

## **ORDINANCE NO. 19-1924**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 2903 (COMPETITIVE SERVICES) OF CHAPTER 9 (PERSONNEL SYSTEM) OF ARTICLE II (ADMINISTRATION) OF THE CARSON MUNICIPAL CODE TO AMEND THE LIST OF OFFICES, POSITIONS AND EMPLOYMENTS DESIGNATED AS EXEMPT FROM THE COMPETITIVE SERVICES TO: (1) ADD THE POSITIONS OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER TO THE LIST; (2) REMOVE POSITIONS THAT NO LONGER EXIST AND UPDATE LISTED POSITION TITLES AS APPLICABLE; AND (3) ADD A CATEGORY TO THE LIST TO ACCOUNT FOR POSITIONS DESIGNATED AS EXEMPT FROM THE COMPETITIVE SERVICES BY RESOLUTION OF THE CITY COUNCIL**

**WHEREAS**, Section 2903 (Competitive Services) of Chapter 9 (Personnel System) of Article II (Administration) of the Carson Municipal Code (“CMC”) enumerates the City of Carson (“City”) offices, positions and employments to which the provisions of said Chapter 9 do not apply, and that are therefore exempt from the competitive service of the City; and

**WHEREAS**, on June 21, 2016, the City Council formally approved the creation of an at-will, unrepresented, non-classified position of “Senior Deputy City Clerk,” subject to the appointing authority of the City Clerk of the City, pursuant to Government Code Section 40813 (the “Position”); and

**WHEREAS**, the Senior Deputy City Clerk Position, as an unrepresented, non-classified at-will position, is exempt from the competitive service, and thus should rightfully be included in the list of offices, positions, and employments set forth in CMC Section 2903; and

**WHEREAS**, the City Council, on March 5, 2019, by adoption of Resolution No. 19-036, approved a title change from “Senior Deputy City Clerk” to “Chief Deputy City Clerk”; and

**WHEREAS**, the City and the Association of Management Employees (AME) have met and conferred and agreed upon a unit modification to remove the vacant classification of “Chief Deputy City Clerk” from AME’s Management Employee Bargaining Unit; and

**WHEREAS**, to properly reflect the at-will, unrepresented, non-classified nature of the Chief Deputy City Clerk Position, and the title change applicable to the Position, the City Council now sees fit to add the position of “Chief Deputy City Clerk” to the list of City offices, employments and positions designated as exempt from the competitive service as set forth in CMC Section 2903; and

**WHEREAS**, on March 5, 2019, by adoption of Resolution No. 19-036, the City Council formally approved the creation of the at-will, unrepresented, non-classified position of Chief Deputy City Treasurer, subject to the appointing authority of the City Treasurer of the City, pursuant to Government Code Sections 41006 and 41007; and

**WHEREAS**, the Chief Deputy City Treasurer position, as an unrepresented, non-classified at-will position, is exempt from the competitive service of the City, and thus should rightfully be included in the list of offices, positions, and employments set forth in CMC Section 2903, and the City Council now sees fit amend CMC Section 2903 to do so; and

**WHEREAS**, the City and the Association of Management Employees (AME) have met and conferred and agreed upon a unit modification to remove the vacant classification of “Chief Deputy City Treasurer” from AME’s Management Employee Bargaining Unit; and

**WHEREAS**, some of the City offices, positions, and employments listed in CMC Section 2903(h) no longer exist, and others still exist but with new or different titles, and as such the City Council now sees fit to amend the list to remove the positions that no longer exist and to update the list to update the titles of the positions included therein, as applicable; and

**WHEREAS**, to avoid the future need to adopt an ordinance to update the list set forth in CMC Section 2903 every time the City Council creates or designates a new at-will unrepresented, non-classified City employment position, the City Council now sees fit to add an additional category to the list to encompass all positions which are designated as at-will unrepresented, non-classified groups of City employment by resolution of the City Council; and

**WHEREAS**, the City Council sees fit to amend the title of CMC Section 2903 to better reflect its purpose.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The forgoing recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Section 2903 (Competitive Services) of Chapter 9 (Personnel System) of Article II (Administration) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~striketrough~~, additions shown in ***bold italics***):

**2903 Competitive Services- *Exemptions.***

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

- (a) Elective officers;
- (b) Individuals serving on boards, commissions, committees and agencies;
- (c) Individuals performing services under contract;
- (d) City Attorney;
- (e) Individuals performing services during a declared emergency;
- (f) Individuals appointed to part-time or seasonal employment;
- (g) City Manager and Assistant City Manager;
- (h) ~~Administrative Services General Manager, Development Services General Manager, Economic Development General Manager, Public Services General Manager, Director of Community Development, Director of Finance, Director of Human Resources & Risk Management, Director of Parks and Recreation, Director of Community Services, Director of Public Safety, and Director of Public Works, and Council Field Representative;~~
- (i) *Chief Deputy City Clerk and Chief Deputy City Treasurer;*
- ⊕ (j) All volunteer personnel; ~~and~~
- ⊕ (k) Individuals performing services on a temporary basis; *and*
- (l) *All personnel serving in positions which are expressly designated as at will, unrepresented, non-classified groups of employment by resolution of the City Council.*

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 4.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 5.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 5th day of March, 2019.

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MAYOR ALBERT ROBLES

ATTEST:

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CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

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CITY ATTORNEY SUNNY K. SOLTANI