



# City of Rialto

## Legislation Text

File #: 16-444, Version: 1

For City Council Meeting [July 12, 2016]

TO: Honorable Mayor and City Council

APPROVAL: Michael Story, City Administrator

FROM: George N. Harris II, Assist. to the CA/Director of Administrative Services

Request City Council to Introduce by First Reading of **Ordinance No. 1568** entitled "AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA, AMENDING THE RIALTO MUNICIPAL CODE SECITON 2.04.090 (AMENDING ORDINANCE 1438) REGARDING PERSONNEL CONTROL;" and **Ordinance No. 1569** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE SECTION 2.50.060 (AMENDING ORDINANCE 1439) REGARDING COMPETITIVE SERVICE", reading by title only and waiving further reading thereof; and approve **Resolution No. 6981** Establishing The "Utilities Manager" Position and Setting The Basic Compensation Range.

**(ACTION)**

### **BACKGROUND:**

On March 27, 2012, the City Council and the Rialto Utility Authority (RUA) took several actions related to approval of a Concession Agreement (CA) with Rialto Water Services, LP, (RWS) assigning operation and maintenance of the City's water and sewer utilities to RWS. Section 3.5(B) of the CA describes the role of the Authority's Contract Administrator as the representative of the City/RUA to serve as the City-hired liaison between the two parties. The function of the Contract Administrator is currently served by the Director of Public Works and Stephen Dopudja, a consultant with West Yost. Mr. Dopudja's service to the project has been invaluable and will continue to be required, as needed. The costs of the contract with Mr. Dopudja is detailed below:

	2013/14 Budget	2014/2015 Budget	2015/2016 Budget	2016/2017 Budget	2017/2018 Budget	Total Budget
Original Agreement	\$278,763.00	\$438,330.00	\$448,375.00	\$210,042.00	\$236,171.00	\$1,607,681.00
First Amendment	\$29,859.00					\$29,859.00
Second Amendment	\$103,038.50	\$80,000.00				\$183,038.50
Third Amendment		\$224,720.00	\$481,843.00			\$706,563.00
Fourth Amendment			\$25,782.00			\$25,782.00
Fifth Amendment			\$471,860.00			\$471,860.00
Sixth Amendment				\$448,364.00		\$448,364.00
	\$409,460.50	\$723,050.00	\$1,425,840.00	\$658,406.00	\$236,171.00	\$3,452,927.50

However, it is important that the City/RUA hire an in-house representative that can serve in the capacity as Contract Administrator long term for the balance of the duration of the contract, which is approximately 26 years.

On June 14 the City Council approved the addition of one Full-Time Equivalent (FTE) valued at a salary equivalent to that of a Principal Civil Engineer (Range 6100 - \$7,626/month - \$10,220/month) to fund the Contract Administrator position. However, after evaluation of the work duties and general

scope of the responsibilities of the role the City Administrator worked with the Council sub-committee assigned to oversee the CA to create a job description and title to be used to attract a qualified candidate. The result was a job description for a position entitled "Utilities Manager." The job description is attached as part of this report, and is submitted for approval by resolution.

### **ANALYSIS/DISCUSSION:**

The Utilities Manager position is expected to take on the responsibility of being the City appointed liaison between the City/RUA and the Concessionaire. As such, the role will require experience in capital project management, financial management, report review, water and wastewater operations, contract administration, regulatory compliance, and public speaking. As this list of available candidates in the market for such a role may be short, the Human Resources Division must heavily rely upon more than the traditional probationary period to completely evaluate the selected candidate. As such, the Human Resources Division suggests that the Council consider amending the Rialto Municipal Code to establish this position as an "at-will" position. To approve the Utilities Manager as "At-Will" position the Rialto Municipal Code must be amended as such:

#### **2.04.090 Competitive Service**

It is the duty of the city administrator and he/she has the power to control, order and give directions to all heads of departments, subordinate officers and employees of the city, except the city clerk, city treasurer, city attorney, public relations officer, and *utilities manager* and their respective staffs; to transfer employees from one department to another; to consolidate or combine offices, positions, departments or units under his/her direction.

#### **2.50.060 Competitive Service.**

The provisions of this chapter apply to all offices, positions and employment in the service of the city, except:

- A. Elective officers;
- B. Members of appointive boards, commissions and committees;
- C. Persons engaged under contract to supply expert, professional and technical services for a definite period of time;
- D. Volunteer personnel such as volunteer firemen and reserve policemen who receive no regular compensation from the city;
- E. City administrator;
- F. City attorney;
- G. Part-time personnel;
- H. State or federally subsidized personnel;
- I. Public relations officer;
- J. *Utilities Manager*
- K. City administration executive assistant;
- L. City administration assistant.

The "at-will" status exempts the position from classified services and hence serves at the pleasure of

the City Council. In the event of any differing or inconsistent direction to the incumbent, the Mayor shall provide direction that resolves any such differences or inconsistencies; and the incumbent shall implement the direction prescribed by the Mayor.

The benefits granted to the position will be tied to the Rialto Mid Managers Association (RMMA) bargaining unit, however, the incumbent shall not be granted due process benefits as prescribed in the RMMA Memorandum of Understanding, and cannot serve as a voting member of the RMMA.

Recruitment for the position will begin immediately after its approval.

### **ENVIRONMENTAL IMPACT:**

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA). A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Pursuant to Section 15378 (b)(5) a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved this report.

### **FINANCIAL IMPACT:**

The Fiscal Year 2016/17 budget was approved on June 14, 2016. The budget includes the funding of the Utilities Manager position in fund 680. The total cost of the Utilities Manager position is budgeted at \$159,794.

### **RECOMMENDATION:**

Staff recommends that the City Council:

- Introduce for First Reading Ordinance No. \_\_\_\_\_ Amending the Rialto Municipal Code Section 2.04.090 as It Pertains To Personnel Control, reading by title only and waiving further reading thereof.
- Introduce for First Reading Ordinance No. \_\_\_\_ Amending the Rialto Municipal Code Section 2.50.060 as It Pertains To Competitive Services, reading by title only and waiving further reading thereof.
- Approve Resolution No. \_\_\_\_\_ Establishing the Utilities Manager Position And Setting The Basic Compensation Range

