



CITY OF CARSON

Legislation Text

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Report to Mayor and City Council

Tuesday, February 19, 2019

Consent

SUBJECT:

CONSIDERATION OF CITY COUNCIL RESOLUTIONS NO. 19-036, 19-042, 19-045, 19-043, AND 19-044, AMENDING AND RESTATING CITY COUNCIL RESOLUTIONS NO. 16-073, 16-074, 16-075, 16-076, AND 16-077, RESPECTIVELY, TO: (1) EFFECT A TITLE CHANGE FOR THE POSITION OF "SENIOR DEPUTY CITY CLERK" TO "CHIEF DEPUTY CITY CLERK"; AND (2) ESTABLISH THE SALARY AND BENEFITS AND ADOPT A JOB SPECIFICATION FOR THE NEW AT-WILL CHIEF DEPUTY CITY TREASURER POSITION

I. SUMMARY

The attached proposed resolutions are amended and restated versions of the resolutions that the City Council adopted in 2016 to establish the position of Senior Deputy City Clerk. The purpose of the amendment and restatement is twofold: (1) to change the title of the at-will "Senior Deputy City Clerk" position to "Chief Deputy City Clerk"; and (2) to create an unrepresented, non-classified, at-will position of Chief Deputy City Treasurer.

Both of these proposed actions are facilitated by the fact that the City and the Association of Management Employees (AME) recently met and conferred and agreed upon a unit modification to remove the classification of the Chief Deputy City Treasurer, which is now currently vacant, from AME's Management Employee Bargaining Unit. The Senior Deputy City Clerk position is already an at-will position (though the older Chief Deputy City Clerk position remained in the AME classification), and the City desires parity between the two deputies.

As a result, the title of the Senior Deputy City Clerk position can now be changed to "Chief Deputy City Clerk" to better reflect the longstanding duties and functions of the position, and the at-will position of Chief Deputy City Treasurer can be created and staffed in furtherance of the wishes of the City Treasurer, without creating confusion with the AME classifications or conflicting with the rules governing the relationship between the City and AME.

II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT Resolution No. 19-036, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-073 DECLARING THE EMPLOYEE CLASSIFICATIONS OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER AS EXCLUDED FROM THE CIVIL SERVICE SYSTEM, DESIGNATING SUCH CLASSIFICATIONS TO BE UNREPRESENTED AND AT-WILL, PURSUANT TO APPLICABLE PROVISIONS OF THE GOVERNMENT CODE, AND ESTABLISHING THE SALARY AND BENEFITS FOR SUCH CLASSIFICATIONS."
2. WAIVE further reading and ADOPT Resolution No. 19-042, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-074 FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMHCA)."
3. WAIVE further reading and ADOPT Resolution No. 19-045, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-075 AMENDING THE CLASSIFICATION PLAN, RESOLUTION NO. 77-111, ADOPTING CLASSIFICATION SPECIFICATIONS FOR THE CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER POSITIONS."
4. WAIVE further reading and ADOPT Resolution No. 19-043, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-076 ESTABLISHING THE CITY OF CARSON'S VESTING CONTRIBUTION UNDER GOVERNMENT CODE SECTION 22893.1 RELATING TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT."
5. WAIVE further reading and ADOPT Resolution No. 19-044, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 16-077, DESIGNATING THE CITY'S CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE EMPLOYEES IN THE positions OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER."

III. ALTERNATIVES

TAKE other action the Council deems appropriate.

IV. BACKGROUND

A. Senior/Chief Deputy City Clerk Position

At a special meeting on June 9, 2016, the City Council directed staff to create a position of

Chief Deputy City Clerk, to be an unrepresented, unclassified, at-will position. To accomplish this directive, Staff created the job description for a position with the title of “Senior Deputy City Clerk” (rather than the title of Chief Deputy City Clerk) to reflect that the position was designated as an at-will position.

Additionally, there is currently a vacant Association of Management Employees (AME) Management Employees Bargaining Unit (MEBU) classification bearing the title of “Chief Deputy City Clerk.” As a represented classification, this position would receive the salary and benefits accorded to AME members. The employee who previously filled the position separated from City service at the end of 2015, and the position was never filled.

In 2016, the City Clerk desired to appoint a deputy City Clerk who would serve at the direction of the City Clerk, per Government Code Section 40813. According to Section 40813, and as interpreted by the court in *Moore v. City of Orange* (1985) 174 Cal.App.3d 31, a city clerk has the appointing authority to hire and fire any deputy city clerk position, and such position is at-will and not subject to any resolution or ordinance enacted by a city to dictate the terms of hiring and firing. Accordingly, the Senior Deputy City Clerk position was created in furtherance of Section 40813.

On June 21, 2016, the City Council adopted Resolution No. 16-073, a Resolution of Salary and Benefits for the unclassified, non-represented, at-will position of “Senior Deputy City Clerk.” The salary and benefits within the resolution mirrored the salary and benefits of AME employees for consistency and continuity of the same salary and benefits previously afforded to the employee in this position. The City Council also adopted Resolution No 16-075 to approve the job specification for the newly-created position.

The adoption of the Resolution of Salary and Benefits (Resolution No. 16-073) required establishing the City’s contribution for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) for the Senior Deputy City Clerk. Accordingly, also on June 21, 2016, the City Council adopted Resolution Nos. 16-074 and 16-076 to address the requirement to fix the employer’s contribution and establish the vesting schedule under PEMHCA. The contribution amount for medical insurance for the specified employee classification group was the same amount afforded to all other represented and non-represented employees, including elected officials and members of the City Council.

The adoption of a Resolution of Salary and Benefits also necessitated adoption of a resolution for an employee in the Senior Deputy City Clerk position to make his or her own employee contribution to CalPERS as a new and approved group of employees. Therefore, Resolution No. 16-077 was also adopted by the City Council on June 21, 2016.

Recently, the City and AME representatives met and conferred and agreed to a unit modification to remove the classification of Chief Deputy City Clerk from the MEBU. The parties have also entered into a side letter agreement to this effect.

Removal of the AME classification means there is no longer the risk of confusion of the at-will position with any AME classification. As such, and in order to better reflect the longstanding duties and functions of the position, City staff now recommends changing the title of the at-will position to “Chief Deputy City Clerk.” The attached proposed resolutions

are amended and restated from the 2016 versions in order to effect said title change.

B. Chief Deputy City Treasurer Position

The Council also directed in 2016 that the AME classification of Chief Deputy City Treasurer, once vacated, should become an unclassified, unrepresented, at-will position. The position is currently vacant.

Recently, the City Treasurer desired to appoint a deputy City Treasurer who would serve at the direction of the City Treasurer, per Government Code Sections 41006 and 41007. Section 41006 provides that the City Treasurer may appoint deputies, and Section 41007 provides that the deputies shall hold office at the pleasure of the City Treasurer and receive such compensation as is provided by the City Council.

The attached proposed resolutions would create an unrepresented, non-classified, at-will position of "Chief Deputy City Treasurer" in furtherance of the prior direction of the Council and the wishes of the City Treasurer. The statutory authority for the creation of deputy city treasurer positions is analogous to the statutory authority for the creation of deputy city clerk positions, and the requirements to establish the position are the same as discussed above in the context of the at-will Chief Deputy City Clerk position. The attached proposed resolutions are thus based on the resolutions adopted by the Council in 2016 for the creation of the (then-entitled) Senior Deputy City Clerk position, but have now been amended to also establish the new at-will Chief Deputy City Treasurer position.

In connection with the meet-and-confer process referenced above, the City and AME have also agreed to a unit modification to remove the classification of "Chief Deputy City Treasurer" from the MEBU, and this modification is also provided for in the side letter agreement referenced above.

V. FISCAL IMPACT

1. As to Chief Deputy City Clerk position - None. The position is already staffed and funded. The salary and benefits for the position remain the same.
2. As to Chief Deputy City Treasurer position - Additional cost in the amount of the salary and benefits being adopted for the new position. The position is not currently staffed or funded.

VI. EXHIBITS

1. Resolution No. 19-036, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-073 DECLARING THE EMPLOYEE CLASSIFICATIONS OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER AS EXCLUDED FROM THE CIVIL SERVICE SYSTEM, DESIGNATING SUCH CLASSIFICATIONS TO BE UNREPRESENTED AND AT-WILL, PURSUANT TO APPLICABLE PROVISIONS OF THE GOVERNMENT

CODE, AND ESTABLISHING THE SALARY AND BENEFITS FOR SUCH CLASSIFICATIONS. (pgs. 6-28)

2. Resolution No. 19-042, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-074 FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMHCA). (pgs. 29-31)
3. Resolution No. 19-045, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-075 AMENDING THE CLASSIFICATION PLAN, RESOLUTION NO. 77-111, ADOPTING CLASSIFICATION SPECIFICATIONS FOR THE CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER POSITIONS. (pgs. 32-34)
 - a. Job Specifications for Chief Deputy City Clerk and Chief Deputy City Treasurer Positions. (pgs. 35-41)
4. Resolution No. 19-043, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO. 16-076 ESTABLISHING THE CITY OF CARSON'S VESTING CONTRIBUTION UNDER GOVERNMENT CODE SECTION 22893.1 RELATING TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT. (pgs. 42-44)
5. Resolution No. 19-044, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 16-077, DESIGNATING THE CITY'S CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE EMPLOYEES IN THE positions OF CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER. (pgs. 45-47)

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