

RESOLUTION NO. 2014-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA DECLARING CERTAIN EMPLOYEE CLASSIFICATIONS AS EXCLUDED FROM THE CIVIL SERVICE SYSTEM, DESIGNATING SUCH CLASSIFICATIONS TO BE UNREPRESENTED AND AT-WILL, PURSUANT TO MUNICIPAL CODE SECTION 2.84.0630 (B), AND RESCINDING RESOLUTION NO. 2014-15

WHEREAS, Article XI, Section 5(b) of the California Constitution grants plenary authority to the City for setting the terms and tenure of office of its employees;

WHEREAS, Section 900 of the Bell City Charter authorizes the City Council of the City of Bell to amend the personnel merit system regarding, among others, the classification and minimum standards of employment of employees of the City;

WHEREAS, the "classified service" is defined in Section 2.84.020 of the Bell Municipal Code (BMC) as consisting of "all positions which are included within the Civil Service System, pursuant to the [BMC]" and does not typically include at-will employees;

WHEREAS, prior to the recodification of the entire BMC under Ordinance No. 1131 in 1998, the former BMC also contained Section 2202, which expressly excluded certain classifications from the classified service, including: "(a) elective officers, (b) members of commissions or committees, (c) part-time employees, (d) temporary employees, (e) chief administrative officer, (f) city attorney, (g) personnel officer, (h) purchasing officer, (i) chief of police, (j) city planner, (k) director of administrative services, (l) director of community development, (m) director of community services, and (n) director of finance";

WHEREAS, Resolution No. 92-14 was adopted in April 1992, which added the new classification of police lieutenant but did not expressly exclude the new classification from the classified service;

WHEREAS, the classification of police captain was also created after recodification of the entire BMC and not expressly excluded from the classified service;

WHEREAS, upon recodification of the BMC under Ordinance No. 1131 in 1998, Section 2202 was not recodified, and the current version of the BMC does not clearly state which employee classifications or positions are within the civil service system and which are excluded from the civil service system as at-will employees;

WHEREAS, instead of designating which employees are excluded from the civil service system as at-will employees, Section 2.84.030(B) of the Bell Municipal Code authorizes the City Council of the City of Bell to designate by resolution officers and employee classifications who shall be "unrepresented employees" of the City;

WHEREAS, the City subsequently entered into at-will employment contracts with its City Manager, City Attorney, City Clerk, City Treasurer, Chief of Police, Police Captains, Police Lieutenants, Community Development Director, Community Services Director, Finance Director, Accounting Manager, Contract and Facilities Manager, Housing Manager, Human Resources and Risk Manager, part-time employees, and temporary employees (collectively, At-Will Employees), which confirmed that said classifications have always been and will continue to be excluded from the classified service and that said employees have no property rights in their employment;

WHEREAS, the City Council adopted Resolution No. 2014-15 on February 26, 2014 regarding the designation of certain employee classifications as unrepresented employees, including but not limited to the At-Will Employees; and

WHEREAS, the City Council desires to formally declare and clarify that the classifications of the At-Will Employees are excluded from the civil service system, to rescind Resolution No. 2014-15, and to designate the At-Will Employees as unrepresented employees of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council clarifies and confirms that the following employee classifications are deemed, for all purposes, to be excluded from the classified service:

- a. All Elected or Appointed Officials,
- b. City Manager,
- c. City Attorney,
- d. City Clerk,
- e. City Treasurer,
- f. Chief of Police,
- g. Police Captain,
- h. Police Lieutenant,
- i. Community Development Director,
- j. Community Services Director,
- k. Finance Director,
- l. Accounting Manager
- m. Contracts and Facilities Manager,
- n. Housing Manager
- o. Human Resources and Risk Manager
- p. Part-time Employees, and
- q. Temporary Employees.

SECTION 2. Resolution Number 2014-15 is hereby rescinded.

SECTION 3. Pursuant to Bell Municipal Code Section 2.84.030(B), the following full-time officers and employees shall be designated as unrepresented, at-will employees:

EXECUTIVE MANAGEMENT

1. City Council Members
2. City Manager

ADMINISTRATIVE MANAGEMENT

1. Chief of Police
2. Community Development Director
3. Community Services Director
4. Finance Director
5. Police Captain
6. Police Lieutenant

MANAGEMENT

1. Accounting Manager
2. City Clerk
3. City Treasurer
4. Contracts and Facilities Manager
5. Housing Manager
6. Human Resources and Risk Manager

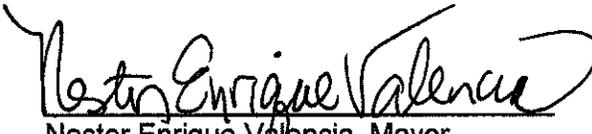
SECTION 4. Pursuant to Bell Municipal Code Section 2.84.030(B), the following part-time and temporary employees shall be designated as unrepresented, at-will employees:

MISCELLANEOUS PART-TIME/TEMPORARY

1. Code Enforcement Officer
2. Dispatcher
3. Office Aide
4. Office Clerk
5. Office Technician
6. Parking Enforcement Officer
7. Police Cadet
8. Recreation Leader I
9. Recreation Leader II
10. Recreation Leader III
11. Recreation Leader IV

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED THIS 25TH DAY OF JUNE, 2014


Nestor Enrique Valencia, Mayor

APPROVED AS TO FORM:


David J. Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Janet Martinez, Acting City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 25th day of June, 2014, by the following vote:

AYES: Councilmembers Alvarez, Quintana, Saleh and Vice Mayor Romero

NOES: Mayor Valencia

ABSENT: None

ABSTAIN: None



Janet Martinez, Acting City Clerk