

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIALTO, CALIFORNIA AMENDING SECTION 2.50.060
OF THE RIALTO MUNICIPAL CODE RELATING TO CITY
POSITIONS INCLUDED IN THE COMPETITIVE SERVICE
OF THE CITY.**

WHEREAS, City of Rialto Municipal Code section 2.50.060 provides that the provisions of Chapter 2 apply to all offices, positions and employment in the service of the City, except those listed therein; and

WHEREAS, during the past three years the City has undergone various modifications to the offices and positions that are listed as exempt from the competitive service as stated in Municipal Code section 2.50.060; and

WHEREAS, these modifications have resulted in uncertainty as to whether these newly added positions to the executive unrepresented management team are exempt from the competitive service; and

WHEREAS, the needs of the City periodically change and the ability to maintain optimal operations at the executive and department head levels may require modifications to positions that are exempt from the competitive service from time to time; and

WHEREAS, the City wishes to maintain greater flexibility in designating certain positions as exempt from the competitive service from time to time as necessary to conduct the City's business; and

WHEREAS, the City Council now wishes to adopt this Ordinance, amending the City of Rialto Municipal Code section 2.50.060 to clarify which positions are exempt from the competitive service.

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

1 **SECTION 1. INCORPORATION BY REFERENCE.**

2 The above recitals are true and correct and material to this ordinance. In making its findings,
3 the City Council relied upon and hereby incorporates by reference, all staff reports, presentations,
4 and other documentation presented to the Council in the meeting.

5 **SECTION 2. AMENDMENT OF SECTION 2.50.060 OF CHAPTER 2.50 OF THE**
6 **CITY OF RIALTO MUNICIPAL CODE.**

7 Section 2.50.060 of Chapter 2.50 of the Rialto Municipal Code shall be amended to read as
8 follows:

9 “2.50.060 – Competitive Service.

10 The provisions of this chapter apply to all offices, positions, and employers in the service
11 of the city, except for those listed in Resolution _____ as adopted by the City Council on August
12 10, 2021, and as may be modified by subsequent resolutions adopted by the City Council pertaining
13 to modifications to the list of offices, positions, and employers in the service of the city that are
14 exempt from the competitive service.

15 City employees not included in the competitive service shall serve at the will and pleasure
16 of their appointing authority and may be terminated from employment at any time without cause
17 and without right of appeal or hearing, except where such right is expressly provided by law.”

18 **SECTION 3. SEVERABILITY.**

19 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason
20 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such
21 decision will not affect the validity of the remaining portions of this ordinance. The City Council
22 hereby declares that it would have passed this ordinance and each and every section, subsection,
23 sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any
24 portion of the ordinance would be subsequently declared invalid or unconstitutional.

25 **SECTION 4. EFFECTIVE DATE.**

26 This Ordinance shall be in full force and effective thirty (30) days after its adoption, and
27 shall be published and posted as required by law.

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SECTION 5. CERTIFICATION.

The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in the local newspaper.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Rialto this ____ day of ____, 2021.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA MCGEE, City Clerk

APPROVED AS TO FORM:

ERIC VAIL, City Attorney
Burke, Williams & Sorensen, LLP