired or otherwise been terminated from his employment with the City; provided, however, that this limitation shall not apply to a provision for such payment which is set forth in and provided for in a memorandum of understanding approved by the Council; provided further, that the insurance contract shall provide that retiring and terminating employees and officers may convert their group life or health insurance policies upon retirement or termination. (Prior Code § 2-76)

### **Section 2-10.07. Changes in coverage.**

The group insurance contracts may contain such benefits as established by the Council from time to time. The Council may from time to time in its discretion approve changes in the group insurance contracts and may change carriers and enter into new group insurance contracts for the purpose of improving the benefits provided thereunder or reducing the rates provided for in such contracts for premium payments, so long as the minimum requirements of this chapter are met by such contract. (Prior Code § 2-77)

## CHAPTER 2-11 EMPLOYMENT ELIGIBILITY OF FELONS

### **Section 2-11.01. Disqualification by felony conviction: Mitigating factors.**

Except as otherwise provided in this chapter, conviction (including pleas of guilty and nolo contendere) of a felony shall be prima facie disqualification of an applicant for employment by the City; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- (a) The classification, including its sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- (b) The nature and seriousness of the offense;
- (c) The circumstances surrounding the conviction;
- (d) The length of time elapsed since the conviction;
- (e) The age of the person at the time of the conviction;
- (f) The presence or absence of rehabilitation or efforts at rehabilitation;
- (g) Contributing social or environmental conditions. (Prior Code § 8A-1)

### **Section 2-11.02. Notice of disqualification.**

The appointing authority shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application for employment. (Prior Code § 8A-2 (part))

### **Section 2-11.03. Appeal.**

An applicant who is disqualified for employment under this chapter may appeal such a determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days from the date of the notice of disqualification provided for in Section 2-11.02. The City Manager shall hear and determine the appeal within thirty (30) days after it is filed. The determination of the City Manager on the appeal shall be final. (Prior Code § 8A-2 (part))

### **Section 2-11.04. Peace officer applicants.**

Notwithstanding Section 2-11.03, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment, if the applicant has been convicted of a felony. (Prior Code § 8A-2 (part))

### **Section 2-11.05. Access to criminal histories.**

Pursuant to Section 11105 of the State Penal Code, the following officers of the City are authorized to have access to and to utilize State summary criminal history information when it is needed to assist them in fulfilling employment duties set forth in this section:

- (a) City Manager;
- (b) City Attorney;
- (c) Police Chief. (Prior Code § 8A-2 (part))

## CHAPTER 2-12 HISTORICAL MUSEUM

### Section 2-12.100. Article 1. Museum

#### Section 2-12.101. Establishment.

There is established the Santa Maria Historical Museum, which shall be a public museum of natural and historical objects. The Santa Maria Valley Historical Society (Historical Society) is designated as the administrator and operator of the museum. (Prior Code § 2-120) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.102. Deleted in its entirety.

(Prior Code § 2-128) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.103. Regulations.

The Council may adopt regulations necessary for the administration and protection of the museum and museum property. The Council may adopt such regulations by resolution. Upon adoption of such a resolution by the Council the same shall be regulations adopted pursuant to this chapter, and violations of such regulations shall be punishable in the manner prescribed by Section 1-6.02. (Prior Code § 2-129) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.104. Real property acceptance.

The Council may accept title to real property for museum purposes or permit the erection of buildings and improvements for such purposes on lands owned by the City. Upon acceptance of title to real property for museum purposes, or upon erection of buildings and improvements on lands owned by the City for museum purposes, the land and any and all buildings or improvements thereon shall be and remain the property of the City. (Prior Code § 2-130)

#### Section 2-12.105. Gifts and bequests.

The Santa Maria Valley Historical Society may recommend to the Council the acceptance of any gift, devise or bequest, conditional or otherwise, and the acceptance of any trust created or proposed to be created on behalf of the museum. Upon acceptance thereof by the Council, the historical society shall thereafter administer such trust or conditional gift, devise or bequest according to its terms. Upon the performance of all the conditions of a conditional gift, devise or bequest, or upon the acceptance of any unconditional gift, devise or bequest the property which is the subject thereof shall be and become the property of the City. Except where the gift, devise or bequest provides otherwise, the historical society may recommend to the Council that the property which is the subject thereof be disposed of for the benefit of the museum. (Prior Code § 2-131) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.106. Purchases.

The historical society may purchase personal property, including necessary publications and objects of natural or historical value, provided that funds are available therefor in the museum fund. (Prior Code § 2-132) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.107. Intermuseum loans.

The historical society may borrow objects of natural or historical value, lend such objects to, and exchange them with other museums. It may allow nonresidents to borrow such objects and may accept loans of such objects from any person. The historical society may prescribe the conditions of such loans. (Prior Code § 2-134) (Ord. 96-3, eff. 04/18/96)

#### Section 2-12.108. Museum fund.

There is established a museum fund. All donations, gifts, devises or bequests of money to and for the Santa Maria Historical Museum shall be deposited in the museum fund. All expenditures for museum purchases shall be made from the museum fund, which shall be accounted for and audited in the same manner as other special funds of the City. Any appropriation made by the Council out of City funds shall be deposited in the museum fund. (Prior Code § 2-133 (part))

#### Section 2-12.109. Special accounts.

If payment into the museum fund is inconsistent with the conditions of a gift, devise or bequest, the historical society, upon approval and acceptance by the City Council of such gift, devise or bequest shall provide for the

preservation of the money and its application to the use of the museum pursuant to such conditions. (Prior Code § 2-133 (part)) (Ord. 96-3, eff. 04/18/96)

**Section 2-12.110. Claims.**

Claims upon the museum fund shall be presented to the historical society. The historical society shall then recommend to the Council that such claims be allowed, allowed in part or rejected. Final action on all claims shall be taken by the Council. (Prior Code § 2-137) (Ord. 96-3, eff. 04/18/96)

**Section 2-12.111. Admission.**

All members of the public shall be admitted to the museum at reasonable times, which times shall be recommended by the historical society and specifically approved by the Council. No charges for admission to the museum shall be made other than such charges as may be determined by the Council to be necessary to defray the cost of operation and maintenance of the museum. (Prior Code § 2-138) (Ord. 96-3, eff. 04/18/96)

**Section 2-12.112. Disestablishment.**

The Council, pursuant to the provisions of this section, may repeal this chapter, and upon such repeal the museum is disestablished; provided, however, that such action repealing this chapter and disestablishing the museum shall be taken only after a public hearing, notice of which shall be published not less than two (2) times in a newspaper of general circulation, published in the City, and written notice to the historical society. The second publication in the newspaper and the mailing of the written notice to the historical society shall be not less than fifteen (15) days prior to the time set for the hearing. (Prior Code § 2-139) (Ord. 96-3, eff. 04/18/96)

**Section 2-12.113. Annual report.**

On or before July 31st in each year, the historical society shall report to the Council the condition of the museum on June 30th preceding with a statement of its proceedings for the year, and shall forward a copy to the State Board of Education for filing. (Prior Section 2-12-209; Prior Code § 2-136) (Ord. 96-3, eff. 04/18/96)

**NOTE: Sections 2-12.201 through 2-12.209 were repealed by Ordinance No. 96-3 (Prior Code § 2-121 through 2-136)**

## **CHAPTER 2-13 PUBLIC LIBRARY**

### **Section 2-13.01. Establishment.**

A public library is established in and for the City to be maintained in all respects in accordance with the provisions of Chapter 5 of Part 11, of Division 1 of the Education Code; provided, however, that Education Code §18921 and any successor section shall not apply to the Santa Maria Public Library. (Ord. 88-18 § 2, eff. 10/20/88; Ord. 2002-05, eff. 7/18/02)

## **CHAPTER 2-14 RECREATION AND PARKS COMMISSION**

### **Section 2-14.01. Recreation and parks system.**

The Council may authorize the organization, production and operation of a comprehensive recreation and park system involving the acquisition, development and maintenance of recreation and park facilities within or without the territorial limits of the City and to these ends make expenditures from the general fund of the City. (Ord. 97-4, eff. 4/03/97)

### **Section 2-14.02. Established: Composition.**

The Recreation and Parks Commission shall be composed of five (5) members, all of whom represent the community "at large". (Ord. 89-6 § 1, eff. 4/20/89) (Ord. 94-33, eff. 1/19/95; Ord. 97-4, eff. 4/03/97)

### **Section 2-14.03. Appointment: Terms: Vacancies: Removal.**

(a) Any person may be appointed a member of the Recreation and Parks Commission who is a resident of the City.

(b) Members of the Commission shall be appointed by the Mayor and Council.

(c) Members of the Commission shall be appointed using the procedure specified in Council Policy #97-1. Each member shall serve until replaced. When a member is appointed to fill a vacancy in the Commission, such appointee shall only serve for the unexpired portion of the term of office of the member whose vacancy he or she fills. Appointments to the Recreation and Parks Commission shall be made at the last regular meeting of the Council held in the month of January of odd-numbered years, and whenever a vacancy occurs in the Commission by reason of the removal, resignation, death, or other inability of a member of the Commission to act. (Ord. 89-33 § 1, eff. 2/1/90; Ord. 88-18 § 3, eff. 10/20/88; Ord. 97-4, eff. 4/03/97; Ord. 2001-01, eff. 3/8/01; Ord. 2003-02, eff. 3/6/03)

### **Section 2-14.04. Meetings: Chairman: Rules of Procedure.**

(a) The Recreation and Parks Commission shall hold regular meetings at the City Hall in the Council Chambers at such time as is fixed by resolution. The Commission may hold such special meetings as the Commission shall call in accordance with the provisions of the Brown Act. All business conducted at a special meeting by the Commission shall be approved by at least an affirmative vote of four (4) members.

(b) The Recreation and Parks Commission shall elect one of its members to act as its chairman, and the chairman shall appoint, subject to the approval of the Commission, such committees among the members of the Commission as he sees fit. The chairman shall be an ex officio member of each committee so appointed.

(c) Except as otherwise provided by the Council or by this Code, the Commission shall have the power to prescribe its own manner of conducting meetings and its own rules and procedure. (Ord. 97-4, eff. 4/03/97)

### **Section 2-14.05. Secretary.**

The Recreation and Parks Commission shall appoint its secretary who may be an employee of the Recreation and Parks Department. (Ord. 97-4, eff. 4/03/97)

### **Section 2-14.06. Recommendations to Council: Powers generally.**

The Recreation and Parks Commission may make such recommendations to the City Council as it deems necessary concerning the organization, promotion, conduct and management of programs of community recreation in the City and the establishment of systems of playgrounds and recreation, and the acquisition, improvement, maintenance, operation and management of recreation facilities within or without the territorial limits of the City, as well as parkland dedications and subdivision in-lieu fees, residential development taxes, and urban forestry. The Recreation and Parks Commission shall have the power and authority to hold public hearings and meetings and to conduct investigations and surveys for the purpose of securing facts and data concerning the matters enumerated in this section. The Recreation and Parks Commission shall have only such powers as are expressly granted by this chapter or as are granted by motion of the City Council. (Ord. 97-4, eff. 4/03/97)

### **Section 2-14.07. Compensation for Commission Members.**

The members of the Recreation and Parks Commission shall be compensated for their duties and reimbursed for expenses incurred in their official function, as set forth by resolution of the City Council. (Ord. 2001-19, eff. 10/2/01).

## CHAPTER 2-15 PLANNING COMMISSION

### **Section 2-15.01. Composition.**

The Planning Commission of the City shall consist of five (5) members. (Prior Code § 2-78)

### **Section 2-15.02. Terms: Vacancies.**

Members of the Planning Commission shall be appointed using the procedure specified in Council Policy #95-1. Appointments to the Commission shall be made at the last regular meeting of the Council held in the month of January. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. Each Commissioner shall serve until replaced. (Ord. 88-18 § 4, eff. 10/20/88; Ord. 2001-01, eff. 3/8/01) (Prior Code § 2-79)

### **Section 2-15.03. State law to govern.**

The Planning Commission is created and established pursuant to and in accordance with Chapters 1, 2 and 3 of Title 7 of the Government Code, and amendments thereto, and the rights and duties of the Planning Commission shall be as provided in those provisions. (Prior Code § 2-80)

### **Section 2-15.04. Compensation and reimbursement.**

The members of the Planning Commission shall be compensated for their duties, and reimbursed for expenses incurred in their official function, as set forth by resolution of the Council. (Ord. 86-8 § 1, 5/1/86)

## **CHAPTER 2-16 BOARDS, COMMISSIONS, AND COMMITTEES IN GENERAL**

### **Section 2-16.01. Deemed resignation.**

In the event any member of the Planning Commission, the Recreation and Parks Commission, the Board of Examiners and Appeals and of the Library Board of the City shall, without the express permission of the commission or board of which is a member, absent himself from three (3) consecutive regular meetings of such commission or board, such member shall be deemed to have resigned from the commission or board and his office shall thereupon become vacant. (Ord. 88-18 § 6 (part), eff. 10/20/88: prior Code § 2-1 (part))

### **Section 2-16.02. Removal of members of boards, commissions and committees.**

Members of boards, commissions and committees serve at the pleasure of the City Council. Unless otherwise provided for in law, any member may be removed at any time, with or without cause, by a majority vote of all the members of the City Council. (Ord. 88-18 § 6 (part), eff. 10/20/88: prior Code § 2-1 (part))

## CHAPTER 2-17 EMERGENCY SERVICES

### Section 2-17.01. 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 an emergency; the direction of the emergency organization, and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons. (Prior Code § 8-1)

### Section 2-17.02. Definitions.

(a) "Emergency Services." As used in this chapter, the term "emergency services" 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 emergencies or disasters. It shall not include, nor does any provision of this ordinance apply, to any condition relating to a labor controversy.

(b) "Emergency." As used in this chapter, the term "emergency" means the actual or threatened existence of conditions of emergency or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, hazardous materials or conditions resulting from war or imminent threat of war.

(c) "Disaster." As used in this chapter the term "disaster" means the actual or threatened existence of emergency conditions which are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat. (Ord. 89-5 § 2, eff. 4/6/89: prior Code § 8-2)

### Section 2-17.03. Emergency Services Council: Membership.

The Emergency Services Council is created and shall consist of the following:

- (a) The City Manager, who shall be chairman.
- (b) The Deputy City Manager, who shall be vice-chairman.
- (c) The Coordinator of Emergency Services, who is directly responsible to the Director for the development and maintenance of emergency plans, organization and coordination of emergency programs and training, to include volunteers, and such other duties as may be assigned by the Director.
- (d) The Fire Chief and Chief of Police who shall be designated as Assistant Directors of Emergency Services.
- (e) Such representatives of departments, services or divisions as are provided for by resolution pursuant to this chapter.
- (f) Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency services responsibility as may be appointed by the City Manager with the consent of the City Council. (Ord. 89-5 § 3, eff. 4/6/89: prior Code § 8-3)

### Section 2-17.04. Emergency Services Council: Powers and duties.

The office of Director of Emergency Services is created. The City Manager shall be the Director of Emergency Services.

The Director is hereby empowered:

- (a) To request the City Council to proclaim the existence or threatened existence of an emergency or a disaster 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 possible time.
- (b) To request the Governor to proclaim a "state of emergency" or "state of extreme emergency" when in the opinion of the Director the resources of the area or region are inadequate to cope with the disaster.
- (c) To designate the order of succession to the office of emergency services, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.
- (d) To control and direct the effects of the emergency services organization of this City for the accomplishment of the purposes of this chapter.
- (e) To direct coordination and cooperation between divisions, services and staff of the emergency services organization of this City and resolve questions of authority and responsibility that may arise between them.
- (f) To represent the emergency services organization of this City in all dealings with public or private agencies pertaining to emergency services. (Ord. 89-5 § 4, eff. 4/6/89: prior Code § 8-4)

**Section 2-17.05. Director and Assistant Director.**

(a) There is created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

(b) There is created the office of Assistant Director of Emergency Services, who shall be appointed by the Director. (Prior Code § 8-5)

**Section 2-17.06. Powers of Director during emergencies or disasters.**

In the event of the proclamation of the "local emergency" or disaster as herein provided, or the proclamation of a "state of emergency" or a "state of extreme emergency" by the Governor or the Director of the California Office of Emergency Services, the Director 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 disasters, provided however such rules and regulations must be confirmed at the earliest possible time by the City Council.

(b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the 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 a proclamation of a "state of emergency" in Santa Barbara County or the existence of a "state of war emergency," 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 disaster service workers.

(d) To requisition necessary personnel or material of any City department or agency.

(e) To execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by this ordinance 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. 89-5 § 6, eff. 4/6/89: prior Code § 8-6 (a) (1--5))

**Section 2-17.07. Emergency services organization.**

All officers and employees of this City, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of the paragraph above, be charged with duties incident to the protection of life and property in this City during such emergency or disaster, shall constitute the emergency services organization of the City. (Ord. 89-5 § 7, eff. 4/6/89: prior Code § 8-6(a)(6))

**Section 2-17.08. Divisions, services and staff of the emergency services organization.**

The functions and duties of the emergency services organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution.

The City Council shall, concurrent with the adoption of this ordinance, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers and the designation of officers and employees. Insofar as possible, the form or organization, titles and terminology shall conform to the recommendations of the counterpart emergency and disaster agencies of the federal government and the State of California. (Ord. 89-5 § 8, eff. 4/6/89: prior Code § 8-6(b))

**Section 2-17.09. Expenditures.**

Any expenditure made in connection with 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. 89-5 § 9, eff. 4/6/89: prior Code § 8-9(c))

**Section 2-17.10. Misdemeanor violations.**

It shall be a misdemeanor, punishable as provided in Chapter 1-6, for any person, during an emergency, to:

(a) Willfully obstruct, hinder or delay any member of the 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) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof or to give assistance to the enemy.

(c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the State. (Ord. 89-5 § 10, eff. 4/6/89; prior Code § 8-7)

**Section 2-17.11. Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this chapter are declared to be severable. (Ord. 89-5 § 11, eff. 4/6/89; prior Code § 8-8)

## **CHAPTER 2-18 PEACE OFFICER RECRUITMENT AND TRAINING**

### **Section 2-18.01. Desire to qualify for State aid.**

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. 88-25 § 1, eff. 2/2/89; prior Code § 2-98)

### **Section 2-18.02. Adherence to State standards.**

Pursuant to Section 13510 (c), Chapter 1, the Santa Maria Police Department will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST). (Ord. 88-25 § 2, eff. 2/2/89; prior Code § 2-99)

### **Section 2-18.03. Inquiries to assure adherence to standards.**

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 Santa Maria 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. 88-25 § 3, eff. 2/2/89)

## CHAPTER 2-19 SPECIAL POLICE OFFICERS

### **Section 2-19.01. Definitions.**

For the purposes of this chapter, the following words and phrases are defined as follows, unless it shall be apparent from the context that they have a different meaning:

(a) "Police Chief" means the Police Chief of the City.

(b) "Regular Police Officer" means all regular Police Officer members of the Police Department of the City duly commissioned and sworn in as provided by law to perform the duties of peace officers and not retired from active duty, suspended or discharged.

(c) "Reserve Police Officer" means all reserve Police Officer members of the Police Department of this City appointed and sworn in as provided by law to perform the duties of peace officers and not retired from active duty, suspended or discharged.

(d) "Special Police Officers" means all Special Police Officers appointed, commissioned and sworn in, in the manner provided in this chapter.

(e) "Special Police Officer's badge" means a badge of the size, type and design last designated and approved by the Police Chief for the use of persons commissioned by him to act as Special Police Officers pursuant to the provisions in this chapter. Such badge shall have permanently engraved, marked or enameled on the face thereof the word "special" in addition to any other words or device, and shall so differ in shape and design from the regular Police Officer's badge as to be readily distinguishable therefrom. All such badges shall be consecutively numbered, and the number shall appear on the face of each such badge. (Prior Code § 2-110)

### **Section 2-19.02. Appointment: Number.**

The Police Chief is authorized and empowered to commission any citizen of the United States of America as a Special Police Officer; provided further, however, that the total number of such Special Police Officers to be commissioned shall be approved by the City Manager. (Prior Code § 2-111)

### **Section 2-19.03. Call to duty.**

The Police Chief, with the approval of the City Manager or his designee, is authorized and empowered to call to duty at any time such duly commissioned Special Police Officers as he deems necessary, and shall thereafter direct and control all activities of such Special Police Officers until he relieves them from such duty. (Prior Code § 2-112)

### **Section 2-19.04. Availability: Response.**

Special Police Officers shall be available at all times and shall respond to any and all calls to duty, and shall remain on duty and subject to the direction and control of the Police Chief until he relieves them of that duty. (Prior Code § 2-113 (a))

### **Section 2-19.05. Duties.**

At all times while on duty as Special Police Officers, the officers shall be under the exclusive direction and control of the Police Chief, and shall perform any and all duties of Police Officers directed by the Police Chief to be performed by them. (Prior Code § 2-113 (b))

### **Section 2-19.06. Authority.**

While on duty as such Special Police Officers, the officers shall have all the rights and powers of peace officers of this City, as defined by the laws of the State and the ordinances of this City. (Prior Code § 2-113 (c))

### **Section 2-19.07. Volunteer, part-time status: Compensation.**

All Special Police Officers appointed and commissioned pursuant to these provisions shall be volunteers, and no person shall be appointed as a Special Police Officer who has not volunteered to be one. Special Police Officers shall be deemed to be part-time employees of the City for the purposes and within the scope and under the limitations set further in this chapter; provided further, however, that Special Police Officers may be compensated for active duty time only, and only upon the approval of, and at the level approved by, the City Manager and the Police Chief. Such compensation, if approved, shall in no event exceed that paid reserve Police Officers for active duty time under the latest adopted salary schedule of the City. (Prior Code § 2-114)

**Section 2-19.08. Badges: Issuance: Misuse.**

(a) Special Police Officer's badges shall be issued by the Police Chief and shall be issued only to persons who have been appointed and commissioned as Special Police Officers pursuant to these provisions.

(b) No person shall possess any Special Police Officer's badge unless that person is a duly appointed and commissioned Special Police Officer as provided in this chapter.

(c) No person or officer or employee of the City shall issue any Special Police Officer's badge, except to persons lawfully entitled thereto pursuant to these provisions.

(d) No person shall assign, sell, transfer, give away or authorize the transfer or use of any Special Police Officer's badge, the issuance of which is prohibited by these provisions. (Prior Code § 2-115)

**Section 2-19.09. Badges: Wearing required.**

It shall be the duty of every person duly appointed and commissioned as a Special Police Officer to have and to wear on his person, in a manner directed by the Police Chief, a Special Police Officer's badge while performing the duties of a Special Police Officer, and no person shall perform any duties of a Special Police Officer unless such person shall first secure a Special Police Officer's badge, as provided in this chapter. (Prior Code § 2-116)

**Section 2-19.10. Forms: Applications: Records.**

The Police Chief shall prepare and adopt with the approval of the City Manager such standard forms or applications for the position of Special Police Officer, identification of Special Police Officers and records of Special Police Officers and the badges issued to such officers, as shall be reasonably and prudently required to ensure qualified applicants and adequate identification and records of all Special Police Officers and Special Police Officer's badges. The Police Chief shall be the sole custodian of all Special Police Officer's badges; provided, however, that the Police Chief may designate a subordinate to retain physical custody of the badges. (Prior Code § 2-117)

## CHAPTER 2-20 PERSONNEL

### Section 2-20.01. Definitions.

The words and terms defined in this section shall have the following meanings in this chapter and in any other ordinance classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department or office of the City:

- (a) Repealed. See new, subsection p.1.
- (b) "Allocation" means the official determination of the class in which a position shall be deemed to exist and the assignment of an individual position to an appropriate class.
- (c) "Applicant" means an individual who has made formal application for a position in the City service.
- (d) "Appointing Authority" means any person authorized by ordinance or resolution to make appointments to any office or position in the City service.
- (e) "Appointment" means the offer to, and acceptance by, an individual for a position in the City service.
- (e.1) "At-will Employee" means either a probationary employee or a limited-service employee who has no property rights in his/her position, or an individual who holds employment with the City under a contract.
- (f) "Bulletin Board" means the official posting place for public notices as prescribed by law.
- (g) "Certification" means the furnishing of names by the City Manager's Office of eligible, available candidates for employment, from an eligibility list in the manner prescribed in these chapters.
- (h) "City" means the City of Santa Maria.
- (i) "City Administrative Memorandum (CAM)" means memorandums regarding administrative procedures and other matters of interest that are produced and distributed by the City Manager's Office.
- (j) "City Council" means the City Council of the City of Santa Maria.
- (k) "City Manager" means the City Manager of the City of Santa Maria or his designated representative.
- (l) "Class" or "class of positions" mean a definitely recognized kind of employment in the City service designed to embrace all positions having duties and responsibilities sufficiently similar so that the same title may be used, the same requirements as to education, experience, knowledge and ability may be demanded of incumbents, and the same schedule of compensation may be made to apply with equity.
- (m) "Compensation" means wages, salary, fees, or any other valuable consideration paid to an employee for performing the duties and exercising the responsibilities of a position.
- (n) "Department Head" means an individual designated as the administrative head of a department or his or her designated representative.
- (o) "Employee" means a person legally occupying a position in the City service, pursuant to Section 2-20.02(a) of this Code.
- (p) "Eligibility list" means a list of names or persons who have gone through an examination process for a position in City service and have qualified to the list with an overall score of 70% and above.
- (p.1) "Equal Opportunity Officer" is the designation given to the City Manager as the Officer responsible for coordinating the functions of the Equal Opportunity Committee under the City's Equal Opportunity in Employment Plan.
- (q) "Full-time Position" means a position in the City service normally scheduled for at least forty (40) hours in a work week.
- (r) "Job Specification" means a written description of duties, responsibilities, and the minimum qualification requirements of the positions included in the class.
- (s) "Joint recruitment" means a collaborative hiring process with two (2) or more agencies. (Ordinance 99-08)
- (t) "Limited service" means employment on a temporary [see subsection (bb)] or seasonal basis of a nature which is not equivalent to any position in any class included in the full-time or 32-hour part-time classification plans, where the employee works less than one thousand (1,000) hours in a fiscal year.
- (u) "Memoranda of Understanding" or "MOU" means an understanding reached, with employee bargaining groups, as a result of meeting and conferring on hours, wages, and working conditions in accordance with State law and City ordinances, chapters and regulations.
- (v) "Minimum Qualifications" means the lowest qualifications deemed necessary for a candidate to possess for selection to fill a vacancy and to maintain employment with the City.
- (w) "Oral Interview or Appraisal Board" means that part of an examination conducted by a competent board to evaluate the candidate's education, experience, and general qualifications pertinent to the position for which examined.
- (x) "Out-of-Class Pay" also known as "move-up pay," means a higher salary an employee will receive for working in a classification having a higher salary range than the one to which that employee was appointed during a

specified period of time as specified in the then-current memoranda of understanding or other administrative documents.

(y) "Overtime" means work performed in excess of a full-time work period or as specified in the then-current memoranda of understanding.

(y.1) "Part-time" means employment normally scheduled as thirty-two (32) hours in a work week.

(z) "Performance Evaluation" means reports of job performance prepared at designated intervals and filed in the employee's official personnel file; minimum of one evaluation annually.

(aa) "Personnel Records" means the official records of the City of each employee maintained by and in the City Manager's Office, except records that may be required to be maintained in other locations.

(bb) "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, limited service, or temporary services of one person.

(cc) "Probationary period" means a period to be considered an integral part of the examination, recruiting, testing, and selection process during which an employee is required to demonstrate his fitness for the duties to which he is appointed by actual performance of the duties of his position.

(dd) "Reallocation" means a reassignment or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty or responsibility of duties performed in such position.

(ee) "Reclassification" means the modification of job title and corresponding salary range adjustment supported by an appropriate classification analysis prepared under the direction of the City Manager's Office which identifies a change in level of difficulty or responsibilities between the existing job description and actual job duties.

(ff) "Reemployment List" means a list of names of qualified full-time, 32-hour part-time and probationary employees who have been laid off.

(gg) "Regular Status" means an appointment to a full-time or 32-hour part-time position after satisfactory completion of a probationary period as required by these chapters.

(hh) "Rejection" means the dismissal or demotion of an employee during a probationary period.

(ii) "Resignation" means the voluntary separation of City employment by an employee including the abandonment of a position.

(jj) "Title," "class title" or "title of class" means the designation given to or name applied to a class or to each position allocated to the class and to the legally appointed incumbent of each position allocated to the class. Its meaning is set forth in the corresponding class specifications.

(kk) "Transfer" means a horizontal movement from a position in one department or division to a position in the same classification in another department or division pursuant to CAM 76-5.

(ll) "Vacancy" means an authorized position that is not occupied by an employee. (Ord. 2010-03, eff. 5/20/10; Ord. 2009-03, eff. 3/5/09; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97; Prior Code § 2-28)

#### **Section 2-20.02. Classification of positions.**

(a) The classification of positions for the purpose of this chapter shall be as contained in the official book of class specifications.

(b) The classification of positions may be amended by the addition, division, consolidation or abolishment of classes on recommendation of the City Manager and approval of the City Council by resolution. (Prior Code § 2-29; Ord. 97-13, eff. 12/4/97; Ord. 99-8, eff. 4/16/99)

#### **Section 2-20.03. Change of classifications.**

(a) Each position shall be allocated to its appropriate class on the basis of duties and responsibilities. Positions in a single class shall be sufficiently similar to permit substantially the same level of skill, knowledge, ability, and other qualifications required of incumbents, same or similar selection method to select incumbents, and the same schedule of compensation.

(b) The allocation of positions as of the adoption of the ordinance from which this section derives may be changed by the City Manager whenever the duties of the position change materially; provided, that the proposed change conforms with this chapter, with the established classification plan, and with the approved budget. The City Manager's review of a position or the creation of a new position occurs upon the recommendation of the department head, or upon the request of an employee and with the concurrence of the department head and the Human Resources Division.

(c) Upon receiving written justification to review a position, pursuant to these chapters, the City Manager will perform a classification study of the duties and responsibilities and the relationship to other classes of positions. Said department head will be consulted before a classification study is begun.

(d) When a new position is authorized, it will be assigned to a class in the official book of class specifications or, when appropriate, a new class will be created. When a new position is created and is classified before it is occupied, such position may be subject to review by the City Manager, after it has been occupied for a period of time, to determine if the incumbent is performing the duties of the class.

(e) Reclassification of a position shall not be used to circumvent the procedures concerning demotion, promotion, or compensation. (Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97; Prior Code § 2-30)

**Section 2-20.04. Use of position class titles.**

The title of the class to which any position is allocated shall be used in all official personnel records and in all official personnel transactions of the City. (Prior Code § 2-31) (Ord. 97-13, eff. 12/4/97)

**Section 2-20.04.1. Job Descriptions (Specifications).**

(a) The City Manager, with the assistance of the department heads, shall prepare written specifications for each class of positions. The specifications, when approved by the City Council, shall constitute the official class specifications for the City service. The City Manager may make adjustments to specifications to reflect current practices. The official copy of the specifications for each class shall be maintained in the City Manager's Office and shall indicate the date of approval or last revision.

(b) Each specification shall include, but not be limited to, the class title; a brief description of the scope, nature, and responsibility of the class; a description of the tasks or essential duties ordinarily performed in the positions allocated to the class; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics; and any additional factors considered pertinent.

(c) Specifications are not restrictive; a department head may temporarily assign other related duties and responsibilities or otherwise direct the work of employees.

(d) No person shall be appointed to any position unless that person meets the minimum qualifications set forth in the currently approved class specification for that position or meets the permissible equivalency provisions of these chapters. (Ord. 2007-08, eff. 7/5/07; Ord. 97-13, eff. 12/4/97)

**Section 2-20.05. Compensation plan generally.**

(a) The five-step schematic schedule of salary ranges and steps referred to as Schematic Bi-weekly Rates constitutes the compensation plan applicable to classes of positions included under the schematic list of classes.

(b) All salaries prescribed are biweekly rates. In those positions where it is more appropriate to pay upon an hourly or daily basis, the hourly and daily rates shall be determined by the following formula:

A forty (40) hour week is equivalent to one hundred seventy-three and thirty-three one-hundredths (173.33) hours a month; daily rates are equivalent to the appropriate hourly rate multiplied by eight (8) hours.

(c) The compensation of employees shall be as set forth in the schematic list of class titles and salary ranges as shown in Schematic Bi-weekly Rates, or on the flat-rate or hourly rate basis set forth for the classes listed under the table of typical hourly equivalents. For full-time and 32-hour part-time classifications, the schematic list of class titles and salary ranges in the rate schedule shall contain five (5) steps with five percent (5%) increments between each step. (Ord. 2009-03, eff. 3/5/09; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 99-08, eff. 4/16/99)

**Section 2-20.06. Salary increases.**

(a) Normally, and as a general rule, employees may be considered eligible for increase in salary according to the following general plan:

(1) The letters A, B, C, D and E, respectively, denote the various steps in the pay range.

(2) Step A will be paid upon initial employment for a period of one (1) year, which period shall be considered the employee's probationary period, for full-time and 32-hour part-time employees without an employment agreement.

(3) Step B will be paid upon completion of one (1) year of employment where the employee has demonstrated satisfactory job progress and normally increasing productivity, except for management, fire personnel and sworn police personnel who must demonstrate satisfactory job progress and normally increasing productivity prior to promotion to step B.

(4) Step C will be paid upon completion of one (1) year of employment in salary step B where the employee has demonstrated satisfactory job progress and normally increasing productivity.

(5) Step D will be paid upon completion of one (1) year of employment in salary step C where the employee has convincingly demonstrated job progress and productivity; provided further, however, that management, Fire and sworn Police personnel must demonstrate such progress and productivity substantially above average for the class.

(6) Step E will be paid upon completion of one (1) year of employment in salary step D where the employee has convincingly demonstrated job progress and productivity; provided further, however, that management, Fire and sworn Police personnel must demonstrate such progress and productivity substantially above average for the class.

(7) Advancements from step to step shall be only upon written recommendation of a department head and approved by the City Manager.

(b) In any case where by reason of unusual circumstances, rigid adherence to the foregoing time frames related to salary adjustment would cause a manifest injustice or for operational necessity, the City Manager may make such order relating thereto as in his/her discretion is proper. The effective date shall become the new salary anniversary date.

(c) Normally, initial employment appointments will be at the first step of the salary range; however, initial employment in any step, A through E, may be authorized by the City Manager when a particularly difficult recruiting problem is found to exist, or on the basis that a candidate possesses outstanding job qualifications. (Ord. 2010-03, eff. 5/20/10; Ord. 2007-08, eff. 7/5/07; Ord. 2003-02, eff. 3/6/03; Ord. 97-13, eff. 12/4/97; Prior Code § 2-33)

#### **Section 2-20.07. Rules for application of plan.**

The salary schedule for the respective classes of positions as set forth in Schematic Bi-weekly Rates with such amendments as may be adopted by the City Council from time to time shall have the force and effect and shall be interpreted and applied as follows:

(a) The salaries or rates of compensation prescribed are fixed on the basis of full-time service in full-time positions, unless otherwise designated.

(b) The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as provided in this chapter.

(c) Where a salary range for a given class or for several classes is revised upward or downward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative step in the new salary range. (Ord. 2006-02, eff. 3/21/2006; Ord. 97-13, eff. 12/4/97; Prior Code § 2-34)

#### **Section 2-20.08. Anniversary dates.**

For the purposes of administration of the compensation plan, all employees under the biweekly payroll system shall have as their anniversary date the actual date of their employment, if employed on the first working day of the biweekly payroll period; otherwise, the anniversary date for purposes of the compensation plan shall be the first day of the next biweekly payroll. (Prior Code § 2-35) (Ord. 97-13, eff. 12/4/97)

#### **Section 2-20.09. Applications, agreements and statements.**

The City shall have the right to require all employees to complete and submit any applications, agreements or statements pertinent to their employment as stipulated by decision of the City Council. (Ord. 97-13, eff. 12/4/97; Prior Code § 2-36)

#### **Section 2-20.09.1. Recruitments.**

(a) Announcements: All recruitments shall be publicized by such methods as the City Manager deems appropriate. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. All persons who completed interest cards for a position, within the immediate prior twelve-month period shall be notified of a recruitment in accordance with these chapters. All recruitments shall be publicized by posting announcements on each City department bulletin board, and by such other methods as the City Manager deems appropriate. The announcements shall specify the following:

- (1) The title and salary range for the position;
- (2) The period during which applications for the recruitment will be accepted;
- (3) A brief statement concerning the duties of the position, and the selection process;
- (4) The examination process;

- (5) The knowledge, skills, and other job-related requirements for the position; and
- (6) Special conditions of employment.

Notice of recruitment shall be given at least ten (10) calendar days prior to the final filing date. Posting of the announcement copy on each City department bulletin board shall meet this requirement. Recruitments may be postponed or canceled by placing notice on each department bulletin board and notifying applicants.

(b) Recruitment Process: The City Manager shall schedule open or promotional recruitments based on vacancies or anticipated vacancies to meet the need in the City service. The City Manager or his designee shall prepare, announce, and conduct examinations in accordance with guidelines provided herein and in the Equal Opportunity in Employment Plan.

(1) Open Recruitments: Open recruitments may be scheduled when it is not practical to fill vacancies by promotion or when specifically requested by the appointing authority, with the approval of the City Manager. Open recruitments shall be open to all applicants who meet the minimum requirements for the position in accordance with these chapters.

(2) Promotional Recruitments: Promotional recruitments are open to all City employees who have full-time, 32-hour part-time, probationary or limited-service status, and meet the minimum requirements for the position in accordance with these chapters. Each candidate must complete and submit an official application form in accordance with these chapters.

(3) Recruitment Release Time: City employees shall be granted sufficient time, with pay, from duties to participate in City selection processes.

(4) Recruitment Process Exception: Upon recommendation of the department head and approval of the City Manager, a former regular employee may be rehired to a classification in which the employee served as a regular non-probationary employee, without examination, within one year of voluntary resignation from the City, provided that said employee resigned in good standing, and has maintained the minimum qualifications for said classification.

Upon recommendation of the department head and approval of the City Manager, a former limited-service employee may be rehired without examination to a classification in which the employee served, within one year of voluntary resignation. Eligibility for rehire is on the basis that the employee originally entered City employment through a competitive process, was documented as having resigned in good standing, completes a City employment application, and demonstrates compliance with current minimum qualifications for the position.

(c) Application Filing: Each person participating in a scheduled selection process for City service shall have completed and filed an official application form for that recruitment. The official application form must be received by the City Manager's Office staff no later than the time and date specified as published in the announcement. Upon receipt, electronic submissions will be considered "signed" for purposes of certifying accuracy of statements for eligibility to participate in the recruitment process. Each applicant, including applicants who submit applications electronically, must sign the application form certifying that all statements are correct.

Persons applying for positions in the City service must comply with the following conditions:

- (1) Meet the general conditions pertaining to filing applications for positions according to these chapters;
- (2) Meet the specific requirements as shown on the announcement for a particular position;
- (3) Meet the right-to-work in the United States or citizenship requirement when applying for City positions; and

(4) Be willing and able to accept the employment in the present vacant position or a future similar vacant position, if employment were offered.

Names of persons applying for City positions or the evaluation of their participation in any selection process shall not be made public.

Applications will be accepted when the recruitment filing period has begun for a position; interest cards will be accepted for other positions. Application forms will have been officially received when they bear the appropriate department's date stamp, or if received electronically, on the date indicated by electronic applicant tracking system.

(d) Interest Card Filing: Applications are accepted only if a recruitment is being conducted; all other interests of employment will be filed on an official interest card or electronic form (e-form) provided by the City. When a vacancy occurs, notice shall given to the addressee when recruitment starts for the position indicated on the card or e-form.

Completed interest cards or e-forms for seasonal employees shall remain on file for a period of one year or until notice has been mailed, whichever occurs first.

(e) Applicant Disqualifications: The City Manager may eliminate from the selection process, remove from the eligible list, or refuse to certify for the personnel transaction, the names of any person:

- (1) Who does not meet the minimum qualifications established for the class or position to which they seek appointment;
- (2) Who has made a false statement or misrepresentation of material fact or actual or attempted deception, fraud, or misconduct in connection with his or her application;
- (3) Who has improperly used or attempted to use any personal or political influence to further his or her eligibility for appointment;
- (4) Who has failed to submit the required application documents correctly within the prescribed time limit.
- (5) Who has directly or indirectly obtained information regarding examinations to which applicants are not entitled; and/or
- (6) Who has otherwise violated provisions of these chapters.

Applicants with the least desirable background or qualifications among a large number of applicants may be denied further participation in the selection process through an evaluation of their qualifications, thus providing a reasonable number of the best qualified candidates for consideration.

Unless otherwise noted on the recruitment announcement, applicants needing to submit additional documentation to participate further in the selection process, may be notified by the City to permit submission of additional information providing the time limits for receiving applications has not expired. Applicants will be notified either by telephone, electronic transmission, or mail; it shall be the applicant's responsibility to keep his or her contact information current.

(f) Application Disposition: Completed application forms shall become the property of the City. They shall not be returned to the individual applicant. Applications filed through the selection process may be destroyed after a period of three (3) years.

(g) Screening: The screening of applications will be conducted in a non-discriminatory manner. The screening process will be based upon the application, any supplemental application/questionnaire and other information received which clearly demonstrates the most appropriate breadth and depth of job-related training, experience, and education for the position. Applicants not meeting the minimum qualifications for the vacant position will be screened-out, and only a limited number of the most suited applicants will be selected to further participate in the examination process. The City Manager's Office shall oversee the screening process for all full-time recruitments. The department heads shall oversee the screening process for all part-time and limited-service recruitments, and shall adhere to the administrative standards set forth in the part-time hiring manual, as well as the requirements of the City's electronic applicant tracking system. (Ord. 2011-02, eff. 5/5/11; Ord. 2010-03, eff. 5/20/10; Ord. 2009-03, eff. 3/5/09; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 2003-02, eff. 3/6/03; Ord. 99-08, eff. 4/16/01; Ord. 97-13, eff. 12/4/97)

#### **Section 2-20.10. Examinations.**

(a) Nature and Types of Examinations: The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the City Manager, fairly measure the relative capacities of the person examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as: personal interview, written examination, performance tests, work samples, physical agility tests, evaluation of training and experience, psychological tests, background investigation, or any combination of these or other tests.

(1) Open Examinations: Examinations may be administered periodically for a single class as needed and approved by the City Manager. Names shall be placed on eligibility lists, and shall remain on such lists, as prescribed in these chapters.

(2) Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the City Manager and the department head, it appears that it may meet the needs of the selection process. Promotional examinations may include any of the selection techniques mentioned in this chapter, or any combination of them. City employees who have full-time, probationary, part-time, or limited-service status and meet the requirements set forth in the promotional examination announcement may apply and compete in promotional examinations.

(b) Conduct of Examination: The City may contract with any competent agency or individual for the preparing and/or administering of examinations. Selection material shall be prepared under the direction of the City Manager. The City Manager may use examinations prepared by the contracted agencies or individuals when deemed appropriate. Qualified employees may assist as subject matter experts in the development and administration of the selection process if requested by the City Manager.

(c) Oral Board: Oral boards will be generally composed of members of the workforce at large and subject matter experts. Whenever possible, the oral board will include a member of a protected group, to reflect the

composition of the applicants being interviewed. Non-technical, community interest representatives will be considered for the board when possible. The City Manager, or if the recruitment is for a part-time or limited-service position, the department head, shall have the responsibility for insuring oral board diversity. Prior to the interview, the oral board members shall be provided an orientation to assure that questions are consistent, relevant, non-discriminatory and provide an equal opportunity for applicants to present their qualifications.

(d) Scoring Examination and Qualifying Scores: A candidate's score in a given examination shall be the total of his scores on each competitive part of the examination, weighted as determined for the selection process. Failure in one part of the examination may be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of an examination.

The City Manager's Office will determine pass-points on all written examinations. In determining an examination's pass-point, the City may take into consideration such factors as, but not limited to, an appropriate amount of candidates to interview, natural "breaks" in the score distribution, and the minimization of adverse impacts on the applicant pool.

City employees who have full-time, 32-hour, part-time, probationary, limited-service or status as a reserve and are competing in an open recruitment for another position, and are required to take a written examination for screening purposes, shall be given extra credit equal to five percent (5%) of the individual's passing score.

The City Manager may, at his discretion, include as part of the examination, tests which are qualifying only.

(e) Notice of Examination Results: Applicants shall be notified by mail or email concerning the results of their participation in the selection process. Said notification shall indicate whether the applicant is being considered further in the recruitment process or if the applicant has been placed on the eligibility list. No test scores will be released to applicants, except if required by the certifying agency, or in the case of a joint recruitment when written test scores may be released.

(f) Inspection of Tests: All candidates may request to inspect their own test answer sheet within five (5) working days after the notifications of examination results. Any error in computation, if called to the attention of the City Manager within this period, shall be corrected. Such corrections will not, however, require invalidation of appointments previously made. A process for handling written complaints regarding test content or test procedures may be established in a joint recruitment.

(g) Record: The record of each selection process shall be maintained in the City Manager's Office for the period of three (3) years and shall include the applicants' names and scores, method of testing, sample and scores of the examination, and the names of the proctors and/or oral board participants.

(h) Selection Procedures: The selection procedures shall be conducted under the supervision of the City Manager or through his designated staff.

(i) Exemption from Examination: A vacant position may be exempted from examination by the City Manager if it is to be filled by the assignment of an individual who is not presently a City employee but is performing duties of the position as part of a designated federal, State, local, or other rehabilitation training program. The training program must have job placement as a goal and the individual will be required to meet the minimum requirements for the position and have performed satisfactorily during the training period before probationary appointment may be authorized.

Upon concurrence of the department(s) concerned and with the approval of the City Manager, an employee may be placed in a vacancy in another class when a disabling condition prevents continuing performance of the duties in the present class or the employee is party to a layoff and has qualified for the vacancy. The disabled employee does not have to be on an eligibility list for the class to which the appointment is being made.

(j) Physical Examinations: The City shall have the right to require a job-related physical examination of any applicant for employment or new employee and in addition shall have the right to require periodic medical examinations of all City employees. (Ord. 2011-02, eff. 5/5/2011; Ord. 2010-03, eff. 5/20/10; Ord. 2009-03, eff. 3/5/09; Ord. 2007-08, eff. 7/5/07; Ord. 99-08, eff. 4/16/99; Ord. 97-13, eff. 12/4/97; Prior Code § 2-37)

### **Section 2-20.10.1. Eligibility Lists.**

(a) Establishment of Eligibility List: The City Manager shall establish lists, either in hard-copy or as information in electronic format via an applicant tracking system, as a result of open or promotional examinations. Eligibility lists shall be confidential; names and final scores shall not be made public information.

Part-time and limited-service employees who entered City service through a competitive process, may enter competition and be hired through a promotional recruitment in preference of conducting an open recruitment for a full-time position.

A vacancy in a part-time classification may be filled using an existing eligibility list from a comparable or higher level classification upon approval of the City Manager.

(b) Eligibility List Order: All eligible receiving a total overall score of seventy percent (70%) and above, from the examination process, shall be certified to the eligibility list. Names appearing on the eligibility list shall be ranked in the order of their overall score or position placement. The appointing authority may select any eligible from the eligibility list who has been certified by the board.

(c) Appointments: After receipt of the eligibility list, the appointing authority shall proceed with a job-related interview. The appointing authority or a designated representative may review the application forms and examination papers. Reports on file in the Human Resources Division and reference checks shall be used prior to the actual offer of employment. When a decision has been made, the appointing authority shall immediately return a copy of the certified eligibility list with the appropriate job-related comments in reference to his or her employment decision, pursuant to the City's Equal Opportunity in Employment Plan, to the City Manager for approval. The appointing authority is also responsible to provide all notifications to those candidates who continue in the examination process after the eligibility list has been established. No appointment is official until the City Manager signs and files a formal document appointing the applicant to a job position following successful completion of all employment procedures. Until formal appointment is made in this manner, any offers of City employment are conditional and preliminary and may be withdrawn.

(d) Duration of Lists: An eligibility list shall be in effect from the date it is certified by the City Manager. It shall remain in effect up to six (6) months and will expire at that time unless the City Manager, after review with the appropriate appointing authority, extends the list.

An eligibility list may be extended for a period not greater than an additional six (6) months by the City Manager when it appears to be in the best interest of the City, except in the case of a joint recruitment when an eligibility list may be extended for a period not greater than an additional eighteen (18) months. The City Manager may abolish a promotional recruitment eligibility list when fewer than three (3) names remain on the list or when a certification of three (3) active eligibles is not available. The City Manager may abolish an open recruitment eligibility list when fewer than four (4) names remain on the list or when a certification of four (4) active eligibles is not available. Active eligibles on an abolished list shall be given the opportunity to reapply for the classification or have their names integrated in the newly established list if the selection procedure has not changed, for a period not to exceed the life of the newly established list. In order to make their determination, eligibles may be notified of their score. If eligibles decide to have their names integrated in the newly established list, such integration may be granted only once for any eligibility list.

(e) Removal from Lists: The name of an eligible may be removed from an eligibility list by the City Manager:

(1) For any cause in these chapters deemed sufficient for disqualification of application or dismissal from the City service;

(2) On evidence that the eligible cannot be located by the postal authorities;

(3) On receipt of a statement from the eligible indicating a lack of interest in the class or the City service;

(4) If more than one offer of an appointment to the class for which the eligibility list was established has been declined by the eligible;

(5) If eligibles on a promotional list are separated from City services, their names shall be removed from the list; and/or

(6) If an eligible accepts a job with another agency participating in a joint recruitment. (Ord. 2010-03, eff. 5/20/10; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 99-08, eff. 4/16/99)

### **Section 2-20.10.2. Probation.**

(a) Purpose: The probationary period is the final step in the selection process; it is an extension of the examination process and the employee's performance shall be carefully observed and documented through the performance appraisal process.

(b) Duration of Probationary Period: Each appointment or promotion made to a full-time position in City service shall be subject to a probationary period; for the length of the probationary period, refer to existing memoranda of understanding or applicable resolution.

(c) Successful Completion of Probationary Period: If the employee's performance has been satisfactory and advancement to regular status is warranted, the department head shall so state in the employee's final probationary performance evaluation report. The employee shall then be advanced to regular status.

(d) Rejection of Probationer: If the employee's performance has not been satisfactory, the department head with the approval of the City Manager may terminate any employee during the probationary period. The employee shall have no right of appeal during the probationary period, but shall be afforded the opportunity to respond to the proposed disciplinary action pursuant to the then-current CAM.

In the event the employee is subject to disciplinary action, other than termination, the department head of the employee shall deliver to the employee a written notice of the proposed action, the reasons supporting the proposed action, and a statement that the employee may respond, either orally, in writing, or both, to the proposed action as prescribed in the appropriate memoranda of understanding or CAM.

(e) Rejection Following Promotion: A promoted employee who does not successfully complete a probationary period will be restored to the same or similar position (if available) in the same class from which promoted unless charges are filed and employee is discharged in the manner provided for in these chapters. If there is no vacancy for such position, the employee may request to be placed on a re-employment list.

(f) Extension of Probationary Period: It is not the City's general policy to extend probationary periods; however, a probationary period may be extended beyond the duration of time called for in these chapters if the department head feels the extension is necessary to best judge the employee's ability and such extension is approved by the City Manager. (Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97)

**Section 2-20.11. Promotion.**

(a) Promotion of employees to a higher range with the City shall be made by the City Manager when found qualified by suitable tests and after standard recruitment methods have been followed and the employee found to be the best-qualified candidate.

(b) A promotion to a higher range shall be on the basis of assignment of substantially more responsible duties or a different position commensurate with those set forth in the class specifications.

(c) In case of the promotion of any employee in the City service to a higher pay range, the provisions of Section 2-20.06 shall apply. (Ord. 99-08, eff. 4/16/99)

**Section 2-20.12. Demotion.**

(a) A demotion to lower class shall be on the basis of assignment of substantially less responsible duties commensurate with those set forth in the class specifications.

(b) In the case of a demotion for disciplinary reasons of an employee of the City to a class with a lower pay range, such employee shall be retained in the same pay step in the lower range as he was in, in the higher class before demotion. In the case of a voluntary demotion to a position in a lower classification for which the employee is qualified, the employee shall be retained in the salary step in the lower classification consistent to the salary step in the higher classification. In such cases, the employee shall retain his original anniversary date. (Prior Code § 2-38 (c), (e); Ord. 97-13, eff. 12/4/97)

**Section 2-20.13. Transfer within range.**

In the case of the transfer of an employee from one position to another in the same range, the employee shall remain at the same pay step and shall retain his original anniversary date. (Prior Code § 2-38 (f); Ord. 97-13, eff. 12/4/97)

**Section 2-20.14. Work in equal or superior class.**

Whenever an employee accepts work under a different class of position in the City service, the character and nature of which work is similar and the responsibilities of which are equal or superior to the work such employee has been performing, and later returns to his former position, his term of employment under such different class of position shall apply on and be added to his term of service in the former class upon his return to same; provided, that his employment in the City service has been continuous from the date on which the employee accepts work in such different class. (Prior Code § 2-39; Ord. 97-13, eff. 12/4/97)

**Section 2-20.15. Hours of work.**

(a) All City employment, with the exception of that of full-time Firefighters, is based on a forty (40) hour workweek. Employment in a "shift" position in the Fire Department is based on a fifty-six (56) hour week.

(b) Daily hours of work (or shifts) for employees within departments shall be assigned by department supervisors as required to meet the operational requirements of such departments.

(c) Monthly compensation shall be based on a forty (40) hour and fifty-six (56) hour workweek, as stated in subsection (a) of this section, and no authorization may be made for an employee to work less than forty (40) hours fifty-six (56) hours without direct proportionate decrease in compensation.

(d) Any foreseeable absence or other deviation from regular working hours desired by an employee shall, in advance, be cleared through the office of the City Manager and such absences shall be noted on the employee's time sheet. (Prior Code § 2-40; Ord. 97-13, eff. 12/4/97; Ord. 2009-03, eff. 3/5/09)

**Section 2-20.16. Part-time employment.**

Except as otherwise provided, employees who are not employed as full-time employees as listed in the established classification plan and as approved in the budget shall be considered part-time or limited-service employees. Compensation therefor shall be determined by the relation that the actual number of hours of service bears to the number of hours required in full-time employment in each class of position. The hourly rates prescribed for limited-service employees are considered full compensation to include the value of vacation, sick leave and holidays.

Part-time employees who are selected to fill a full-time position may not receive credit for time served in their part-time status. Part-time employees may not be appointed to occupy a full-time position without successful completion of a competitive selection examination process.

Part-time employees are categorized as working 32-hours per week.

(a) 32-hour per week part-time: All 32-hour per week part-time employees shall meet the minimum qualifications for the appointed position. 32-hour per week part-time employees are appointed to budgeted part-time positions (not to exceed thirty-two (32) hours/week) and may be eligible for benefits pursuant to the applicable memorandum of understanding.

32-hour per week part-time employees shall not be entitled to preference for, or right to, a regular full-time position. A person hired as a 32-hour per week part-time employee shall be notified in writing of the above on forms furnished by the City Manager that so state. Original notification shall be signed by the employee and kept in the Human Resources Division.

(b) Limited Service: All limited-service employees shall meet the minimum qualifications for the position appointed to. Limited-service employees shall be appointed to non-regular positions of a limited duration (not to exceed a maximum of either nineteen (19) hours per week or nine hundred ninety-nine (999) hours per fiscal year) and are not eligible for part-time benefits. However, employees hired for a specific project may work as long as necessary to complete that project with prior written approval by the City Manager.

Limited-service employees shall not be entitled to preference for, or right to, a regular part-time or full-time position. A person hired as a limited-service appointment shall be notified in writing of the above on forms furnished by the City Manager that so state and that the appointment is of a temporary nature. Original notification shall be signed by the employee and kept in the Human Resources Division. (Ord. 2011-02, eff. 5/5/11; Ord. 2010-03, eff. 5/20/10; Ord. 2009-03, eff. 3/5/09; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97; Prior Code § 2-41)

**Section 2-20.17. Overtime.**

(a) It is the policy of the City to avoid the necessity for overtime work whenever possible.

(b) In the case of classifications that are exempted from working hour restrictions by the Fair Labor Standards Act ("exempt classifications"), the monthly salaries shall be considered full compensation for all hours worked except as may be provided for in the current memorandum of understanding or resolution, and no overtime shall be paid except that said employees shall receive management leave in accordance with the then-current resolution.

(c) In emergencies, where prior authorization cannot be issued, the department head shall obtain approval for the overtime worked by an employee at the earliest opportunity thereafter, in no case to exceed ten (10) days after the date worked.

(d) Overtime work for employees other than exempt classifications shall be compensated in accordance with applicable federal law and/or the then-current memoranda of understanding. The rate of overtime compensation shall be set by resolution of the City Council.

(e) Incidental overtime is not compensable and may not be credited as overtime. Unless otherwise provided for in the then-current memoranda of understanding, incidental overtime shall be deemed to be any amount of overtime less than one-quarter (1/4) hour in one (1) day.

(f) The time when compensating time off may be taken shall be at the discretion of the department head. If the employee fails to take his compensating time off at the time designated by the department head, he shall have waived his right to compensation for such overtime. (Ord. 2011-02, eff. 5/5/11; Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 99-08, eff. 4/16/99; Ord. 97-13, eff. 12/4/97; Prior Code § 2-42 (a)--(f))

**Section 2-20.18. Work on holidays.**

In those departments in which regular shift assignments require employees to work on an observed holiday, during which other City employees are not required to work, unless otherwise provided for in a memorandum of understanding, such employees shall have credited as overtime the hours equivalent to those worked by them on the holiday or at the rate prescribed by the Council by resolution. (Ord. 2007-08, eff. 7/5/07; Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97; Prior Code § 2-42 (g))

**Section 2-20.19. Vacation leave.**

Every full-time employee shall be allowed vacation leave with pay, which vacation leave shall be earned at the rates and in the manner prescribed by the City Council in accordance with the applicable resolution or the then-current memoranda of understanding with the respective then-recognized employee representatives.

Vacations shall be scheduled by the department heads so as not to interfere seriously with or impair the efficiency of the various departments. Vacation leave may be accumulated up to a maximum amount in accordance with the then-current resolution or memoranda of understanding.

(a) An employee about to be separated from City service, and who has earned vacation time to his or her credit, shall be paid for such vacation on the effective date of such separation.

(b) Holidays occurring during a vacation shall not be counted as a day of vacation.

(c) The City Manager shall review and approve vacation periods for the chief officials and the department heads of the City, except the City Librarian and City Attorney. (Ord. 2007-08, eff. 7/5/07; Ord. 2005-01, eff. 3/3/05; Ord. 97-13, eff. 12/4/97; Prior Code § 2-43)

**Section 2-20.20. Holidays.**

(a) Unless otherwise provided for in the then-current memoranda of understanding, holidays for all non-management sworn Fire Department personnel of the City shall be as follows: January 1st (New Year's Day), February 12th (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the last Monday in May (Memorial Day), July 4th (Independence Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), November 11th (Veterans Day), the fourth Thursday of November (Thanksgiving), December 24th (Christmas Eve), December 25th (Christmas) and December 31st (New Year's Eve).

(b) Unless otherwise provided for in the then-current resolution, holidays for all management and other full-time officers and personnel of the City, other than fire and police sworn personnel, shall be eight (8) hours of holiday pay for each holiday as follows: January 1st (New Year's Day), the last Monday in May (Memorial Day), July 4th (Independence Day), the first Monday in September (Labor Day), the fourth Thursday of November (Thanksgiving), the fourth Friday of November (the day after Thanksgiving) and December 25th (Christmas). In addition to the foregoing, those personnel shall be entitled to forty (40) holiday hours per year, designated floating time, which shall be designated and approved by the City Manager, in accordance with the provisions of this chapter, and routine City operations will be conducted on such floating holidays.

(c) In addition to the holidays set out in subsections (a) and (b) of this section, holidays for all officers and employees of the City shall include each day designated or proclaimed by the President of the United States or the Governor of the State for a public fast, Thanksgiving or holiday, in the event such designation or proclamation is also designated by the Mayor, by the Mayor pro tem, if the Mayor is unable to act by reason of absence or otherwise, or by the acting Mayor, if both the Mayor and the Mayor pro tem are unable to act by reason of absence or otherwise.

(d) The City Manager, in his discretion, in each year, may designate any one or more of the holidays listed in this section as a holiday not to be observed, and designate another and different day or half days to be observed as a holiday in lieu thereof, in accordance with then-current memoranda of understanding. The City Manager is further authorized to designate alternate days off for any of the holidays designated in this section as the same affect special-shift and weekend workers, in order to adjust inequities which may result therefrom.

(e) Whenever any of the holidays listed in this section falls on a Sunday, the following Monday shall be a holiday in lieu thereof.

(f) Whenever any of the holidays listed in this section falls on a Saturday, the preceding Friday shall be a holiday in lieu thereof. (Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 2005-01, eff. 3/3/05; Ord. 99-08, eff. 4/16/99; Ord. 97-13, eff. 12/4/97; Prior Code § 2-44)

**Section 2-20.21. Sick leave.**

(a) Unless otherwise provided for in the then-current resolution or memoranda of understanding, each full-time City employee is entitled to the accrual rate of one (1) day of sick leave with pay for each calendar month of service, on the submission of satisfactory proof of the necessity for sick leave.

(b) Employees shall be entitled to accumulate and receive sick leave with pay from the first day of employment.

(c) Sick leave shall be granted only in case of a bona fide illness of an employee; or an illness involving an employee's family member incapable of self care; or medical, dental or optical examination or treatment; or in case of the death of a member of an employee's family. An employee's allowable sick leave shall not exceed provisions of the then-current resolution or memoranda of understanding.

(d) Sick leave may be accumulated without limit. Accumulated unused sick leave may be paid in whole or in part to an employee upon termination in accordance with the then-current resolution, memoranda of understanding, or employment contract, and subsection (h) of this Section. No additional sick leave with pay beyond that accumulated shall be granted to any employee in any event.

(e) A City employee who is entitled to temporary disability indemnity under the Labor Code may elect to take as much accumulated sick leave, accumulated vacation, accumulated personal leave, earned administrative leave, or earned floating holidays, after the employee's disability indemnity, which will result in a payment of his or her full salary or wage. The employee is nevertheless entitled to medical, surgical and hospital treatment as provided in the Labor Code. When the employee's accumulated/earned leave is exhausted, s/he is still entitled to receive disability indemnity.

(f) Holidays occurring during paid sick leave shall not be counted as a day of sick leave.

(g) Evidence, in the form of a physician's certificate or otherwise, may be required in determining the adequacy of reasons for any employee's absence during a time for which sick leave is requested.

(h) No payment shall be made for accumulated sick leave at the time of termination of employment, except for regular retirement, disability retirement, death, or as authorized by way of employment contracts. The appropriate compensation shall be set by resolution of the Council from time to time. (Ord. 2011-02, eff. 5/5/2011; Ord. 2009-03, eff. 3/5/09; Ord. 2008-01, eff. 3/20/08; Ord. 2007-08, eff. 7/5/07; Ord. 2005-01, eff. 3/3/05; Ord. 99-08, eff. 4/16/99; Ord. 97-13, eff. 12/4/97; Prior Code § 2-45)

**Section 2-20.21.1. Personal leave.**

(a) Unless otherwise provided for in the applicable Memoranda of Understanding, each 32-hour part time employee is entitled to personal leave. Personal leave is defined as paid leave time to be used for personal time off, vacation or sick leave types of uses, or family bereavement leave. Provisions for accrual, accrual rate, use, administration and other matters pertaining to personal leave shall be as provided below and in then-current Memoranda of Understanding.

(b) Personal leave time used as personal time off shall be scheduled by the department heads so as not to interfere seriously with or impair the efficiency of various departments.

(c) Personal leave time as sick leave shall be granted only in case of a bona fide illness of an employee; or an illness involving an employee's family member incapable of self care; or medical, dental or optical examination or treatment; or in case of the death of a member of an employee's family. An employee's allowable personal leave used as sick leave shall not exceed provisions of the then-current Memoranda of Understanding.

(d) Holidays occurring during use of paid personal leave time as sick leave, shall not be counted as a day of sick leave.

(e) Evidence, in the form of a physician's certificate or otherwise, may be required in determining the adequacy of reasons for any employee's absence during a time for which personal leave time used as sick leave is requested. (Ord. 2011-02, eff. 5/5/11)

**Section 2-20.22. Incompatible activities.**

No employee of the City shall engage in any occupation or outside activity which is incompatible with his employment by the City, as determined by the City Manager in the manner provided in this chapter. Any officer or employee proposing to engage in an occupation or outside activity for compensation shall make written application to the City Manager, setting forth the time required and the nature of such proposed occupation or activity, and the City Manager shall determine whether or not such activity is incompatible with City employment, and approve or disapprove the application. Approved applications must be renewed at periodic intervals, which intervals shall be determined by the City Manager. (Ord. 2007-08, eff. 7/5/07; Ord. 97-13, eff. 12/4/97; Prior Code § 2-46)

**Section 2-20.23. Personnel records.**

The City Manager shall maintain such employee records as are necessary to the accomplishment of the various provisions of this chapter. These records shall include a central roster of employees and positions which is to include the record of employment of each employee in the classified service, including dates of service, positions held, salaries or wages received, vacation, sick leave earned and taken, and other such information as may be deemed appropriate. (Prior Code § 2-47; Ord. 97-13, eff. 12/4/97)

**Section 2-20.24. Military leave.**

Military leave with pay shall be granted in accordance with Section 395 of the Military and Veterans' Code, the first thirty (30) days of which, in any fiscal year, shall be with pay pursuant to the appropriate CAM. (Prior Code § 2-48; Ord. 97-13, eff. 12/4/97)

**Section 2-20.25. Regulations.**

The City Council, upon the recommendation of the City Manager, may adopt regulations implementing or supplementing the provisions of this chapter by resolution. Such regulations may include, but are not necessarily limited to, provisions for incentive pay, uniform allowances and other matters of benefit to the City and employees, and specific provisions for carrying out, implementing or clarifying the provisions of this chapter. (Ord. 97-13, eff. 12/4/97; Prior Code § 2-48.1)

**Section 2-20.26. Schedule adoption and amendment.**

The Bi-weekly Salary Schedule, Schematic List of Classes and Salary Ranges, and Part-Time and Limited-Service Compensation Schedule shall be adopted and amended by supplemental resolution and the salaries and pay ranges contained therein shall be fixed by either ordinance or resolution. (Ord. 2007-08, eff. 7/5/07; Ord. 2006-02, eff. 3/21/2006; Ord. 99-08, eff. 4/16/99; Ord. 97-13, eff. 12/4/97; Prior Code § 2-49)

**Section 2-20.27. Construction.**

Nothing contained in this chapter shall operate to or be construed to limit the right of the City to discharge any employee at will. Nothing contained in this chapter shall be construed to be the adoption of a merit system or civil service system, nor a system for the suspension, discharge or retirement of appointive officers and employees. This chapter is enacted pursuant to the authority conferred upon the City by Sections 36505 and 36506 of the Government Code to create a civil service system. It is not the intention of the City Council in adopting the provisions codified in this chapter to exercise any of the powers or authority conferred upon it by Section 45000 et seq. of the Government Code. If any section, phrase or clause of this chapter is found by any court to have been an exercise of powers and authority granted by Section 45000 et seq., and not an exercise of authority and powers granted by Sections 36505 and 36506 of the Government Code, then such section, phrase or clause shall be void and of no force or effect. (Ord. 97-13, eff. 12/4/97; Prior Code § 2-50)

## CHAPTER 2-21 SIGNING OF COMPLAINTS

### **Section 2-21.01. Authority.**

The City Manager, any department head or any City employee in whose department the initial enforcement of a law is located shall have authority to sign, and shall sign, such a necessary complaint in that connection as the prosecutor may direct in writing. (Ord. 83-1050 § 1 (part), eff. 3/31/83: prior Code § 2-140)

### **Section 2-21.02. Liability of City.**

Whenever such City Manager, department head or City employee signs such complaint by specific direction of the City Attorney, he does so as a representative of the City and not in his personal individual capacity. The City shall indemnify and save harmless the City Manager or department head or City employee of and from all damages, expenses, costs and charges against all loss and liability he sustains or in anywise is put to for or by reason of such action. (Ord. 83-1050 § 1 (part), eff. 3/31/83: prior Code § 2-141)

**CHAPTER 2-22 PUBLIC RECORDS**

**Repealed in its entirety by Ord. 2004-01, eff. 2/20/04**

## **CHAPTER 2-23 CRIMINAL REPORTS AND RECORDS**

### **Section 2-23.01. Authority of police.**

Personnel of the Police Department, including volunteers engaged in investigative functions, are authorized to receive summary criminal history information and other criminal investigation reports when assisting the Police Department in an authorized investigation of criminal conduct. The Chief of Police shall establish procedures which regulate the access and handling of such information to preserve privacy. (Ord. 83-1049 § 1 (part), eff. 3/31/83: prior Code § 2-142)

### **Section 2-23.02. Authority of City Manager and City Attorney.**

The City Manager and the City Attorney are authorized to receive and furnish criminal history information for and on behalf of the City pursuant to subsection (10) of subsection (b) of Section 11105 and subsection (10) of subsection (b) of Section 13300 of the Penal Code of the State. The City Manager shall establish procedures outlining the use of and retention of such criminal information by necessary City personnel. (Ord. 83-1049 § 1 (part), eff. 3/31/83: prior Code § 2-143)

## CHAPTER 2-24 FEE CHANGES

### Section 2-24.100A. Article 1. Hearings

#### Section 2-24.101. Required: Other notice provisions.

(a) The City Council shall hold at least one (1) public hearing as part of a regularly scheduled meeting prior to levying a new fee or service charge or prior to increasing an existing fee or service charge, if the fee or service charge is among the categories described in Section 2-24.102.

(b) The notice provisions of this chapter supplement but do not replace other notice requirements found elsewhere in this Code, and in the provisions of State law. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150)

#### Section 2-24.102. Actions requiring notice.

Except as provided in Section 2-24.103, notice shall be given in conformity with this chapter prior to levying a new or increased fee or service charge for:

(a) Zoning variances, zoning changes, use permits, building inspections, building permits, plan checking, the processing of subdivision or parcel maps, funding the operations of the Planning Commission, subdivision committee and other planning functions;

(b) All water and sewer connections; and

(c) The funding of agencies in aid of administration, such as boards of review, appeal, adjustment and the like. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150.1)

#### Section 2-24.103. Request for notice.

Any person desiring notice of hearings on fees or service charges enumerated in Section 2-24.101 shall, on or before April 1st of each year, file a written request with the City Clerk stating the specific category(ies) of fees or service charges of which notice of hearings is desired. Written requests for mailed notices are valid for one (1) year from the date on which filed unless a renewal request is filed on or before April 1st of each year, and conditioned upon the prepayment of a reasonable annual charge for sending such notices. Such annual charge shall be set by resolution of the City Council from time to time, and shall be based on the estimated cost of providing such service. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150.2)

#### Section 2-24.104. Manner of notice.

Persons requesting notice in conformity with Section 2-24.103 are entitled to and shall be provided with written notice of the time and place of hearing(s) at which a proposed new or increased fee or service charge will be considered, as well as a general explanation of the matter to be considered, and a statement that the data required by Section 2-24.105 is available for public review in the City Clerk's office. Such notice shall be mailed at least fourteen (14) days prior to the public hearing described in Section 2-24.102 to all persons who have complied with Section 2-24.103 by filing a written request for mailed notices. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150.3)

#### Section 2-24.105. Cost and revenue data availability.

At least ten (10) days prior the public hearing on a proposed new or increased fee or service charge, data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied, and the revenue sources anticipated to provide the service, including general fund revenues, shall be made publicly available in the City Clerk's office. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150.4)

### Section 2-24.200A. Article 2. Automatic Increases

#### Section 2-24.201. Authorization by Council.

(a) The City Council may by ordinance or resolution authorize automatic periodic increases in fees or service charges. Such fees or service charges plus any such automatic increases shall not exceed the estimated cost of providing the service.

(b) Notice pursuant to Sections 2-24.103, 2-24.104 and 2-24.105 shall be given prior to the public hearing on the ordinance or resolution authorizing such automatic periodic increases. (Ord. 83-1061 § 1 (part), eff. 11/17/83: prior Code § 2-150.5)

**Section 2-24.202. Administrative cost-of-living adjustments.**

(a) The user fees and charges established by Resolution 79-4866 shall be adjusted annually for changes in the cost of living.

(b) The cost-of-living adjustment shall not exceed the prior annual cost-of-living change as determined by the Consumer Price Index for the United States as reported by the United States Department of Labor or successor agency of the United States Government; provided, however, that the change in cost of living from the preceding year shall in no event exceed the change in California per capita personal income from that preceding year.

(c) The annual adjustment shall be accomplished by administrative action of the City Manager on June 1st of each year, the action to become effective thirty (30) days thereafter, on July 1st of each year; provided, however, that the City Council may overrule or modify the administrative adjustment, by Council resolution adopted between June 1st and July 1st of each year. (Res. 79-4866 § 3, eff. 11/1/79)

## **CHAPTER 2-25 ELECTIONS**

### **Section 2-25.01. General Municipal Election.**

Pursuant to the authority granted the City by Government Code Section 36503.5, the City's General Municipal Election shall be held on the same day as the Statewide general election. (Ord. 85-1114 § 1, eff. 12/17/85)

### **Section 2-25.02. Conduct of Elections.**

The City of Santa Maria shall follow the general laws of the State of California when conducting elections. (Ord. 2002-05, eff. 7/18/02)

## CHAPTER 2-26 CLAIMS PROCEDURES

### **Section 2-26.01. Authority and purpose.**

This procedure is adopted under authority of Section 935 of the California Government Code, which authorizes a local public entity to establish a claims procedure for those matters excepted by Section 905 of the Government Code. The procedure is designed to provide early notice to the City, facilitate early investigation, and promote orderly, efficient processing of claims for money or damages against the City so as to avoid unnecessary lawsuits. (Ord. 89-17 § 1 (part), eff. 8/17/89)

### **Section 2-26.02. Claims required.**

All claims against the City for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this ordinance, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this ordinance. (Ord. 2007-08, eff. 7/5/07)

### **Section 2-26.03. Form of Claim.**

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 2007-08, eff. 7/5/07)

### **Section 2-26.04. Claim Prerequisite to Suit.**

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the City prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Section 2-26.02. (Ord. 2007-08, eff. 7/5/07)

### **Section 2-26.05. Suit.**

Any action brought against the City upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the City shall conform with the requirements of Section 950-951 of the California Government Code. (Ord. 2007-08, eff. 7/5/07; Ord. 2004-01, eff. 2/20/04; Ord. 2002-05, eff. 7/18/02; Ord. 89-17 § 1 (part), eff. 8/17/89)

## **CHAPTER 2-27 PAYMENT UNDER PROTEST**

### **Section 2-27.01. Payment under protest required.**

No legal or equitable process shall issue in any proceeding in any court against this City or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax, fee, assessment or other charge claimed to be illegal, an action may be maintained to recover the amount paid, with interest, in such manner as may be provided by law. (Ord. 2010-03, eff. 5/20/10)