

ORDINANCE NO. 19-1945

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: (1) ADD THE POSITIONS OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER TO THE LIST OF OFFICES, POSITIONS AND EMPLOYMENTS DESIGNATED AS EXEMPT FROM THE PROVISIONS OF CHAPTER 9 OF ARTICLE II OF THE CARSON MUNICIPAL CODE; AND (2) AMEND THE LIST OF OFFICES, POSITIONS AND EMPLOYMENTS DESIGNATED AS EXEMPT FROM THE PROVISIONS OF CHAPTER 9 OF ARTICLE II OF THE CARSON MUNICIPAL CODE TO REMOVE POSITIONS THAT NO LONGER EXIST AND TO UPDATE POSITION TITLES AS APPLICABLE

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 ("Carson") 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 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 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 February 19, 2019, by adoption of Resolution No. 19-045, approved a title change for the Position, to change the title 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 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 February 19, 2019, by adoption of Resolution No. 19-045, 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 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.

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 ~~strikethrough~~, additions shown in ***bold italics***):

"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, Director of Public Works, and Council Field Community Liaison Representative, and Senior Community Liaison Representative;~~

(i) Chief Deputy City Clerk and Chief Deputy City Treasurer.

~~(j)~~ (j) All volunteer personnel; and

~~(k)~~ (k) Individuals performing services on a temporary basis.”

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.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 19th day of February, 2019.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

CITY ATTORNEY SUNNY K. SOLTANI