

# Attachment B

## Redline/Blackline Comparison - Changes to VMC Proposed by Ordinance No. 2452

### Chapter 2.04 - CITY MANAGER

#### 2.04.010 - Appointment and termination.

The office of the city manager is created and established pursuant to provisions of Section 34851, et seq. of the Government Code. The city manager shall be appointed by the city council and shall hold office at the will and pleasure of the city council. Unless expressly provided otherwise in an employment agreement entered into pursuant to Section 2.04.290, the city manager may be removed from office and terminated as an employee of the city by a majority vote of the city council, without cause or justification and without right of appeal or hearing.

#### 2.04.040 – Bond or faithful performance of duty insurance policy.

The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city. In the alternative, the city council may approve procurement and maintenance by the City of a government crime insurance policy or employee dishonesty insurance policy, including faithful performance of duty coverage for the city manager, pursuant to Government Code section 1463. The premium for such bond or insurance policy shall be a proper charge against the City.

#### 2.04.050 - Acting city manager.

~~The assistant city manager shall serve as manager pro tempore during any temporary absence or disability of the city manager. In the event there is no assistant city manager, the~~ The city manager, by a letter filed with the city clerk, shall designate a qualified city administrative officer to exercise the powers and perform the duties of manager during his or her temporary absence or disability. In the event the city manager's absence or disability extends over a six-month period, the city council may, after the six-month period, appoint an acting city manager. ~~The assistant city manager or~~ The qualified city administrative officer acting as city manager shall ~~furnish a corporate surety bond to be approved by~~ comply with the city council in such sums as may be determined by the city council and shall be ~~conditioned upon the faithful performance~~ provisions of the duties imposed upon the acting city manager or other qualified city administrative officer. Any premium for such bond shall be a proper charge against the city Section 2.04.040.

#### 2.04.060 - Compensation.

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine, and said compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate.

#### **2.04.070 - Powers and duties.**

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. He~~The city manager~~ shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his~~the city manager's~~ general powers as administrative head, and not as a limitation thereon, it shall be his~~the city manager's~~ duty and he or she shall have the powers set forth in Sections 2.04.080 through 2.04.100.

#### **2.04.080 - Law enforcement.**

It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.

#### **2.04.090 - Authority over employees.**

It shall be the duty of the city manager and he or she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his or her jurisdiction ~~through their department heads.~~

#### **2.04.100 - Power of appointment and removal.**

It shall be the duty of the city manager to and he or she shall appoint, remove, promote and demote any and all subordinate appointive officers and employees of the city, but excepting the city attorney, subject to all applicable personnel ordinances, rules and regulations. The city manager shall appoint, remove, promote and demote the city clerk and city treasurer but they shall not be subject to the personnel ordinances, rules and regulations.

#### **2.04.110 - Administrative reorganization of offices.**

It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

#### **2.04.120 - Ordinances.**

It shall be the duty of the city manager and he or she shall recommend to the city council for adoption such measures and ordinances as he or she deems necessary.

#### **2.04.130 - Attendance at council meetings.**

It shall be the duty of the city manager to attend all meetings of the city council unless excused therefrom by the mayor individually or city council as a whole, except when his or her removal is under consideration.

#### **2.04.140 - Financial reports.**

It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city.

#### **2.04.150 - Budget.**

It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual ~~salary plan~~ tables of classification and compensation for employees to the city council for its approval.

#### **2.04.160 - Purchasing agent.**

It shall be the duty of the city manager and he or she shall be responsible for the purchase of all supplies for all the departments or divisions of the city. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager.

#### **2.04.170 - Investigations and complaints.**

It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

#### **2.04.180 - Public buildings.**

It shall be the duty of the city manager and he or she shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city council.

#### **2.04.190 - Hours of employment.**

It shall be the duty of the city manager to devote his or her entire time to the duties of his or her office and in furthering the interests of the city.

#### **2.04.200 - Additional duties.**

It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution or other official action of the city council.

#### **2.04.210 - Council-manager relations.**

The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. ~~The city manager shall take his~~ orders and instructions from the city council only when sitting in a duly convened meeting of the city council, and no individual ~~councilman~~ councilmember shall give any orders or instructions to the city manager.

#### **2.04.220 - Departmental cooperation.**

It shall be the duty of all subordinate officers and the city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

#### **2.04.230 - Attendance at commission meetings.**

The city manager may attend any and all meetings of the planning commission and any other commissions, boards or committees created by the city council, upon ~~his~~the city manager's own volition or upon direction of the city council. At such meetings which the city manager attends, ~~he~~the city manager shall be heard by such commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof, and ~~he~~the city manager shall inform said members as to the status of any matter being considered by the city council, and he or she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council.

#### **2.04.280 - Limitation on removal.**

Notwithstanding the at-will employment provisions of Section 2.04.010, the city manager shall not be removed from office, other than for misconduct in office, ~~during or within~~for a period of ninety ~~(90)~~days prior to and one hundred eighty (180) days next succeedingfollowing any general municipal, special, or recall election held in the city at which election a member of the city council is elected. The purpose of this provision is to allow any newly-elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his/her office. After expiration of the aforementioned pre and post-election time periods~~such ninety-day period~~, the at-will employment provision of Section 2.04.010 ~~asks that the removal of the city manager~~ shall apply and be effective.

#### **2.04.290 - Agreements on employment.**

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

#### **2.04.300 - Approval of warrants/demands.**

It shall be the duty and responsibility of the city manager to review, process, reject and/or approve claims, demands and warrants in accordance with the applicable provisions of Chapter 2.24 of this Code.

#### **2.04.310 - Substitution of titles.**

Wherever the words "city administrator" appear in the Victorville Municipal Code or in any ordinance, resolution, contract or any other document or record of the city, the words "city manager" shall be substituted in lieu thereof.

## **Chapter 2.08 - OFFICERS GENERALLY\***

### **2.08.010 - Assessor and tax collector—Transfer of duties to county officers.**

Pursuant to the authority granted by Section 51501 of the California Government Code, the assessment and tax collection duties performed by the city assessor and tax collector are transferred to the assessor and tax collector of the county.

### **2.08.020 - Assessor and tax collector—Abolishment of offices.**

The offices of city assessor and tax collector are abolished.

### **2.08.030 - Assessor and tax collector—Transfer of duties to city ~~clerk~~ treasurer.**

Pursuant to the authority granted by Section 51507 of the California Government Code, the duties of the city assessor, other than the assessing of city property and the duties of the tax collector, other than the collection of taxes, originally transferred to the city clerk are transferred to and shall be performed by the city ~~clerk, or such officer of the county as may by contract with the city be designated and authorized to perform such duties~~ treasurer.

### **2.08.035 - City treasurer – Other duties transferred.**

Pursuant to Section 34004 of the California Government Code, the financial and accounting duties imposed upon the city clerk by Sections 40802 through 40805 thereof are also transferred to the city treasurer, who shall perform those duties and such other duties as are required by law or designated by the city manager.

### **2.08.040 - City clerk—Duties.**

Any applications required to be filed with the city or fees required to be paid to the city, pursuant to the provisions of this code, shall be filed with or paid to the city clerk, unless otherwise by this code provided.

### **2.08.050 - City clerk—Bond or faithful performance of duty insurance policy.**

The city clerk upon the entry to his or her duties of office shall execute a bond to the city in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the state relating thereto, in the amount of five thousand dollars or such reasonable amount as the city council may determine from time to time by resolution. In the alternative, the city council may approve procurement and maintenance by the city of a government crime insurance policy or employee dishonesty insurance policy, including faithful performance of duty coverage for the city clerk, pursuant to Government Code section 1463. The premium for such bond or insurance policy shall be a proper charge against the city.

### **2.08.060 - City treasurer—Bond or faithful performance of duty insurance policy.**

The city treasurer upon the entry of office shall execute a bond to the city in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the state relating thereto, in the amount of five thousand dollars ~~or such reasonable amount as the City Council may determine from time to time by resolution. In the alternative, the city council may approve procurement and maintenance by the city of a government crime insurance policy or employee~~

dishonesty insurance policy, including faithful performance of duty coverage for the City Treasurer, pursuant to Government Code section 1463. The premium for such bond or insurance policy shall be a proper charge against the City.

**2.08.070 - Removal of papers or documents from city offices.**

No person, unless authorized by the city clerk or the city manager, ~~mayor or city attorney~~, shall remove any ~~papers~~ official records or documents from the city offices.

## **Chapter 2.22 - PERSONNEL MERIT SYSTEM FOR PERSONNEL ADMINISTRATION**

### **2.22.010 - Adoption of merit system for personnel system administration.**

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best, most competent persons available, to assure that appointments and promotions of employees to the competitive service will be based on merit and fitness and to provide a reasonable degree of security for qualified employees the personnel system set out in this chapter is adopted.

### **2.22.020 - Personnel system of the city.**

The ~~personnel~~-merit system for personnel administration created and established in Section 2.22.010, and all of its benefits are extended to and, by this section, includes all regular and permanent employees, members of all departments of the city who are members of the State Employees' Retirement System subject to the provisions of the State Employees' Retirement Act of the state of California, except ~~elective officers~~ elected officials and those expressly excluded in Section 2.22.030 hereof.

### **2.22.030 - Exclusions from the Competitive service.**

Provisions of this chapter shall apply to all ~~officers' positions~~ officers and employment ~~employees~~ in the ~~services~~ service of the city, except:

- (a) ~~Elective officers~~ Elected officials;
- (b) City manager, assistant city managers, and deputy city managers;
- (c) Department heads or equivalent (as designated on the table of organization adopted by the City Council), ~~and assistant to the city manager~~;
- (d) Members of appointive board commissions, committees and agencies;
- (e) Contract employees;
- (f) Volunteer personnel;
- (g) City attorney;
- (h) City Clerk;
- (i) City Treasurer;
- ~~(h)~~ Emergency employees;
- (h) Emergency employees; who are hired to meet the immediate requirements of an emergency condition, such as an extraordinary fire, flood, earthquake, etc., which threatens life or property;
- ~~(k)~~ Part-time employees;
- ~~(j)~~ Call personnel;
- ~~(k)~~ Project Temporary or seasonal employees, whether part-time or full-time;



~~(k)~~ Contractors or consultants who may be doing business with the city;

~~(l)~~ Manpower employees;

~~(m)~~ Probationary employees;

~~(n)~~ Provisional employees;

~~(o)~~ Conditional employees;

~~(p)~~ Temporary employees. (np) Employees, other than those listed in this section, who are not employed in regular positions; including, but not limited to, employees working under contingent employment conditions.

Employees excluded from the competitive service serve at the will and pleasure of the appointing power and may be terminated at any time without any obligation whatsoever, on the part of the city, to prove cause or justification and without right of appeal or hearing, unless otherwise required by law. The terms of this section shall not be changed in any way whatsoever, except by an ordinance or duly adopted resolution in a writing which has been approved by the city council and signed by a duly authorized representative of the city council.

#### **2.22.040 - Personnel officer** system development; city manager implementation authority.

The city manager ~~shall be the~~ is delegated the following powers, authority and/or duties:

~~(a) To act as city personnel officer. The city manager may~~ and to have the authority to delegate any of the powers and duties conferred upon him as personnel officer under this chapter to any other officer or such duties inherent therein to a management employee of the city or may recommend that such powers and duties be performed under contract as provided as he or she shall deem appropriate, in this chapter. The personnel officer shall: whole or in part, by issuance of appropriate administrative orders;

~~(a) Administer all the provisions of this chapter and of the~~ (b) To develop, approve, review, and revise comprehensive personnel rules not specifically reserved to the city council;

~~(b) Prepare, forms and recommend to~~ procedures governing the city council details of all personnel rules administration and revisions and amendments to such rules. The city attorney shall approve of the legality of such rules and amendments prior to their submission to the city council management encompassing all categories of appointed city employees;

~~(c) Prepare or cause to be prepared;~~ To develop, review, and revise a position classification plan including class specifications and encompassing all categories of appointed city employees; to recommend revisions of to the classification plan. The plan and any revisions thereof which shall become effective upon approval of the table of organization by the city council;

~~(d) Prepare or cause to be prepared;~~ To develop, review, and revise a plan of compensation and plan encompassing all categories of appointed city employees and to administer such plan; to recommend revisions thereof covering all classifications into the competitive service. The compensation plan and any revisions thereof which shall become effective upon approval of the table of compensation by the city council;

(e) ~~Provide for the publishing or posting of notices of tests for positions in the competitive service. The receiving of applications therefor, the conducting and grading of tests, and the certification to the appointing power of a list of all persons eligible for appointment to the appropriate positions in the competitive service.~~

(e) To keep the city council informed of changes affecting major personnel policy, the city employee workforce or personnel impacts on the community.

#### **2.22.050 - Personnel rules:**

~~Personnel rules shall be adopted by resolution of the city council after notice of such action has been publicly posted for at least five days prior to council action and consideration. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the personnel rule. The rules shall establish regulations governing the personnel system including:~~

~~(a) Preparation, installation, revision, and maintenance of the position classification plan covering all positions in the competitive service, including employment standards, and qualifications for each class;~~

~~(b) Preparation, revision and administration of a plan of compensation directly correlated with the position classification plan providing a rate or range for each class;~~

~~(c) Public announcements of all tests and acceptance of applications for employment;~~

~~(d) Preparation and conduct of tests and the establishment and use of resulting employment lists containing the names of persons eligible for appointment;~~

~~(e) Certification and appointment of persons from employment lists and the making of other appointments;~~

~~(f) Evaluation of employees during probation period;~~

~~(g) Transfer, promotion, demotion, reinstatement, disciplinary action and lay off of employees in the competitive service;~~

~~(h) Separation of employees from the city's service;~~

~~(i) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training;~~

~~(j) The establishment of adequate personnel records;~~

~~(k) The establishment of grievance and appeal procedures;~~

~~(l) Rules governing employee organizations as permitted by statute.~~

#### **2.22.060 - Appointment to competitive service—Generally:**

~~Appointment to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations shall be used and conducted to aid~~

in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of the candidate such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination of these or other tests. Physical and medical tests may be given as a part of the examination.

In any examination the personnel officer may include, in addition to competitive tests, a qualifying test or tests and set minimum standards therefor.

Appointments shall be made by the city manager or by the officer in whom the power to make appointments is vested.

When an appointment is to be made to a vacancy in the competitive services, the personnel officer shall transmit to the appointing power the names of all persons on the appropriate certified employment list, in the order in which they appear on the list.

In the absence of appropriate employment lists, a provisional appointment may be made not to exceed six months by the appointing authority of a person meeting the minimum training and experience qualifications for the position.

During the period of suspension of any employee or pending final action on proceedings to review suspension, demotion or discharge of any employee, such vacancy may be filled by the appointing authority subject to the provisions of this chapter and the personnel rules.

#### **2.22.070 - Probationary period:**

Except as may be specified otherwise in this chapter, all original and promotional appointments to the competitive service shall be tentative and subject to a probationary period of not less than twelve months; provided, however, that the personnel officer is authorized to extend for a period not to exceed six months the probationary period of any employee in the city. The city council may, by resolution, establish a longer probationary period for specified classes. During the probationary period the employee may be rejected at any time without cause or justification and without the right of appeal or hearing. An employee rejected during the probationary period from a competitive service position to which he/she has been promoted from another competitive service position shall be reinstated to a position in the class in which he/she was promoted unless he/she is discharged from the city's service in accordance with the provisions applicable to employees in the competitive service.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to a position in the class in which he/she was promoted or transferred, if action is taken to reject him/her, unless he/she is discharged in a manner provided in this chapter and the personnel rules for positions in the competitive service.

If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the personnel officer a statement in writing to such effect and state that the retention of such employee is requested. If such a statement is not filed, the employee will be deemed unsatisfactory and his/her employment terminated at the expiration of his/her probationary period.

### **2.22.075 - Probationary period exception; lateral appointments (hires) of firefighter/paramedics:**

When it is determined by the city manager that it is in the best interest of the city to appoint (hire) individuals for the position classification of firefighter/paramedic, and such individuals meet the Lateral Entry requirements (as hereinafter defined), the probationary period may be reduced to six months. However, if the probationary period is reduced to six months, all other provisions of Section 2.22.070 shall remain applicable.

To meet the requirements for Lateral Entry, the applicant must be presently employed by the fire department of another recognized United States public agency (city, county, fire protection district, etc.) in the position classification for which Lateral Entry is currently being sought; have achieved regular (non-probationary) employment status with such recognized public agency in said position classification; have performed satisfactory service in such position classification; and otherwise meet the city's requirements for such position classification.

### **2.22.080 - Disciplinary action—Generally:**

Any appointing power shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend without pay for thirty calendar days, any employee in the competitive service. Notice of such action must be in writing and served personally on such employee except when emergency situation exists in which case the notice shall be served within three working days of the action taken. Such notice shall specify the penalty and contain a statement of the reason or reasons therefor. The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

### **2.22.090 - Appeals:**

Any employee in the competitive service shall have the right to appeal any disciplinary action, dismissal, demotion or alleged violation of this chapter, providing he has exhausted all administrative remedies including a hearing by the personnel officer except in instances where the right of appeal is prohibited by this chapter. The appeal shall be filed with the city manager and a copy shall be forwarded to the personnel officer and the department head or division head prior to the appeal hearing. Upon the completion of an appeal hearing and after a decision has been rendered by the city manager, the employee may appeal to the city council. The city council shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. The subpoena shall be issued in the name of the city and attested by the city clerk. Each member of the city council shall have the power to administer oaths to witnesses. All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures set forth in the personnel rules and regulations adopted pursuant to this chapter.

### **2.22.100 - Abolition of positions in competitive service:**

Whenever in the judgment of the city council it becomes necessary, the city council may abolish any position or employment in the competitive service. Employees transferred, demoted or laid off because of the abolishment of positions, shall not be subject to written charges nor shall they have the right of appeal in such cases. The names of the probationary and permanent employees laid off

shall be placed upon a reemployment list for classes which, in the opinion of the personnel officer, require basically the same qualifications and duties and responsibilities as those of the class or positions from which lay off was made.

**~~2.22.110 - Improper political activities or political activities of the city employees.~~**

The political activities of city employees shall conform to pertinent provisions of state law.

**~~2.22.120 - Discriminatory practices prohibited.~~**

No person in the competitive service or seeking admission thereto shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinion or affiliation or because of race, color, ancestry, national origin or religious belief.

**~~2.22.130 - Authority to contract for personnel services.~~**

The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract performance of technical service in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or agency for the performance of any of the following responsibilities or duties imposed by this chapter:

- (a) Preparation of personnel rules and subsequent revisions and amendments;
- (b) Preparation of a position classification plan and subsequent amendments thereof;
- (c) Preparation of a plan of compensation and subsequent amendments thereof;
- (d) The preparation, conduct and grading of competitive tests;
- (e) Special technical services of advisory or informational character on matters relating to personnel administration.