City of Rialto

Legislation Text

File #: CC-19-058, **Version:** 1

For City Council Meeting [January 8, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Ahmad Ansari, Interim City Administrator

                  Sean Grayson, Interim City Administrator

FROM: Lucy M. Garcia, Director of Human Resources & Risk Management

Request City Council to Introduce for First Reading of **Ordinance No. <u>1612</u>** entitled "AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA, AMENDING THE RIALTO MUNICIPAL CODE SECTION 2.50.060 (AMENDING ORDINANCE 1591) REGARDING COMPETITIVE SERVICE" reading by title only and waiving further reading thereof.

BACKGROUND:

Rialto Municipal Code (RMC) Section 2.50.060 provides that the provisions of Chapter 2.50 apply to all offices, positions and employment in the service of the City, except those listed therein. On July 11, 2017, the City Council amended Ordinance 1591, which designates the City's positions exempt from competitive service, to apply to Department Heads hired following the effective date of the revised Ordinance. As at-will positions, the employees serve at the pleasure of the appointing authority and may be terminated from employment at any time without cause and without the right of appeal or hearing.

On November 13, 2018, under Resolution No. 7408, the City Council authorized the addition of a Community Compliance (Code Enforcement) Manager into the City's Classification Plan. Pursuant to this approval, the Council directed the position-a mid-management (non-represented) position-- be designated as at-will. In order to formalize this designation, the position must be added to the list of positions exempt from competitive service under Ordinance 1591.

ANALYSIS/DISCUSSION:

This designation of the Community Compliance Manager as at-will does not affect the rights of other mid-managers; rather, the at-will employment status only applies to Community Compliance Manager. Staff has advised the Rialto Mid Management Association of the City's intent to establish this new position as at-will. The benefits granted to the at-will Manager will be tied to the RMMA bargaining unit; however, the at-will employee shall not be granted any due process benefits as currently prescribed for RMMA members and cannot serve as a voting member of the RMMA.

If the City wishes to pursue at-will status for other management positions, which are currently under contract with RMMA or other bargaining units, the City shall be required to meet and confer. There is no reopener currently subject to any of the Memorandums of Understanding or the Tentative

Agreements with the bargaining units to enable this discussion; however, this matter can be pursued during future labor negotiations.

ENVIRONMENTAL IMPACT:

The request is not a "Project" as defined in the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), 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. According to Section 15378(b), a "Project" does not include: (5) 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 staff report.

FINANCIAL IMPACT:

Operating Budget Impact

There is no impact to the operating budget from this Ordinance amendment.

Capital Improvement Budget Impact

There is no capital improvement budget impact.

RECOMMENDATION:

Staff recommends the City Council Introduce for First Reading Ordinance No. 1612 Amending the Rialto Municipal Code Section 2.50.060 as It Pertains To Competitive Services, reading by title only and waiving further reading thereof.