

## RESOLUTION NO. 2019-26

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, 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. 2016-100**

**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; and

**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; and

**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; and

**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"; and

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

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

**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; and

**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; and

**WHEREAS**, the City Council adopted Resolution No. 2016-100 on December 14, 2016 regarding the designation of the following employee classifications as unrepresented employees and the reaffirmation that said classifications have always been and will continue to be excluded from the classified service and that said classifications have no property rights in their employment: City Manager, City Attorney, City Clerk, City Treasurer, Chief of Police, Police

Captains, Police Lieutenants, Community Development Director, Community Services Director, Community Services Manager, Finance Director, Accounting Manager, Environmental Programs Manager, Contract and Facilities Manager, Housing Manager, Human Resources and Risk Manager, Public Works Manager, part-time employees, and temporary employees (collectively, At-Will Employees); and

**WHEREAS**, on February 27, 2019, the City Council authorized the creation of four new part time positions: Cashier/Locker Room Attendant, Lifeguard/Swim Instructor, Senior Lifeguard, and Pool Manager and the inclusion of these position and corresponding salary range in the next salary range resolution to be considered by the City Council; and

**WHEREAS**, the City Council desires, through this resolution, to update the classifications of the unrepresented At-Will Employees excluded from classified service to include the part time positions of Cashier/Locker Room Attendant, Lifeguard/Swim Instructor, Senior Lifeguard, Pool Manager and to rescind Resolution No. 2016-100.

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

**SECTION 1.** Resolution No. 2016-100 is hereby rescinded.

**SECTION 2.** The City Council 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. Public Works Manager,
- j. Community Development Director,
- k. Community Services Director,
- l. Finance Director,
- m. Accounting Manager,
- n. Community Services Manager,
- o. Contracts and Facilities Manager,
- p. Environmental Programs Manager,
- q. Housing Manager,
- r. Human Resources and Risk Manager,
- s. Part-time Employees, and
- t. Temporary Employees.

**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:

**ELECTED OFFICIALS**

1. City Council Members

## **EXECUTIVE MANAGEMENT**

1. 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. Community Services Manager
5. Contracts and Facilities Manager
6. Environmental Programs Manager
7. Housing Manager
8. Human Resources and Risk Manager
9. Public Works 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. Cashier/Locker Room Attendant
3. Dispatcher
4. Lifeguard/Swim Instructor
5. Management Aide
6. Office Aide
7. Office Clerk
8. Office Technician
9. Parking Enforcement Officer
10. Police Cadet
11. Pool Manager
12. Public Works Maintenance Worker
13. Recreation Leader I
14. Recreation Leader II
15. Recreation Leader III
16. Recreation Leader IV
17. Senior Lifeguard

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

**PASSED, APPROVED AND ADOPTED this 12<sup>th</sup> day of June 2019.**



Ali Saleh, Mayor

APPROVED AS TO FORM:



David J. Aleshire, City Attorney

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, 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 12<sup>th</sup> day of June 2019, by the following vote:

AYES: Councilmembers Gallardo, Quintana, Valencia, Vice-Mayor Romero and Mayor Saleh

NOES: None

ABSENT: None

ABSTAIN: None



Angela Bustamante, City Clerk