



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of July 9, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the City Council after distribution of the agenda packet, are available for public inspection in the Office of the City Clerk, located at 107 West Highway 246, during normal business hours.

TELECONFERENCE MEETING LOCATION:

**Council Member Leo Elovitz will attend the above referenced regular
City Council meeting via teleconference from the following location:
30 E. Hubbard Street
Chicago, Illinois**

CALL TO ORDER

Mayor Holly Sierra

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members Dan Baumann, John Connolly, Leo Elovitz, Vice Mayor Ed Andrisek,
and Mayor Holly Sierra

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Any person may address the Council on any subject pertaining to City business, including all items on the agenda not listed as a Public Hearing, including the Consent Agenda and Closed Session. Limited to three (3) minutes per speaker. By law, no action may be taken at this meeting on matters raised during Public Comments not included on this agenda.

CONSENT CALENDAR

(ACTION)

The following items are considered routine and non-controversial and are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion. Members of the Public may speak on Consent Agenda items during the Public Comment period.

- 1. Minutes of June 25, 2015 Regular City Council Meeting**
- 2. Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2014-15**

3. Designation of Voting Delegate and Alternate for 2015 League of California Cities Annual Conference Business Meeting

❖ *(Staff Contact: City Clerk Linda Reid)*

4. Award of Contract for Wastewater Collection System Cleaning and Close Circuit Television Inspection Services

❖ *(Staff Contact: Public Works Director Rose Hess)*

PRESENTATIONS

PUBLIC HEARINGS

(POSSIBLE ACTION)

5. Resolution No. 15-16 – “A Resolution of the City Council of the City of Buellton, California, Approving a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road”

❖ *(Staff Contact: Public Works Director Rose Hess)*

COUNCIL MEMBER COMMENTS

COUNCIL ITEMS

WRITTEN COMMUNICATIONS

Written communications are included in the agenda packets. Any Council Member, the City Manager, or City Attorney may request that a written communication be read into the record.

COMMITTEE REPORTS

This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.

BUSINESS ITEMS

(POSSIBLE ACTION)

6. Resolution No. 15-19 – “A Resolution of the City Council of the City of Buellton, California, Regarding School Traffic Safety Improvements”

❖ *(Staff Contact: Public Works Director Rose Hess)*

7. Resolution No. 15-13 - “A Resolution of the City Council of the City of Buellton, California, Adopting Updated Personnel Rules for City Employees”

❖ *(Staff Contact: H.R. Director Linda Reid)*

8. Parks and Recreation Year in Review

❖ *(Staff Contact: Recreation Coordinator Kyle Abello)*

CITY MANAGER’S REPORT

ADJOURNMENT

The next regular meeting of the City Council will be held on Thursday, August 13, 2015 at 6:00 p.m. The regular meeting of July 23, 2015 has been cancelled.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES

Regular Meeting of June 25, 2015

**City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

Mayor Holly Sierra called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members Dan Baumann, John Connolly, Vice Mayor Ed Andrisek, and Mayor Holly Sierra

Excused Absence: Council Member Leo Elovitz

Staff: City Manager Marc Bierdzinski, City Attorney Steve McEwen, Finance Director Carolyn Galloway-Cooper, Public Works Director Rose Hess, Station Commander Lt. Shawn O'Grady, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau provided some announcements for the record. Ms. Vreeland submitted a flyer for the record regarding the Clean Air Express launch date.

CONSENT CALENDAR

- 1. Minutes of June 11, 2015 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2014-15**
- 3. Revenue and Expenditure Reports through May 31, 2015**

4. Approval of a Five-Year Library Lease with the City of Santa Barbara

MOTION:

Motion by Vice Mayor Andrisek, seconded by Council Member Connolly, approving Consent Calendar Items 1 through 4 as listed.

VOTE:

Motion passed by a roll call vote of 4-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Absent

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

PRESENTATIONS

None

PUBLIC HEARINGS

None

COUNCIL MEMBER COMMENTS/ITEMS

Vice Mayor Andrisek spoke about the 805 Criterium and said it was a great event.

Mayor Sierra said the Mixer at Standing Sun was well attended. Mayor Sierra announced that Supervisor Farr supported county funding for the Buellton Senior Center.

Council Member Connolly discussed the great success of Standing Sun Winery and the concerts they host.

Vice Mayor Andrisek requested that staff prepare a proclamation recognizing Darin Biamonte for his volunteer service at PAWS Park.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Vice Mayor Andrisek announced that he attended the Central Coast Water Authority (CCWA) Board Meeting and provided an oral report regarding the meeting and submitted written documentation for the record.

Mayor Sierra announced that she attended board meetings for Santa Barbara County Association of Governments (SBCAG) and Air Pollution Control District (APCD) and provided oral reports regarding the meetings.

BUSINESS ITEMS

- 5. Resolution No. 15-17 – “A Resolution of the City Council of the City of Buellton, California, Regarding Parking Restrictions at Various Transit Stop Locations”**

RECOMMENDATION:

That the City Council approve Resolution No. 15-17.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Adan Arriaga, Buellton, asked how far the red curb will extend along La Lata Place. Public Works Director Hess stated the red curb will not extend around the corner to La Lata Place.

MOTION:

Motion by Council Member Connolly, seconded by Council Member Baumann approving Resolution No. 15-17 – “A Resolution of the City Council of the City of Buellton, California, Regarding Parking Restrictions at Various Transit Stop Locations”

VOTE:

Motion passed by a roll call vote of 4-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Absent

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

- 6. Resolution No. 15-18 – “A Resolution of the City Council of the City of Buellton, California, Regarding Parking Restrictions on South Avenue of Flags for Street Sweeping”**

RECOMMENDATION:

That the City Council approve Resolution No. 15-18.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

DISCUSSION:

The City Council discussed the following issues:

- Whether vehicles will be towed from the Avenue of Flags on street sweeping days
- Using temporary signs rather than permanent signs

MOTION:

Motion by Mayor Sierra, seconded by Vice Mayor Andrisek continuing this item for 60 days to explore the option of having the property owner remove debris from the gutter.

VOTE:

Motion passed by a roll call vote of 4-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Absent

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

7. Authorization to Reclassify the Recreation Technician Class to Youth Recreation Coordinator, Create New Employee Classes for Revenue Specialist and Accounting Specialist, and Adopt Associated Job Descriptions

RECOMMENDATION:

That the City Council consider authorizing the reclassification of the Recreation Technician Class to Youth Recreation Coordinator, creating new employee classes for Revenue Specialist and Accounting Specialist, and adopting associated job descriptions.

STAFF REPORT:

Human Resources Director Reid presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

DISCUSSION:

The City Council discussed how Paul Smith is a great asset to the Recreation Center and to community members.

MOTION:

Motion by Council Member Connolly, seconded by Council Member Baumann authorizing the reclassification of the Recreation Technician Class to Youth Recreation Coordinator, creating new employee classes for Revenue Specialist and Accounting Specialist, and adopting associated job descriptions.

VOTE:

Motion passed by a roll call vote of 4-0.

Council Member Baumann - Yes

Council Member Connolly - Yes

Council Member Elovitz - Absent

Vice Mayor Andrisek - Yes

Mayor Sierra – Yes

CITY MANAGER’S REPORT

City Manager Bierdzinski provided an informational report to the City Council.

ADJOURNMENT

Mayor Sierra adjourned the regular meeting at 6:45 p.m. The next regular meeting of the City Council will be held on Thursday, July 9, 2015 at 6:00 p.m.

Holly Sierra
Mayor

ATTEST:

Linda Reid
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the
July 9, 2015 Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A		<u>\$ 399,535.84</u>
EXHIBIT B		<u>\$ 17,420.20</u>
Staff - Special	6/16/2015	1,913.59
Council Payroll	6/26/2015	\$ 2,101.63
TOTAL AMOUNT OF CLAIMS:		<u><u>\$ 420,971.26</u></u>

**AUTHORIZATION IS HEREBY GIVEN TO THE CITY TREASURER TO PAY ALL CLAIMS AS
REVENUES BECOME AVAILABLE**

Payments via Electronic Fund Transfer (EFT):

Dependent Daycare & FSA	6/15/15	6,533.12
Bank Fees	6/16/15	25.00
Transfirst Credit Card Charge	6/17/15	485.00
Payroll Taxes - Staff	6/17/15	2,094.80
Payroll Taxes - Staff	6/17/15	7,363.26
Bank Fees	6/22/15	10.00
Hasler Postage Meter Refill	6/29/15	899.02
Bank Fees	6/29/15	10.00
Total		<u>\$ 17,420.20</u>

Obligat'n	Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-000-2306-000	Long-Term Care Deduction			
	24635 6/16-6/30 - M. Bierdzinski	90 CaPERS LONG-TERM CARE PROGRAM		
		1	Paid	84.25
A001-000-2306-000	Long-Term Care Deduction			
			*** Account total ***	84.25
A001-169-1201-000	Pre-Paid Expense			
	24665 FY 15/16 WC/Liab. An. contr.	72 CA JOINT POWERS INS AUTHORITY		
		1	Paid	211,871.00
A001-169-1201-000	Pre-Paid Expense			
			*** Account total ***	211,871.00
A001-215-2815-000	Park/Damage Charge			
	24645 RVP reservation refund	0 FATIMA GONZALEZ		
		1	Paid	40.00
A001-215-2815-000	Park/Damage Charge			
			*** Account total ***	40.00
A001-216-2816-000	Special Event Deposit			
	24636 6/13-MacN Cheese fest. refund	0 AMERICAN GENERAL MEDIA CA., IN		
		2	Paid	500.00
A001-216-2816-000	Special Event Deposit			
			*** Account total ***	500.00
A001-325-5814-000	Park Reservation Fees			
	24636 6/13-MacN Cheese fest. refund	0 AMERICAN GENERAL MEDIA CA., IN		
		1	Paid	640.00
A001-325-5814-000	Park Reservation Fees			
			*** Account total ***	640.00
A001-401-5101-000	Medical Benefit			
	24644 5/15 - FSA Fees	782 WAGE WORKS		
		1	Paid	14.00
A001-401-5101-000	Medical Benefit			
			*** Account total ***	14.00
A001-401-5402-000	Travel & Training			
	24641 Thru - 6/17/15 - H. Sierra	193 FIRST NATIONAL BANK OF OMAHA		
		1	Paid	500.00
	24642 Thru - 6/17/15 - Ed Andrisek	193 FIRST NATIONAL BANK OF OMAHA		
		1	Paid	500.00
A001-401-5402-000	Travel & Training			
			*** Account total ***	1,000.00
A001-401-6301-000	Miscellaneous			
	24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA		
		1	Paid	23.93
		6	Paid	26.99
A001-401-6301-000	Miscellaneous			
			*** Account total ***	50.92
A001-402-5301-000	Office Supplies			
	24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA		
		5	Paid	192.43
A001-402-5301-000	Office Supplies			
			*** Account total ***	192.43
A001-402-5401-000	Membership & Publications			
	24639 Thru 6/17/15 - M. Bierdzinski	193 FIRST NATIONAL BANK OF OMAHA		
		1	Paid	400.00
A001-402-5401-000	Membership & Publications			
			*** Account total ***	400.00

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-402-5402-000 - Travel & Training 24639 Thru 6/17/15 - M. Bierzinski	193 FIRST NATIONAL BANK OF OMAHA 2	Paid	500.00
A001-402-5402-000 - Travel & Training	*** Account total ***		500.00
A001-403-5101-000 - Medical Benefit 24644 5/15 - FSA Fees	782 WAGE WORKS 2	Paid	7.00
A001-403-5101-000 - Medical Benefit	*** Account total ***		7.00
A001-403-5301-000 - Office Supplies 24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA 4	Paid	192.42
A001-403-5301-000 - Office Supplies	*** Account total ***		192.42
A001-403-5402-000 - Travel & Training 24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA 3	Paid	1,068.48
A001-403-5402-000 - Travel & Training	*** Account total ***		1,068.48
A001-410-5301-000 - Office Supplies 24632 5/16-6/15 - cont. ovrg. - Lind	118 COASTAL COPY, LP 1	Paid	22.99
24633 5/16-6/15 - cont. ovrg.-CH/WTR	118 COASTAL COPY, LP 1	Paid	529.98
24671 6/5 - supplies #7001829108	469 STAPLES CONTRACT & COMMERCIAL, 1	Paid	100.05
A001-410-5301-000 - Office Supplies	*** Account total ***		653.02
A001-410-5305-000 - Equipment Rental 24634 6/15 - CH copy machine lease	713 COASTAL COPY, LP 1	Paid	484.92
A001-410-5305-000 - Equipment Rental	*** Account total ***		484.92
A001-410-5602-000 - Internet Access/ Website Maint 24631 5/26-6/25- CH Internet svcs.	122 COMCAST CABLE 1	Paid	230.95
A001-410-5602-000 - Internet Access/ Website Maint	*** Account total ***		230.95
A001-410-5603-000 - Computer Maintenance &Software 24639 Thru 6/17/15 - M. Bierzinski	193 FIRST NATIONAL BANK OF OMAHA 4	Paid	100.00
A001-410-5603-000 - Computer Maintenance &Software	*** Account total ***		100.00
A001-410-5703-000 - Utilities - Electric 24651 5/7-6/7 - billing summary	352 P G & E 1	Paid	854.70
A001-410-5703-000 - Utilities - Electric	*** Account total ***		854.70
A001-410-5808-000 - Misc Recognition Items 24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA 2	Paid	145.48

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-410-5808-000 - Misc Recognition Items			
24639 Thru 6/17/15 - M. Bierdzinski	193 FIRST NATIONAL BANK OF OMAHA		
	3	Paid	8.98
A001-410-5808-000 - Misc Recognition Items	*** Account total ***		154.46
A001-410-6017-000 - Emergency Operations			
24650 6/15 - Satelite phone svcs.	706 SATCOM GLOBAL, INC.		
	1	Paid	50.19
A001-410-6017-000 - Emergency Operations	*** Account total ***		50.19
A001-410-6301-000 - Miscellaneous			
24639 Thru 6/17/15 - M. Bierdzinski	193 FIRST NATIONAL BANK OF OMAHA		
	5	Paid	36.03
24648 5/15 - credit card processing	529 TRANSFIRST HEALTH & GOVERNMENT		
	1	Paid	734.96
A001-410-6301-000 - Miscellaneous	*** Account total ***		770.99
A001-420-5101-000 - Medical Benefit			
24644 5/15 - FSA Fees	782 WAGE WORKS		
	3	Paid	7.00
A001-420-5101-000 - Medical Benefit	*** Account total ***		7.00
A001-420-6201-000 - Contract Services			
24697 Thru 5/22/15- S. Zamora	870 ACCOUNTEMPS		
	1	Paid	1,264.00
24698 Thru 5/22/15 - V. Jenson	870 ACCOUNTEMPS		
	1	Paid	1,441.34
24699 Thru - 5/29/15 - S. Zamora	870 ACCOUNTEMPS		
	1	Paid	758.40
24700 Thru 6/12/15 - V. Jenson	870 ACCOUNTEMPS		
	1	Paid	1,441.34
24701 Thru 6/12/15 - S. Zamora	870 ACCOUNTEMPS		
	1	Paid	632.00
A001-420-6201-000 - Contract Services	*** Account total ***		5,537.08
A001-501-5703-000 - Utilities - Electric			
24651 5/7-6/7 - billing summary	352 P G & E		
	2	Paid	333.85
A001-501-5703-000 - Utilities - Electric	*** Account total ***		333.85
A001-501-6201-000 - Contract Services			
24667 5/2015 - Motorcycle	450 SB CO SHERIFF'S DEPARTMENT		
	1	Paid	661.54
24668 5/23-late rpt. OT charges	450 SB CO SHERIFF'S DEPARTMENT		
	1	Paid	186.84
A001-501-6201-000 - Contract Services	*** Account total ***		848.38
A001-510-5703-000 - Utilities - Electric			
24651 5/7-6/7 - billing summary	352 P G & E		
	3	Paid	377.38
A001-510-5703-000 - Utilities - Electric	*** Account total ***		377.38

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-511-5101-000 - Medical Benefit			
24644 5/15 - FSA Fees	782 WAGE WORKS		
	4	Paid	7.00
A001-511-5101-000 - Medical Benefit	*** Account total ***		7.00
A001-511-5301-000 - Office Supplies			
24638 Thru 6/17/15- L. Reid	193 FIRST NATIONAL BANK OF OMAHA		
	7	Paid	6.45
A001-511-5301-000 - Office Supplies	*** Account total ***		6.45
A001-511-5506-000 - Fuel-Vehicles			
24637 Thru 6/17/15 - B. Knecht	193 FIRST NATIONAL BANK OF OMAHA		
	1	Paid	56.75
A001-511-5506-000 - Fuel-Vehicles	*** Account total ***		56.75
A001-511-5507-000 - Maintenance-Vehicles			
24703 6/15 - Misc. maint./repair ite	801 O'REILLY AUTOMOTIVE STORES, IN		
	1	Paid	15.11
A001-511-5507-000 - Maintenance-Vehicles	*** Account total ***		15.11
A001-511-5509-000 - Maintenance/Repair			
24628 6/12 - Reimb. for purchase	587 KYLE ABELLO		
	1	Paid	84.00
A001-511-5509-000 - Maintenance/Repair	*** Account total ***		84.00
A001-511-5801-000 - Buellton Recreation Program			
24618 5/21-6/17- Zumba& Kick boxing	11244 HERMILA SANCHEZ		
	1	Paid	108.50
24619 5/22-6/19 - Cycle training	11105 ADRIENNE WALTER		
	1	Paid	18.00
24620 5/23-6/19 - Cycle training	11321 LAURA COGAN		
	1	Paid	45.00
24621 5/21-6/17 - Kundalini yoga	11300 KAREN PALMER		
	1	Paid	49.00
24622 5/23-6/19 - Yoga	11343 MARIANNE MADSEN		
	1	Paid	252.00
24623 5/21-6/17 - Tai Chi Relaxation	11476 STEPHEN F. DUNLAP		
	1	Paid	21.00
24624 5/21-6/17 - Flamenco Dance	11336 LAURA GARCIA dba		
	1	Paid	115.50
24625 5/23-6/19 - Pilates & Zumba	11170 DONELLE MARTIN		
	1	Paid	400.00
24626 5/22-6/17 - Violin	11169 DIANE BYINGTON dba		
	1	Paid	35.00
24627 6/18 - Reimb. - Lompoc Aquatic	587 KYLE ABELLO		
	1	Paid	140.00
24637 Thru 6/17/15 - B. Knecht	193 FIRST NATIONAL BANK OF OMAHA		
	2	Paid	684.26
24640 Thru - 6/17/15- K. Abello	193 FIRST NATIONAL BANK OF OMAHA		
	1	Paid	166.53

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-511-5801-000 - Buellton Recreation Program			
24646 8/1-/31 - Rec. Ctr. copier lea	201 G E CAPITAL		
	1	Paid	150.12
A001-511-5801-000 - Buellton Recreation Program			
	*** Account total ***		2,184.91
A001-511-5802-000 - Buellton Rec Program Trips			
24637 Thru 6/17/15 - B. Knecht	193 FIRST NATIONAL BANK OF OMAHA		
	3	Paid	1,402.00
24640 Thru - 6/17/15- K. Abello	193 FIRST NATIONAL BANK OF OMAHA		
	2	Paid	205.00
A001-511-5802-000 - Buellton Rec Program Trips			
	*** Account total ***		1,607.00
A001-511-6201-000 - Contract Services			
24637 Thru 6/17/15 - B. Knecht	193 FIRST NATIONAL BANK OF OMAHA		
	4	Paid	49.97
24649 6/15 - Rec. Ctr. Mo'ly. Janito	395 JOSE RAFAEL RUIZ dba		
	1	Paid	2,235.00
A001-511-6201-000 - Contract Services			
	*** Account total ***		2,284.97
A001-550-5703-000 - Utilities - Electric			
24651 5/7-6/7 - billing summary	352 P G & E		
	4	Paid	4,592.25
A001-550-5703-000 - Utilities - Electric			
	*** Account total ***		4,592.25
A001-552-5305-001 - Small Equipment			
24643 Thru 6/17/15 - R. Hess	193 FIRST NATIONAL BANK OF OMAHA		
	1	Paid	278.06
A001-552-5305-001 - Small Equipment			
	*** Account total ***		278.06
A001-552-5501-000 - Operational Supplies			
24687 6/10 - Litter pick-up bags	381 PROPET DISTRIBUTORS, INC.		
	1	Paid	1,623.05
A001-552-5501-000 - Operational Supplies			
	*** Account total ***		1,623.05
A001-552-5509-001 - Maintenance/Repair-Riverview			
24657 5/29- RVP repair/replace	521 TODD PIPE & SUPPLY		
	1	Paid	113.24
24658 6/11 - RVP repair/replace	521 TODD PIPE & SUPPLY		
	1	Paid	41.65
A001-552-5509-001 - Maintenance/Repair-Riverview			
	*** Account total ***		154.89
A001-552-5509-004 - Maintenance/Repair-Paws Park			
24659 5/29 - Paws Park - parts	521 TODD PIPE & SUPPLY		
	1	Paid	14.94
A001-552-5509-004 - Maintenance/Repair-Paws Park			
	*** Account total ***		14.94
A001-552-5703-000 - Utilities - Electric			
24651 5/7-6/7 - billing summary	352 P G & E		
	10	Paid	78.06
A001-552-5703-000 - Utilities - Electric			
	*** Account total ***		78.06

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount	
A001-552-6201-000 - Contract Services						
24656	5/29 - gopher cntrl. for dog p	897	GOPHER GONE			
		1		Paid	975.00	
24674	5/8 - pest control - COB	804	ANIMAL & INSECT PEST MANAGEMEN			
		1		Paid	149.50	
24675	5/15 - Pest control - COB	804	ANIMAL & INSECT PEST MANAGEMEN			
		1		Paid	149.50	
24691	6/15 - CH Mo'ly. janitorial	395	JOSE RAFAEL RUIZ dba			
		1		Paid	1,810.00	
24694	6/15 - Landscape maint.	781	VALLEY CREST LANDSCAPE MAINT,			
		2		Paid	3,997.00	
24695	6/15 - Mo'ly. Irrigation maint	781	VALLEY CREST LANDSCAPE MAINT,			
		1		Paid	880.00	
A001-552-6201-000 - Contract Services					*** Account total ***	7,961.00
A001-552-6508-000 - Equipment						
24678	5/29- swing seat	690	DAVE BANG ASSOCIATES, INC.			
		1		Paid	906.12	
24679	5/13 - bench seats replacement	690	DAVE BANG ASSOCIATES, INC.			
		1		Paid	371.75	
24685	5/27-RVP parts	762	LANDSCAPE STRUCTURES, INC.			
		1		Paid	769.49	
A001-552-6508-000 - Equipment					*** Account total ***	2,047.36
A001-556-5509-000 - Maintenance/Repair						
24669	6/5- Repl. Twin Oaks & Hwy 246	16	SCHAFF HOLDINGS, INC. dba			
		1		Paid	120.58	
A001-556-5509-000 - Maintenance/Repair					*** Account total ***	120.58
A001-556-5703-000 - Utilities - Electric						
24651	5/7-6/7 - billing summary	352	P G & E			
		8		Paid	623.34	
A001-556-5703-000 - Utilities - Electric					*** Account total ***	623.34
A001-556-6201-000 - Contract Services						
24694	6/15 - Landscape maint.	781	VALLEY CREST LANDSCAPE MAINT,			
		1		Paid	4,675.00	
A001-556-6201-000 - Contract Services					*** Account total ***	4,675.00
A001-558-5101-000 - Medical Benefit						
24644	5/15 - FSA Fees	782	WAGE WORKS			
		5		Paid	11.20	
A001-558-5101-000 - Medical Benefit					*** Account total ***	11.20
A001-558-5402-000 - Travel & Training						
24643	Thru 6/17/15 - R. Hess	193	FIRST NATIONAL BANK OF OMAHA			
		2		Paid	40.43	
A001-558-5402-000 - Travel & Training					*** Account total ***	40.43
A001-558-5501-000 - Operational Supplies						
24661	6/2 - supplies for Danny's tru	521	TODD PIPE & SUPPLY			
		1		Paid	242.81	

Obligat'n	Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-558-5501-000	Operational Supplies			
	24704 6/17 - Truck phone mount	801 O'REILLY AUTOMOTIVE STORES, IN 1	Paid	23.74
A001-558-5501-000	Operational Supplies			
		*** Account total ***		266.55
A001-558-5503-000	Tools			
	24662 6/9 - tools	521 TODD PIPE & SUPPLY 1	Paid	52.84
	24686 6/15 - Misc. maint./repair	342 NIELSEN BUILDING MATERIALS, INC 1	Paid	61.40
A001-558-5503-000	Tools			
		*** Account total ***		114.24
A001-558-5509-000	Maintenance / Repair			
	24652 6/5 - repairs to Chamber doors	563 VORTEX INDUSTRIES, INC. 1	Paid	616.60
	24682 6/10 - post for banners	187 FARM SUPPLY COMPANY 1	Paid	74.39
	24686 6/15 - Misc. maint./repair	342 NIELSEN BUILDING MATERIALS, INC 3	Paid	9.10
A001-558-5509-000	Maintenance / Repair			
		*** Account total ***		700.09
A001-558-5510-000	Safety Equipment			
	24663 6/9 - boots for D. Guerrero	800 CARR'S BOOT SHOP, INC. dba 1	Paid	140.00
	24666 5/15 - Misc. supplies	110 CVS PHARMACY 2	Paid	17.28
	24681 6/8 - safety equip. - D. Guerre	187 FARM SUPPLY COMPANY 1	Paid	150.01
A001-558-5510-000	Safety Equipment			
		*** Account total ***		307.29
A001-558-5701-000	Telephone			
	24696 5/9-6/8- PW/CM cell phone chgs	556 VERIZON WIRELESS 1	Paid	124.53
A001-558-5701-000	Telephone			
		*** Account total ***		124.53
A001-558-6201-000	Contract Services			
	24670 6/11 - street sweeping for May	465 SP MAINTENANCE SERVICES, INC. 1	Paid	2,821.00
	24676 5/4-5/25- Matt & towel svcs.	28 ARAMARK UNIFORM SERVICES 1	Paid	278.08
	24688 6/15- roden control - PO	669 HYDREX PEST CONTROL 1	Paid	105.00
A001-558-6201-000	Contract Services			
		*** Account total ***		3,204.08
A001-558-6301-000	Miscellaneous			
	24666 5/15 - Misc. supplies	110 CVS PHARMACY 1	Paid	66.50
A001-558-6301-000	Miscellaneous			
		*** Account total ***		66.50
A001-558-6508-000	Equipment			
	24696 5/9-6/8- PW/CM cell phone chgs	556 VERIZON WIRELESS 4	Paid	280.58
A001-558-6508-000	Equipment			
		*** Account total ***		280.58

Obligat'n	Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A001-565-5002-000	Planning Commission Salaries			
	24613 6/4-Mo'ly Plng. Comm. Mtg.	868 BRIAN DUNSTAN 1	Paid	50.00
	24614 6/18-Mo'ly Plng. Comm. Mtg.	787 LISA FIGUEROA 1	Paid	50.00
	24615 6/4 & 6/18-Mo'ly Plng. Comm. M	303 ART MERCADO 1	Paid	100.00
	24616 6/4 & 6/18-Mo'ly Plng. Comm. M	869 JOE PADILLA 1	Paid	100.00
	24617 6/4 & 6/18-Mo'ly Plng. Comm. M	199 FOSTER D. REIF 1	Paid	100.00
A001-565-5002-000	Planning Commission Salaries	*** Account total ***		400.00
A001-565-5101-000	Medical Benefit			
	24644 5/15 - FSA Fees	782 WAGE WORKS 6	Paid	21.00
A001-565-5101-000	Medical Benefit	*** Account total ***		21.00
A001-565-5301-000	Office Supplies			
	24672 6/5- supplies #7001829107	469 STAPLES CONTRACT & COMMERCIAL, 1	Paid	2.69
A001-565-5301-000	Office Supplies	*** Account total ***		2.69
A001-565-5401-000	Membership & Publications			
	24639 Thru 6/17/15 - M. Bierzinski	193 FIRST NATIONAL BANK OF OMAHA 6	Paid	465.00
A001-565-5401-000	Membership & Publications	*** Account total ***		465.00
A001-565-5703-000	Utilities - Electric			
	24651 5/7-6/7 - billing summary	352 P G & E 5	Paid	209.75
A001-565-5703-000	Utilities - Electric	*** Account total ***		209.75
A001-565-6201-000	Contract Services			
	24630 5/1-5/31 - Econ. Dev. Svcs.	812 KOSMONT & ASSOCIATES, INC. dba 1	Paid	1,731.78
A001-565-6201-000	Contract Services	*** Account total ***		1,731.78
A005-169-1201-000	Pre-Paid Expense			
	24665 FY 15/16 WC/Liab. An. contr.	72 CA JOINT POWERS INS AUTHORITY 2	Paid	29,472.00
A005-169-1201-000	Pre-Paid Expense	*** Account total ***		29,472.00
A005-701-5101-000	Medical Benefit			
	24644 5/15 - FSA Fees	782 WAGE WORKS 7	Paid	8.40
A005-701-5101-000	Medical Benefit	*** Account total ***		8.40
A005-701-5501-000	Operational Supplies			
	24660 6/5 - USA paint	521 TODD PIPE & SUPPLY 1	Paid	16.46

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A005-701-5501-000	Operational Supplies		*** Continued ***		
	24693 6/11-WWTP lab supplies	543	USA BLUEBOOK		
		1		Paid	1,091.20
A005-701-5501-000	Operational Supplies		*** Account total ***		1,107.66
A005-701-5502-000	Chemicals / Analysis				
	24690 5/23 - clafloc/chemicals	861	POLYDYNE INC.		
		1		Paid	1,149.62
A005-701-5502-000	Chemicals / Analysis		*** Account total ***		1,149.62
A005-701-5509-000	Maintenance / Repair				
	24664 5/31 - WWTP defuser	59	MOTOR PRODUCTS INC. dba		
		1		Paid	5.22
	24686 6/15 - Misc. maint./repair	342	NIELSEN BUILDING MATERIALS, INC		
		2		Paid	354.63
	24702 6/10 - Misc. maint. & rep. ite	801	O'REILLY AUTOMOTIVE STORES, IN		
		1		Paid	12.93
A005-701-5509-000	Maintenance / Repair		*** Account total ***		372.78
A005-701-5510-000	Safety Equipment				
	24692 5/28- Misc. safety supplies	413	SUSAN CAMPBELL dba		
		1		Paid	432.76
A005-701-5510-000	Safety Equipment		*** Account total ***		432.76
A005-701-5701-000	Telephone				
	24696 5/9-6/8- PW/CM cell phone chgs	556	VERIZON WIRELESS		
		3		Paid	124.52
A005-701-5701-000	Telephone		*** Account total ***		124.52
A005-701-5703-000	Utilities - Electric				
	24651 5/7-6/7 - billing summary	352	P G & E		
		6		Paid	11,245.33
A005-701-5703-000	Utilities - Electric		*** Account total ***		11,245.33
A005-701-6201-000	Contract Services				
	24673 6/14 - WWTP backflow/cleaned/t	486	STEPHEN L. HARPER dba		
		1		Paid	270.00
	24676 5/4-5/25- Matt & towel svcs.	28	ARAMARK UNIFORM SERVICES		
		2		Paid	69.52
	24680 5/1-5/31- Biosolids- WWTP	598	ENGEL & GRAY, INC.		
		1		Paid	4,796.68
A005-701-6201-000	Contract Services		*** Account total ***		5,136.20
A005-701-6508-000	Equipment				
	24696 5/9-6/8- PW/CM cell phone chgs	556	VERIZON WIRELESS		
		5		Paid	280.58
A005-701-6508-000	Equipment		*** Account total ***		280.58
A020-169-1201-000	Pre-Paid Expense				
	24665 FY 15/16 WC/Liab. An. contr.	72	CA JOINT POWERS INS AUTHORITY		
		3		Paid	30,392.00
A020-169-1201-000	Pre-Paid Expense		*** Account total ***		30,392.00

Obligat'n	Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A020-210-2101-000	Customer Deposits			
	24629 6/16- re-issue refund check	0 SUSAN MONROE		
		1	Paid	25.00
A020-210-2101-000	Customer Deposits	*** Account total ***		25.00
A020-601-5101-000	Medical Benefit			
	24644 5/15 - FSA Fees	782 WAGE WORKS		
		8	Paid	8.40
A020-601-5101-000	Medical Benefit	*** Account total ***		8.40
A020-601-5501-000	Operational Supplies			
	24660 6/5 - USA paint	521 TODD PIPE & SUPPLY		
		2	Paid	16.46
A020-601-5501-000	Operational Supplies	*** Account total ***		16.46
A020-601-5509-000	Maintenance / Repair			
	24653 Res. Landscape Rebat prog.	0 EVA POWERS		
		1	Paid	750.00
	24654 Res. Landscape Rebat prog.	0 THERESA MABE		
		1	Paid	750.00
	24655 Res. Landscape Rebat prog.	0 BRIAN SYLVIA		
		1	Paid	750.00
	24683 5/13-5/15-Wtr. Svc.rep. Zaca S	739 HANLY GENERAL ENGINEERING CORP		
		1	Paid	7,817.50
	24684 5/26- Solenoid metering pump	229 HOPKINS TECHNICAL PRODUCTS, INC		
		1	Paid	1,585.83
A020-601-5509-000	Maintenance / Repair	*** Account total ***		11,653.33
A020-601-5510-000	Safety Equipment			
	24681 6/8 - safety equip. - D. Guerre	187 FARM SUPPLY COMPANY		
		2	Paid	150.01
A020-601-5510-000	Safety Equipment	*** Account total ***		150.01
A020-601-5701-000	Telephone			
	24696 5/9-6/8- PW/CM cell phone chgs	556 VERIZON WIRELESS		
		2	Paid	124.53
A020-601-5701-000	Telephone	*** Account total ***		124.53
A020-601-5703-000	Utilities - Electric			
	24651 5/7-6/7 - billing summary	352 P G & E		
		7	Paid	12,735.04
A020-601-5703-000	Utilities - Electric	*** Account total ***		12,735.04
A020-601-6013-000	State Water Project			
	24581 10/1/15-12/31/15-CCWA&DWR cost	91 CENTRAL COAST WATER AUTHORITY		
		1	Paid	18,924.18
A020-601-6013-000	State Water Project	*** Account total ***		18,924.18
A020-601-6201-000	Contract Services			
	24677 5/4-6/10 - SCADA/WWTP	718 AUTOSYS, INC.		
		1	Paid	1,420.00
A020-601-6201-000	Contract Services	*** Account total ***		1,420.00

Obligat'n	Description	Vendor/ Name/	Line Nbr	Description	Stage	Amount
A020-601-6508-000	- Equipment					
	24696 5/9-6/8- PW/CM cell phone chgs	556 VERIZON WIRELESS	6		Paid	280.58
A020-601-6508-000	- Equipment			*** Account total ***		280.58
A051-566-5703-000	- Utilities - Electric					
	24651 5/7-6/7 - billing summary	352 P G & E	9		Paid	219.77
A051-566-5703-000	- Utilities - Electric			*** Account total ***		219.77
A092-203-6507-000	- Improvements					
	24647 5/25-5/29 - Fin. Mgmt. Svcs.	862 TYLER TECHNOLOGIES, INC.	1		Paid	8,432.84
A092-203-6507-000	- Improvements			*** Account total ***		8,432.84
A092-311-6507-000	- Improvements					
	24689 6/9- new service Appl. Fee/adv	352 P G & E	1		Paid	2,500.00
A092-311-6507-000	- Improvements			*** Account total ***		2,500.00
* Report total *					*** Total ***	399,535.84 ✓

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 3

To: The Honorable Mayor and City Council

From: Linda Reid, City Clerk

Meeting Date: July 9, 2015

Subject: Designation of Voting Delegate and Alternate for 2015 League of California Cities Annual Conference Business Meeting

BACKGROUND

The League of California Cities Annual Conference is scheduled for September 30 through October 2, 2015 in San Jose. An important part of the Annual Conference is the Annual Business Meeting, scheduled for Friday, October 2, at 12:00 p.m., at which time the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate and alternate voting delegate. Designation of the voting delegate and alternate must be done by City Council action and cannot be accomplished by simply notifying the League office of the City's representatives to the Annual Business Meeting.

Typically, the Mayor and the Vice Mayor are designated as the City's representatives to the Annual Business Meeting. Upon the decision of the City Council as to the voting delegate and the alternate voting delegate, the City Clerk will submit the required designation form with affirmation by the City Clerk of the City Council's action.

FISCAL IMPACT

This item in itself will not cause any fiscal impact to the City.

RECOMMENDATION

That the City Council designate the Mayor as the City's voting delegate and the Vice Mayor as the alternate voting delegate to the League of California Cities Annual Business Meeting.

ATTACHMENT

Attachment 1 - 2015 Annual Conference Voting Delegate/Alternate Form



CITY: Buellton

2015 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: Holly Sierra

Title: Mayor

2. VOTING DELEGATE - ALTERNATE

Name: Ed Andrisek

Title: Vice Mayor

3. VOTING DELEGATE - ALTERNATE

Name:

Title:

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: Linda Reid E-mail: lindar@cityofbuellton.com

Mayor or City Clerk Phone: 805-688-5177

(circle one) (signature)

Date: July 9, 2015

Please complete and return by Friday, September 18, 2015

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 4

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: July 9, 2015

Subject: Award of Contract for Wastewater Collection System Cleaning and Close Circuit Television Inspection Services

BACKGROUND

The City has a wastewater collection system which consists of approximately 360 manholes, 60 clean-outs, two lift stations and approximately 20 miles (~96,000 lf) of gravity pipeline, ranging from 4-inches to 15-inches in diameter. This collection system transports raw sewage to the City's wastewater treatment plant.

In May 2015, the City solicited proposals from qualified contractors to clean and video inspect the entire collection system over a period of 12-36 months. The purpose is to determine the condition of the sanitary sewer infrastructure and document its condition in order to accurately prioritize repair and rehabilitation projects. For each pipe segment, work will include cleaning and inspecting the pipe and adjacent manholes, and assessing and documenting the condition of both.

On June 18, staff received 4 proposals: Mainline Utility Company, ProPipe, Pacific Coast Locators, and National Plant Services.

All firms were able to mobilize as soon as the City issues a Notice to Proceed. Proposals were reviewed and evaluated for licensing and appropriate experience and similar work references. Mainline Utility Company stood out as the most capable to perform based on their experience and their location (Lompoc). In addition, their low cost provided another advantage over the other respondents. Staff has contacted their references and reported their work performance as positive.

The scope of work is split into 3 areas in the proposal for potential phasing of work over several fiscal years. It is staff's intent to start with Area 2 since that is closest to the city's wastewater plant, moving to Area 3 to cover all the industrial/commercial areas, and finally Area 1 which is the newest infrastructure. The contract will cover the 3 year period in which the work will be performed.

Due to budget constraints only Area 2 will be completed in the 2015/16 Fiscal year, with the addition of several “hot spots” requested by staff.

FISCAL IMPACT

The CCTV/Sewer Line Cleaning project has been budgeted for FY 15/16 for \$30,000. However, the costs received exceed the budgeted amount. It is requested that an additional \$10,000 be budgeted for a total project allocation of \$40,000. Future Areas to be completed in FY 16/17 and FY 17/18 will be budgeted accordingly.

RECOMMENDATION

Staff recommends that Council award the contract for the Wastewater Collection System Cleaning and Close Circuit Television Inspection Services in the amount of \$115,074.92 over a 3 year period and authorize the City Manager to execute that contract.

ATTACHMENT

Attachment 1 – Sewer Cleaning Areas



Sewer_Cleaning_Area_2

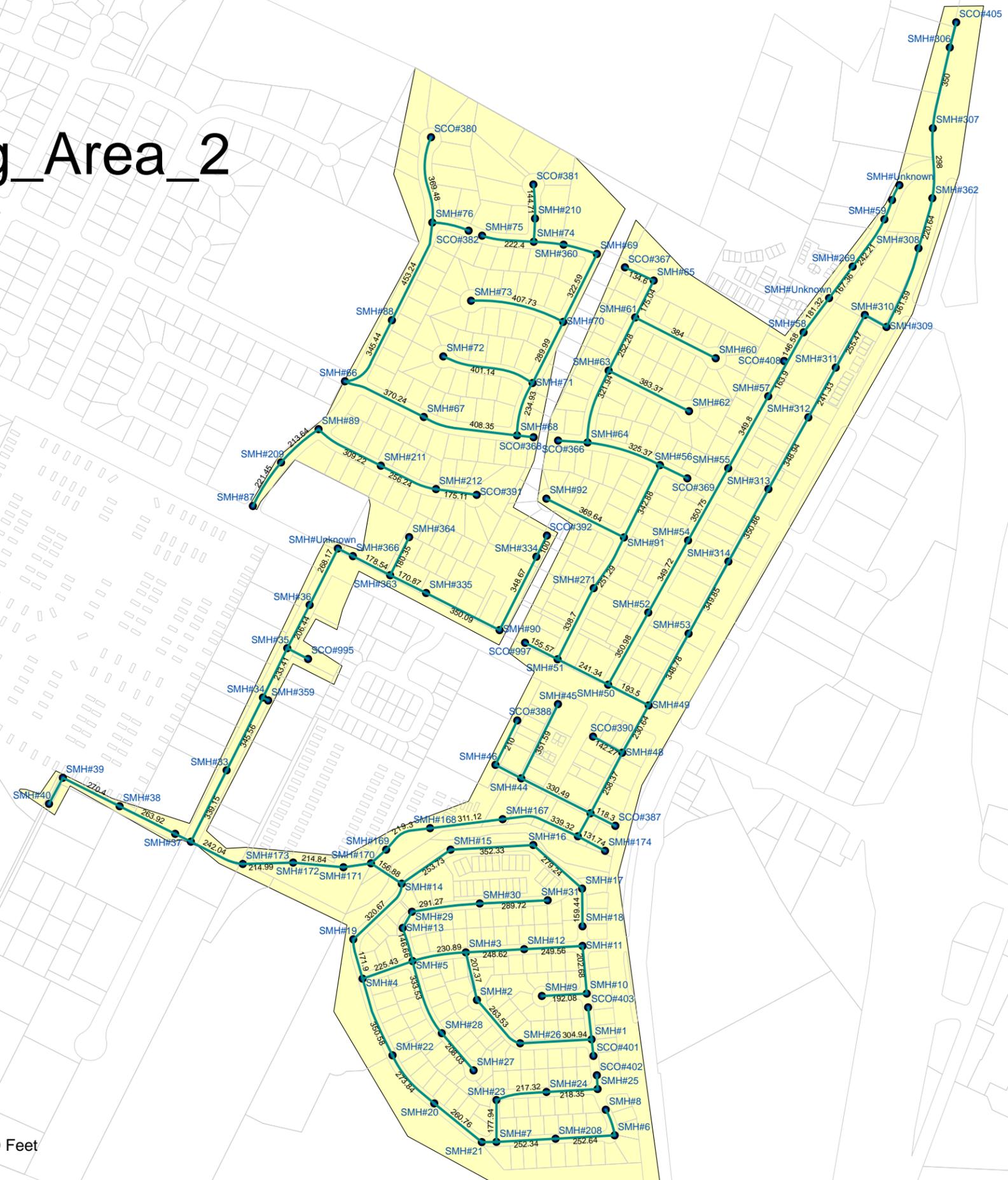
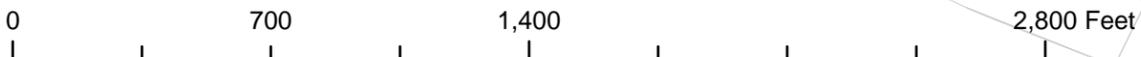


Legend

- SewerLines_Area_2
- SewerNodes_Area_2
- Parcels
- Area_2

SewerLines:
Total Number of Pipes: 134
Total Pipe Length: 30,749.91 ft.

SewerNodes:
Cleanouts: 19
Manholes: 116





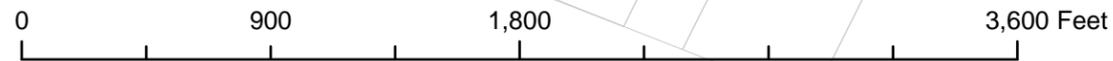
Sewer_Cleaning_Area_3

Legend

-  SewerLines_Area_3
-  SewerNodes_Area_3
-  Parcels
-  Area_3

SewerLines:
 Total Number of Pipes: 151
 Total Pipe Length: 32,837.15 ft.

SewerNodes:
 Cleanouts: 31
 Sewer Manholes: 120



CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: July 9, 2015

Subject: Resolution No. 15-16 – “A Resolution of the City Council of the City of Buellton, California, Approving a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road”

BACKGROUND

The purpose of this Resolution is to amend the City’s Circulation Element to redesignate an existing access road from “new road” to “private road.” As set forth below, City staff believes that this minor technical amendment is necessary to accurately reflect actual road conditions. Although designated in the Circulation as a new road, the driveway in question cannot be developed as a public road due to the nature of the property. This area, therefore, should be considered a private road. The redesignation will not affect any access to adjoining parcels, nor will it limit development potential.

During the Circulation Element update in 2005, the Circulation Element Map Figure C-1 was updated to show a “new street” to the west of Industrial Way and east of the city’s wastewater treatment plant (Attachment 1) in order to address concerns that the vacant property south of the wastewater treatment plant would not have access. On February 5, 2015 the Planning Commission reviewed a proposal to remove a new street from the Circulation Element Map. This request was initiated by the property owner of lots 10/11/12 in the Santa Rita Gateway Center at 71 Industrial Way. The property is the remaining undeveloped portion of the Santa Rita Industrial Park.

During staff’s current review of the Circulation Element, the City determined that it would not build a public road over this existing area and that the “new street” designation was unnecessary in the General Plan. The placement of that designation in 2005 was made without review of the actual necessity or feasibility of a public street. The steep grade differential would restrict that access driveway from being developed as a full public road. In addition, current access to the wastewater treatment plant has been through Pamela Way (a private road which the city has been provided access rights).

The Planning Commission recommended that the City Council approve the modification (remove the new street) to the Circulation Element Map. The Planning Commission also suggested that affected property owners and city staff discuss the details of this proposal since concerns have been raised by an adjacent property owner. Discussion and negotiations regarding development rights, alternative access and needs, as well as establishing a better understanding of the underlying easements for the property owners, have occurred. The City Council reviewed this proposal on April 23, 2015, but did not take action on the item.

Removal of the “new street” designation does not remove any access rights the City has over that area. The City owns in fee an 18 to 30 foot width of the old access road and an additional 30-foot wide easement for road purposes as shown on Attachment 2.

Trey Pinner, the property representative, for the vacant parcel south of the wastewater treatment plant is concerned about losing access. Mr. Pinner’s parcel may have access rights over the existing road the City owns in fee as shown in Attachment 3.

A secondary issue raised by Mr. Pinner relates to certain proposed subsequent actions, which involve vacation of the excess southern easement as delineated in Attachment 3. He is concerned about the availability of suitable access width to develop his vacant parcel. This determination is difficult to fully assess without a project proposal. However, staff reviewed his lot and, based on the floodway limits alone, estimates that the developable area is approximately five acres. This acreage may be further reduced based on current stormwater requirements for permeable surfaces. In general discussion with the Fire Department, an industrial area may be served by a driveway with a width of twenty feet. The total available width is thirty feet (Mr. Pinner’s twelve foot easement plus the City’s eighteen feet). On the upper portion of the access, the City’s property is 25 to 30 feet wide. This width meets the minimum Fire Department standards for access.

During a meeting between Mr. Pinner, his engineer Sid Goldstein, Rose Hess and Mr. Poor (property owner of Lots 10/11/12), various alternative development access locations and widths were discussed. These included:

- 30’ width – existing through the city’s access road
- 40’ width – utilizing the 10- foot drainage easement to the east located on Mr. Poor’s lots
- 30’ width – utilizing Pamela Way (Mr. Pinner’s property currently has no rights to utilize Pamela Way, discussion and negotiation would still be available if there was a shared interest and contribution to its maintenance)
- Varying width - utilizing a portion of the southeast corner of the wastewater treatment plant if needed for access width and to facilitate turn movements

All parties have agreed that a public road will not be installed. The current proposal is to modify the Circulation Element Map to show a private road where it currently shows a new street. Should the Council approve this recommendation, staff would return to the

Planning Commission with the request to vacate the excess easement that impacts lots 10/11/12 in the Santa Rita Gateway Center at 71 Industrial Way (shown on Attachment 3).

To summarize, tonight's action is specific and limited to modifying the "new street" designation in the General Plan's Circulation Element to a "private road". The City will not be building a new public street in this area; however a private road could be installed when development occurs on the property to the south.

The Planning Commission reviewed this item at a public hearing held on June 4, 2015. The Commission recommended that the City Council approve the Circulation Element Amendment (Attachment 4 – Planning Commission Resolution No. 15-06).

RECOMMENDATION

That the City Council consider approval of Resolution No. 15-16 – "A Resolution of the City Council of the City of Buellton, California, Approving a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road"

ATTACHMENTS

Resolution No. 15-16 with Exhibit "A"
Attachment 1 – Existing Circulation Element Map
Attachment 2 – Existing Easements
Attachment 3 – Existing Access Rights
Attachment 4 – Planning Commission Resolution No. 15-06

RESOLUTION NO. 15-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BUELLTON, CALIFORNIA, APPROVING A CIRCULATION
ELEMENT AMENDMENT (15-GPA-02) WHICH MODIFIES
A NEW STREET ON THE CIRCULATION ELEMENT MAP
TO A PRIVATE ROAD**

BE IT RESOLVED by the City Council of the City of Buellton as follows:

SECTION 1: California Government Code Section 65300 requires that each city and county adopt and periodically update a comprehensive general plan. The current General Plan’s Land Use and Circulation Elements were updated in 2005. The Conservation and Open Space, Parks and Recreation, Public Facilities and Services, and Safety Elements were updated in 2007. The Housing Element was updated in 2015.

SECTION 2: The proposed project (the “Project”), for purposes of the California Environmental Quality Act of 1970, as amended (“CEQA”), consists of:

- **Technical Amendments to the Circulation Element of the General Plan, 15-GPA-01.** The Project includes technical amendments to Figure C-1 of the Circulation Element of the General Plan. A “new street” to the west of Industrial Way and to the east of the wastewater treatment plan will be re-designated as a “private road”. Circulation review has been completed and full road width will not be constructed and would not be required for development of APN 099-690-001. Steep grade differentials restrict that access road from being developed as a public road. The existing paved access width of 16 feet has been sufficient for trucks and emergency services. The existing access and road easements will remain from the top of the hill on Industrial Way, along the south side of APN 099-690-054, through the entrance of the City Wastewater Treatment Plant and south to APN 099-690-001. The private road could be developed as sufficient access for development of APN 099-690-001 through a development agreement at the appropriate time. Construction of a private road would follow appropriate design standards, with a minimum width design that is less than that required of a public road but fitting within the referenced easements.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the Project, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on June 4, 2015 (the “PC Public Hearing”).
2. All oral, written and visual materials presented by City staff and consultants in conjunction with the PC Public Hearing.
3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on July 9, 2015 (the “CC Public Hearing”).
4. All oral, written and visual materials presented by City staff and consultants in conjunction with the CC Public Hearing.
5. The following informational documents which, by this reference, are incorporated herein.
 - a. Those certain written reports submitted by City staff dated June 4, 2015 and July 9, 2015 (the “Staff Reports”).

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Municipal Code have been lawfully satisfied:

1. A notice was published in a legal section of a newspaper of general circulation on May 21, 2015 (the “Public Notice”), a minimum of 10 days in advance of the Public Hearing conducted by the Planning Commission on June 4, 2015, and posted at three permanent and conspicuous locations within the City.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.
4. A notice was published in a legal section of a newspaper of general circulation on June 25, 2015 (the “CC Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted by the City Council on July 9, 2015, and posted at three permanent and conspicuous locations within the City.

- 5. The CC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 25, 2015, a minimum of 10 days in advance of the Public Hearing which was held on July 9, 2015.
- 6. The CC Public Notice was posted in three public locations on June 25, 2015, a minimum of 10 days in advance of the CC Public Hearing which was held on July 9, 2015.

C. Environmental Clearance. The proposed minor technical amendments to Figure C-1 of the Circulation Element are exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 4:

- A. Environmental Review.** The City Council hereby determines that the proposed minor technical amendments to Figure C-1 of the Circulation Element of the General Plan are exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.
- B. General Plan Amendment.** The City Council hereby approves the minor technical amendments to Figure C-1 of the Circulation Element of the General Plan as shown on Exhibit A, attached hereto.

PASSED, APPROVED and ADOPTED this 9th day of July, 2015.

Holly Sierra
Mayor

ATTEST:

Linda Reid
City Clerk

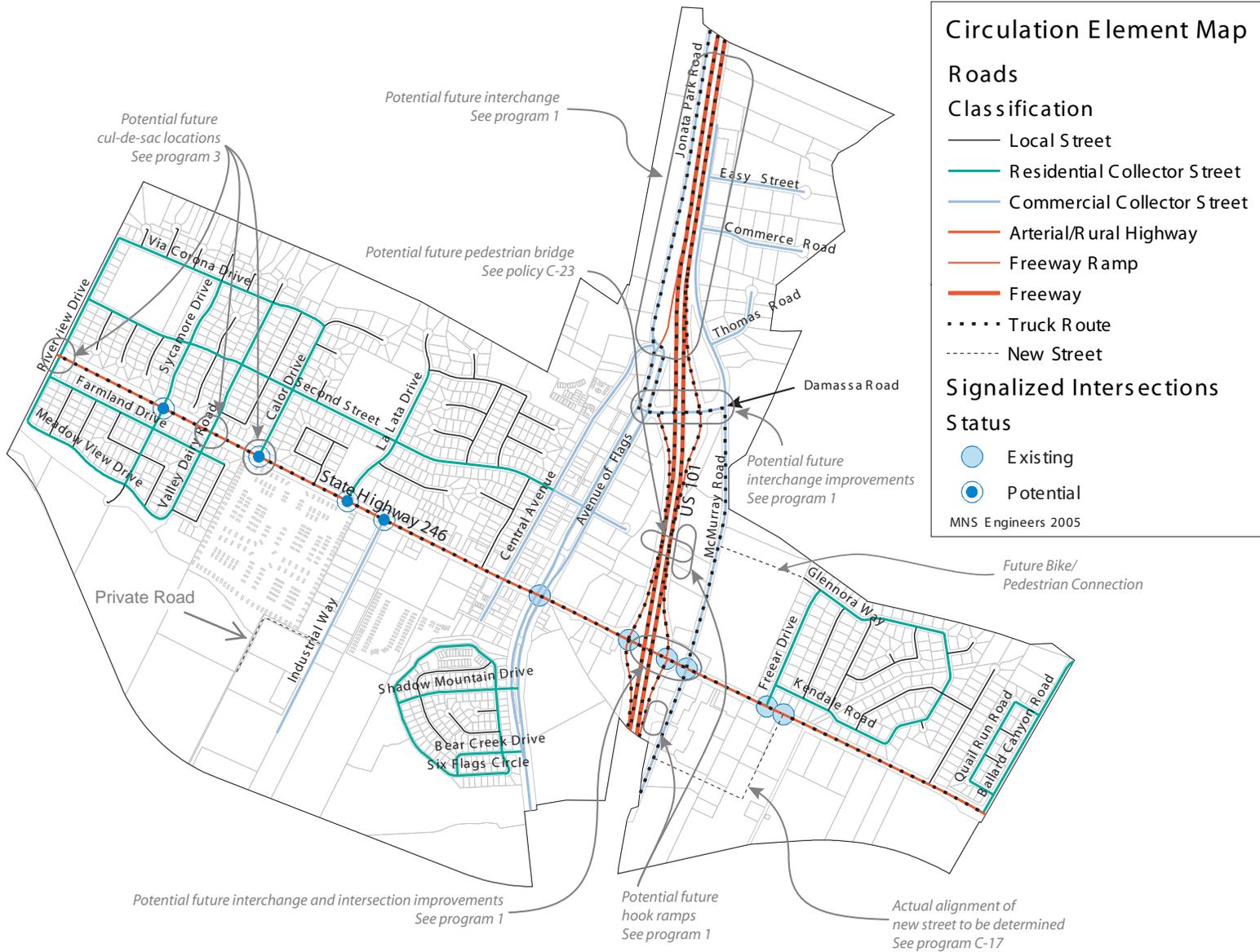
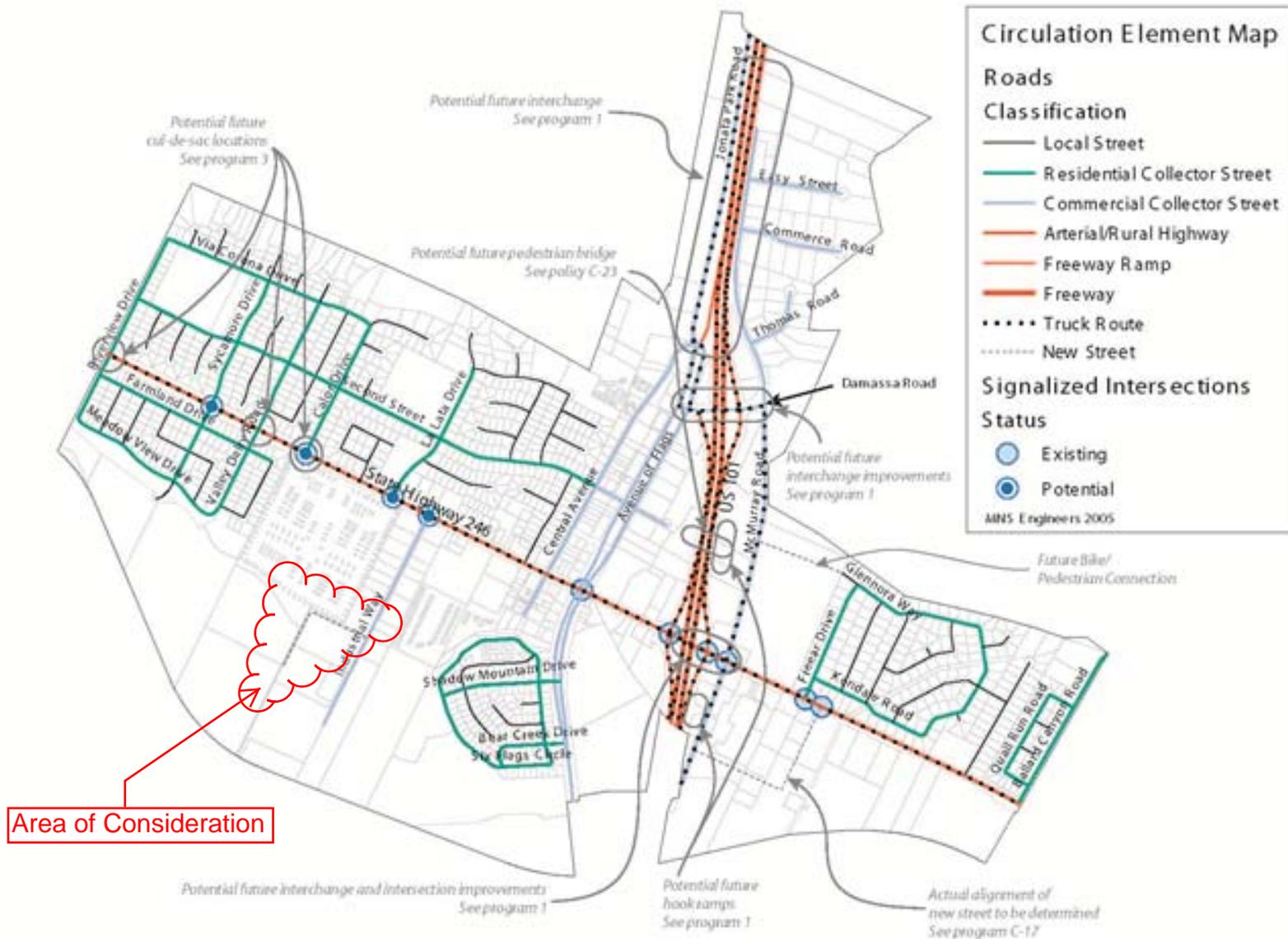


Exhibit A

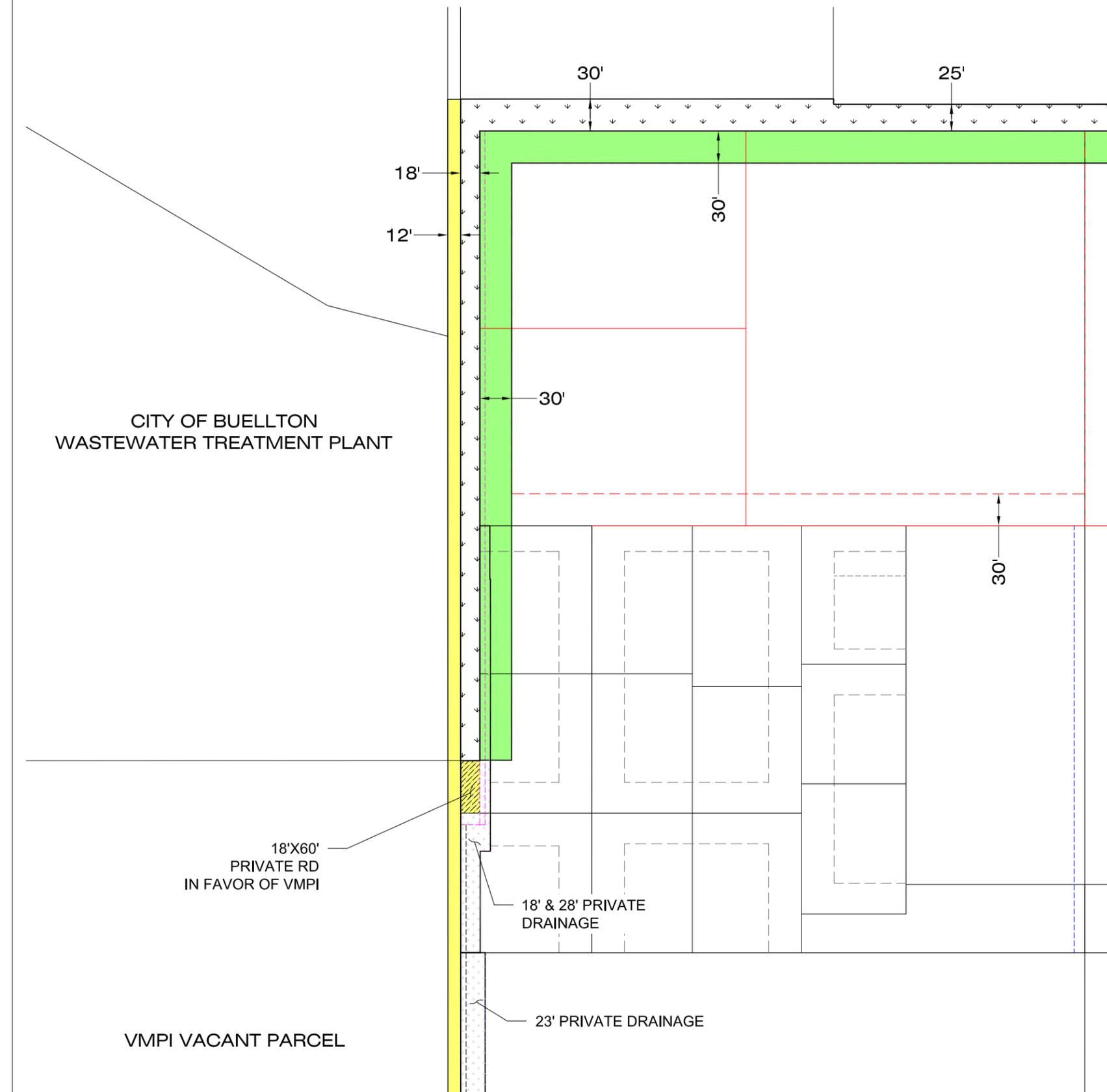
Circulation Element Map

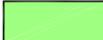


Source: MNS Engineers, Inc. and City of Buellton, November, 2005

Circulation Element Map

Figure C-1



-  FEE TO BUELLTON COMMUNITY SERVICE DISTRICT (B.C.S.D.)
-  EASEMENT TO B.C.S.D.
-  FEE FOR VMPI
-  EASEMENT FOR PRIVATE ROAD TO VMPI

CITY OF BUELLTON
WASTEWATER TREATMENT PLANT

18'X60'
PRIVATE RD
IN FAVOR OF VMPI

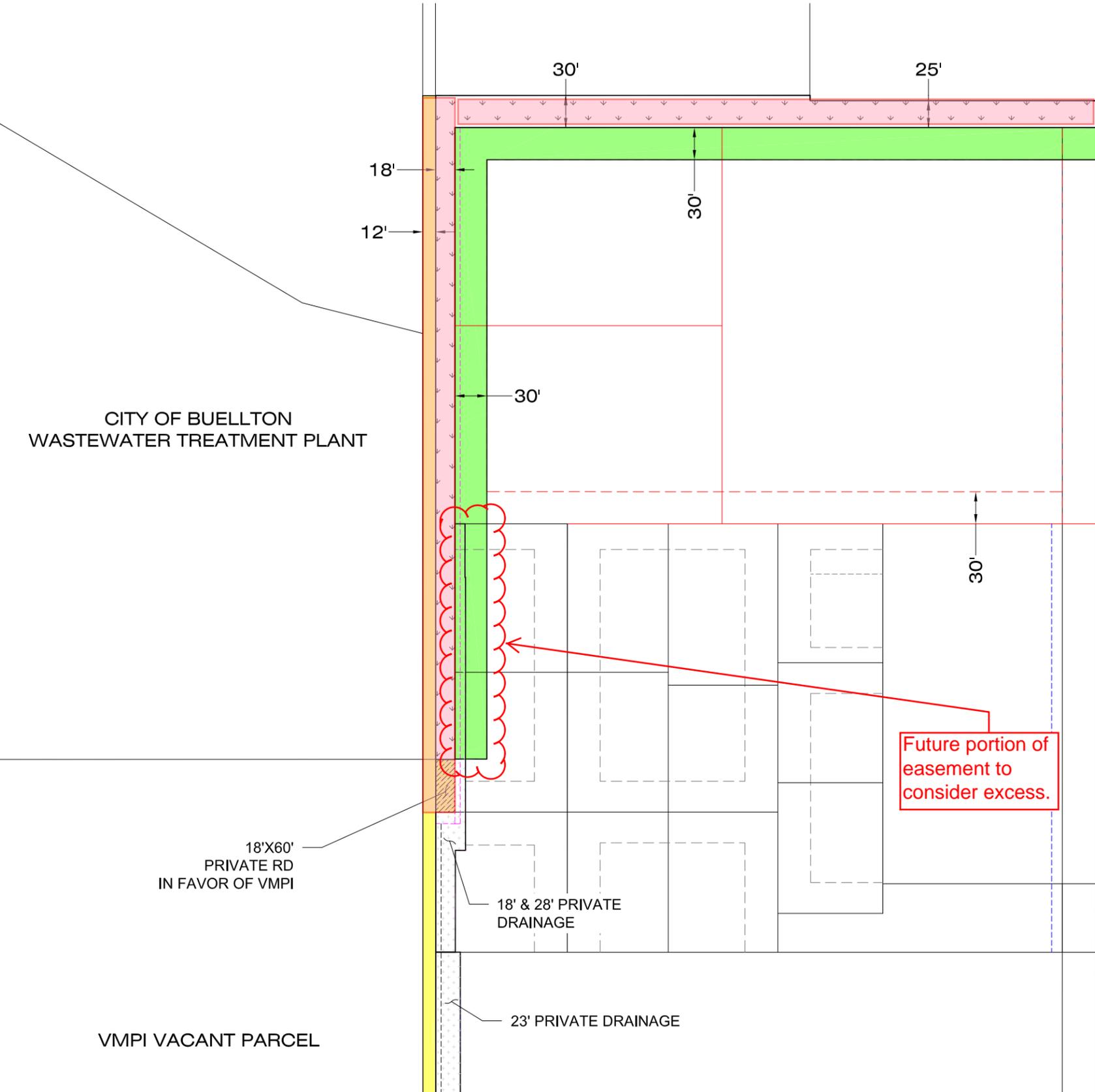
18' & 28' PRIVATE
DRAINAGE

VMPI VACANT PARCEL

23' PRIVATE DRAINAGE



-  FEE TO BUELLTON COMMUNITY SERVICE DISTRICT (B.C.S.D.)
-  EASEMENT TO B.C.S.D.
-  FEE FOR VMPI
-  EASEMENT FOR PRIVATE ROAD TO VMPI
-  VMPI AVAILABLE ACCESS



PLANNING COMMISSION RESOLUTION NO. 15-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CIRCULATION ELEMENT AMENDMENT (15-GPA-02) WHICH MODIFIES A NEW STREET ON THE CIRCULATION ELEMENT MAP TO A PRIVATE ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: California Government Code Section 65300 requires that each city and county adopt and periodically update a comprehensive general plan. The current General Plan's Land Use and Circulation Elements were updated in 2005. The Conservation and Open Space, Parks and Recreation, Public Facilities and Services, and Safety Elements were updated in 2007. The Housing Element was updated in 2015.

SECTION 2: The proposed project (the "Project"), for purposes of the California Environmental Quality Act of 1970, as amended ("CEQA"), consists of:

- **Technical Amendments to the Circulation Element of the General Plan, 15-GPA-01.** The Project includes technical amendments to Figure C-1 of the Circulation Element of the General Plan. A "new street" to the west of Industrial Way and to the east of the wastewater treatment plan will be re-designated as a "private road". Circulation review has been completed and full road width will not be constructed and would not be required for development of APN 099-690-001. Steep grade differentials restrict that access road from being developed as a public road. The existing paved access width of 16 feet has been sufficient for trucks and emergency services. The existing access and road easements will remain from the top of the hill on Industrial Way, along the south side of APN 099-690-054, through the entrance of the City Wastewater Treatment Plant and south to APN 099-690-001. The private road could be developed as sufficient access for development of APN 099-690-001 through a development agreement at the appropriate time. Construction of a private road would follow appropriate design standards, with a minimum width design that is less than that required of a public road but fitting within the referenced easements.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on June 4, 2015 (the “Public Hearing”).
2. All oral, written and visual materials presented by City staff and consultants in conjunction with the Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
 - a. That certain written report submitted by City staff dated June 4, 2015 (the “Staff Report”).

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Municipal Code have been lawfully satisfied:

1. A notice was published in a legal section of a newspaper of general circulation on May 21, 2015 (the “Public Notice”), a minimum of 10 days in advance of the Public Hearing conducted by the Planning Commission on June 4, 2015, and posted at three permanent and conspicuous locations within the City.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Clearance. The proposed minor technical amendments to Figure C-1 of the Circulation Element are exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 4:

A. Environmental Review. The Planning Commission hereby determines that the proposed minor technical amendments to Figure C-1 of the Circulation Element of the General Plan are exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

- B. General Plan Amendment.** The Planning Commission hereby recommends that the City Council approve the minor technical amendments to Figure C-1 of the Circulation Element of the General Plan as shown on Exhibit A, attached hereto.

PASSED AND ADOPTED this 4th day of June 2015.

Exhibit A – Figure C-1 of the Circulation Element Map



Foster Reif
Vice Chair



Clare Barcelona
Planning Commission Secretary

STATE OF CALIFORNIA)
 COUNTY OF SANTA BARBARA) SS
 CITY OF BUELLTON)

I, Clare Barcelona, Secretary of the Planning Commission of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-06 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 4th day of June 2015, by the following vote, to wit.

AYES: (3) Commissioners Dunstan, Mercado and Vice Chair Reif

NOES: (0)

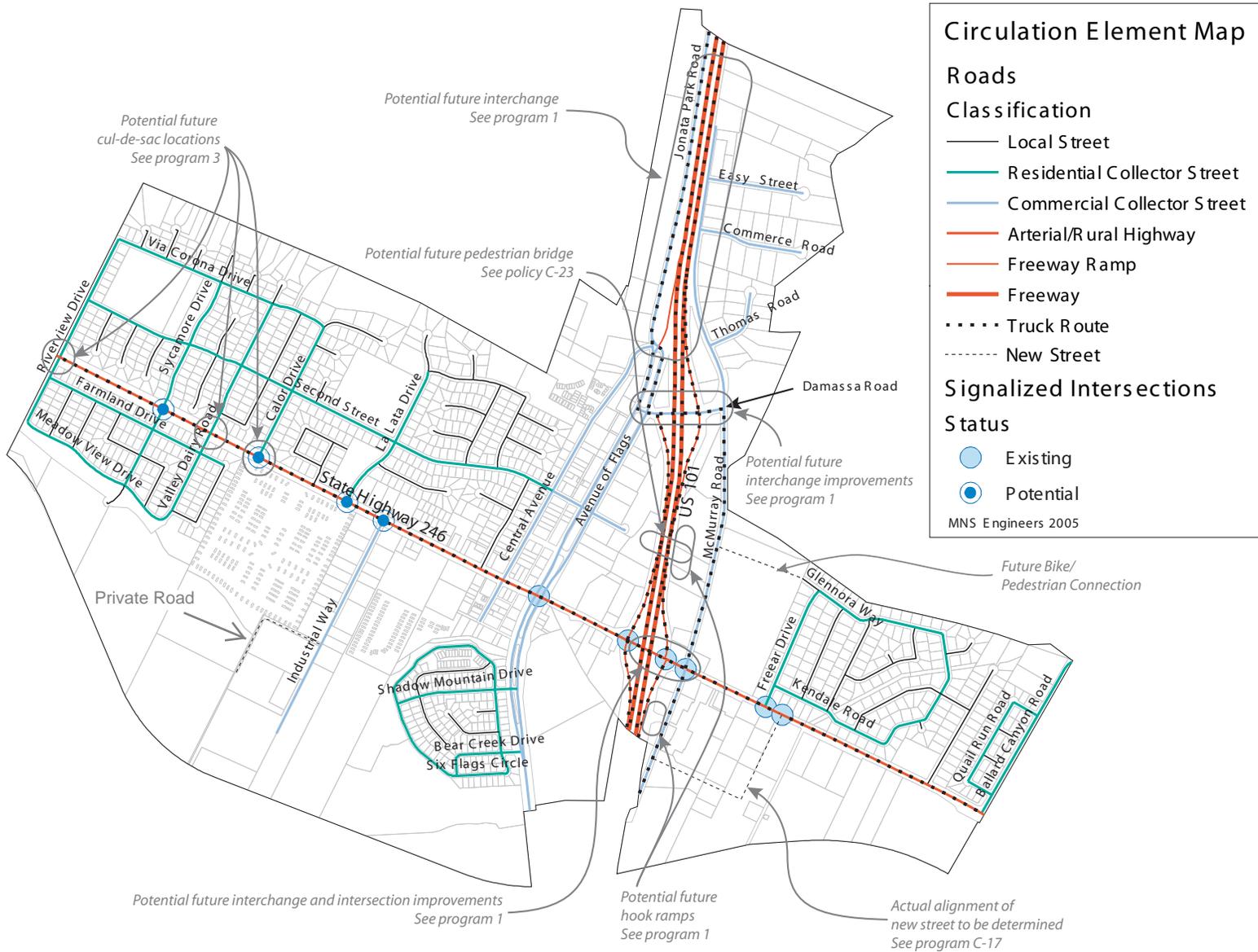
ABSENT: (2) Commissioner Padilla and Chair Figueroa

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June 2015.



 Clare Barcelona
 Planning Commission Secretary



Source: MNS Engineers, Inc. and City of Buellton., November, 2005

Circulation Element Map

Figure C-1

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: July 9, 2015

Subject: Resolution No. 15-19 – “A Resolution of the City Council of the City of Buellton, California, Regarding School Traffic Safety Improvements”

BACKGROUND

City Staff works on an ongoing basis with the Oak Valley Elementary School and the Buellton Union School District Superintendent to address ongoing traffic safety concerns, including vehicular speeds, pedestrian crossing conflicts (particularly during morning drop-off and pick-up periods), and signage and striping consistency.

As part of these discussions with School District staff, we have evaluated the need for pedestrian crossing at Via Corona on the east side of Blue Blossom Way. A crosswalk at this location would provide a safer crossing across Via Corona that is outside of the various turn movement issues at the school parking lot exit at Tamarind lane. There is an existing handicap ramp on Blue Blossom Way. A handicap ramp will be installed on the south end of the crosswalk on Via Corona.

Because the recommendations include a proposed crosswalks, we have notified residents in the vicinity about this proposed Resolution 15-19.

In addition to this proposed marked crosswalk, staff will be updating the signage and pavement markings surrounding Oak Valley Elementary School and Jonata Middle School for consistency in placement and distances.

If approved, staff intends to complete improvements this summer, prior to the start of the new school year.

The school safety efforts will continue with speed surveys in the school areas. Exhibit A identifies proposed School Speed Zones around both schools, which would reduce the existing speed limit of 25 mph to 15 mph. The speed survey is currently in progress and will be brought to a future Council meeting.

FISCAL IMPACT

This project will be funded by the Gas Tax and local Measure A allocations.

RECOMMENDATION

That the Council approve Resolution No 15-19 “A Resolution of the City Council of the City of Buellton, California, Regarding School Traffic Safety Improvements” and authorize staff to implement the recommendations.

ATTACHMENT

Resolution No. 15-19 with Exhibits A and B

RESOLUTION NO. 15-19

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BUELLTON, CALIFORNIA, REGARDING
SCHOOL TRAFFIC SAFETY IMPROVEMENTS**

WHEREAS, California Vehicle Code Section 21106 (a) authorizes the City Council, by Resolution, to establish crosswalks between intersections; and

WHEREAS, the City has received requests based on traffic and pedestrian safety concerns from Oak Valley Elementary School and the Buellton Union School District; and

WHEREAS, the City has performed the necessary Engineering Studies and reviewed both school sites for uniformity and consistency in signing and striping and provided recommendations compliant with the requirements of the Manual of Uniform Traffic Control Devices; and

WHEREAS, the City Council finds that it is in the best interests of the community and the school to install a high-visibility crosswalk, to provide clear sight distance and identify preferred pedestrian crossing for Safe Routes to School ; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Buellton does hereby resolve, determine, and order as follows:

SECTION 1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The City Council hereby installs a high visibility crosswalk on Via Corona (east at Blue Blossom Way) and install a handicap access ramp on the south side of Via Corona, as shown on Exhibit "A" attached hereto and incorporated by this reference.

SECTION 3. The City Council hereby approves the design of the high visibility crosswalk and associated school traffic safety signage and striping as described in Exhibits A and B, and hereby directs City staff to proceed with the installation (and subsequent maintenance) of a high visibility crosswalk and associated school traffic safety signage and striping shown on Exhibit "A."

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 9th day of July, 2015.

Holly Sierra
Mayor

ATTEST:

Linda Reid
City Clerk

General Notes:

1. All school and pedestrian warning signs shall be high-visibility fluorescent yellow-green.
2. Signs shall be installed with 7' vertical clearance from bottom of sign.
3. Signs shall be installed to provide minimum 4' of horizontal path of travel.

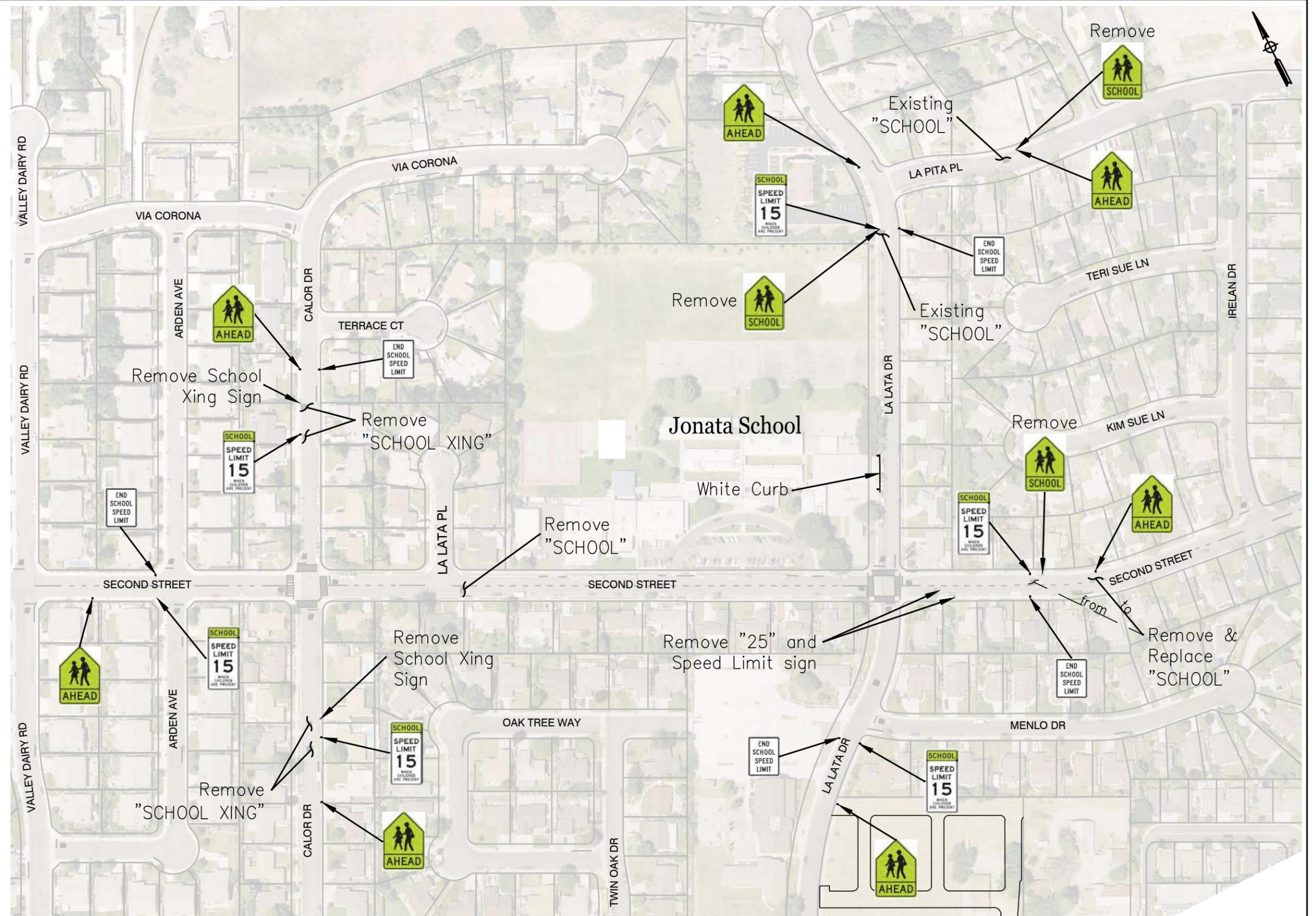


Figure 2: Jonata School

Scale: 1" = 200'



4580 E. Thousand Oaks Blvd., Ste 101 / Westlake Village CA 91362
Ph. (805) 648-4840 / F. (805) 379-1718

Technical Memorandum

TO **Rose Hess Public Works Director, City of Buellton**

FROM **Adam Chase, P.E., T.E.**

DATE **3/10/2015**

SUBJECT **Buellton School Area Signs and Pavement Markings**

Purpose:

The City of Buellton has retained MNS Engineers, Inc. (MNS) to evaluate and respond to requests from the Parent-Teacher Associations (PTAs), principals of Jonata School and Oak Valley Elementary School, and the School District Superintendent. The PTAs have requested improvements to the school area signage and pavement markings on the streets adjacent their respective campuses. In response to those requests, MNS has:

- Reviewed the existing signs and new sign requests for compliance with the 2014 California Manual on Uniform Traffic Control Devices (CA-MUTCD),
- Evaluated the existing signs and pavement markings for compatibility with the requests,
- Prepared exhibits for installation of sign and pavement markings

The ultimate goal of the project will be to best define the school zones within the bounds of the CA-MUTCD to satisfy the requests of the PTAs. That goal in mind, the following technical memorandum will:

- Discuss the CA-MUTCD regulations guiding our recommendations for removal and relocation of existing, and installation of new signs, and pavement markings,
- Discuss the results of the evaluation of the existing signs and markings,
- Summarize the requests versus proposed installations.

Pertinent Regulations:

Because regulations are constantly changing, there are potential conflicts between existing sign and pavement marking installations with new sign and pavement marking installations, as well as new installations mirroring existing installations with older accepted practice. Therefore it is critical to consult the 2014 CA-MUTCD, which represents the minimum mandatory standard of care and our duty to the public, to assist in approving or disapproving requests. The following are the pertinent regulations contained in the CA-MUTCD guiding review of the existing installations, and evaluation of the requested installations.

CA-MUTCD – Part 7 “Traffic Control for School Areas”

Section 7A.01 Need for Standards

Support:

01 Regardless of the school location, the best way to achieve effective traffic control is through the uniform application of realistic, policies, practices, and standards developed through engineering judgment or studies.

04 A uniform approach to school area traffic controls assures the use of similar controls for similar situations, which promotes appropriate and uniform behavior on the part of motorists, pedestrians and bicyclists.

Section 7B.09 School Zone Sign (S1-1) and Plaques (School Warning Assembly A)

Standard:

06 The School Warning Assembly A(CA) shall be used on streets with prima facie 25 mph speed limits that are contiguous to a school building or school grounds.

Section 7B.11 School Advance Crossing Assembly (Assembly D)

Standard:

06 The School Advance Warning Assembly D(CA) shall be used in advance of any School Crosswalk Warning Assembly B(CA), School Crosswalk Warning Assembly E(CA) or the School Speed Limit Assembly C(CA).

Section 7B.12 School Crossing Assembly (Assembly B)

Standard:

03a The School Crosswalk Warning Assembly B(CA) or E(CA) shall be posted at all yellow school crosswalks that are not controlled by a STOP (R1-1) sign, a YIELD (R1-2) sign or a traffic signal.

Section 7B.15 School Speed Limit Assembly

Standard:

08 The School Speed Limit Assembly C(CA) shall be either a fixed-message sign assembly or a changeable message sign.

Standard:

17 The School Speed Limit Assembly C(CA) shall be used on streets with speed limits greater than 25 mph that are contiguous to a school building or school grounds.

Option:

25 A local authority may declare a 20 or 15 mph prima facie speed limit within 500 feet of a school building or school grounds and an extended 25 mph prima facie speed limit within 500 to 1000 feet from a school or school grounds.

Standard:

27 If the local authority declares by ordinance or resolution the above prima facie speed limits, all of the following criteria shall be met:

- A. Street (or highway) is in a residential district.
- B. Street (or highway) outside of a school zone has a posted speed limit no greater than 30 mph.
- C. Street (or highway) has no more than a total of two through traffic lanes (one in each direction or two in one direction).
- D. The reduced school zone speed limit of 20 or 15 mph is within 500 feet of school grounds.
- E. The extended school zone speed limit of 25 mph is within 500 to 1000 feet of school grounds.

28 When used, a local ordinance or resolution adopted to establish a 20 or 15 mph reduced school zone speed limit and/or an extended 25 mph school zone speed limit shall not be effective until School Speed Limit Assembly C (CA) giving notice of the speed limit(s) is erected upon the highway.

Section 7C.03 Pavement Word, Symbol, and Arrow Markings

Standard:

06 The SLOW SCHOOL XING marking shall be used in accordance with the provisions of CVC 21368 in advance of all yellow school crosswalks (see Figure 7C-101(CA)). They shall not be used where the crossing is controlled by stop signs, traffic signals, or yield signs. They shall be yellow, with the word XING at least 100 feet in advance of the school crosswalk.

Option:

11 The SCHOOL marking may be used with the School Assemblies A(CA) or C(CA), except at locations where SLOW SCHOOL XING markings are required.

Standard:

12 If the SCHOOL marking is used with the School Assemblies A(CA) or C(CA) (See Section 7B.11), it shall be yellow.

Review of Existing Conditions:

Review of existing signs and pavement markings around Jonata School and Oak Valley Elementary School revealed sporadic installation of various school warning signs of differing age/code compliance. While some streets are clearly defined as school zones with appropriate advance warnings and speed limits, other streets lack the same definition. In addition, some signs lack sufficient night-time retro-reflectivity, while other are no longer allowed for use in school zones by law.

Installed signs include:

MUTCD Sign Code	Sign Description	Sign Illustration
S1-1/W66A	School Warning Sign with "School Xing" Plaque	
Assembly A (SW24-1)	School Warning Sign with "School"	
Assembly C (SR4-1)	School Speed Limit (15 MPH)	
S5-3	End School Speed Limit	

The existing School Warning Sign with "School Xing" plaque is no longer in use, and will be replaced as part of the project to accommodate new, requested signs. Since use of the Assembly A School Warning is permitted only on streets contiguous with a school, and only where there are no other signs downstream, Assembly A signs will be replaced where new school speed limit signs are requested or will be installed (Section 7B.09).

"Slow School Xing" pavement markings may be used in advance of intersections that are not controlled by a stop sign, yield sign, or traffic signal (or other signalized control, such as a lighted crossing, a flashing beacon, or a hybrid pedestrian signal). To be in compliance with the latest regulations, those installations will be removed.

Review of Proposed Installations:

Utilizing the requests presented by the District Superintendent to the City of Buellton, the goal of the project is to best define school zones and school zone speed limits, and enhance school crossings with signage and pavement markings.

In addition to those signs currently in use, the following signs will be installed as part of the project:

MUTCD Sign Code	Sign Description	Sign Illustration
Assembly B (SW24-2)	School Crossing Warning Sign	
Assembly D (SR24-3)	School Crossing Advance Warning Sign	
R30 (CA) Custom (No Parking 7:30 AM to 9:30 AM Mon-Fri)	No Parking Specific Hours	

The following table summarizes the sign and pavement marking requests made by the PTA, the disposition of the installation, and any notes associated with the installation. Further, any adjunct signs required to be installed by law when installing a sign are noted.

Subsequent to installation of uniform sign and pavement markings around each campus, it will be critical to monitor driver response and experience to gauge the effectiveness of the improvements. In addition, it may be helpful in the future to enhance pedestrian crossings with hardscape improvements, such as chicanes, raised crosswalks, and curb extensions to increase pedestrian visibility and shorten crossing distances. Enhancements for bicycle users may also be explored to encourage bicycle use and safety.

Oak Valley Elementary School

Location	Street	Sign/Marking Requested	Disposition	Notes
1	Via Corona (eastbound) at Riverview Drive	Assembly C School Speed Limit	Location adjusted	Sign to be installed on Riverview Drive just north of SR 246 to establish school zone. Assembly D also to be installed as required in advance of Assembly C.
2	Via Corona at Blue Blossom Way	Crosswalk	Approved	Crosswalk to be installed on the east leg of the intersection. Assembly B signs to be installed at crosswalk, and "Slow School Xing" pavement markings to be installed in advance of the crossing. "Slow School Zone" markings to be removed.
2	Via Corona (eastbound) at Sycamore Drive	"Slow School Xing" Marking	Approved	
		"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly B substituted at crosswalk
3	Via Corona (westbound) at Sycamore Drive	"Slow School Zone" Marking	"Slow School Xing" marking substituted	"Slow School Zone" is not an approved marking.
		Assembly C School Speed Limit	Approved	Existing Assembly C west of Sycamore Drive to be relocated to better establish school zone. Assembly D also to be installed as required in advance of Assembly C
4	2 nd Street (eastbound) at Riverview Drive	Assembly C School Speed Limit	Location adjusted	See notes for Location #1
5	2 nd Street (westbound) at Sycamore Drive	Assembly C School Speed Limit	Approved	
		"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly D also to be installed as required in advance of Assembly C.
6	Sycamore Dr (northbound) at 2 nd Street	"Slow School Zone" Marking	Not approved	"Slow School Zone" is not an approved marking.
		Assembly C School Speed Limit	Approved	
		"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly D also to be installed as required in advance of Assembly C.

For additional information, see Figure 1a: Oak Valley Elementary

Jonata School

Location	Street	Sign/Marking Requested	Disposition	Notes
1	La Lata Drive at La Pita Place	"Slow School Zone" Marking	Not approved	"Slow School Zone" is not an approved marking.
		Assembly C School Speed Limit	Approved	Substituted for Assembly A. Assembly D also installed as required in advance of Assembly C.
2	2 nd Street (eastbound) at Calor Drive	"Slow School Xing" Marking	Alternative substituted	"Slow School Xing" marking is not permitted in advance of controlled intersections. Assembly C and D substituted to reinforce school zone.
		"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly C and D installed as noted above.
4	Calor Drive (northbound) at 2 nd Street	"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly C and D substituted to reinforce school zone. "School Xing" marking to be removed to be compliant with regulations.
5	2 nd Street (eastbound) at La Lata Place	"Slow School Zone" Marking	Not approved	"Slow School Zone" is not an approved marking. Existing "School" marking to be removed.
		Assembly C School Speed Limit	Alternative substituted	Assembly C and D installed on 2 nd Street east of Calor Drive, and on Calor Drive south of 2 nd Street to reinforce school zone
6	2 nd Street (westbound) at La Lata Drive	"Slow School Xing" Marking	Not approved	"Slow School Xing" marking is not permitted in advance of controlled intersections.
		Assembly C School Speed Limit	Approved	
		"School Xing" Sign	Alternative substituted	"School Xing" sign is no longer allowed. Assembly D also to be installed as required in advance of Assembly C.
7	La Lata Drive (northbound) at 2 nd Street	"Slow School Xing" Marking	Not approved	"Slow School Xing" marking is not permitted in advance of controlled intersections.
		Assembly C School Speed Limit	Approved	Substituted for Assembly A. Assembly D also installed as required in advance of Assembly C.
8	La Lata Drive (southbound) s/o Recreation Center Driveway	Paint Curb for Loading Zone	Approved	Install 72' of white curb paint south of Recreation Center driveway. Loading Zone signs to be installed. Sign to read "No Parking 7:30 AM to 9:30 AM Mon-Fri".

For additional information, see Figure 1b: Jonata School

General Notes:

1. All school and pedestrian warning signs shall be high-visibility fluorescent yellow-green.
2. Signs shall be installed with 7' vertical clearance from bottom of sign.
3. Signs shall be installed to provide minimum 4' of horizontal path of travel.

Legend:

-  Assembly A (CA)
S1-1
S4-3P
-  Assembly B (CA)
S1-1
W16-7P
-  Assembly C (CA)
S4-3P
R2-1/S4-2P
-  Assembly D (CA)
S4-3P
W16-9P
-  S5-3
-  Remove existing sign/marking
-  Relocate existing sign/marking
-  Replace existing sign
-  Protect in Place existing sign/marking
-  Furnish and Install sign/marking

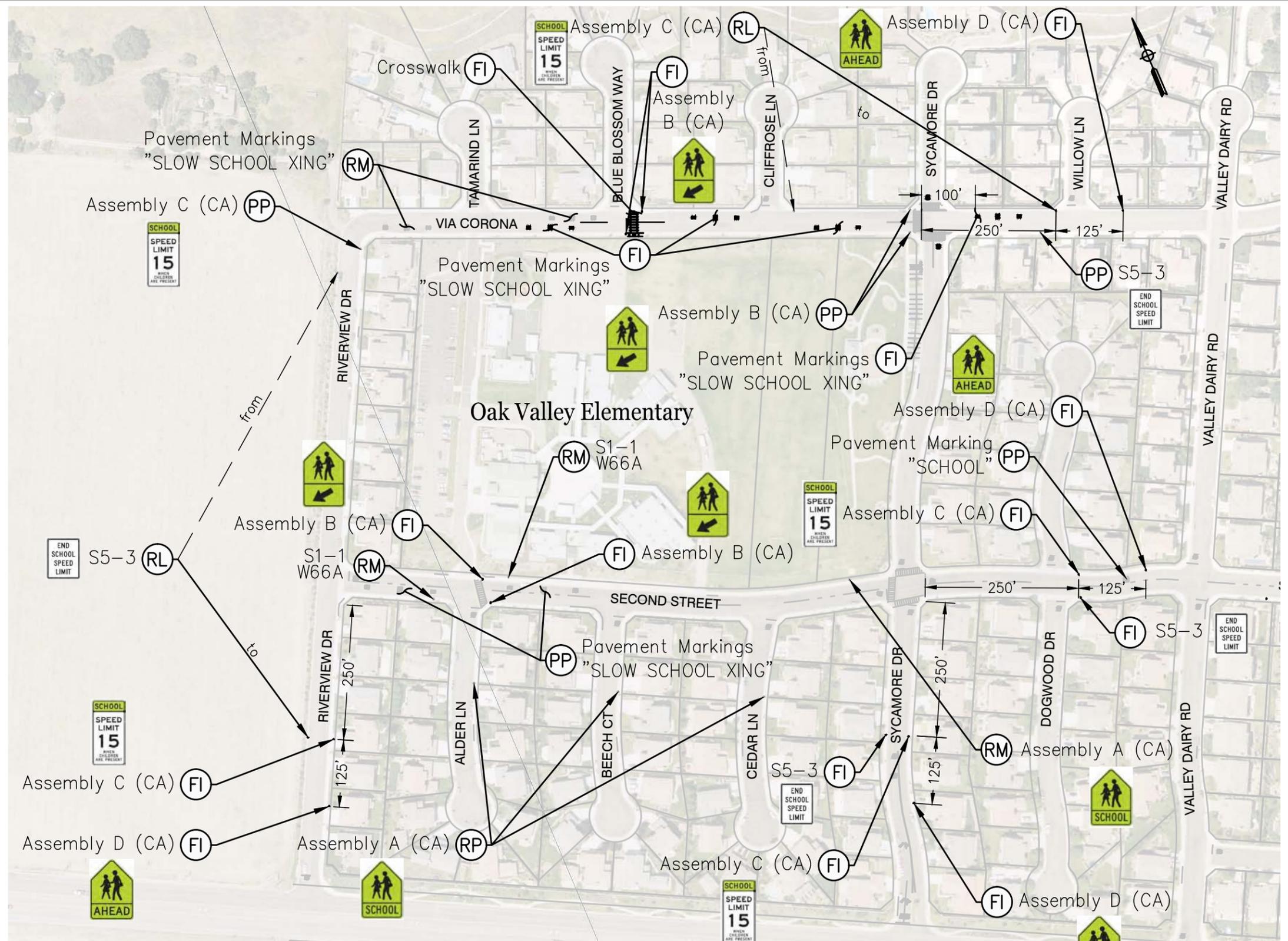


Figure 1a: Oak Valley Elementary

Scale: 1" = 200'

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: Linda Reid, H.R. Director

Meeting Date: July 9, 2015

Subject: Resolution No. 15-13 – “A Resolution of the City Council of the City of Buellton, California, Adopting Updated Personnel Rules for City Employees”

BACKGROUND

The City’s current Personnel Rules were last amended and adopted June 28, 2012. Certain state and federal laws have been enacted since then which affect the Personnel Rules. The proposed update and restatement of the Personnel Rules will implement the new laws and will clarify other sections of the Rules in order to better protect the City and its employees. Some sections that were out of date were also revised to reflect current standards. New or clarifying language has been added regarding a number of topics including:

- Sick leave for part-time employees
- Public Employees’ Pension Reform Act (PEPRA) retirement compliance issues
- Employee performance improvement plan
- Increased safety shoe allowance
- Certification Pay
- New rules regarding inspection of personnel files and records
- Whistle Blowing Policy

Over the past several months, staff has worked closely with Burke, Williams and Sorensen’s personnel attorney, who specializes in labor and employment law, to review and update the Personnel Rules. For clarity, these Rules have been restated to incorporate all of the previous provisions and amendments that continue in effect along with these most recent revisions into one comprehensive document, included as Attachment 1 – Revised Personnel Rules.

FISCAL IMPACT

This agenda item will not have any fiscal impact to the City.

RECOMMENDATION

That the City Council consider adoption of Resolution No. 15-13 - “A Resolution of the City Council of the City of Buellton, California, Adopting Updated Personnel Rules for City Employees”

ATTACHMENTS

Resolution No. 15-13
Attachment 1 – Revised Personnel Rules

RESOLUTION NO. 15-13

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF BUELLTON, CALIFORNIA,
ADOPTING UPDATED PERSONNEL RULES FOR
CITY EMPLOYEES**

WHEREAS, the City Council of the City of Buellton adopted Resolution No. 01-08 implementing Personnel Rules for its employees on June 21, 2001; and

WHEREAS, the City Council of the City of Buellton adopted Resolution No. 02-09 approving and adopting Amendment No. 1 of the Personnel Rules for its employees on April 25, 2002; and

WHEREAS, the City Council of the City of Buellton adopted Resolution No. 08-04 Updating and Restating Personnel Rules for City Employees on February 28, 2008; and

WHEREAS, the City Council of the City of Buellton adopted Resolution No. 10-06 Updating Personnel Rules for City Employees and Revising Certain Employee Job Descriptions on February 25, 2010; and

WHEREAS, the City Council of the City of Buellton adopted Resolution No. 12-19 Updating and Restating Personnel Rules for City Employees on June 28, 2012; and

WHEREAS, certain state and federal laws have been enacted since that time which affect the Personnel Rules; and

WHEREAS, updating and restating the Personnel Rules to reflect the statutory changes and other modifications will result in one comprehensive document; and

WHEREAS, attached hereto, marked as Attachment 1 and incorporated herein by this reference, are the updated and revised Buellton Personnel Rules; and

WHEREAS, the City Council desires to amend the Personnel Rules to more fully reflect the needs of the City of Buellton and its employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton as follows:

1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
2. The Buellton Personnel Rules are hereby adopted as shown in Attachment 1.
3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 9th day of July, 2015

Holly Sierra
Mayor

ATTEST:

Linda Reid
City Clerk

CITY OF BUELLTON



Personnel Rules

Revised: July 9, 2015

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RULE I. GENERAL PROVISIONS

SEC. 1.1 PURPOSE

These Rules are intended to implement and supplement the Personnel Ordinance and the Classification and Salary Resolution in the establishment and maintenance of an efficient and uniform personnel program for the City of Buellton ("City").

SEC. 1.2 APPLICABILITY

A. The provisions of these Rules apply to all employees in the Classified Service. Unless otherwise required by law or expressly stated herein, the applicability of these Rules to individuals in the Exempt Service (as defined in 1.4(B)(16)), is limited to the following Rules: **Rule I** (General Provisions) **Rule XVIII** (Policy Against Workplace Violence).

B. In addition to the Rules identified in Section 1.2(A), the following Rules will also apply to Department Directors: **Rule II** (Classification); **Rule III** (Compensation); **Sections 4.1 and 4.2 of Rule IV** (Applications, Recruitment and Examining); **Rule V** (Appointments); **Rule VII** (Performance Reports); **Rule VIII** (Hours of Work/Overtime); **Rule IX** (Leaves of Absence); **Rule X** (Layoff/Separation/Retirement); **Rule XI** (Outside Employment/Political Activities); **Sections 12.1, 12.2, and 12.3 of Rule XII** (Disciplinary Actions); **Rule XIV** (Employee Benefits); **Rule XV** (Educational Assistance); **Rule XVI** (Uniforms and Equipment), and **Rule XVII** (Dress Code), **Rule XIX** (Personnel Files and Records), and **Rule XX** (Whistleblowing).

C. In addition to the Rules identified in Section 1.2(A), the following Rules will also apply to all temporary, seasonal, and part-time employees: **Section 5.6 of Rule V** (Nepotism); **Section 9.3 of Rule IX** (Sick Leave), **Rule XI** (Outside Employment/Political Activities); **Rule XVI** (Uniforms and Equipment), **Rule XVII** (Dress Code), **Rule XIX** (Personnel Files and Records), and **Rule XX** (Whistleblowing). Also, **Rule IV** (Applications, Recruitment and Examinations) will apply to part-time employees, but not seasonal employees.

SEC. 1.3 AMENDMENT OF RULES

The City Council shall have authority to adopt, amend, or repeal these Rules as provided in the Personnel Ordinance. The Personnel Officer shall have authority to prepare and recommend revisions to the Personnel Rules.

SEC. 1.4 DEFINITION OF TERMS

A. General Definition: All words and terms used in these Rules and in any resolution or ordinance dealing with personnel policies, system, or procedures shall be defined as they are normally and generally defined in the field of personnel administration unless a specific definition is provided for herein.

B. Specific Definitions:

1. Acting Appointment: An interim appointment to temporarily perform the duties of a higher position. The person filling this position must meet the minimum standards or qualifications of the position. Acting appointments are held on an at-will basis by current City employees.
2. Advancement: A salary increase within the limits of a pay range established for a Class.
3. Allocation: The assignment of a single Position to its proper Class in accordance with the duties performed, and the authority and responsibilities exercised.
4. Appointing Authority: The City Manager or his/her designee shall make the appointments to Positions in the Classified Service. The City Manager or his/her designee shall make the appointments to Positions in the Exempt Service except that the City Council shall appoint the City Manager, City Clerk, City Attorney, and City Treasurer.
5. Class: All Positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
6. Classified Service: All Positions of employment in the service of the City except those in the Exempt Service.
7. Compensation: The salary, wage, allowance, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any Position, but does not include expenses authorized and incurred incidental to employment.
8. Continuous Service: Service in the employ of the City without a break or interruption. A severance of the employee from his/her employment initiated by either the City or the employee for periods of more than fifteen (15) days constitutes a break in continuous service, except where otherwise required by law.
9. Council: The City Council of the City of Buellton.
10. Days: Calendar days unless otherwise stated.
11. Demotion: The movement of an employee from one Class to another Class having a lower maximum base rate of pay.
12. Department Director: Any individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees with the concurrence of the Personnel Officer, or the responsibility to direct them, or to adjust their grievances, or to effectively

recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

13. Disciplinary Action: The written reprimand, discharge, demotion, reduction in pay, or suspension of a regular or management employee for punitive reasons.
14. Domestic Partner: A person who has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to California *Family Code* section 297 *et seq.*
15. Eligibility List: The list which contains the names of successful applicants according to relative performance on the total weighted examinations.
16. Exempt Service: The Exempt Service shall include the following:
 - a. All elected officials and members of boards and commissions;
 - b. The City Manager, City Attorney, City Clerk, and City Treasurer;
 - c. All Department Directors;
 - d. Architects, consultants, counsel and others rendering temporary professional services;
 - e. Voluntary personnel and personnel appointed to service without pay;
 - f. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood or earthquake which threatens life or property;
 - g. Such other Positions involving seasonal or part-time employment; and
 - h. Any new Position created at the Department Director, Assistant Department Director, or staff level, if it is specified as exempt by the City Council at the time of creation.
17. Full-Time Employees: Employees whose Positions work more than one thousand (1,000) hours per fiscal year. All Positions shall be full-time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.
18. Human Resources Director: The City Clerk/Human Resources Director or his/her designee.
19. Internal Recruitment: A recruitment for a particular Position that is open to Regular and probationary Employees only.

20. Lay-Off: The separation of employees from the active work force due to lack of work or funds, or to the abolition of Positions by the City Council for the above reasons or due to organization changes.
21. Management: Those employees holding the position of Department Director or higher.
22. Minimum Qualifications: The minimum requirements for an applicant to be considered for a particular City position, which vary according to the position sought.
23. Non-exempt Employees: Employee who hold Positions that, by the nature of the job requirements or the salary earned, is entitled to earn compensation at an overtime rate. Non-exempt status is based on applicable state and federal law, including, but not limited to guidelines under the Fair Labor Standards Act ("FLSA").
24. Open-Competitive Recruitment: A recruitment for a particular Position that is open to all interested applicants.
25. Part-Time Employees: Employees whose Positions work less than one thousand (1,000) hours per fiscal year, are paid on an hourly basis and only receive fringe benefits that are specifically provided to part-time employees by separate resolution of the City Council, or as may be expressly provided in these Rules.
26. Position: A group of duties and responsibilities in the Classified Service requiring the full-time or part-time employment of one person.
27. Personnel Officer: The City Manager or his/her designee.
28. Personnel Ordinance: Ordinance No. 92-16 which creates a personnel system for the City.
29. Probationary Period: A period to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the Position to which the employee is appointed by actual performance of the duties of the Position.
30. Promotion: The movement of an employee from one Class to another Class having a higher maximum base rate of pay.
31. Provisional Appointment: An appointment of a person who is not a current employee and who possesses the minimum qualifications established for a particular Class due to the absence of available eligible candidates.
32. Reduction in Pay: A temporary or permanent decrease in an employee's rate of pay for disciplinary reasons.

33. Reemployment List: A list of names of Regular Employees who have been laid off from a Position.
34. Regular Employee: An employee in the Classified Service who has successfully completed the Probationary Period and has been retained as hereafter provided in these Rules.
35. Reinstatement: The restoration without examination of a former employee or probationary employee to a classification in which the employee formerly served.
36. Rejection: The involuntary separation from the City service of an employee who has not successfully completed the Probationary Period for a Position, or the demotion of an employee who did not successfully complete the employee's promotional probationary period.
37. Resignation: The voluntary separation of a City employee from the City service.
38. Salary Range: The range of Salary Rates for a Class.
39. Salary Rate: The dollar amount of each step in a Salary Range, or the flat dollar amount for a Class not having a Salary Range.
40. Salary Step: The minimum through maximum salary increments of a Salary Range.
41. Seniority: An employee's status in relation to other employees based first on years of service in a particular Class and then on total years of service at the City.
42. Suspension: The temporary separation from service of an employee without pay for disciplinary purposes.
43. Temporary Employee: An employee who is appointed for a limited period of time for a specified, limited purpose and is only entitled to benefits as provided by resolution of the City Council. A Temporary Employee is not appointed to a Position.
44. Transfer: The movement of an employee from one Position to another Position in the same Class or to another Class with the same maximum base rate of pay.

SEC. 1.5 NON-DISCRIMINATION

A. Equal Employment Opportunity

The City is committed to a policy of equal opportunities for applicants and employees. The City does not discriminate against applicants or employees with respect to terms or conditions of employment based on race, color, ancestry, national or geographical

origin, ethnicity, sex, gender, sexual orientation (including homosexuality, heterosexuality, and bisexuality), gender identity, gender expression, age, religious or political affiliation or belief, ethnicity, national or geographical origin, creed, physical or mental disability, medical condition, genetic information, marital or registered domestic partner status, membership in or attitude toward any employee organization, military or veteran status, or any other characteristic protected by state or federal law or local ordinance, nor does the City discriminate against applicants or employees who are perceived to have such characteristics or who associate with an individual having such characteristics. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants.

B. Disabled Applicants and Employees

Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and discharge) will not discriminate against disabled employees or applicants. The City will engage in the interactive process, as defined by the Americans with Disabilities Act (“ADA”) and the Fair Employment and Housing Act (“FEHA”), to determine whether an applicant or employee is able to perform the essential functions of his/her position. During this process, the City will examine possible reasonable accommodations that will make it possible for the employee or applicant to so perform.

1. Request for Accommodation. An applicant or employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Human Resources Director. The request must identify: 1) the job-related functions at issue; and 2) the desired accommodation(s). Reasonable accommodation can include, but is not limited to job restructuring, reassignment to a vacant Position for which the employee is qualified, leaves of absence, and making facilities accessible.
2. Reasonable Documentation of Disability. Following receipt of the request, the Human Resources Director may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee’s ability to perform his/her essential functions, but will not require disclosure of diagnosis or genetic history.
3. Interactive Process. The City will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of his/her position. During this process, the City will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant’s health care provider.
4. Case-by-Case Determination. The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of reasonable accommodations(s) to provide. The City will not provide an

accommodation that would pose an undue hardship upon the City or that is not required by law. The City will inform the employee of any decisions made under this section in writing.

5. Fitness for Duty Leave. While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Article 22, Section 14.
6. Medical Examinations.
 - a. Depending on the essential functions of a position, a medical examination may be required for:
 - (1) Applicants who have received a conditional offer of employment;
 - (2) Employees seeking a transfer from one position requiring general physical abilities to another position requiring physical abilities of a more different nature;
 - (3) Employees returning to work from a medical leave of absence. The physician conducting the medical examination will be supplied with a current job description indicating the essential functions of the position; or
 - (4) When a supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.
 - b. The results of all medical examinations will be kept confidential. Examination results for newly hired employees and employees transferring to another position will be kept in the employee's confidential medical file. No employee will hold any position in which the employee is not able to perform the essential functions of the job, with or without reasonable accommodation.

C. Prevention of Harassment/ Discrimination/Retaliation

1. City policy prohibits harassment and discrimination based on an employee's race, color, ancestry, national or geographical origin, ethnicity, sex, gender, sexual orientation (including homosexuality, heterosexuality, and bisexuality), gender identity, gender expression, age, religious or political affiliation or belief, creed, physical or mental disability, medical condition, genetic information, marital or registered domestic partner

status, membership in or attitude toward any employee organization, military or veteran status, and/or any other category protected by federal and/or state law. In addition, City policy prohibits retaliation because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment investigation, proceeding, or hearing.

2. Employees who believe they have been harassed, discriminated against, or retaliated against, should report that conduct to the City, and the City will investigate those complaints. For more information regarding the policy and complaint procedures, employees should review the City's policy against harassment, discrimination, and retaliation.

RULE II. CLASSIFICATION

SEC. 2.1 PREPARATION OF PLAN

The Personnel Officer shall ascertain and record the duties, responsibilities, minimum standards, and minimum qualifications of all Positions in the City and shall recommend a classification/compensation plan for all Positions. The classification/compensation plan need not be contained in only one document, but may be comprised of various documents. The classification/compensation plan shall consist of Classes of Positions defined by Class specifications, including the title. The classification/compensation plan shall be so developed and maintained that all Positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same Class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all Positions in the same Class. The classification/compensation plan will contain the General Salary Schedule and a General Benefits Schedule.

SEC. 2.2 ALLOCATION OF POSITIONS

Following the adoption of the classification/compensation plan, the Personnel Officer shall allocate every Position in the Classified Service to one of the Classes established by the plan.

SEC. 2.3 NEW POSITIONS

A new Position shall not be created and filled until the classification plan has been amended to provide therefore and an appropriate eligibility list established for such Position.

SEC. 2.4 RECLASSIFICATION

Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Officer to a more appropriate Class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect

a change in salary in the absence of a significant, ongoing change in assigned duties and responsibilities.

The Personnel Officer shall consider input from the incumbent Employee in the Position and from the Department Director but shall have sole discretion in determining whether to recommend reclassification of a Position to the City Council.

SEC. 2.5 JOB DESCRIPTIONS

A. The Personnel Officer with the assistance of the Department Directors will prepare written job descriptions for each class of positions.

B. Each job description will include the Class title, a brief description of the scope, nature, and responsibility of the Class, a description of the tasks or duties ordinarily performed in the Positions allocated to the Class; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics, and any additional factors considered pertinent. Job descriptions are not restrictive. The job descriptions, shall not be construed as an all-inclusive list of tasks performed; or be interpreted as restricting the assignment of related tasks not specifically listed therein; or as limiting the authority of supervisory personnel to assign, direct and control the work of subordinate employees. A Department Director may assign other related duties and responsibilities or otherwise direct the work of employees.

C. Substantive revisions to job descriptions that are associated with substantive changes to the duties performed by a particular Class shall be subject to approval by the City Council; however, non-substantive changes, such as to reflect changes in the conditions in which work is currently performed or to improve accuracy in describing the Class or Position title or duties already performed, may be approved administratively by the Personnel Officer.

D. Each job description will identify the date of approval or last revision.

RULE III. COMPENSATION

SEC. 3.1 SALARY ON APPOINTMENT

A. New Employees: New employees shall be paid at the first step of the salary range for the Position to which the employee is appointed except as provided for elsewhere in these Rules.

B. Advanced Step Hiring: The Personnel Officer may appoint a new employee to an advanced step of the pay range if it is determined that qualified applicants cannot be successfully recruited at the first step of the salary range.

C. Reemployment: A person who previously held a Position with the City and was in good standing may, at the discretion of the City Manager, when reemployed in a Position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the

person's termination, or the nearest lower applicable step for the range to which the person is appointed.

SEC. 3.2 SALARY ANNIVERSARY DATES

Employees shall have a salary anniversary date of the first or sixteenth day of the month, whichever is closer to the date of his/her initial hire date, promotion, demotion, reinstatement or reemployment. The salary anniversary date may be modified by the action of the Appointing Authority under Section 7.6.A.4.

SEC. 3.3 INCREASES WITHIN SALARY RANGE

Employees will normally become eligible for an adjustment in pay after twelve (12) months of service in the first or starting step. The adjustment shall be made only if recommended by the Department Director, and if approved by the City Manager. The remaining steps are incentive adjustments, based on performance evaluation, to encourage an employee to perform at his/her highest level, and to recognize seniority and increased skill on the job. Employees are normally eligible for these adjustments any time after the completion of twelve (12) months of service at the preceding step. This period may be shortened or extended in conjunction with the performance report recommendations and as approved by the City Manager.

SEC. 3.4 SALARY UPON PROMOTION

Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the salary range, any employee who is promoted to a Position in a Class with a higher salary range shall be placed on the step in the new higher range which is at least equal to an advancement of a full step over the step he/she held in his/her former range. If the maximum of the range would be exceeded by such advancement, the employee shall receive the top step of the range. An employee thus promoted is assigned to a new salary anniversary date effective on the date of promotion.

SEC. 3.5 SALARY UPON TRANSFER

Any employee who is transferred from one Position to another Position in the same Class, or to another Position in a Class having the same salary range, shall be compensated at the same step in the salary range as he/she previously received and his/her salary anniversary date shall not change.

SEC. 3.6 SALARY ON CHANGE IN RANGE ASSIGNMENT

Whenever a Class is reassigned to either a higher or lower salary range by the Council, the salary of each incumbent in such Class on the date the reassignment is effective shall be adjusted to the step/salary Position in the new range that corresponds to the step/salary he/she was receiving in the former range and he/she shall retain the same salary anniversary date.

SEC. 3.7 SALARY ON REALLOCATION OF POSITION

- A. If the Position is reallocated to a Class having the same salary range, the salary and the salary anniversary date of the incumbent shall not change.
- B. If the Position is reallocated to a Class which has a higher salary range, the City Manager shall adjust the salary of the incumbent employee to any step of the higher salary range which is at least as much as he/she was receiving in the former range and he/she shall retain the same salary anniversary date.
- C. If the Position is reallocated to a Class with a lower salary range, and the employee's salary exceeds the top step of the Class to which his/her Position is reallocated, his/her salary shall not change until it is exceeded by the top step of the Class. The employee's salary anniversary date shall not change.

SEC. 3.8 SALARY ON DEMOTION

Any employee who is demoted to a Position in a Class with a lower salary range shall have his/her salary reduced to a salary step in the range for the lower Class which is:

- A. If a disciplinary demotion, one or more steps less than that received in the salary range for the Class from which demoted. A new salary anniversary date shall be established on the basis of the demotion.
- B. If a non-disciplinary demotion, the step he/she would have attained in that lower Class if his/her services had been continuous in said lower Class with the same level of performance and length of service. He/she shall retain his/her salary anniversary date.

SEC. 3.9 ACTING PAY

An employee who is required on the basis of an acting appointment to serve in a Class with a higher salary range than that of the Class in which he/she is normally assigned, shall receive the entrance salary rate of the higher salary range or one rate higher than the rate he/she normally receives, whichever is greater, provided the employee shall possess the Minimum Qualifications for the higher Class, and perform all the duties and assume all the responsibilities of the higher Class on a full-time basis. An employee is entitled to acting pay only after the employee has served for ten (10) consecutive working days in the higher classification. Acting appointments will be made for an initial 30-day period and may be extended by the City Manager for successive 30-day periods up to a maximum duration of six (6) months.

SEC. 3.10 ON-CALL PAY

Non-exempt employees in field positions who are placed on "on-call" status by the Department Director shall receive \$60.25 for each pay period for which they are in "on-call" status.

SEC. 3.11 MONTHLY SALARY

Monthly salary rates for Non-exempt employees are based on a 40-hour work week and no authorization may be made for such an employee to work less than said work week without a directly proportionate decrease in compensation, unless paid leave is used to make up the difference.

SEC. 3.12 SERVICE BONUS

- A. As an incentive for continued employment with the City, employees will receive a service bonus on the following schedule:
1. \$50 per month for completion of 5 to 9 consecutive or cumulative years of City employment.
 2. \$100 per month for completion of 10 to 14 consecutive or cumulative years of City employment;
 3. \$150 per month for completion of 15 to 19 consecutive or cumulative years of City employment.
 4. \$200 per month for completion of 20 or more consecutive or cumulative years of City employment.
- B. Employees who were first hired on or before March 1, 1982 and have completed 20 or more consecutive years of City employment will receive \$286 per month.

SEC. 3.13 SPECIAL SALARY ADJUSTMENTS

Notwithstanding anything in these Rules to the contrary, in order to correct gross inequities, or in exchange for outstanding achievement and performance that the City Council may find justified, the City Council may by the affirmative vote of no less than three members, upon recommendation of the City Manager, adjust the salary rate of an incumbent of a particular Position to any step within the salary range for the Class to which the Position is allocated.

SEC. 3.14 PAY PERIODS

- A. Timing of Pay Periods
1. The salaries and wages of all employees are paid semi-monthly, on the 15th day and the last day of every month.
 2. The Personnel Officer retains discretion to change the timing of future pay periods from semi-monthly to bi-weekly. Should the Personnel Officer decide to implement this change, employees will receive written notice of the intended change before the next pay day.

3. In the event a pay day falls on one of the holidays listed in these rules, or on a Saturday or Sunday, the immediately previous working day shall become the pay day.

RULE IV. APPLICATIONS, RECRUITMENT AND EXAMINATIONS

SEC. 4.1 VACANCIES

- A. Vacant regular Positions in the Classified Service may be filled only by selection from an eligibility list, by acting or provisional appointment, by transfer, by reinstatement or by demotion. Selection of employees for Positions in the Classified Service is made by the Department Director for the Position, subject to approval by the City Manager.
- B. When a Classified Service Position becomes vacant, the Human Resources Director shall be notified by the Department Director responsible for the Position regarding the need to fill the vacancy, and the requested method for filling the vacancy.

SEC. 4.2 ANNOUNCEMENT OF VACANCIES / ACCEPTANCE OF APPLICATIONS

- A. If a continuing need for the Position exists, the Personnel Officer will determine whether to conduct an initial internal recruitment or proceed directly to an open-competitive recruitment.
- B. The Personnel Officer may conduct an internal recruitment when he or she determines, in his/her sole discretion, that doing so is in the best interest of the City.
 1. If the Position will be filled by open-competitive recruitment only, then the Human Resources Director will publicly advertise the Position by a written announcement setting forth the basic requirements for the job, a closing date for acceptance of applications, and information where applications and the job description can be obtained.
 2. If the Personnel Officer determines that an initial internal recruitment will be conducted, , then the Human Resources Director will limit all initial advertisement for the position to current employees only and will initiate the examination process in accordance with Section 4.3.A., ending with an interview with the responsible Department Director.
 3. Following completion of the interview process for internal applicants and scoring of candidates in accordance with Section 4.3.A.2.c., the Department Director will provide the Personnel Officer with a written recommendation, as follows:
 - a. The internal eligibility list should be used in accordance with Section 4.3.F. to extend a conditional offer of employment.

- b. Cause exists as set forth in Section 4.3.B. to abolish the internal eligibility list and proceed with an open-competitive recruitment for which any prior internal candidates may re-apply.
- C. If the Personnel Officer finds cause to abolish the internal eligibility list, the affected applicants will receive written notice of this action and of the opportunity to re-apply in connection with the open-competitive recruitment.
- D. For all recruitments, applications will be available in the office of the Human Resources Director and online through the City's website. Applications will be collected by the Human Resources Director until the closing date specified in the announcement for acceptance of applications.

SEC. 4.3 ELIGIBILITY LIST / SELECTION TESTING

Following the closing date for applications, and completion of the examination process, an eligibility list shall be created.

A. Examination Process

1. Criminal Conviction History

- a. The City shall not ask any applicant for employment to disclose, through any written form or verbally, at any time, information concerning an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or posttrial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, including, but not limited to, Sections 1203.4, 1203.4a, 1203.45, and 1210.1 of the Penal Code.
- b. Unless otherwise required by law, the City shall not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, until the City has determined that the applicant meets the minimum employment qualifications, as stated in any notice issued for the position. The job announcement for the position in question will advise whether a lawful exception to this provision applies, such as for positions subject to the stringent requirements of Public Resources Code Section 5164.
- c. Applicants who are invited to participate in an interview following initial screening for minimum qualifications will be requested to complete a supplemental application regarding criminal conviction history for review by the City, and a background screening, as part of the examination process.

2. Examination Process and Background Screening

- a. Examinations shall be conducted and used to aid in the selection of qualified employees. They shall consist of recognized selection techniques that will fairly test the qualifications of candidates and shall be job-related. Examinations may include, but are not limited to, written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination thereof. The Human Resources Director may set minimum standards for all tests.
- b. All employees will have their fingerprints submitted for clearance through the California Department of Justice and other agencies as deemed appropriate. Fingerprints will be submitted using the "LiveScan" process and in accordance with applicable state, federal, and local laws regarding the LiveScan process.
- c. The City also retains the right to conduct a thorough background check of each applicant. When conducting background checks on applicants, the City shall comply with all requirements of the Federal Fair Credit Reporting Act and the California Investigative Consumer Reporting Agencies Act.
- d. Upon scoring of all selection components, the names of applicants will be placed on eligibility lists, ranked according to scores.
- e. In case of tied scores, the following rules shall apply:
 - (1) For purposes of placement on the list of eligibles, if an applicant who has a tied score is a veteran, as that term is defined in Section 50088 of the California Government Code, or as may be amended, the tie will be broken in favor of the veteran, such that the veteran will be placed at a higher position than the non-veteran.
 - (2) All other candidates with tied scores shall be listed in alphabetical order.

B. Duration of Eligibility Lists.

- 1. Eligibility lists shall become effective upon the Personnel Officer's certification that the lists represent the relative evaluations of the candidates whose names appear on them.
- 2. Unless otherwise provided in these Personnel Rules, eligibility lists shall be effective for a period of one (1) year from the date of their establishment, provided that the Personnel Officer may extend the period not to exceed an additional twelve (12) months. The Personnel Officer may abolish for cause an eligibility list at any time and request a new recruitment and the preparation of a new eligibility list for any Class or position. Two (2) or less names of qualified candidates available for

appointment on an eligibility list constitutes sufficient cause for abolishing an eligibility list, but is not the sole reason constituting cause.

C. Removal of Names from Eligibility Lists. The Personnel Officer may remove the name of any eligible candidate from an eligibility list for any of the following reasons:

1. On evidence that the eligible candidate cannot be located by postal authorities. Failure to reply within five (5) business days to a letter requesting information as to availability for appointment, or failure to notify the Personnel Officer of any change of address resulting in the return of letters without forwarding by the U.S. Post Office, will be considered grounds for removal. A candidate who is notified of his/her removal under this section may request in writing that the Personnel Officer restore his/her name to the eligibility list. Such a request may be granted if, in the Personnel Officer's sole discretion, an acceptable reason exists for the candidate's failure to reply to a notice requesting availability for appointment or failure to file a notice of a changed address. Upon receipt of a verbal or written statement from the eligible candidate declining appointment and stating that he/she wishes his/her name to be removed from the eligibility list.
2. If an offer of regular full-time employment in the Class for which the eligibility list was established has been declined by the eligible candidate.
3. If an eligible candidate on a promotional eligibility list leaves the City service.
4. After a determination has been made by the Personnel Officer that the candidate does not meet job-related standards.

D. Availability of Candidates. It shall be the responsibility of eligible candidates to notify the Human Resources Department in writing of any change of address or other change affecting availability for consideration for appointment.

E. Disqualification based on Criminal Conviction History

1. If the supplemental application or a subsequent background screening discloses a previous criminal conviction, the Personnel Officer will take into account a number of factors in determining whether to disqualify the applicant or rescind a conditional offer, if any. Such factors may include the nature of the position, nature of the conviction, length of time since conviction and completion of any resulting incarceration or probation. If the Personnel Officer disqualifies the candidate based on the conviction, the City will provide written notification along with a copy of the criminal history report, if any.

F. Conditional Offer of Employment:

All job applicants are required to submit to a physician's examination, and depending on the Position, may also be required to submit to a drug screen, at the City's expense, upon being made a conditional offer of employment. No job commitment shall be made until a negative drug screen result is obtained, where applicable, and a physician has certified that the applicant is medically fit to perform the essential functions of the Position, with or without reasonable accommodation. When the applicant reports to the medical facility for the scheduled examination, personal identification shall be provided to the facility in the form of a photograph and verifiable signature (for example, a driver's license). All test results will be kept confidential. The applicant will be told whether the tests were passed or failed, but only the Human Resources Director, the Personnel Officer and their assistant(s) will have access to the test results, on a need-to-know basis.

G. Employment Oath:

All employees of the City must complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment or as soon thereafter as practicable in accordance with Article XX, Section 3 of the Constitution of the State of California. A signed copy will be included in the employee's personnel file.

RULE V. APPOINTMENTS

SEC. 5.1 APPOINTMENT OF NEW EMPLOYEE

The hire date of a new employee shall be that of the first day actually worked.

SEC. 5.2 PROVISIONAL APPOINTMENTS

- A. It shall be the policy of the City to require all Department Directors and other appointing authorities, whenever possible, to notify the Human Resources Director of impending or anticipated vacancies in their departments sufficiently in advance so as to allow for the establishment of an appropriate eligibility list. However, when the demands of the services are such that it is not practicable to give such notification and if it is not practicable to delay appointment until a new eligibility list can be certified, the Appointing Authority may make a provisional appointment to the Position. As soon as practicable, but not longer than six (6) months after a provisional appointment has been made, the Human Resources Director may cause an examination to be prepared, and all Positions filled provisionally shall be filled by an appointment from an eligibility list. No person shall be employed by the City under provisional appointment for a total of more than six (6) months in any fiscal year except that the City Manager may, with approval of a majority of the Council, extend the period of any provisional appointment for not more than ninety (90) days by any one action and shall not exceed a total of twelve (12) months.
- B. A person appointed to a Position on a provisional basis shall not be entitled to credit for the time served under the provisional appointment toward the completion of his/her Probationary Period and shall be entitled to the same salary and other benefits as an applicant appointed from an eligibility list except that

he/she may not be employed under the provisional appointment for longer than the period authorized herein.

- C. No preference shall be allowed in any examination or the establishment of any eligibility lists for a Position for an applicant who rendered service in that Position under a provisional appointment.

SEC. 5.3 ACTING APPOINTMENTS TO A HIGHER CLASS

An acting appointment may be made of a current employee to a higher Class or Position occupied by a person on temporary leave or disability. Such acting appointment shall not exceed six (6) months. The City Manager may extend acting appointments for successive thirty (30) day periods. Acting appointments shall be made in accordance with the provisional appointments section of the Personnel Rules. The City Manager shall determine the amount of Acting Pay in accordance with Section 3.9. of these Rules Upon the return of the incumbent from leave or disability, the acting appointment shall be immediately terminated, and the appointee shall resume the duties and receive the compensation and privileges as if he/she had continued his/her duties in his/her previous classification.

SEC. 5.4 REINSTATEMENT

The Appointing Authority may, with the approval of the Personnel Officer, reinstate any person who has resigned in good standing, provided that such reinstatement is accomplished within one (1) year of the date of resignation, or as otherwise required by law. Such reinstatement action may, at the discretion of the Appointing Authority, take precedence over any eligibility list except a reemployment list. Any person so reinstated shall be subject to a new Probationary Period of the same length as established for new appointees to a Position in the Class, unless excused by Personnel Officer.

SEC. 5.5 TRANSFER

The Personnel Officer may transfer an employee from one Position to another in the same Class or a comparable Class at the same salary level. While the Personnel Officer retains the right to order the transfer, consideration will be given to the affected employee's and the Department Director's wishes. An employee may initiate a request for transfer to an available position in the same Class for which a recruitment has not yet opened pursuant to Section 4.2, and for which he/she meets the Minimum Qualifications by submitting a request in writing to the Personnel Officer. The Department Director will issue a written recommendation to the Personnel Officer as to whether to proceed with an internal recruitment in accordance with Section 4.2, proceed with an open-competitive recruitment, or to exercise the discretion to grant the employee's transfer request.

SEC. 5.6 NEPOTISM

- A. Definitions.

1. Applicant. A person who applies for a position at the City and is not a Current Employee.
2. Change of Status. A change in the legal status or personnel status of one or more Current Employees.
 - a. Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a Current Employee becomes a Family Member or ceases to be a Family Member of another Current Employee.
 - b. Changes in personnel status include but are not limited to promotion, demotion, transfer, resignation, retirement or termination of a Current Employee who is a Family Member of another Current Employee.
3. Current Employee. A person who is presently a City employee, or an elected or appointed City official.
4. Direct Supervision. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute Direct Supervision:
 - a. Occupying a position in an employee's direct line of supervision; or
 - b. Functional supervision, such as a lead worker, crew leader, or shift supervisor;
 - c. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.
5. Family Member: A spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, child, step-child, legal ward, daughter-in-law, son-in-law, grandchild, or grandparent.
6. Prohibited Conduct. Conduct by Family Members including, but not limited to, one or more of the following:
 - a. Participation directly or indirectly in the recruitment or selection process for a position for which a Family Member is an Applicant.
 - b. Direct Supervision of a Family Member that does not comply with limitations set forth in this Rule;
 - c. Conduct by one or more Family Members that has an adverse effect on supervision, safety, security or morale.

B. Guidelines for Applicants.

1. No qualified Applicant may be denied the right to file an application for employment and compete in the examination process. However, consistent with this Article, the City may reasonably regulate, condition, or prohibit the employment of an Applicant for a full-time position.
2. Disclosure: Each Applicant is required to disclose the identity of any Family Member who is a Current Employee.
3. Assessment by the Personnel Officer: For each Applicant who has a Family Member who is a Current Employee, the Personnel Officer shall assess whether any of the following circumstances exist:
 - a. Business reasons of supervision, safety, security or morale warrant the City's refusal to place the Applicant under Direct Supervision by the Family Member; or
 - b. Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for Family Members than for other employees, which warrant the City's refusal to permit employment of Family Members in the same department, division, or facility.
4. Decision of the Personnel Officer: If the Personnel Officer determines that either of the above circumstances exist, the Personnel Officer shall exercise his or her discretion to either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.
5. Following examination, if the Applicant is successfully certified as eligible pursuant to Article VIII, he or she may be employed in a position for which the Personnel Officer has determined that neither circumstance exists pursuant to Section 5.6(B)(3).
6. When an eligible Applicant is refused appointment by virtue of this Article, his or her name shall remain on the eligibility list for openings in the same classification. For each opening, the Personnel Officer shall make a determination consistent with Section 5.6(B)(3).

C. Guidelines for Current Employees.

1. Employees shall report a Change of Status to the Personnel Officer within a reasonable time after the effective date of the Change of Status. Wherever feasible, Employees shall report a Change of Status in advance of the effective date.
2. Within thirty days from receipt of notice, the Personnel Officer shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the Change of Status

has the potential for creating an adverse impact on supervision, safety, security, or morale.

- a. The Personnel Officer shall consult with an affected Department Director to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.
 - b. Notwithstanding the above provisions, the City retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action pursuant to Section 5.6(C)(3)(a).
3. Following a Change of Status or new hire of a Family Member, affected Department Directors shall reasonably monitor and regulate both Family Members' conduct and performance for a period of one year from the date of the Personnel Officer's determination. The Department Director shall document these actions. Successive Department Director may re-visit such a determination at their discretion.
- a. If the Department Head determines, subject to any applicable requirements of due process, that an employee has engaged in Prohibited Conduct, the Department Director shall re-visit the Personnel Officer's determination. Depending on the severity of the Prohibited Conduct, the Department Director may recommend that the Personnel Officer take one or more of the following additional measures:
 - (1) Transfer one of the Family Members to a similar position that would not be in violation of this policy. The transfer will be granted provided the Family Member qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level.
 - (2) If the situation cannot be resolved by transfer, one of the Family Members must separate from City employment. If one of the employees does not voluntarily resign, the employee with primary responsibility for the Prohibited Conduct will be discharged.
4. Department Directors who receive complaints from other employees that one or more Family Members has engaged in Prohibited Conduct shall respond in accordance with existing complaint and disciplinary procedures, where applicable.

5. Where situations exist prior to the effective date of this Article that may be in conflict with this Article, every effort shall be made to reasonably address the situation so as to avoid any future conflict.
- D. Employee Complaints. Employees who believe that they have been adversely affected by Prohibited Conduct by one or more Family Member should submit complaints to a Department Head or to the Personnel Officer.
- E. Savings Clause. Should any provision of this Rule, or any application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by such law, regulation or court decision, but in all other aspects, the provisions of this Rule shall continue in full force and effect.

RULE VI. PROBATION

SEC. 6.1 PROBATIONARY STATUS

During the Probationary Period the employee, unless subject to the terms and conditions of an employment contract, may be rejected at any time, for any lawful reason, or no reason.

SEC. 6.2 PROBATIONARY PERIODS

- A. The Probationary Period shall not include time served under a temporary, acting or provisional appointment. Periods of time on leaves longer than thirty (30) days require that the Probationary Period be extended a period of time equal to the amount of time spent on leave.
- B. Length of Probationary Period:
 1. All original and promotional appointments shall have a Probationary Period of one (1) year.
 2. Probationary Period - Transfers: Whenever a transfer is made, at the initial request of the employee, the transfer shall be subject to the employee satisfactorily completing a six (6) month probation period in the new Position or completing the remainder of the original Probationary Period, whichever is longer.
 3. Performance Reports for Probationary Employees. In accordance with Section 7.3, during the probationary period, all probationary employees will be evaluated in three month increments for the duration of the probationary period.
 4. Extension of Probationary Period: At the discretion of the Appointing Authority, any employee serving a Probationary Period may at the conclusion of such period have his/her Probationary Period extended for up to an additional six (6) months, but for no longer than a total of twelve months. The Appointing Authority shall notify the Personnel Officer of

such contemplated extension of the Probationary Period, before taking such action. Employees shall be notified in writing of any extension Probationary Periods.

SEC. 6.3 REGULAR STATUS

- A. An employee's status shall be considered regular upon his/her completion of the applicable Probationary Period, including any extension implemented in accordance with Section 6.2.B.4.
- B. If a probationary employee receives written notice of rejection from the Personnel Officer prior to expiration of the applicable Probationary Period, the employee has not attained "completion" within the meaning of Section 6.3.A .

SEC. 6.4 REJECTION DURING PROBATIONARY PERIOD OF PROMOTED EMPLOYEES

- A. Regular Employees: A Regular employee who is rejected during the Probationary Period from a Position to which he/she has been promoted shall be reinstated to the Position from which he/she was promoted, if such Position is vacant and existing, unless he/she is discharged for cause, which would have been sufficient to cause his/her discharge from his/her former Position as well. In such case, the employee shall be entitled to appeal his/her discharge as provided in these rules.
- B. Probationary Employees: Employees promoted to a higher Class while on probation in a lower Class and who subsequently fail to perform satisfactorily in the promoted Position will be entitled to return to their former Position provided the Position has not been eliminated and is vacant. Such employee shall continue to serve a Probationary Period for the length of time remaining on the Probationary Period at the time of promotion.

RULE VII. **PERFORMANCE REPORTS**

SEC. 7.1 POLICY

It is the policy of the City that periodic and regular reports be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is the responsibility of the City Manager and the Department Directors that these ratings be made. It is the responsibility of the Human Resources Director to provide and prescribe the forms and procedures to be used in such reports of performance so that the program of performance reporting will be carried on in a sound, timely, and effective manner.

SEC. 7.2 AUTHORITY TO MAKE REPORTS

Department Directors shall have the authority to prepare reports of performance for those employees within his/her department. The City Manager shall prepare reports of performance for the Department Directors. The City Manager shall review and approve

all personnel performance reports following review and signature by the employee and his/her Department Director.

SEC. 7.3 TIME FOR REPORTING

- A. Probationary Employees: Within ten (10) days prior to the completion of every three (3) months during the Probationary Period, the Department Director shall furnish the Human Resources Director with a report as to the progress and capacity of the probationary employee, a copy of which shall also be furnished to the probationer.
- B. Regular Employees: A report for an employee shall be prepared and received within thirty (30) days after his/her salary anniversary date, provided that the employee may in addition be given a report of performance at any other time during the year upon his/her request or at the discretion of the Appointing Authority, and provided further that any employee who has been rated "improvement needed" or "unsatisfactory" shall be reported on again three (3) months from receiving such rating and again three (3) months subsequent to that in connection with a Performance Improvement Plan, as set forth in Section 7.6.B.
- C. Lack of Opportunity to Observe Performance: If, as a result of extended absence or other circumstances resulting in a Department Director's opportunity to observe an employee's performance for fewer than three (3) months, the employee and Department Director may mutually agree in writing to delay issuance of the report of performance by up to three (3) months. If the employee is eligible for a step advancement, and the Department Director determines that the employee's performance so warrants, he/she may recommend to the City Manager that the employee receive the step advancement retroactively to the salary anniversary date.

SEC. 7.4 REVIEW WITH EMPLOYEE

It is acknowledged that one of the prime benefits of a sound performance rating system is that it can bring together the employee and his/her Department Director in a frank and constructive discussion and appraisal of the employee's work and the specific ways in which it may be improved. Therefore, each performance report shall be thoroughly discussed with the employee with this view in mind. The employee shall sign the report to acknowledge its contents. Such signature shall not necessarily mean the employee endorses the content of the report. The employee shall be entitled to submit a written response to his/her performance report within 10 calendar days of receipt of the performance report. Any such response will be attached to the employee's performance report and maintained in his/her regular personnel file. No administrative appeal of the rating or contents of a performance report may be had by the employee.

SEC. 7.5 DISTRIBUTION OF REPORTS

Reports shall be prepared in three (3) copies. After review and approval of the Appointing Authority, one copy shall be retained by him/her for his/her files, one copy

provided to the employee, and one copy shall be transmitted to the Human Resources Director. The Human Resources Department copy, along with any response by the employee, shall be made a part of the employee's employment history and included in the employee's personnel file.

SEC. 7.6 PERFORMANCE RATINGS

A. Effects of "Improvement Needed" and "Unsatisfactory" Ratings:

1. Any employee who receives an overall rating of "unsatisfactory" or of "improvement needed" will not be eligible to be appointed off of any eligibility list until a satisfactory rating is established.
2. Any employee who receives an overall rating of "unsatisfactory" or of "improvement needed" will not receive any merit salary increase during the period following the report, except as provided in subsection 5 below.
3. Any employee who receives an overall rating of "unsatisfactory" or of "improvement needed" may be subject to a Performance Improvement Plan, as provided in subsection 7.6.B., below.
4. In any case, where an employee receives an overall rating of "unsatisfactory" on two (2) consecutive occasions or "improvement needed" on three (3) consecutive occasions, Disciplinary Action shall be taken by the Appointing Authority as provided for in these rules, if such action has not already been taken.
5. If an employee who has been denied a merit salary increase improves his/her performance to such an extent that the Appointing Authority believes a merit salary increase is now justified, the Appointing Authority shall indicate the improvement on a report of performance form and may specifically award a merit salary increase. Additionally, in awarding the merit salary increase under this subsection, the Appointing Authority may change the merit salary increase anniversary date to the date of the award of the merit salary increase or may permit the anniversary date to remain the same. Any merit salary increase awarded under this subsection shall not be made retroactive.

B. Performance Improvement Plan:

1. The Personnel Officer may authorize the use of a Performance Improvement Plan following an employee's receipt of an overall rating of "unsatisfactory" or "improvement needed" in his/her most recent performance report, or upon request of a Department Director whose other efforts to have an employee conform to the Department's policies and procedures or other standards of performance have not been successful.

2. A Performance Improvement Plan is not a disciplinary action, and should not be used in place of appropriate disciplinary action.
3. A Performance Improvement Plan shall detail the specific reasons that performance is deficient or non-compliant, requirements for improvement, the number of special and/or regular evaluation periods that the Plan is intended to be in place, and a schedule for review of the employee's progress under the Plan.
4. The employee will receive an opportunity to meet with his/her Department Director or the Personnel Officer to provide input into the terms of the Performance Improvement Plan before the Plan takes effect. However, in the Personnel Officer's discretion, the Performance Improvement Plan may take effect prior to expiration of the employee's time to respond to his/her performance report; as set forth in Section 7.4.
5. The Personnel Officer shall retain discretion to determine at any time that an employee under a Performance Improvement Plan has not demonstrated reasonable improvement and that the Plan should be discontinued.
6. The Personnel Officer may further determine at any time that Disciplinary Action is warranted to address an employee's insufficient performance or other misconduct in accordance with Rule XII.
7. If the Personnel Officer determines that the employee has demonstrated sufficient improvement under the terms of the Performance Improvement Plan, and the employee then maintains acceptable performance over the full period of the Performance Improvement Plan, then the Plan shall be considered "successful."
 - a. After the completion of a "successful" Work Improvement Program, the City shall maintain a record of the Program in the employee's personnel file.
8. If the Personnel Officer determines that a Performance Improvement Plan has not been "successful," or that the employee's performance has regressed in the evaluation period following completion of a "successful" Performance Improvement Plan, the Personnel Officer may determine that disciplinary measures are warranted in accordance with Rule XII.

RULE VIII.
HOURS OF WORK/OVERTIME

SEC. 8.1 POLICY

It is the policy of the City that eight (8) hours shall constitute a day's work and five (5) days shall constitute a week's work, for all Full-Time Employees, except that work days

and work weeks of a different number of hours may be established in order to meet the varying needs of the different City departments where permitted by law.

SEC. 8.2 WORK WEEK

The work week shall be seven (7) consecutive twenty-four (24) hour periods starting at 12:01 a.m. on Monday and ending at midnight on the following Sunday..

SEC. 8.3 DAILY HOURS OF WORK

Daily hours of work or shifts for employees within departments shall be assigned by Department Directors as required to meet the operational requirements of said departments. The normal work shift for employees is eight (8) hours per day.

SEC. 8.4 CHANGE IN WORKING HOURS

Any foreseeable absence or deviation from scheduled working hours desired by an employee shall, in advance, be cleared in writing through the office of the Human Resources Director, and such absence shall be noted on the employee's time sheet.

SEC. 8.5 OVERTIME AND COMPENSATORY TIME OFF

A. Overtime Compensation:

1. Employees shall not perform work outside of their regularly scheduled shifts unless requested to do so by a Department Director or with advance written authorization from a Department Director. This requirement applies to, but is not limited to:
 - a. Work performed before the start of the shift;
 - b. Work performed during meal periods;
 - c. Work performed after the end of the shift; and
 - d. Other work performed "off the clock" including work performed at home.
2. All employees shall take reasonable measures wherever feasible to avoid the need for work to be performed outside of their regularly scheduled shifts. Where required, time spent on such work shall be kept to a minimum.
3. Department Directors shall adhere to the following guidelines in requesting or assigning work outside an employee's regularly scheduled shift:
 - a. An employee who may be required to perform work outside the regular shift shall be notified of the apparent need for such work as soon as practicable prior to when the work is expected to begin.

- b. When practicable, opportunities shall be made available on an equal basis to employees capable of performing the work.
 - 4. Non-exempt employees shall be paid at one and one-half times the employee's regular rate of pay for all hours worked in excess of forty (40) hours in a work week. Vacation, sick leave, holidays, jury duty and compensatory time off shall not be considered hours worked. Although no Department Director shall be entitled to any compensation for overtime work, Department Directors shall receive management leave as specified in Section 9.13.
 - 5. Employees shall be subject to discipline, up to and including termination, for violation(s) of this section.
- B. Compensatory Time Off: Employees may elect to convert earned overtime to compensatory time off at the rate of one and one-half (1½) hours for each hour actually worked, subject to the prior approval of the Department Director. Employees may not accrue more than eighty (80) hours of compensatory time off. Employees shall be permitted to use compensatory time off within a reasonable period of time after the employee makes a request, provided that it does not unduly disrupt the City's operations. "Unduly disrupt" shall mean that it would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time the employee requested off. Compensatory time off shall be used within one (1) year from the time overtime was performed. If the Department Director is unable to schedule and grant the time off within one (1) year, cash payment shall be made at the employee's current rate of pay in lieu of compensatory time off. An employee whose employment is terminated for any reason shall be paid for all unused compensatory time off at a rate of the higher of (1) the average hourly rate the employee earned during the last three (3) years of employment; or (2) the final hourly rate earned by the employee.

SEC. 8.6 REST BREAKS

Non-exempt employees shall be entitled to a paid 15-minute break for every four (4) hours worked. Such time shall be considered hours worked.

SEC. 8.7 MEAL PERIODS

- A. Non-exempt employees are entitled to unpaid, thirty minute meal periods during which they shall be entirely relieved of responsibilities and restrictions. Such time shall not constitute hours worked.
- B. Department Directors shall schedule meal periods to ensure appropriate coverage.
- C. Non-exempt employees who work during their meal periods shall be paid for time worked.

RULE IX.
LEAVES OF ABSENCE

SEC. 9.1 HOLIDAYS

- A. The following days shall be recognized and observed as paid holidays:
1. New Year's Day (January 1)
 2. Martin Luther King Jr.'s Birthday
 3. Presidents' Day
 4. Memorial Day
 5. Independence Day (July 4)
 6. Labor Day
 7. Admission Day (September 9) (taken as a floating holiday)
 8. Veteran's Day (November 11)
 9. Thanksgiving Day
 10. Day After Thanksgiving Day
 11. Christmas Eve (December 24)
 12. Christmas Day (December 25)
- B. For purposes of this Rule, a holiday will be considered to be "observed" by the City solely on those days on which City Hall would usually be open but is closed due to the holiday.
- C. If a holiday falls on a Sunday and is observed nationally the following Monday, the City will observe the holiday on the following Monday.
- D. Full-Time and Probationary Employees shall receive one (1) day's pay for each of the holidays listed above for the number of hours they would have been scheduled to work.
- E. Whenever a holiday falls on a Saturday or Sunday and is not otherwise observed by the City, the employee will be granted an additional vacation day for each Saturday or Sunday holiday worked.
- F. If any employee works on the day the City observes any of the holidays listed above (excluding Admission Day), he/she shall be paid for all hours worked at the rate of two (2) times his/her hourly rate of pay and shall be granted a different day off in lieu of the holiday.
- G. Birthday Holiday: Each employee is entitled to one paid holiday in celebration of his/her birthday. The employee is required to observe this holiday on a date that falls within the period from seven calendar days before to seven calendar days after the employee's birthday. If the employee is unable to observe the birthday holiday during this time period because the Department Director has determined that it would cause a hardship to the department or to the City, the City Manager can approve an exception in writing to permit the employee to observe the birthday holiday at a later date in the same calendar year. An employee who does not observe his/her birthday holiday in the time period specified, and does

not request an exception before the expiration of the birthday holiday observation period, shall not be permitted to observe the birthday holiday that year. A birthday holiday has no cash value and shall not be paid out or carried forward.

SEC. 9.2 VACATION

- A. Full-time and Probationary employees in all classifications shall accrue vacation, on a daily basis, according to the following schedule:
 - 1. From the date of hire through five (5) years of service: ten (10) days per year.
 - 2. Beginning the sixth year through ten (10) years of service: fifteen (15) days per year.
 - 3. Beginning the eleventh year of employment: twenty (20) days per year.
- B. The City Manager may in his/her sole discretion, permit a Department Director to accrue vacation on a schedule other than as specified in Section 9.2.A. The City Manager shall specify the applicable schedule in writing at the time of hire.
- C. The maximum number of vacation days that may be accumulated by an employee is forty (40) days. Once an employee reaches the maximum accumulation, he/she shall cease vacation accrual until his/her total number of vacation hours falls below the maximum allowable.
- D. A maximum of five (5) vacation days per calendar year may be converted to compensation and shall be paid at the employee's rate of pay at the time of the conversion.
- E. An employee may also convert an additional five (5) vacation days per calendar year to compensation, which shall be paid at the employee's rate of pay at the time of the conversion, provided that the employee takes an additional five (5) days of vacation off work during the same pay period in which the conversion occurs.
- F. At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated vacation time at the employee's straight time rate of pay at the time of termination.
- G. The City will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness constituting a "serious health condition" within the meaning of the City's Family Care and Medical Leave, Pregnancy Disability Leave, and Military Family Leave Policy where sick leave has been fully used.
- H. If a holiday falls on a work day during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

- I. Vacations may be scheduled at any time during the year upon written approval of the Department Director.

SEC. 9.3 SICK LEAVE

A. Definitions:

1. Immediate Family: Immediate Family means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands *in loco parentis*; biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee's spouse or registered domestic partner, or a person who stood *in loco parentis* to either the employee or the employee's spouse or domestic partner as a minor; or an employee's spouse, registered domestic partner; grandparent; grandchild; or sibling, including half-siblings.
2. Permitted Use of Sick Time:
 - a. Permitted Use of Sick Time consists of any of the following:
 - (1) Diagnosis, care, or treatment of the existing health condition of an employee or a member of the employee's Immediate Family;
 - (2) Preventative care for an employee or a member of the employee's Immediate Family;
 - (3) For employees who are victims of domestic violence, sexual assault, or stalking, leave taken for the purposes described in Sections 230(c) and 230.1(a) of the California Labor Code.
 - (4) Extension of Bereavement Leave to which an employee is entitled under Section 9.4.
3. Full-Time Employees: For purposes of this policy a "Full-Time Employee" means any Regular or Probationary Full-Time Employee, as defined in Section 1.4.B.17.
4. PTS Employees: For purposes of this policy a "PTS Employee" means any employee who is not a Full-Time employee, including, but not limited to, part-time, temporary, and seasonal employees.
5. New Hires: For purposes of this policy, a "New Hire" refers to any employee hired to work at the City on or after July 1, 2015.
6. Employees: For purposes of this policy the term "Employees" without further modification includes all City employees, regardless of status or hire date.

B. Eligibility:

All Employees are eligible to accrue and use paid sick leave in accordance with the applicable terms of this policy.

C. Waiting Period Prior to Use of Sick Leave by New Hires:

All New Hires must complete an initial, one-time 90-calendar day waiting period before using sick leave. Employees who leave City employment before completion of the 90-day waiting period are not entitled to use any sick leave. However, New Hires who return to City employment within 12 months of separation will have their sick leave balances restored in accordance with Section 9.3.H and need only complete the remainder of the 90-day period before becoming entitled to use available sick leave.

D. Accrual:

1. Full-Time Employees

Full-Time Employees shall earn sick leave at the rate of 8 hours per month. There shall be no limit on sick leave accrual.

2. PTS Employees

PTS Employees will receive a bank of 24 hours of sick leave on July 1, 2015 or on the first day of the next month following their first date of employment, whichever is later. New Hires must satisfy the waiting period set forth in Section 9.3.C. before using any time from the sick leave bank.

The City will provide an additional bank of 24 hours of sick leave on January 1 of each subsequent calendar year to each PTS employee.

PTS Employees shall accrue no additional sick leave beyond the 24-hour bank and shall have no right to carry over banked hours from year to year.

E. Notice:

1. Unscheduled Time Off: An Employee shall contact his/her immediate supervisor prior to the commencement of the assigned work shift, or as soon thereafter as is practical, to report absence from work due to a Permitted Use of Sick Time. Consideration shall be given to emergency situations that restrict the employee from contacting his/her immediate supervisor prior to his/her assigned work shift, including, but not limited to accident, injury, or hospitalization.

a. An employee shall notify his/her immediate supervisor before the employee leaves the work site prior to completion of the work shift due to any unscheduled Permitted Use of Sick Time; however, the employee need not provide the reason that sick time is needed to the immediate supervisor.

2. Scheduled Time Off: Notice of time off for scheduled appointments involving a Permitted Use of Sick Time such as personal medical appointments must be provided to the Department Director at least one week in advance of the appointment, whenever feasible. Every effort should be made to schedule such appointments at times that do not conflict with the City's work schedule.
 - a. The employee shall again notify his/her immediate supervisor before the employee leaves the work site prior to completion of the work shift due to the scheduled Permitted Use of Sick Time.

F. Medical Certification or Other Documentation:

Employees off work on sick leave for a period of four or more consecutive days may be required at any time to provide a doctor's note or other relevant documentation certifying that the reason for the employee's absence is a Permitted Use of Sick Time, and if the employee is unable to return to work, stating how long the employee is expected to be unable to do so.

G. Return to Work:

For any absence of four more or days due to an employee's own illness or injury, the supervisor may require that the employee provide a note from his/her physician, releasing the employee with or without restrictions, before the employee may return to work.

H. Reinstatement of Unused Sick Leave Balances:

An Employee who separates from employment with the City and returns to active employment within 12 months of his/her separation date shall have his/her unused sick leave balance reinstated, up to a maximum of 24 hours. For purposes of this provision, unused sick leave is leave that was accrued, but never taken by the Employee, and that was not converted to Personal Leave under Section 9.5.

I. Retention and Inspection of Records Pertaining to Sick Leave:

The City shall keep records documenting the hours worked and paid sick leave accrued and used by an employee for three years. Upon reasonable request, and within 21 calendar days after the request, the City shall afford current and former employees the right to inspect or copy records pertaining to their hours worked and paid sick days accrued and used. Access to all other personnel records shall be governed by Rule XIX.

J. Abuse of Sick Leave:

Employees who do not comply with this policy, including providing insufficient notice of sick leave or using sick leave for reasons other than for a Permitted Use of Sick Time, are committing abuse of sick leave, which is grounds for discipline, up to and including termination. The City reserves the right to take reasonable steps to determine whether

an employee is abusing sick leave, including, but not limited to, attempting in-person or electronic communication with an employee using sick leave, identifying and tracking consistent patterns of sick leave use, such as in connection with weekends, holidays, and scheduled days off, and considering social media content or other relevant evidence that is either publicly available or shared voluntarily by other employees or interested individuals.

K. Retirement Credit for Sick Leave:

When an employee retires under the California Public Employees Retirement System (CalPERS), a credit for his/her unused sick leave shall be converted to additional service credit at the rate of 0.004 years of service credit for each day of unused sick leave (i.e., 250 days of sick leave equals one additional year of service credit) per CalPERS contract with the City.

SEC. 9.4 BEREAVEMENT LEAVE

- A. Employees are entitled to paid bereavement leave in the event of death in their immediate family. Bereavement leave is a separate benefit from other paid leaves; however, sick leave may be used to supplement the periods provided in Section 9.4.B.
- B. Employees will receive up to three (3) working days of paid bereavement leave per calendar year, per immediate family member. Employees who provide documentation demonstrating a need for their attendance at a distance greater than 300 miles from the City may be permitted up to a total of five (5) working days of paid bereavement leave, at the discretion of the Personnel Officer.
- C. For purposes of this Section 9.4, "immediate family" shall have the same definition as in Section 9.3.A.1. Requested exceptions to this definition may be approved in advance at the sole discretion of the Personnel Officer.

SEC. 9.5 PERSONAL LEAVE

- A. Full-time Employees may convert sick leave to personal leave in accordance with the procedure set forth in this Section. On January 1 of each year, if an employee has a minimum of ten (10) days (80 hours) of accumulated sick leave, ten percent (10%) of that accumulated sick leave will be available for conversion to, and use as, personal leave, during that calendar year. For example, an employee with twelve (12) days of sick leave on January 1 would have available 1.2 days of personal leave.
- B. No employee is required to convert sick leave to personal leave. However, when sick leave is converted and used as personal leave, the amount of the personal leave used will be deducted from the employee's accumulated sick leave balance. Thus, in the example above, if the employee used the 1.2 days of personal leave before earning any additional sick leave, the employee's accumulated sick leave balance would be 10.8 days.

- C. Any additional sick leave accrued, but not used, during the calendar year will be added to the employee's accumulated sick leave balance for calculating the amount of personal leave that will be available for the following calendar year.

SEC. 9.6 MILITARY LEAVE

Military leave shall be granted in accordance with Section 395 of the Military and Veteran's Code and the Federal Uniformed Services Employment and Reemployment Rights Act.

SEC. 9.7 JURY DUTY

- A. This policy shall apply to full-time and probationary employees in all classifications.
- B. An employee summoned for jury duty will immediately notify the Human Resources Director. While serving on a jury, he/she will be given a leave of absence, with pay, for the duration of said jury duty. Said leave of absence with pay is conditional upon the employee returning to work upon his/her dismissal each day to complete his/her normal work day. It is also conditional upon the employee's conveyance to the City of any compensation received as a juror, not including any travel allowance received.

SEC. 9.8 VOTING LEAVE

In accordance with California *Election Code* sections 14000 and 14001, if a registered voter does not have sufficient time outside normal working hours within which to vote at general direct primary or presidential elections, he/she may take off such working time as will enable him/her to vote. The scheduling of the time referenced above shall be subject to the approval of the Department Director and shall normally be at the beginning or end of a work shift. A maximum of two (2) hours may be taken with pay. The employee must provide two (2) days notice of the need for voting leave.

SEC. 9.9 ELECTION OFFICIAL LEAVE

Employees serving as an election official shall be permitted leave in order to so serve. Such leave is unpaid, but, at their option, employees may request to use vacation leave to serve as an election official. An employee taking leave to serve as an election official is required to give his/her Department Director at least ten (10) days notice before the date of the election in which the employee is to serve as an election official. Employees serving as an election official are required to provide their Department Director with proof of service prior to taking leave.

SEC. 9.10 LACTATION BREAKS

- A. In accordance with California and federal law, the City will provide an employee with reasonable unpaid time off and an appropriate area for the purpose of the employee expressing breast milk for the employee's infant child.

- B. For purposes of this Section 9.10, an "appropriate area" is a place other than a bathroom that is in close proximity to the employee's work area and that is shielded from view and free from intrusion by other employees and the public. The City will consider input from the affected employee but retains sole discretion in identifying an "appropriate area" on a case-by-case basis.

SEC. 9.11 UNPAID LEAVES OF ABSENCE

- A. Upon the request of the employee and the recommendation of the Appointing Authority, a leave of absence without pay may be granted by the Council or City Manager to an employee, who immediately preceding the effective date of such leave, shall have completed at least one year of continuous service.
 - 1. An employee shall not be entitled to a leave of absence as a matter of right, but only upon good and sufficient reason.
 - 2. Request for leave of absence without pay shall be made in writing to the Human Resources Director, and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return. The Human Resources Director will transmit the request to the Council, in the case of leaves of more than one hundred twenty (120) days. A request for a leave of one hundred twenty (120) days or less may be approved by the City Manager, upon recommendation of the Appointing Authority. A physician's statement will be required of employees who request leave of absence without pay as a result of a medical condition. However, employees are not required to include information regarding diagnosis.
 - 3. A leave of absence without pay may be granted by the Council for a period not to exceed one year provided that the Council may extend such leave for up to an additional year.
 - 4. An employee shall be entitled to reinstatement in his/her regular position upon completion of the authorized period of leave.
- B. The Appointing Authority may grant a leave of absence without pay for a reasonable period of time to any employee who is injured on the job, or has a "serious health condition" within the meaning of the City's Family Care and Medical Leave, Pregnancy Disability Leave, and Military Family Leave Policy even though the employee does not meet the one year of continuous service requirements as specified in Section .9.11.A.
- C. A leave of absence without pay granted by the Appointing Authority or the Council under Section 9.A. or 9.B. shall not be construed as a break in continuous service or employment, and rights accrued at the time leave is granted shall be retained by the employee. However, vacation credits, sick leave credits, increases in salary and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range

he/she received when he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each thirty (30) consecutive days taken.

SEC. 9.12 UNAUTHORIZED LEAVES OF ABSENCE AND FAILURE TO RETURN FROM LEAVE

- A. An employee may be considered to have voluntarily resigned from his/her employment with the City under any of the following circumstances:
 - 1. Absence from his/her job for more than two (2) working days without compliance with applicable notice requirements under these Rules;
 - 2. Any action taken during a leave of absence from the City that is inconsistent with an intention to return to employment with the City, such as accepting full-time employment with another employer;
 - 3. Failure to return to employment following the expiration of an authorized leave of absence, unless the City permits extension of the leave.
- B. The City shall provide written notice to employees who are considered to have voluntarily resigned. The notice shall describe the facts on which the voluntary resignation is based and the right to petition the Personnel Officer for reconsideration.
- C. Employees who are considered to have resigned under Section 9.12.A. can petition the Personnel Officer for reconsideration by submitting a written statement within five (5) days of the date of notice. The Personnel Officer shall review the employee's statement to determine if good cause is present, and shall decide whether the employee's voluntary resignation will be withdrawn.
- D. Any unauthorized absence may be cause for Disciplinary Action as provided in Rule XII.

SEC. 9.13 MANAGEMENT LEAVE

Department Directors shall receive eight (8) days of management leave per calendar year, which may be used at the Department Director's discretion, with advance approval by the City Manager. During their first year as a Department Director, they shall obtain a pro rata amount of management leave commensurate with the time remaining in the calendar year. Management leave may be carried forward from year to year. The maximum number of days that may be accumulated by an employee as management leave is sixteen (16) days. Once an employee reaches the maximum accumulation, he/she shall cease accrual of management leave until his/her total number of vacation hours falls below the maximum allowable. Department Directors will be compensated for management leave at the time of termination of employment at their straight time rate.

SEC. 9.14 SICK LEAVE DONATION POLICY

- A. Purpose: The purpose of this Policy is to establish a program and procedures for employees to volunteer to donate a portion of their accumulated sick leave time to fellow employees who meet the criteria for eligibility in Section 9.14.B. There have been occasions when an employee, due to a catastrophic illness or injury, has exhausted all forms of paid time off. Such seriously ill employees have been forced to go without compensation for a length of time. This Policy is designed to address such circumstances. Participation by donors or recipients in the Sick Leave Donation Program is entirely voluntary.
- B. Sick Leave Donation Banks: The Sick Leave Donation Program will allow an employee to request that a Sick Leave Donation Bank be established on his/her behalf. A Sick Leave Donation Bank shall not be established unless the City Manager or the City Manager's designee has approved the employee's request. Leave donations will be credited to a particular recipient's Sick Leave Donation Bank and will be for use by that designated recipient only.
1. Eligibility of Employee for Sick Leave Donations: To be eligible to receive approval for establishment of a Sick Leave Donation Bank on his/her behalf, an employee must meet all the following conditions:
 - a. Must meet the criteria for use of sick leave in accordance with Section 9.3; and,
 - b. Must have been employed by the City in a full-time Position for at least one year; and,
 - c. Must submit a confidential statement from a treating physician which indicates that the employee's absence is due to a qualifying reason under Section 9.14.B.2. and estimates the duration of the employee's absence from work; and,
 - d. Must have applied for long-term disability insurance, if any, or for Workers' Compensation benefits, if eligible, and have authorized the City to integrate any such awarded benefits with available leave balances; and,
 - e. Must have exhausted all earned leave balances (including sick, vacation, compensatory time, and management leave). However, the Human Resources Director may approve the solicitation and acceptance of sick leave donations prior to all balances being exhausted when the physician's statement and existing leave balances indicate that all such balances will be exhausted within the next two pay periods.
 2. Qualifying Reasons to Request Donated Sick Leave:

- a. For purposes of Section 9.14 a "qualifying reason" to request donated sick leave is one of the following:
 - (1) The employee has a "serious health condition" that requires the employee's absence from work for longer than two (2) pay periods, including intermittent absences that are related to the same "serious health condition"; or
 - (2) The employee is caring for an "immediate family member" who has a "serious health condition" that requires the employee's absence for longer than two (2) pay periods.
 - (3) The employee needs additional time off after the death of an "immediate family member," beyond his/her entitlement under Section 9.4.
 - b. For purposes of this Section 9.14, a "serious health condition" has the same meaning as in the City's Family Care and Medical Leave, Pregnancy Disability Leave, and Military Family Leave Policy.
 - c. For purposes of this Section 9.14, an "immediate family member" shall have the same definition as in Section 9.3.A..
3. Sick Leave Donation Bank Guidelines: Leave donations will be credited to a recipient's Sick Leave Donation Bank on an hour-for-hour basis, regardless of the hourly pay rate of any particular employee. While using leave from the recipient's Sick Leave Donation Bank, the recipient will be treated as though he/she was merely using the recipient's own sick leave. Thus, the recipient will accrue additional vacation or sick leave, as usual, during the use of hours from the Sick Leave Donation Bank. Any hours of donated sick leave remaining in the Sick Leave Donation Bank at the time the Bank is abolished will be returned pro rata (in proportion to the number of hours each employee donated) to all employees who donated to the Sick Leave Donation Bank. The donated hours used by the recipient are taxable to him/her in accordance with Internal Revenue Service regulations and are subject to withholdings as required by law.
- C. Leave Donations: Donations of sick leave are subject to the following requirements:
- 1. Minimum Donations: Participating employees must donate a minimum of four hours from their accumulated sick leave balance. No donation from an employee will be permitted that would result in the donor's accumulated sick leave balance, immediately after the donation, being below eighty (80) hours of accumulated sick leave.
 - 2. Whole Hour Donations: Leave donations must be in whole hours. No fractions of hours may be donated.

3. Maximum Donation Per Employee: No individual employee may donate more than forty (40) hours to a particular Sick Leave Donation Bank.
 4. Maximum Donation per Sick Leave Donation Bank: The maximum cumulative amount of sick leave that may be donated to a particular Sick Leave Donation Bank is four hundred eighty (480) hours.
- D. Responsibilities Under the Policy: The development and use of a Sick Leave Donation Bank carries with it a shared responsibility between City's management and individual employees desiring to participate in the program. The respective responsibilities are set forth below:
1. The Requesting Employee: The requesting employee will prepare and submit to the Human Resources Director a "Request to Establish a Sick Leave Donation Bank" form. Additionally, the requesting employee should submit a "Certification of Physician or Practitioner" form to the Human Resources Director in a sealed envelope labeled "Confidential – Request to Establish a Sick Leave Donation Bank." If the requesting employee is unable to make the request on their own behalf, the employee's Department Director may submit a request on the employee's behalf.
 2. The Program Administrator: The Human Resources Director will serve as the administrator of the Sick Leave Donation Program. The Administrator will receive the confidential statement from the requestor's physician in a manner consistent with the Federal Family and Medical Leave Act and the California Family Rights Act. The Personnel Officer will approve or deny the establishment of a requested Sick Leave Donation Bank, in accordance with the requirements of this Policy. If the request is approved, the Bank shall be established and the Administrator will publicize the request with the statement approved by the requestor. The Administrator shall approve or deny each offered donation, if any, to the Sick Leave Donation Bank in accordance with the requirements of this Policy. The Administrator shall determine when the Sick Leave Donation Bank shall be abolished.
 3. The Donating Employee: A donating employee will prepare and submit to the Human Resources Director a "Request to Donate to Sick Leave Donation Bank" form.
 4. The Finance Department: The Finance Department will make the appropriate payroll and leave balance adjustments for both the recipient and any donors. The Finance Department will coordinate the usage of hours from the Sick Leave Donation Bank and the integration of any other benefits therewith, if applicable. If hours are remaining in the Sick Leave Donation Bank at the time it is abolished, the Finance Department will credit all donors' leave balances with a pro rata share of the hours remaining in the Bank in accordance with the number of hours each donor contributed.

SEC. 9.15 VICTIM LEAVE

Victims of domestic violence and/or sexual assault shall be permitted unpaid leave in accordance with *Labor Code* sections 230(c) and 230.1. Victims of a violent or serious felony or a felony involving theft or embezzlement shall be permitted unpaid leave in accordance with *Labor Code* section 230.2.

SEC. 9.16 SCHOOL VISITATION LEAVE

Employees shall be permitted to take unpaid leave in accordance with *Labor Code* sections 230.7 and 230.8.

RULE X.
LAYOFF/SEPARATION/RETIREMENT

SEC. 10.1 ELIMINATION OF POSITIONS

Decreased public interest or changes in the City's fiscal priorities may result in the elimination or curtailment of a public service activity which may therefore require the layoff of one or more employees.

SEC. 10.2 LAYOFF PROCEDURE

Any employee may be laid off because of either the abolishment of the Position or a determination by the City Manager that there is a shortage of work funds. Said layoff shall not be subject to appeal. The procedures of the City of Buellton Municipal Code Section 2.60.190 shall be followed.

SEC. 10.3 RESIGNATIONS

Resigning employees shall be required to file a written resignation stating the effective date and reason(s) at least two (2) weeks prior to leaving the City's service, unless the time limit is waived by the City Manager. The resignation date should be the last day the employee actually worked.

SEC. 10.4 TERMINATIONS

The City Manager may terminate:

- A. Employees at any time while they are on probation.
- B. Employees in the Exempt Service at any time. This authority applies only to those exempt employees the City Manager has the authority to appoint.
- C. Employees for disciplinary purposes in accordance with Rule XII, to the extent applicable.

SEC. 10.5 RETIREMENT/DISABILITY RETIREMENT

In accordance with the City's contract with the California Public Employees' Retirement System (CalPERS), employees who meet the age and service credit minimums may qualify for a service retirement from CalPERS. Under CalPERS laws, an employee who is unable to perform his/her job because of an illness or injury which is expected to be permanent or last for an extended and uncertain period, may be entitled to receive a disability retirement. The cause of the disability need not be related to the employee's job.

RULE XI. **OUTSIDE EMPLOYMENT/POLITICAL ACTIVITIES**

SEC. 11.1 OUTSIDE EMPLOYMENT

- A. During the employees' work day, they are expected to devote full attention to their prescribed duties. Employees may engage in outside employment, enterprise or activity (collectively "outside employment") under the following circumstances only:
1. They notify the Appointing Authority prior to beginning outside employment, providing sufficient information for the Appointing Authority to determine whether the outside employment is consistent with this Rule.
 2. The Appointing Authority shall assess whether any of the following factors are involved in the proposed outside employment:
 - a. Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employee's City employment as a part of employee's duties as a City employee; or
 - b. Performance of an act in other than the employee's capacity as a City employee which act may later be directly or indirectly subject to the control, inspection, review, audit, or enforcement by such employee or the department by which the employee is employed; or
 - c. Conditions or factors which are likely to directly or indirectly lessen the efficiency of the employee in the employee's regular City employment, or conditions in which there is a substantial danger of injury or illness to the employee; or
 - d. Use of City time, facilities, equipment, and supplies, prestige, influence, or confidential information of the employee's City office or employment for private gain or advantage; or

- e. Solicitation of future employment with a business doing business with the City over which the employee has some control or influence in employee's official capacity at the time of the transaction.
 3. The Appointing Authority will approve proposed outside employment that he/she determines does not:
 - a. conflict with or is not incompatible or inconsistent with the employee's City responsibilities, including performance of overtime and emergency duties and any other aspect of City operations;
 - b. lessen the effectiveness of the employee; and
 - c. does not create a conflict of interest.
 4. The Appointing Authority shall advise the employee in writing as to whether the outside employment is approved or prohibited.
 5. An employee may submit a written appeal to the Personnel Officer within fourteen (14) days from the employee's receipt of the Appointing Authority's written determination that a proposed outside employment is prohibited. The written appeal shall specify the grounds on which the employee challenges the Appointing Authority's determination and shall include an attachment with all relevant documentary evidence for the appeal. The Personnel Officer shall schedule a meeting with the employee and appointing authority to discuss the appointing authority's determination. The Personnel Officer shall issue a written decision to the employee and the Appointing Authority within fourteen (14) days from the date of the meeting. The decision of the Personnel Officer shall be final.
- B. An employee with approved outside employment must notify the Appointing Authority within one (1) working day regarding any changes to the terms or conditions of the outside employment that may have a potential adverse effect on the application of one or more of the factors under Section 11.1.A.2.
- C. Employees shall be subject to disciplinary action pursuant to Rule XII for violation of this Rule, including, but not limited to, failure to disclose outside employment, failure to provide timely updates regarding changes to outside employment, and intentional inclusion of material mis-statements or exclusion of material information in the employee's description of the outside employment.

SEC. 11.2 POLITICAL ACTIVITIES

Employees may not solicit political funds or contributions from other employees while on duty or on City property, nor may any employee participate in political activities while on duty or while in any uniform which would represent the City.

RULE XII.
DISCIPLINARY ACTIONS

SEC. 12.1 CAUSES

- A. Disciplinary measures may be taken for any good and sufficient cause. The extent of the Disciplinary Action taken shall be commensurate with the offense provided that the prior employment history of the employee may also be considered pertinent. Cause may include, but are not limited to, the following:
1. Violation of City Personnel Rules, ordinances, regulations, rules, and/or administrative policies and procedures; or of standards established under California or federal law;
 2. Failure to maintain job performance standards or to properly perform assigned duties;
 3. Theft of or harm to City property or the personal property of another;
 4. Lack of cooperation;
 5. Insubordination;
 6. Dishonesty;
 7. Conviction of a felony, or conviction of a misdemeanor relating to the employee's fitness to perform assigned duties;
 8. Unauthorized absence from employment or excessive absenteeism;
 9. Tardiness;
 10. Failure to maintain satisfactory working relationships with other employees or the public;
 11. Reporting for work, or being at work, under the influence of or in possession of alcohol, or non-prescribed controlled substances;
 12. Assault, battery, or fighting while on duty or under the guise of office;
 13. Gambling on City property or during working hours;
 14. Sleeping on the job or leaving the job without authorization;
 15. Improper use of City funds;
 16. Acceptance of bribes or extortion;
 17. Unauthorized use of City property;

18. Falsification of records, including information provided on an application for employment or on time sheets;
 19. Failure to properly care for City property;
 20. Acceptance of any gift, (other than as provided for by written City policy) reward or other form of compensation in addition to compensation for performance of official duties;
 21. Carelessness or negligence;
 22. Failure to maintain any employment qualification;
 23. Discourteous treatment of the public or fellow employees;
 24. Failure to comply with safety standards;
 25. Interfering with the work performance of others;
 26. Abuse of leaves of absence, including sick leave; and/or
 27. Other failure of good behavior either during or outside of employment such that the employee's conduct causes discredit to the City.
- B. Reduction in Pay: Reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure are not disciplinary measures.

SEC. 12.2 AUTHORITY FOR DISCIPLINARY ACTIONS

- A. The Department Directors and/or City Manager shall have authority to take Disciplinary Action. As specified in Section 10.4, only the City Manager may terminate employees.
- B. The Personnel Officer shall be notified of any contemplated Disciplinary Action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Personnel Officer may be notified as soon as possible subsequent to the time the action is taken.

SEC. 12.3 TYPES OF DISCIPLINARY ACTION

- A. Lesser Disciplinary Action:
 1. Oral Reprimand: Oral reprimand as a Disciplinary Action means the employee is informed of his/her poor performance verbally by his/her Department Director. The employee shall have no right to prior notice and no right of appeal.
 2. Written Reprimand: Written reprimand as a Disciplinary Action means an official notification of the employee that there is cause for dissatisfaction with his/her services and that further disciplinary measures may be taken

if said cause is not corrected. Official reprimand shall be given in the manner and on forms prescribed by the Personnel Officer. Reprimand notices shall be made a part of the employee's official personnel record and may be considered as pertinent evidence or information in any appeal hearing. The employee shall have no right to prior notice and no right of appeal.

3. Suspension Without Pay For Less Than Five (5) Working Days: Suspension without pay shall be a temporary separation from City service. Prior to the imposition of the suspension without pay, employees shall be provided with a Notice of Disciplinary Action which sets forth the effective date and specific reasons for the suspension without pay. The Notice of Disciplinary Action shall also include copies of all written materials supporting the suspension without pay. The employee's right of appeal is limited to the Complaint Procedure in Section 13.4.
4. Reduction In Pay: Reduction for a time period equivalent to less than a five (5) working day suspension. Reduction in step within range as a disciplinary measure is the withdrawal of increments granted for merit, efficiency and length of service. The maximum reduction in pay that may be given for any one Disciplinary Action shall be two (2) steps within the range for that Class. Reduction in pay shall become effective on the first of the month following the effective date of the Disciplinary Action. Prior to the imposition of the reduction in pay, employees shall be provided with a Notice of Disciplinary Action which sets forth the effective date and specific reasons for the reduction in pay. The Notice of Disciplinary Action shall also include copies of all written materials supporting the reduction in pay. The employee's right of appeal is limited to the Complaint Procedure in Section 13.4.

B. Serious Disciplinary Actions: Serious Disciplinary Actions require due process as set forth in Rule 12.4. Serious Disciplinary Actions include the following:

1. Reduction in range equivalent to a five (5) or more working day suspension without pay.
2. Suspension without pay for five (5) or more working days, but not more than thirty (30) working days. Suspension without pay shall be a temporary separation from City service.
3. Demotion without consent as Disciplinary Action, shall be a reduction in classification or rank, with reduction in salary.
4. Dismissal means the discharge of an employee from the City service on the initiative of the City Manager. Such termination of employment shall be permanent.

SEC. 12.4 PROCEDURES FOR SERIOUS DISCIPLINARY ACTIONS

- A. Notice of Proposed Disciplinary Action: In instances of serious Disciplinary Actions as defined in Section 12.3.B, employees shall receive a written notice of proposed Disciplinary Action.
1. The notice of proposed Disciplinary Action shall state the proposed Disciplinary Action and the effective date and specific reasons for the proposed Disciplinary Action.
 2. The notice of proposed Disciplinary Action shall include copies of all written materials supporting the proposed action.
 3. The notice of proposed Disciplinary Action shall inform the employee of his/her right to respond, either orally or in writing, to the Department Director or City Manager, as appropriate, within five (5) working days of the date of the notice of proposed Disciplinary Action if it was personally delivered, or within seven (7) working days of the date of the notice of proposed Disciplinary Action if it was delivered by United States mail. If the employee requests to respond orally to the notice of the proposed Disciplinary Action, the Department Director or City Manager, as appropriate, shall schedule a meeting as soon as possible.
- B. Notice of Decision: After review of the employee's timely written response, if any, or following the conclusion of the meeting, the Department Director or City Manager, as appropriate, shall issue and deliver to the employee a Notice of Decision which shall be a written statement of the decision to uphold, modify, or reject the proposed Disciplinary Action. Such action to be taken may not include discipline more severe than that described in the notice of proposed Disciplinary Action. The Notice of Decision shall be served within seven (7) working days after the receipt of the written response or the conclusion of the meeting, whichever is later.
- C. Disciplinary Appeal Hearing:
1. Right to a Disciplinary Appeal Hearing: Any employee who has received a Notice of Decision imposing serious Disciplinary Action shall be entitled to request an evidentiary appeal of the imposition of discipline.
 2. Requesting a Disciplinary Appeal: An employee wishing to appeal the imposition of a serious Disciplinary Action shall initiate the appeal by filing a written request with the City Manager within five (5) working days of the date of the Notice of Discipline if it was personally delivered, or within seven (7) working days of the date of the notice of imposition of discipline if it was delivered by United States mail. The request shall be addressed to the City Manager, and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All disciplinary appeal hearings shall be conducted in private unless the employee requests a public hearing.

3. Designation of Hearing Officer:
 - a. When a person other than the City Manager imposes the Disciplinary Action, the City Manager may choose to act as the Hearing Officer and conduct the hearing himself/herself and make the final decision;
 - b. When a person other than the City Manager imposes the Disciplinary Action, the City Manager may refer the hearing to an outside Hearing Officer, who will be selected by a method mutually agreed to by the employee and City Manager, to conduct the hearing and provide advisory findings and recommendations before the City Manager makes the final decision; or
 - c. The City Manager may refer the hearing to an outside Hearing Officer who will be selected by a method mutually agreed to by the employee and City Manager to conduct the hearing and make the final decision on the appeal. The City Manager shall delegate authority to a Hearing Officer in this manner whenever the City Manager imposed the Disciplinary Action under appeal or whenever the appealing employee demonstrates significant bias on the part of the City Manager that disqualifies him/her as a neutral reviewer of that appeal.
4. Scheduling the Disciplinary Appeal Hearing: The City Manager shall schedule the disciplinary appeal hearing within a reasonable time after the designation of a Hearing Officer, considering the availability of the Hearing Officer, the employee, and any witnesses.
5. Representation and Employee Appearance at Disciplinary Appeal Hearing: The employee is entitled to be represented by counsel or other representative at the disciplinary appeal hearing. However, an employee who requests a disciplinary appeal hearing must be present during the disciplinary appeals hearing. Failure to be present shall constitute a waiver of the employee's right to an appeal. Waiver will not occur if the employee can demonstrate good cause for his/her failure to be present within three (3) working days from the date the employee fails to appear.

D. Conduct of Disciplinary Appeal Hearings: The proceedings before the Hearing Officer shall be conducted as follows:

1. All parties shall have the following rights:
 - a. To call and examine witnesses;
 - b. To introduce exhibits;
 - c. To cross examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;

- d. To impeach any witness regardless of which party first called him/her to testify;
 - e. To rebut the evidence against them; and
 - f. To present oral and written arguments
2. The City shall have the burden of proof, and the burden shall be by the preponderance of the evidence.
 3. The hearing shall not be conducted in accordance with the technical rules relating to evidence and witnesses, but shall be conducted in a manner most conducive to the determination of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper admission of such evidence over objection in a court of law. The Hearing Officer's decision shall not be invalidated by any informality in the proceedings.
 4. Hearsay evidence may be used for the purpose of explaining any direct evidence but shall not be sufficient in and of itself to support a finding, unless it would be admissible over objections in civil actions.
 5. The Hearing Officer shall not take testimony from one (1) party outside the presence of the other.
 6. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
 7. Irrelevant evidence and unduly repetitious evidence shall be excluded.
 8. The Hearing Officer shall determine the relevancy, weight, and credibility of testimony and evidence.
 9. The Hearing Officer shall have the power to exclude any witnesses.
- E. Issuance of Decision: Within thirty (30) days after the close of the hearing, a written statement of decision, containing findings of fact and conclusions of law, shall be issued by the Hearing Officer. The Hearing Officer shall have the authority to affirm, revoke, or reduce the Disciplinary Action imposed against the employee. The Hearing Officer may not provide for discipline more stringent than that imposed by the City. When the Hearing Officer presents an advisory opinion to the City Manager, the City Manager shall have an additional fifteen (15) days to consider the advisory opinion and any written objections to the advisory opinion filed by the parties before the City Manager must issue a final decision. The parties shall have seven (7) days from the date the advisory opinion is issued to file written objections with the City Manager.

The Hearing Officer's decision constitutes a final resolution of any Disciplinary Action and no further appeal shall be permitted within the City's administrative process. A copy of the Hearing Officer's decision shall be provided to the employee.

Notwithstanding the above, the Hearing Officer shall not have binding authority to add, modify, or subtract from the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. Further, the Hearing Officer shall not have the authority or power to render a binding decision that requires the City to expend additional funds, to hire additional personnel, to buy additional equipment or supplies, or to pay wages or benefits not specifically provided for in the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. The Hearing Officer shall not have the authority to require the City to perform any other action that would violate state or federal laws.

- F. Judicial Review: An employee may seek judicial review of the final decision by the Hearing Officer in accordance with Section 1094.5 of the California *Code of Civil Procedure* by filing a petition for a writ of mandate. Section 1094.5 of the *Code of Civil Procedure* requires that the petition writ of mandate must be filed not later than the ninetieth (90th) day following the date on which the Hearing Officer's decision becomes final.

SEC. 12.5 ADMINISTRATIVE LEAVE WITH PAY

An employee may be placed on an Administrative Leave with Pay to allow the City time to fully investigate the facts of an alleged violation, while the Disciplinary Action is in process, or when the Personnel Officer determines that it is in the best interests of the City. The employee must be reasonably available by telephone during his/her normal working hours and able to report to the City within sixty (60) minutes if directed to do so. When an employee is placed on Administrative Leave with Pay during this investigation, he/she shall not discuss the alleged violation or the Disciplinary Action with anyone, except a representative of his/her choice. Failure to remain reasonably reachable by telephone or to report to the City within sixty (60) minutes of being directed to do so shall be considered insubordination, and could result in additional Disciplinary Action. The employee shall be informed that communicating with others, except a representative of his/her choice, about a pending investigation constitutes insubordination and is a separate and independent ground for discipline. This section is not intended to prevent the employee from communicating with his/her legal counsel.

SEC. 12.6 TIME EXTENSIONS

Any time limitations or requirements as set forth under this Rule may be extended or changed by mutual written agreement of the parties.

SEC. 12.7 DELIVERY OF NOTICES

When notice is required under this Rule, the notice shall be given to the affected employee either by delivery of the notice to the employee in person; or if the employee is not available for personal delivery, by placing the notice in the United States mail, first

Class, postage paid, and by Certified Mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the City, in writing, of his/her current home address and of any change in such address, and the information so provided shall constitute the employee's "last known home address". Such personal delivery or mailing shall be presumed to provide actual notice to the affected employee.

RULE XIII.
GRIEVANCE AND COMPLAINT PROCEDURE

SEC. 13.1 ESTABLISHMENT

These procedures are established in order to provide adequate opportunities for employees to bring forth their views relating to any unfair or improper aspect of their employment situation and to seek correction thereof. This Section 13.1 reflects a statement of intent and does not create any enforceable right beyond the procedures set forth in this Rule XIII.

SEC. 13.2 SCOPE OF PROCEDURES

The procedures set forth in this Rule shall apply to all employee complaints and grievances, as defined herein, except where other methods have been specifically prescribed in the Personnel Ordinance and in these Rules, such as in the matters of dismissal, demotion and reduction.

SEC. 13.3 DEFINITIONS

- A. Complaint: An allegation or charge that the complaining employee has suffered a wrong as a result of management action or inaction.
- B. Complaint Procedure: The process by which a determination is made as to whether or not a wrong has been committed. Complaints may not be filed over matters for which there is a separate appeal, which are subject to the grievance procedure, or which are expressly excluded from the grievance procedure pursuant to Sections 13.3.C.1-6.
- C. Grievance: An expressed claim by an employee that the City has violated, misinterpreted, or misapplied an obligation to the employee as such obligation is expressed and written in the Personnel Ordinance, a resolution, or these Rules. Specifically excluded from the grievance procedures are the following:
 - 1. Performance evaluations;
 - 2. Deferred merit salary increases;
 - 3. All Lesser Disciplinary Actions;
 - 4. Policy decisions of the City Council;

5. Transfer to another Position in the same classification without a loss of pay; and
 6. Matters for which there is a separate appeal, including, but not limited to, Disciplinary Action.
- D. Grievance Procedure: The process by which the validity of a grievance is determined.

SEC. 13.4 COMPLAINT PROCEDURE

- A. Step 1: The employee shall discuss any complaint with his/her Department Director within seven (7) days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the complaint. The Department Director is required to review every complaint and attempt to settle it as quickly and fairly as possible. The Department Director shall issue a written decision to the employee within ten (10) days from the date of his/her meeting with the employee.
- B. Step 2: If the action taken by his/her Department Director is not satisfactory, the employee shall submit his/her complaint in writing to the Human Resources Director within seven (7) days of receipt of the Department Director's written decision. The Human Resources Director or designee shall meet and discuss the complaint with the employee within ten (10) days of his/her receipt of the complaint. The Human Resources Director or designee shall have twenty (20) days from the date of his/her meeting with the employee to issue a decision. The decision of the Human Resources Director or designee is final.

SEC. 13.5 GRIEVANCE PROCEDURE

- A. Step 1: The employee shall inform, in writing, his/her Department Director of his/her grievance and relevant facts within seven (7) days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. At least one (1) conference shall be held between the employee and his/her Department Director after the employee has expressed his/her grievance. The Department Director shall advise the employee of his/her decision in writing within fourteen (14) days following notification of the grievance.
- B. Step 2: If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven (7) days of receipt of the Department Director's decision, submit the grievance to the Human Resources Director for consideration by the City Manager. Such submittal shall include the original grievance form, a written statement of any issues which are still in dispute, the specific basis upon which the grievant takes issues with the Position of his/her Department Director, the specific provision of the Personnel Ordinance, resolution, or Personnel Rules that the grievant asserts has been violated, and the remedy the grievant seeks. The City Manager or his/her designee shall take such review and investigative action as he/she deems necessary and inform the grievant of his/her decision in writing

within fourteen (14) days of receipt of the grievance. The decision of the City Manager or his/her designee is final.

SEC. 13.6 GENERAL PROVISIONS

- A. No retribution or adverse employment action shall be taken against employees because of their use of the grievance or complaint procedures.
- B. All documents, communications and records dealing with the processing of grievances and complaints shall be filed separately from personnel files.
- C. Failure by the City at any step of this procedure to communicate the decision on the grievance or complaint within the specified time limits shall permit the grievant or complainant to proceed to the next step.
- D. The grievant or complainant shall be present at all steps of the procedure.
- E. Failure at any step of these procedures to appeal a decision on a grievance or complaint within specified time limits shall be deemed acceptance of the decision rendered by the employee.
- F. The time limits specified at any step in this procedure may be extended by mutual written agreement of the City and grievant or complainant.
- G. The original grievance or complaint shall accompany all requests for institution of the next step in the grievance or complaint procedure.
- H. Communication with the grievant or complainant shall be processed by personal signed receipt of documents, or by certified mail, or registered mail.

RULE XIV. **EMPLOYEE BENEFITS**

SEC. 14.1 HEALTH BENEFITS

Accident, health, hospital, and self-funded dental and vision insurance to cover non-occupational injuries and sickness for probationary and Full-Time Employees shall be provided by the City. The scope of coverage and the payment of premiums are subject to periodic review and revision by the City Council and shall be set by resolution of the City Council.

SEC. 14.2 RETIREMENT BENEFITS

The City has contracted with the California Public Employees' Retirement System (CalPERS) to enroll all City employees who meet the terms for CalPERS membership under applicable law and terms of the City's contract ("Members.") Members shall receive CalPERS retirement benefits in accordance with the following two-tier system. Except as specifically stated in Sections 14.2(A) and 14.2(B), below, the City shall pay for any increase in the employer rate and shall retain any savings from a decrease in the employer rate and any contribution credits (rebates) from CalPERS.

A. Tier I.

This Section 14.2(A) (including its subsections) shall apply to Members hired on or before December 31, 2012. In addition, this Section 14.2(A) (including its sub-sections) shall apply to Members who are qualified for pension reciprocity as stated in Government Code Section 7522.02(c) and related CalPERS reciprocity requirements.

1. 2% at 55 Pension Formula

The two percent (2%) at age fifty-five (55) retirement formula shall apply to Members covered by this Section 14.2(A).

2. Final Compensation Based on Highest Twelve Month Period

For purposes of determining a retirement benefit, final compensation for Members covered by this Section 14.2(A) shall mean the highest twelve consecutive month period as set forth in the City's contract with CalPERS.

3. City Payment of Required Member Contribution

The City shall pay the full seven percent (7%) required Member contribution.

B. Tier II.

This Section 14.2(B) (including its subsections) shall apply to Members hired on or after January 1, 2013 who do not qualify for pension reciprocity as stated in Government Code Section 7522.02(c) and related CalPERS reciprocity requirements.

1. 2% at 62 Pension Formula

- a. The two percent (2%) at age sixty-two (62) retirement formula shall apply to Members covered by this Section 14.2(B).

2. Final Compensation Based on Highest 36-Month Average

- a. For the purposes of determining a retirement benefit, final compensation for Members covered by this Section 14.2(B) shall mean the highest average pensionable compensation earned during 36 consecutive months of service, as set forth in Government Code Section 7522.32(a).

3. Required Member Contribution

- a. As required by Government Code Section 7522.04(g), Members covered by this Section 14.2(B) shall pay, through payroll deductions, fifty percent (50.0%) of normal costs.
- b. In the event that fifty percent (50.0%) of normal costs is less than seven percent (7.0%) percent, each Member covered by this Section 14.2(B) shall pay, through payroll deductions, the 50.0% of

normal costs and an additional percentage of PERSable compensation up to a maximum of 7.0% towards the City's normal cost of pension benefits as permitted by Government Code Section 205616.

SEC. 14.3 DEFERRED COMPENSATION PLAN

Upon successful completion of the Probationary Period, Full-Time Employees shall be enrolled in the City's deferred compensation plan.

- A. Employees hired before January 1, 2012 are entitled to a contribution from the City equal to six (6) percent of base compensation.
- B. Employees hired on or after January 1, 2012 may choose to contribute to a deferred compensation plan with no entitlement to contribution from the City.
- C. At the discretion of the City Manager, Department Directors hired on or after January 1, 2012 may be granted entitlement to a contribution to the City's deferred compensation plan. The City Manager shall specify applicable terms in writing at the time of hire.

RULE XV. **EDUCATIONAL ASSISTANCE AND CERTIFICATION PAY**

SEC. 15.1 EDUCATIONAL ASSISTANCE FOR TRAINING AND ADVANCEMENT

- A. The responsibility for developing training programs for employees is with the Human Resources Director and Department Directors, jointly. When a training course to be taken by an employee will benefit the City, the City Manager may authorize payment by the City of tuition charges and books.
- B. If an employee is entitled to additional compensation by earning a degree, as specified in his/her job description, it will be the employee's responsibility to pay all fees for their courses and upon completing the course and earning a grade of C or better, to submit proof of payment for reimbursement of the tuition charges and books.
- C. Non-exempt employees shall be compensated for travel time, attendance at training or meetings, and other similar time where required under applicable state and federal wage and hour laws.

SEC. 15.2 LICENSES AND CERTIFICATION ASSISTANCE

- A. In cases of enrollment for Operator-in-Training, or any other certification which is a condition of employment, the City shall pay application fees in advance.
- B. The cost of licensing fees, renewal fees, and test fees for all levels of certification are reimbursable, upon receipt of the certification or license. To obtain reimbursement after successful completion of the test/renewal/license process, the employee is responsible for submitting proof of payment for test fees,

renewal fees, and license fees, along with proof of the certification or license, to the City Manager. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

SEC. 15.3 CERTIFICATION PAY

A. Employees in Positions in the Maintenance & Utility Fieldworker Classification who possess or obtain, and maintain continual eligibility for, certification by the State Water Resources Control Board that is not a Minimum Qualification for the Position shall be entitled to certification pay, as follows:

- | | | |
|----|--|--------------------|
| 1. | Water Distribution I Certificate | \$100.00 per month |
| 2. | Water or Wastewater Level II Certificate | \$100.00 per month |
| 3. | Water Distribution II Certificate | \$100.00 per month |
| 4. | Water Distribution III Certificate | \$100.00 per month |
| 5. | Other Higher Level Certificate | \$100.00 per month |

SEC. 15.4 BILINGUAL PAY

A. All full-time and part-time employees who are certified as bilingual by the City in accordance with these provisions and who are designated in writing by the Personnel Officer to provide bilingual services in the performance of their regular duties will receive an additional \$50.00 per pay period, unless or until the Personnel Officer rescinds the designation in writing.

1. The City will offer certification for bilingual pay for oral fluency in the Spanish language only.
2. The written designation issued by the Personnel Officer will provide details regarding the certification process, including the date, time, and location for administration of the bilingual examination.
3. The bilingual examination will be scored on a pass/fail basis. Examination scores are final and non-appealable.
4. Employees who do not earn a passing score can re-take the examination one time, for a maximum of two times per calendar year. Employees who pass the examination will be certified as bilingual by the City.
5. Employees who are certified as bilingual by the City are not required to re-take the examination to maintain eligibility for bilingual pay.
6. The Personnel Officer retains sole discretion to determine whether to limit the number of positions in which employees may receive bilingual pay.

SEC. 15.5 NOTARY PAY

- A. Full-time employees in the City's Administration or Planning Department who possess or obtain a commission as a notary public in the State of California and are authorized by the Personnel Officer in writing to act as a notary public for official City business in connection with their regular duties will receive an additional \$50.00 per pay period.
1. Eligible employees will receive notary pay starting with the first full pay period following submission of a copy of his/her State of California commission certificate to Human Resources.
 2. Notary pay will continue unless and until the Personnel Officer rescinds the employee's eligibility in writing.
 3. Eligible employees are responsible for ensuring their continued eligibility for notary pay, including but not limited to, completing all necessary steps to obtain timely reappointment prior to expiration of their commission and providing a copy of the new commission certificate to Human Resources.
 4. Employees who intend to resign their commission must notify Human Resources in writing prior to the start of the next pay period and include a copy of the rescission letter to be sent to the California Secretary of State.

SEC. 15.6 EDUCATION INCENTIVE PAY FOR POST-SECONDARY DEGREE, CERTIFIED PUBLIC ACCOUNTANT DESIGNATION, OR PROFESSIONAL ENGINEER LICENSE

- A. All full-time employees are eligible for premium pay equal to 5% of monthly compensation for no more than one of the following reasons:
1. Education Incentive Pay: The employee possesses or obtains a Bachelor of Arts degree, a Bachelor of Science degree, a Masters' degree, or other advanced degree. The degree must be reasonably related to, but not required for, his/her job classification, and must be issued by an accredited institution.
 2. Certified Public Accountant Certification Pay: The employee holds a position in the City's Finance Department and possesses or obtains a current California license as a Certified Public Accountant.
 3. Professional Engineer License Pay: The employee holds a position in the City's Public Works–Engineering Department and possesses or obtains a current California Professional Engineer License.
- B. Eligible employees will receive premium pay under this Section 15.6 starting with the first full pay period following submission of a copy of the degree or license to Human Resources.

- C. With the exception of Education Incentive Pay, eligible employees are responsible for ensuring their continued eligibility for premium pay under this Section 15.6, including but not limited to, completing all necessary steps to obtain timely renewal of their licenses prior to expiration and providing a copy of the renewed license to Human Resources.

RULE XVI.
UNIFORMS AND EQUIPMENT

SEC. 16.1 UNIFORMS

- A. In general. The City shall either provide uniform items that employees are required to wear to meet Department needs or shall bear the cost of required uniform items.
- B. Uniforms for field employees.
 - 1. The required uniform shall consist of collared or t-shirt-type shirts and jeans. Field employees shall be responsible for purchasing pants or other apparel that is generally usable in their occupations.
 - 2. The City will provide required uniform items or an allowance to field employees, as follows:
 - a. Up to ten (10) shirts will be provided to each employee per fiscal year.
 - b. Employees will be reimbursed for purchase of up to five (5) pairs of jeans per fiscal year, up to a maximum amount of \$300 per fiscal year.
 - 3. Field employees are responsible for the proper cleaning and maintenance of their uniform items.

SEC. 16.2 EQUIPMENT

- A. The City shall provide employees with the essential equipment to perform the duties of their Positions, as determined in the discretion of the Department Director.
- B. Employees are responsible for requesting training on equipment that they are unfamiliar with prior to using such equipment. Also, employees are responsible for the proper operation and maintenance of all equipment.

SEC. 16.3 SAFETY EQUIPMENT AND PROTECTIVE CLOTHING

- A. All field employees will be required to wear approved safety shoes and other safety equipment and protective clothing. Field employees who fail or refuse to wear such safety and protective items as appropriate will be subject to Disciplinary Action under Rule XII. If any employee is unable to wear one or

more safety or protective items due to protected characteristics, the Personnel Officer may grant exceptions to this Rule where required by law as a reasonable accommodation.

B. The City will provide one of each of the following safety equipment and protective clothing items to each field employee:

1. Hard hats
2. Pair of ear plugs
3. Safety goggles
4. Non-prescription safety glasses
5. Safety vests
6. High visibility raincoats

C. Approved Safety Shoes:

1. The City requires that the approved safety shoes include both a steel toe and steel shank construction and meet the requirements of the American National Steel Institute (ANSI Z41.1). The shoes must be low quarter, three quarter or full boot.
2. Employees must choose their own approved safety shoes meeting the above requirements. After obtaining approval from the Public Works Director, the employee will purchase a safety shoe which is approved by OSHA from a vendor pre-selected by the Public Works Director. After purchase of the approved safety shoes, the employee will present a receipt of purchase to his/her Department Director for reimbursement. The maximum amount of reimbursement will be two hundred dollars (\$200.00), per fiscal year. Reimbursement will be made to the employee within ten (10) days after presentation of the receipt to the Public Works Director.

RULE XVII. **DRESS CODE**

SEC. 17.1 GENERAL POLICY

- A. The City is a professional organization, and customers, suppliers, and the general public (collectively “customers”) frequently form their initial impressions of professional credibility based solely on employee appearance. Therefore, all employees must present a professional appearance by wearing attire appropriate to their job classifications and must promote a positive image to customers.
- B. This Rule is intended to provide standards on dress and appearance and is not meant to address all situations. There may be differences in some Departments’ standards depending on the nature of the work environment, nature of work performed, involvement with the public, required uniforms under Rule XVI, or

other circumstances identified by the Department Director. The standards in this Rule apply when the employee has officially reported to work. Department Directors shall be responsible for enforcement of this Rule and related Department Policies among their employees.

SEC. 17.2 GENERAL GUIDELINES FOR ATTIRE AND FOOTWEAR

- A. Business Casual. Employees are required to dress each day in business casual dress. Business casual wear is a style of dress which projects a professional, business-like image while still permitting employees to wear more casual and relaxed clothing. Business casual does not include athletic wear, leisure wear, or beach wear. Clothing and footwear should be clean and in good repair. It may not be faded, torn, frayed, or revealing.
- B. Professional Business Attire. Employees should always consider each day's activities when determining what to wear. If an employee is representing the City at a meeting (including City Council and Planning Commission meetings), professional business attire should be worn.

SEC. 17.3 LIMITED EXCEPTIONS

- A. Department Directors may exercise their discretion regarding appropriate attire in light of weather conditions or requirements of special projects or assignments.
- B. The City may designate special casual days during which the dress code may be relaxed. Criteria for such casual days will be announced in advance.

SEC. 17.4 TATTOOS AND JEWELRY

- A. All tattoos must be covered.
- B. Facial piercing jewelry, including, but not limited to that displayed via nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing, is prohibited.
- C. Employees may wear up to two (2) earrings in each earlobe.
- D. All other jewelry must be appropriate, not detract from a professional appearance, and not constitute a potential safety hazard for the employee or others due to its characteristics or the manner in which it is worn. Such a determination shall rest in the discretion of the Department Director.

SEC. 17.5 GROOMING

- A. All employees must maintain a clean, presentable appearance.
- B. When used, perfumes, colognes, after shaves, and scented lotions shall be applied in moderation.

- C. Beards, sideburns, and moustaches must be neatly groomed. Hair must be properly restrained as required for its length and the nature of the assignment. Hair coloring shall be within the range of natural hair colors.

SEC. 17.6 VIOLATIONS

- A. Should an employee wear inappropriate attire or footwear to work, the employee shall be asked to leave the workplace and promptly return after changing into appropriate attire and footwear. Non-exempt employees may deduct the missed time from their available paid leave, or in the absence of leave, shall be required to take the missing time as leave without pay. Failure by any employee to return to work promptly may be grounds for discipline, pursuant to Rule XII.
- B. Repeated violations of this Rule may be grounds for discipline, pursuant to Rule XII.

SEC. 17.7 ACCOMMODATION OF PROTECTED CHARACTERISTICS

- A. The Personnel Officer may grant exceptions to this Rule as required by law to accommodate an employee's protected characteristic(s).

RULE XVIII.
POLICY AGAINST WORKPLACE VIOLENCE

SEC. 18.1 OBJECTIVES

The City is strongly committed to ensuring the safety of all employees. Consistent with this policy, acts or threats of violence, including intimidation, harassment, and/or coercion which involve or affect employees will not be tolerated, and will be subject to appropriate Disciplinary Action pursuant to Rule XII, up to and including termination. The following are the objectives of the City:

- A. To ensure that all workplace threats and violent behavior are addressed promptly.
- B. To ensure that the level of physical and facility security in City workplaces is sufficient to protect the health and safety of employees.
- C. To ensure that all employees are appropriately trained in workplace security, diffusing hostile situations, and steps to take during an emergency incident.
- D. To ensure that all Disciplinary Action taken for behavior prohibited under this Rule is reviewed, evaluated, and administered consistently and equitably throughout the City, and done so in a timely manner.

SEC. 18.2 THREATS OR ACTS OF VIOLENCE DEFINED

A credible threat of violence is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his/her safety, or the safety of his/her

immediate family, and that serves no legitimate purpose. General examples of prohibited workplace violence include, but are not limited to the following:

- A. Threatening to harm or harming an individual or his/her family, friends, associates, or their property.
- B. Fighting or challenging another individual to a fight.
- C. Intimidation through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, and pushing.
- D. Making harassing or threatening telephone calls; sending harassing or threatening letters, emails, text messages, or other correspondence.
- E. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
- F. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to the individual and causes the individual to fear for his/her safety, or the safety of his/her immediate family, as defined in *Civil Code* section 1708.7.
- G. Making a suggestion or otherwise intimating that an act to injure persons or property is appropriate behavior.
- H. Possession of firearms (loaded or unloaded), weapons, or any other dangerous devices on City property. This includes "look-alike" weapons, such as toy guns. Weapons and dangerous devices may include, but are not limited to the following: blackjacks, slingshots, metal knuckles, explosive substances, dirks, daggers, gas- or spring-operated guns, knives having a blade longer than three and one-half (3½) inches, folding knives having a blade that locks into place, razor blades, and clubs.
- I. Use of a personal or City-issued tool or other equipment in a threatening manner toward another.

SEC. 18.3 REPORTING WORKPLACE VIOLENCE

Any employee who is the victim of a threat or act of violence, or any employee who witnesses such conduct, should immediately report the incident to his/her Department Director or other appropriate person in the chain of command. Should the employee perceive that he/she is in immediate danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act or imminent violent act, he/she shall whenever possible:

- A. Place themselves in a safe location.
- B. If appropriate, call the Police Department or 911 and request immediate response of a police officer and be prepared to inform the police dispatcher of the circumstances and the exact location of where an officer is needed.

- C. Inform the Human Resources Director or the City Manager of the circumstances.
- D. Complete a written report as soon as possible and submit the original copy to the Human Resources Director.
- E. Cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and laws.

SEC. 18.4 REPORTING POTENTIAL FUTURE WORKPLACE VIOLENCE

Employees who have reason to believe they or any employee may be the subject of a violent act in the workplace or as a result of their City employment, should immediately notify Human Resources Director or the City Manager.

SEC. 18.5 VIOLATION OF RULE

The City's prohibition against threats and acts of violence applies to all persons in the City operation, including but not limited to City personnel, contract and temporary workers, customers, and anyone else on City property. Violations of this Rule by any individual may be followed by legal action as appropriate, which may include, but is not limited to, seeking a temporary restraining order and/or injunction on behalf of employees if the situation warrants such action. In addition to appropriate legal action, violations of this Rule by employees, including making a false report under this Rule, may lead to appropriate Disciplinary Action pursuant to Rule XII, up to and including termination.

RULE XIX. **PERSONNEL FILES AND RECORDS**

The City maintains a personnel file on each employee. An employee's personnel file will contain only material that the City determines is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted, subject to, and in accordance with, this Policy.

A. Inspection of a Current or Former Employee's Personnel File:

1. A current or former employee wishing to inspect his/her personnel file must submit a written request to the Human Resources Director, along with reasonable proof of identity. A current or former employee who seeks to authorize another person to inspect copies of his or her personnel file must provide a satisfactory written authorization for inclusion with the written request along with proof of identity.
2. The City shall issue a written notice setting a date for inspection of the personnel file within thirty calendar days of receipt of the request, to take place during normal business hours. With the requesting person's written consent, the date for inspection may be extended on one occasion by up to five calendar days. If the requesting person is a former employee who

was terminated for violation of City policy or law involving harassment or workplace violence, the City shall have discretion to mail a copy of the personnel file at the City's expense instead of scheduling an in-person inspection.

3. A current employee may inspect his/her personnel file at the place the employee reports to work, or may instead consent to inspect his/her personnel file at City Hall without loss of compensation. Inspection by former employees and authorized representatives shall take place at the Human Resources Director's office, unless otherwise mutually agreed in writing by the City, and may require additional reasonable proof of identity.
4. A designated City employee must be present throughout the inspection. No personnel files nor contents of personnel files shall be removed from the place of inspection without advance written authorization from the Human Resources Director.

B. Obtaining Copies of a Current or Former Employee's Personnel File:

1. A current or former employee wishing to obtain copies of documents or other materials in his/her personnel file in person or by mail must submit a written request to the Human Resources Director along with reasonable proof of identity. A current or former employee who seeks to authorize another person to obtain copies of his/her personnel file must provide a satisfactory written authorization for inclusion with the written request. Reasonable proof of identity may be required at the time of in-person pick up of requested documents.
2. The City shall issue a written notice setting a date on which the requested copies may be picked up in person during normal business hours and identifying the cost of reproduction that must be paid to the City at the time of pick up. The date for in-person pick up of the documents shall be no more than thirty calendar days after receipt of the request by the City. With the requesting person's written consent, that date may be extended on one occasion by up to five calendar days. If the requesting person is a former employee who was terminated for violation of City policy or law involving harassment or workplace violence, the City shall have discretion to mail a copy of the personnel file at the expense of the City instead of scheduling an in-person pick up.
3. If the requesting person chooses delivery by mail instead of in-person pick up, the notice provided by the City under Section 19.B.2. shall also identify the additional actual postage expenses for which the requesting person must reimburse the City prior to receipt of the copies.

C. Limits on Frequency of Exercise of Rights to Inspect or Receive Copies of Personnel Files:

1. Current employees shall be entitled to exercise rights under this policy to inspect and obtain copies of personnel records at reasonable intervals upon reasonable notice in accordance with this policy.
 2. Former employees shall be entitled to exercise rights under this policy to inspect or receive copies of their personnel records once per year.
 3. The City shall comply with a maximum of 50 requests per month filed under this policy by one or more representatives of current Employees.
- D. Each employee is responsible for keeping his/her file up to date by notifying the Personnel Officer of any changes to relevant personal information, including, but not limited to change of address, contact information, emergency contact information, and number and names of dependents for health benefit maintenance.

RULE XX.
WHISTLE BLOWING POLICY

- A. For purposes of this provision, "whistleblowing" consists of disclosure of information that the employee reasonably believes constitutes a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties, when that disclosure is made to one or more of the following:
1. A government or law enforcement agency;
 2. A person with authority over the employee;
 3. Another employee who has authority to investigate, discover, or correct the violation or noncompliance; or
 4. Any public body conducting an investigation, hearing, or inquiry, including, but not limited to, information given as testimony.
- B. The City encourages employee complaints, reports or inquiries about practices believed to be unlawful or constitute serious violation of the City policies, including illegal or improper conduct by the City itself, by its leadership, or by others on its behalf. Other subjects for which the City has existing complaint procedures shall be addressed under those other procedures. This policy is not intended to provide a means of appeal from outcomes in those other procedures.
- C. Complaints, reports or inquiries may be made under this policy on a confidential or anonymous basis. They should describe in detail the specific facts demonstrating the bases for the complaints, reports or inquiries. They may be directed to the Personnel Officer or City Manager, or to the City Attorney if involving the Personnel Officer or City Manager. The City will conduct a prompt, discreet, and objective review or investigation in response. However, Employees

must recognize that the City may be unable to fully evaluate or address a report or inquiry that is made anonymously or made in a vague or general manner.

D. Protection from Retaliation for Good Faith Complaints, Reports, or Inquiries:

1. The City prohibits retaliation by or on behalf of the City against Employees for making good faith complaints, reports or inquiries under this policy or by participating in a review or investigation under this policy. Any Employee who makes a complaint using this procedure or otherwise engages in "whistleblowing" is protected against adverse employment actions (discharge, demotion, suspension, harassment, or other forms of discrimination) taken by the City or any person acting on behalf of the City. This protection extends to those whose allegations are made in good faith but prove to be mistaken or unsubstantiated. Employees who participate or assist in an investigation will also be protected. Every reasonable effort will be made to protect the anonymity of the "whistleblowing" employee however, there may be situations where it cannot be guaranteed.
2. The City reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

CITY OF BUELLTON
ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL RULES
JULY 9, 2015

I acknowledge that I have received my copy of the City of Buellton Personnel Rules. I recognize that the Personnel Rules supersede any related Personnel Rules, policy statements, manuals, and/or administrative policies previously issued by the City of Buellton. I will read and abide by all Personnel Rules and regulations set forth in the Personnel Rules.

I understand that these Personnel Rules do not create a vested contractual right in the execution of the duties and responsibilities relating to these Personnel Rules.

Print Name

Signature

Date