

Title 2R

ADMINISTRATION AND EMPLOYER-EMPLOYEE RELATIONS RULES

Chapter:

- 2R.04 Administration**
- 2R.08 City Council**
- 2R.20 Fire Department**
- 2R.24 Health Department**
- 2R.28 Police Department**
- 2R.32 Building and Development Services Department**
- 2R.41 Chico Industrial Development Authority**
- 2R.43 Chico Redevelopment Agency**
- 2R.46 Chico Public Financing Authority**
- 2R.48 Parking Place Commission** *(Repealed by Res. No. 113-07)*
- 2R.66 Parking Authority**
- 2R.68 City of Chico Emergency Services**

Organization

- 2R.72 Personnel and Employee Representation**

Rules

Article I Personnel Rules - General Provisions

Article II Personnel Rules - Classified Service

Article III Personnel Rules - Exempt Service

Article IV Employee Representation Rules

- 2R.76 Equal Employment Opportunity Plan**

Exhibits: (Exhibits following Chapter 2R.32)

- A Systematic Housing Code Enforcement Areas**

NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

Chapter 2R.04**ADMINISTRATION****Section:**

- 2R.04.010** Authorization for finance director to waive bank or savings and loan association deposit security.
- 2R.04.020** Establishment of revolving fund.
- 2R.04.025** Establishment of parking ticket revolving fund.
- 2R.04.030** City manager authorized to accept and consent to deeds or grants.
- 2R.04.035** City manager authorized to execute deeds conveying access easements to city streets to replace dedicated abutter's rights
- 2R.04.045** Biweekly payroll system.
- 2R.04.050** City manager authorized to execute right-of-way certificates and assurances in connection with approved Federal Aid Urban "D" projects.
- 2R.04.060** City manager designated as representative of city council pursuant to the Meyers-Milias-Brown Act.
- 2R.04.070** City manager authorized to make local safety member disability determinations.
- 2R.04.080** City manager authorized to approve sanitary sewer connections prior to completion of annexation proceedings under certain conditions - Effect of termination of annexation proceedings.
- 2R.04.090** Finance director authorized to issue checks, establish bank accounts and use facsimile signature.
- 2R.04.110** City manager authorized to execute sewer main reimbursement agreements.
- 2R.04.120** City manager authorized to execute agreements for connection to sewer system and/or storm drainage system prior to annexation.
- 2R.04.130** State Relocation Guidelines adopted by reference - Declaration of adequacy and appropriateness of such guidelines.
- 2R.04.140** City manager authorized to submit disability retirement applications on behalf of employee.
- 2R.04.150** City manager authorized to execute agreement for fire training burn.
- 2R.04.160** City manager authorized to execute employee group insurance and benefit plans and amendments.
- 2R.04.170** City manager authorized to execute agreements with community organizations.
- 2R.04.180** Conflict of interest code.
- 2R.04.190** City manager authorized to execute and file applications, assurances and agreements with U. S. Department of Transportation for aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended.
- 2R.04.200** City manager authorized to execute emergency access agreements.
- 2R.04.210** City manager authorized to select methods of state employment insurance benefit reimbursement.
- 2R.04.220** City manager authorized to execute consent to common use agreement with utility companies.

- 2R.04.230** City manager authorized to execute subdivision improvement agreements and accept public improvements in accordance with approved tentative maps.
- 2R.04.240** City manager authorized to execute conditions, covenants and restrictions or other similar agreements.
- 2R.04.250** City clerk authorized to sign subdivision maps.
- 2R.04.260** City manager authorized to receive state and local summary criminal history information.
- 2R.04.270** City manager authorized to execute agreements for deferred loans in connection with low and moderate income housing programs.
- 2R.04.280** City manager authorized to execute agreements with State of California Department of Motor Vehicles for Class A and B driver license training and testing.
- 2R.04.290** City manager authorized to execute agreements for right of entry.
- 2R.04.300** City manager authorized to execute agreements with public agencies for services provided by the city of Chico.
- 2R.04.305** City manager authorized to execute agreements with public agencies for extra-jurisdictional law enforcement services.
- 2R.04.310** City manager authorized to execute storm drainage reimbursement agreements.
- 2R.04.320** City manager authorized to execute petitions of annexation.
- 2R.04.330** City manager authorized to execute agreements for the use of private facilities.
- 2R.04.335** City manager authorized to approve the rental of specialized city equipment and personnel to local agencies/businesses in special circumstances.
- 2R.04.340** City manager authorized to execute storm drainage assessment district agreements/waiver of protest to district formation proceedings.
- 2R.04.360** City manager authorized to execute permit applications and permits from state and federal agencies.
- 2R.04.380** City manager authorized to execute funding agreements with state and federal agencies.
- 2R.04.390** City manager authorized to execute administrative agreements in connection with banking and investment services.
- 2R.04.400** City manager authorized to issue revocable grants of license to state agencies.
- 2R.04.405** City manager authorized to issue grants of license to Butte County Association of Governments
- 2R.04.410** Authorization to commence civil actions to recover damages of less than \$10,000.
- 2R.04.420** Authority of city manager and city attorney to commence foreclosure actions when assessment district installments become delinquent.
- 2R.04.430** City manager authorized to provide notice of proposed adoption of resolution of necessity and hearing.
- 2R.04.440** Authorized agents for obtaining federal and state financial assistance for disaster relief.
- 2R.04.450** City manager authorized to execute agreements to obtain grants of temporary construction easements.

2R.04.460 City Manager authorized to execute sewer service agreements with school districts and other public agencies.

2R.04.470 City Attorney Authorized To Execute Agreements For Legal And Other Professional Services

2R.04.480 City manager authorized to execute tow service agreements

2R.04.010 Authorization for finance director to waive bank or savings and loan association deposit security.

- A. The city finance director is hereby authorized to waive deposit security as provided for in Section 53653 of the California Government Code, when in the finance director's discretion local conditions so warrant.
- B. The minimum local conditions to be considered by the finance director are the city's financial condition, the depository concerned, the amount on deposit and the particular need for the deposited funds.

(Res. No. 45 77-78, Res. No. 133 95-96 §1)

2R.04.020 Establishment of revolving fund.

- A. There is hereby created and established in the finance office of the city, a fund to be designated "city of Chico revolving fund" with a maximum appropriation thereto at any one time of \$5,000.
- B. Said fund shall be used, and disbursements shall be made therefrom, for the following purposes, by the finance director:
 - 1. A sum not to exceed \$500.00 shall be maintained under the direction and control of the finance director as a petty cash fund for the purchase of materials and supplies and reimbursement of employee expenses in amounts not exceeding \$25.00, and for postage, shipping and mailing costs;
 - 2. The remaining balance of said fund so created shall be deposited in a checking account and advances made therefrom to city personnel for travel expense while traveling upon the business of the city or as reimbursement to said personnel after such expenses have been incurred; and for purchasing postage for the city-operated postage meter.
- C. Advances shall only be made therefrom in those instances where the purpose for which the advance or reimbursement is to be made has been authorized and a sum budgeted therefor in the city budget, and the finance director determines that unexpended funds remain in such budget item.
- D. When an advance or reimbursement is made to city personnel, such shall be made upon a form approved by the finance director. Monthly, the finance director shall present all such claims to the city council for approval as a charge against the proper budgeted item, and when so approved, the fund hereby established shall be reimbursed to the extent of such claim. In the case of the petty cash fund, claim forms with proper receipts attached shall be placed therein and reimbursement to said fund for the total of all disbursements made therefrom shall be made from the revolving fund.

(Res. No. 46 77-78, Res. No. 176 80-81, Res. No. 133 95-96 §1)

2R.04.025 Establishment of parking ticket revolving fund.

- A. There is hereby created and established in the finance office of the city a fund to be designated “city of Chico parking ticket revolving fund” with an appropriation thereto of \$500.00.
- B. The finance director is hereby authorized to establish a special checking account to be designated “city of Chico parking ticket revolving fund checking account” to be used for the following purposes:
 - 1. Depositing of cash bail payments received which are less than the required bail payment and issuing of checks to be returned to the payor;
 - 2. Depositing of excess bail payments and issuing of a refund check to the payor;
 - 3. Depositing of bail payments received which are payable to the Chico Municipal Court and issuing checks to the court;
 - 4. Depositing of bail required to remove liens against motor vehicle registrations and issuing of checks for processing to the Department of Motor Vehicles.
- C. The balance of the checking account hereby established shall be maintained at \$500.00 at all times.
- D. No council approval shall be required for issuance of checks from said checking account for the purposes set out hereinabove.

(Res. No. 43 79-80, Res. No. 133 95-96 §1)

2R.04.030 City manager authorized to accept and consent to deeds or grants.

Pursuant to Section 27281 of the Government Code of the State of California, the city manager of the city of Chico is hereby authorized to accept and consent to deeds or grants conveying any interest in or easement upon real estate to the city for public purposes. Such consent shall be endorsed upon said instrument in the manner and form provided by the aforesaid section.

(Res. No. 47 77-78, Res. No. 141 78-79)

2R.04.035 City manager authorized to execute deeds conveying access easements to city streets to replace dedicated abutter’s rights.

The city manager is authorized to execute deeds on behalf of the city that convey access easements to city streets from adjoining property when abutter’s rights have been previously dedicated to the city.

(Res. No. 114 99-00)

2R.04.040 Twice-monthly payroll system.

(Repealed by Res. No. 02 03-04)

2R.04.045 Biweekly payroll system.

- A. Effective on January 1, 1978, and thereafter, the payment of wages as established in the “Schedule of Assignments of Job Titles to Pay Plan Ranges - Classified Service, Exempt and Council Appointive Services” in the annual budget to permanent full-time, permanent part-time and hourly exempt employees shall be upon a biweekly basis. Such payments shall be made on the Thursday immediately following the close of each biweekly pay period. However, if such Thursday falls on a holiday, the finance director may, with sole discretion, considering the then current workload requirements of the finance office and the availability of staffing therefor, make payments on the Wednesday immediately preceding such Thursday holiday. If the finance director determines that it is not possible to make said payments on the

Wednesday preceding the holiday, said payments shall then be made on the Friday immediately following said holiday. In either of the foregoing instances, the finance director shall give reasonable prior notice of the day upon which such payments are to be made to each city office and department.

- B. The payment of all overtime, holiday and such other wages as may be in excess of the pay herein referred to in subsection A above shall be in the same manner and on the same dates as provided therein.
- C. The phrase “biweekly pay period” is hereby defined to mean that period which begins on midnight of a Sunday and ends on midnight of the second Saturday following thereafter.
- D. The city shall make payment of all wages to employees terminating by reason of resignation on the next Thursday immediately following the close of the biweekly pay period in which their resignation occurred, or, if such Thursday falls on a holiday, on the Friday immediately following such biweekly pay period.
- E. The city shall make payment of all wages due employees terminating by reason of discharge on the next business day immediately following their date of discharge.
- F. The city shall make payment of all remuneration due council members and all wages due call firefighters upon a monthly basis not later than the first payday of each month following the month in which it was earned.
- G. The provisions of this section shall become effective on and after January 1, 1978.
(Res. No. 79 77-78 (part), Res. No. 133 95-96 §1, Res. No. 02 03-04)

2R.04.050 City manager authorized to execute right-of-way certificates and assurances in connection with approved Federal Aid and State-Local Entity projects.

- A. The city manager is hereby authorized and directed to execute all required “right-of-way certificates” and “assurances” for and on behalf of the city in connection with Federal Aid and State-Local Entity projects, or projects funded by successor programs.
- B. The city manager is hereby authorized and directed to forward any such required “right-of-way certificates” and “assurances” to the state of California, Department of Transportation, Division of Highways, in order to fulfill the requirements of the Federal Aid and State-Local Entity programs.

(Res. No. 88 77-78, Res. No. 02 03-04)

2R.04.060 City manager designated as representative of city council pursuant to the Meyers-Milias-Brown Act.

- A. The city manager is hereby designated as the representative of the city council to meet and confer with representatives of recognized employee organizations representing employees of the city of Chico, pursuant to the Meyers-Milias-Brown Act.
- B. The city manager is hereby authorized to participate in the preparation of nonbinding written memorandums of understanding as contemplated by Government Code Section 3505.1 and may sign such memorandums.

(Res. No. 89 77-78)

2R.04.070 City manager authorized to make local safety member disability determinations.

- A. The city manager shall be the representative of the city council to make determinations under Section 21173 of the California Government Code on behalf

of the council concerning the disability of city employees who are public safety members under the Public Employees' Retirement System, including the determination of whether the disability is "industrial," and to certify such determinations and all other necessary information to Public Employees' Retirement System.

- B. The city manager is authorized to make applications on behalf of the city for disability retirement of city employee members and to initiate request for reinstatement of such employees who are retired or disabled.

(Res. No. 102 77-78; Res. No. 68 99-00; Res. No. 03 05-06)

2R.04.080 City manager authorized to approve sanitary sewer connections prior to completion of annexation proceedings under certain conditions - Effect of termination of annexation proceedings.

- A. The city manager is hereby authorized to approve connections to the sanitary sewage disposal system of the city prior to the completion of annexation proceedings provided that the applicant has:
1. Completed and filed an application for sanitary sewer connection;
 2. Completed and filed an annexation petition and has paid all appropriate annexation fees;
 3. Paid the appropriate sewer connection fees;
 4. Secured the required permit from the city building and development services department.
- B. In the event that the annexation proceedings are terminated for any reason, without the annexation being completed, the subject property shall be subject to a sewer service charge fixed by the city, or, at the option of the city, said sewer service shall be disconnected.

(Res. No. 111 77-78, Res. No. 113-07)

2R.04.090 Finance director authorized to issue checks, establish bank accounts and use facsimile signature.

- A. The finance director of the city is hereby authorized to establish and/or maintain, in the name of the city, one or more deposit accounts with and in any federally or state chartered bank located within the city.
- B. In accordance with Section 3.24.070 of the code, the finance director is authorized to withdraw funds of the city from accounts of such banks upon checks with the finance director's signature or a facsimile thereof. The finance director is hereby certified to said banks and said banks are hereby authorized to honor and pay any and all checks signed by the finance director including those drawn to the individual order of any officer or other person herein authorized to sign same.
- C. In the absence of the finance director by reason of vacation, illness, emergency, or other authorized cause of absence, the city manager pursuant to the provisions of the cited Section 3.24.070, is authorized to undertake all actions with respect to funds of the city as set forth above and to sign checks on behalf of the city. Said banks are hereby authorized to honor and pay any and all checks so signed including those drawn to the individual order of any officer or other person herein authorized to sign same.
- D. The city clerk shall and is hereby directed to provide to such banks in which an account of the city may be established or maintained the names and signature samples of the current occupants of the positions of the city manager and finance director.

(Res. No. 129 77-78, Res. No. 133 95-96 §1, Res. No. 02 03-04)

2R.04.110 City manager authorized to execute sewer main reimbursement agreements.

The city manager is hereby authorized to execute sewer main reimbursement agreements as provided for by Section 15.36.220 of this code in a standard form approved by the city attorney and in accordance with the reimbursement fee schedule established by the city council.

(Res. No. 37 79-80 (part), Res. No. 131 82-83)

2R.04.120 City manager authorized to execute agreements for connection to sewer system and/or storm drainage system prior to annexation.

The city manager is hereby authorized to execute agreements which allow connection to the city's sewer system and/or storm drainage system prior to annexation for property which cannot be presently annexed to the city under the laws of the state of California or for which an annexation is pending. The agreement shall provide that the property owner agrees to annex the property to the city at such time as the city may proceed with the annexation and shall be in a standard form approved by the city attorney.

(Res. No. 37 79-80 (part), Res. No. 168 83-84 §1)

2R.04.130 State Relocation Guidelines adopted by reference - Declaration of adequacy and appropriateness of such guidelines.

- A. The Relocation Guidelines of the Department of Housing and Community Development found at Section 6000 et seq. of Title 25, California Code of Regulations, and amendments hereafter adopted thereto hereby are adopted.
- B. The Relocation Guidelines are appropriate for the property acquisition and relocation activities carried on by the city of Chico.

(Res. No. 99 81-82, Res. No. 181 86-87, Res. No. 133 95-96 §2)

2R.04.140 City manager authorized to submit disability retirement applications on behalf of employee.

The city manager is authorized to submit applications on behalf of the city for the disability retirement of a city employee member of the Public Employees' Retirement System pursuant to California Government Code Section 21152 if the city manager believes that such employee is disabled.

(Res. No. 8 82-83; Res. No. 69 99-00)

2R.04.150 City manager authorized to execute agreement for fire training burn.

The city manager is hereby authorized to execute agreements for fire training burns in a standard form approved by the city attorney.

(Res. No. 135 82-83)

2R.04.160 City manager authorized to execute employee group insurance and benefit plans and amendments.

The city manager is authorized to execute employee group insurance and benefit plans and amendments subject to agreement with the representatives of recognized employee organizations and the inclusion of any required funding therefor in the annual budget of the city or in a supplemental appropriation thereto.

(Res. No. 12 83-84, Res. No. 14 98-99)

2R.04.170 City manager authorized to execute agreements with community organizations.

The city manager is hereby authorized to execute agreements for expenditure of city funds with community organizations for which the city council has approved funding as part of the annual budget.

(Res. No. 12 84-85 §1)

2R.04.180 Conflict of interest code.

- A. Adoption of Model Conflict of Interest Code. The Model Conflict of Interest Code as set forth in Section 18730 of Title 2 of the California Code of Regulations, together with any amendments thereto hereinafter enacted by the Fair Political Practices Commission, is hereby adopted by reference and constitutes the conflict of interest code of the city of Chico.
- B. Place of Filing Statements of Economic Interest. City officers, city employees, and members of city boards and commissions subject to this conflict of interest code (hereinafter referred to as “city officials”) shall file statements of economic interest with the city clerk as provided for in Section 4(C) of the Model Conflict of Interest Code, no later than April 1st of the annual reporting period..
- C. Disclosure Categories. The disclosure categories for city officials, provided for in Section 3 of the Model Conflict of Interest Code, shall be as follows:
1. Disclosure Categories for Investments in Business Entities.
 - Category 1a. City officials in this category shall report any direct or indirect investment in a business entity worth more than \$2,000 where the business entity is located or doing business in the city.
 - Category 1b. City officials in this category shall report any direct or indirect investment in a business entity worth more than \$2,000 where the business entity is engaged in contracting with or selling to the city.
 - Category 1c. City officials in this category shall report any direct or indirect investment in a business entity worth more than \$2,000 where the business entity is located or doing business in the city and is engaged in the building and construction industry.
 - Category 1d. City officials in this category shall report any direct or indirect investment in a business entity worth more than \$2,000 where the business entity is located or doing business at the Chico Municipal Airport.
 2. Disclosure Categories for Interests in Real Property.
 - Category 2a. City officials in this category shall report any direct or indirect interests in real property worth more than \$2,000 where the real property is located within the city or within two miles of the city’s boundaries.
 - Category 2b. City officials in this category shall report any direct or indirect interest in real property worth more than \$2,000 where the real property is located at the Chico Municipal Airport.
 3. Disclosure Categories for Sources of Income.
 - Category 3a. City officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$500 or more in value, where the source of income is located or doing business in the city.
 - Category 3b. City officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$500 or more in value, where the source of income is engaged in contracting with or selling to the city.

Category 3c. City officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$500 or more in value, where the source of income is located or doing business in the city and engaged in the building and construction industry.

Category 3d. City officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$500 or more in value, where the source of income is located or doing business at the Chico Municipal Airport.

4. Disclosure Categories for Business Entities in Which the City Official is a Director, Officer, Partner, Trustee, Employee, or Holds Any Position in Management.

Category 4a. City officials in this category shall report any business entity in which the city official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is located or doing business in the city.

Category 4b. City officials in this category shall report any business entity in which the city official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is engaged in contracting with or selling to the city.

Category 4c. City officials in this category shall report any business entity in which the city official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is located or doing business in the city and is engaged in the building and construction industry.

Category 4d. City officials in this category shall report any business entity in which the city official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is located or doing business at the Chico Municipal Airport.

D. Designated City Officials. The designated city officials provided for in Section 2 of the Model Conflict of Interest Code, and the disclosure categories applicable to such designated city officials shall be as follows:

Designated City Officials	Disclosure Category
Accountant	1a,b; 2a; 3a,b; 4a,b
Accounting manager	1a,b; 2a; 3a,b; 4a,b
Administrative services director	1a,b,d; 2a,b; 3a,b,d; 4a,b,d
Airport commission member	1d; 2b; 3d; 4d
Airport manager	1a,b,d; 2a,b; 3a,b,d; 4a,b,d
Architectural review board member	1a; 2a; 3a; 4a
Art projects coordinator	1a,b; 2a; 3a,b; 4a,b
Arts commission member	1a,b; 2a; 3a,b; 4a
Assistant city attorney	1a,b; 2a; 3a,b; 4a,b
Assistant city manager	1a,b,d; 2a,b; 3a,b,d; 4a,b,d

Assistant planner	1a; 2a; 3a; 4a
Associate civil engineer	1c; 2a; 3c; 4c
Associate planner	1a; 2a; 3a; 4a
Building and development services director	1a,b; 2a; 3a,b; 4a,b
Building official	1a; 2a; 3a; 4a
Capital projects services director	1a,b; 2a; 3a,b; 4a,b
Chief of police	1a,b; 3a,b; 4a,b
City clerk	1b; 3b; 4b
City surveyor/right of way agent	1c; 2a; 3c; 4c
Code enforcement officer	1a; 2a; 3a; 4a
Combination inspector I	1c; 2a; 3c; 4c
Combination inspector II	1c; 2a; 3c; 4c
Communications/records manager	1a; 2a; 3a; 4a
Community development manager	1a,b; 2a; 3a,b; 4a,b
Construction inspector	1c; 2a; 3c; 4c
Crime analyst	1a,b; 3a,b; 4a,b
Development engineer	1c; 2a; 3c; 4c
Division chief (fire)	1a,b; 2a; 3a,b; 4a,b
Economic dev./redevelopment manager	1a,b; 2a; 3a,b; 4a,b
Engineering administrative manager	1a,b; 2a; 3a,b; 4a,b
Facilities manager	1b; 3b; 4b
Fire chief	1a,b; 2a; 3a,b; 4a,b
Fire prevention inspector	1a; 2a; 3a; 4a
Fire prevention officer	1a; 2a; 3a; 4a
Fire prevention specialist	1a; 2a; 3a; 4a
Fleet manager	1b; 3b; 4b
General services director	1a,b; 2a; 3a,b; 4a,b
Housing and neighborhood services director	1a,b; 2a; 3a,b; 4a,b
Housing manager	1,c; 2a; 3c; 4c
Human resources and risk management director	1a,b; 2a; 3a,b; 4a,b
Human resources manager	1a,b; 3a,b; 4a,b
Information systems analyst	1a,b; 3a,b; 4a,b
Information systems director	1a,b; 3a,b; 4a,b

Management analyst	1a,b; 2a; 3a,b; 4a,b
Neighborhood services manager	1c; 2a; 3c; 4c
Operations and maintenance director	1a,b; 2a; 3a,b; 4a,b
Park commission member	1a,b; 2a; 3a,b; 4a,b
Park director	1b; 2a; 3b; 4b
Permit software specialist	1c; 2a; 3c; 4c
Plan check engineer	1c; 2a; 3c; 4c
Planning services director	1a; 2a; 3a; 4a
Plans examiner	1c; 2a; 3c; 4c
Police captain	1a,b; 3a,b; 4a,b
Police lieutenant	1a,b; 3a,b; 4a,b
Principal planner	1a; 2a; 3a; 4a
Projects manager	1b; 3b; 4b
Property section manager (police)	1a,b; 3a,b; 4a,b
Public works manager	1b; 3b; 4b
Senior civil engineer	1c; 2a; 3c; 4c
Senior construction inspector	1c; 2a; 3c; 4c
Senior development engineer	1c; 2a; 3c; 4c
Senior information systems analyst	1a,b; 3a,b; 4a,b
Senior plan check engineer	1c; 2a; 3c; 4c
Senior planner	1a; 2a; 3a; 4a
Supervising code enforcement officer	1a,c; 2a; 3a,c; 4a,c
Supervising inspector	1a; 2a; 3a; 4a
Urban forest manager	1b; 2a; 3b; 4b
Wastewater treatment manager	1b; 3b; 4b

E. Consultants. The disclosure categories applicable to city consultants shall be determined by the city manager or a designee based on the nature of the services to be performed for the city by such consultants. Such determination shall be made in writing and shall include a description of the city consultants' duties. A copy of such determination shall be forwarded to the city clerk and shall be retained by the city clerk for public inspection in the same manner and same location as the city's conflict of interest code.

(Res. No. 99 84-85, Res. No. 69 85-86, Res. No. 123 86-87, Res. No. 83 88-89, Res. No. 105 89-90, Res. No. 109 91-92 §§1, 2, Res. No. 49 93-94, Res. No. 2 94-95, Res. No. 102 94-95, Res. No. 81 95-96, Res. No. 65 96-97, Res. No. 150 96-97, Res. No. 61 97-98, Res. No. 67 99-00, Res. No. 77 00-01, Res. No. 73 01-02, Res. No. 52 02-03, Res. No. 02 03-04, Res. No. 54 03-04, Res. No. 39 04-05, Res. No. 41 05-06, Res. No. 34-07, Res 73-08)

2R.04.190 City manager authorized to execute and file applications, assurances, and agreements with the Federal Transit Administration, an operating administration of the U. S. Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, and other Federal statutes administered by the Federal Transit Administration.

- A. The city manager, or a designee, is authorized to execute and file an application for Federal financial assistance on behalf of the city with the Federal Transit Administration (“FTA”) for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the FTA.
- B. The city manager, or a designee, is authorized to execute and file with its applications the annual certifications and assurances and other documents the FTA requires before awarding a Federal assistance grant or cooperative agreement.
- C. The city manager, or a designee, is authorized to execute grant and cooperative agreements with the FTA on behalf of the city.

(Res. No. 18 03-04)

2R.04.200 City manager authorized to execute emergency access agreements.

The city manager is hereby authorized to execute emergency access agreements with property owners who are required to provide emergency access from a building across adjacent private property to the public right-of-way.

(Res. No. 30 85-86 §1)

2R.04.210 City manager authorized to select methods of state unemployment insurance benefit reimbursement.

The city manager is hereby authorized to select appropriate methods of state unemployment insurance benefit reimbursement which are in the best interests of the city, and to advise the State Employment Development Department of such selection.

(Res. No. 70 85-86)

2R.04.220 City manager authorized to execute consent to common use agreement with utility companies.

The city manager is authorized to execute “consent to common use” agreements with utility companies, in a form approved by the city attorney, to enable the city to utilize portions of easements owned by utility companies which do not conflict with the utility company’s facilities located in the easement.

(Res. No. 144 85-86)

2R.04.230 City manager authorized to execute subdivision improvement agreements and accept public improvements in accordance with approved tentative maps.

- A. The city manager is hereby authorized to execute subdivision improvement agreements provided for by this code or any state statute or regulation and to modify and/or extend the term of such agreements when appropriate, all subject to the terms and conditions established by the city council or planning commission in approving tentative maps.
- B. The city manager is hereby authorized to accept public improvements installed pursuant to a subdivision improvement agreement upon certification by the building and development services director that the improvements have been completed in

accordance with the approved tentative map and to release securities deposited with the city pursuant to the subdivision improvement agreement.
(Res. No. 95 86-87, Res. No. 113-07)

2R.04.240 City manager authorized to execute conditions, covenants and restrictions or other similar agreements.

The city manager is hereby authorized to execute conditions, covenants and restrictions or other similar agreements where these are required as conditions of subdivision or development approval.
(Res. No. 127 86-87 §1)

2R.04.250 City clerk authorized to sign subdivision maps.

The city clerk is hereby authorized to sign final subdivision maps upon certification by the building and development services director that all provisions of the Chico Municipal Code have been met, including all conditions required for subdivision approval.
(Res. No. 127 86-87 §2, Res. No. 113-07)

2R.04.260 City manager authorized to receive state and local summary criminal history information.

Pursuant to Sections 11105 and 13300 of the California Penal Code, the city manager is hereby authorized to receive summary criminal history information for employment, licensing or certification purposes, which information may be used to reject an applicant for employment, licensing or certification who has been convicted of a misdemeanor or a felony involving moral turpitude if the conviction is related to the employment, license or certification being applied for.
(Res. No. 201 86-87)

2R.04.270 City manager authorized to execute agreements for deferred loans in connection with low and moderate income housing programs.

The city manager is hereby authorized to execute agreements with the California Housing Finance Agency and with borrowers for deferred loans for the purpose of financing the construction and/or acquisition of low and moderate income housing through the city and Chico Redevelopment Agency Mortgage Subsidy Programs and the Community Housing Improvement Program self-help program when funds for such loans have been authorized by the city or the Chico Redevelopment Agency.

As part of such authorization, the city manager, in the capacity of the executive director of the Chico Redevelopment Agency or the city manager of the city, shall be authorized to subordinate the security for an agency loan to the security of any other public or private lender participating in the financing of such housing and, in connection therewith, make all of the findings relating to such subordination now or hereafter required by Community Redevelopment Law as set forth in Division 24 of the California Health and Safety Code (commencing with Section 33000).

(Res. No. 66 89-90, Res. No. 97 90-91, Res. No. 151 96-97, Res. No. 02 03-04)

2R.04.280 City manager authorized to execute agreements with State of California Department of Motor Vehicles for Class A and B driver license training and testing.

The city manager is hereby authorized to execute agreements with the State of California Department of Motor Vehicles for the training and testing by the city of

certain city employees who require Class A and Class B driver licenses to operate certain city vehicles.

(Res. No. 67 89-90)

2R.04.290 City manager authorized to execute agreements for right of entry.

The city manager is authorized to execute agreements for right of entry where it is determined necessary by the city manager to enter upon private property in connection with the acquisition of such property, the design and construction of public improvements on such property, and/or any other purpose as the city manager deems appropriate.

(Res. No. 85 90-91)

2R.04.300 City manager authorized to execute agreement with public agencies for services provided by the city of Chico.

The city manager is hereby authorized to execute agreements for services to be provided by the city to a public agency when the agreement provides for full payment of the cost of such services by said public agency.

(Res. No. 127 90-91)

2R.04.305 City manager authorized to execute agreements with public agencies for extra-jurisdictional law enforcement services.

The city manager is authorized to execute agreements in a standard form approved by the city attorney with public agencies for extra-jurisdictional law enforcement services. If such an agreement would have a fiscal impact on the city beyond funds budgeted, the city manager shall secure city council approval prior to execution of the agreement.

(Res. No. 68-08)

2R.04.310 City manager authorized to execute storm drainage reimbursement agreements.

The city manager is authorized to execute storm drainage reimbursement agreements in a standard form approved by the city attorney and in accordance with the reimbursement fee schedule established by the city council.

(Res. No. 52 91-92)

2R.04.320 City manager authorized to execute petitions of annexation.

In accordance with the provisions of Section 56711 of the California Government Code, the city manager is authorized to execute petitions of annexation of city-owned property on behalf of the city of Chico.

(Res. No. 117 91-92)

2R.04.330 City manager authorized to execute agreements for the use of private facilities.

The city manager is authorized to execute agreements in a form approved by the city attorney for the temporary, short-term, use of private facilities for city functions, including but not limited to training, testing, and demonstrations.

(Res. No. 34 94-95)

2R.04.335 City manager authorized to approve the rental of specialized city equipment and personnel to local agencies/businesses in special circumstances.

The city manager is authorized to approve the temporary rental of specialized city-

owned equipment to local agencies/businesses in circumstances where no local private business or agency has equipment adequate to perform a service. Only city personnel will be allowed to operate the city-owned equipment. Agencies using city equipment shall pay a rental fee for equipment usage and hourly fees for city personnel in an amount established by city council resolution.

(Res. No. 18 02-03)

2R.04.340 City manager authorized to execute storm drainage assessment district agreements/waiver of protest to district formation proceedings.

The city manager is authorized to execute agreements which allow installation of temporary leach field type storm drainage systems provided that the property owner agrees to waive his/her/their right of protest to assessment district proceedings initiated by the city or any other governmental entity which includes the property within the district boundaries and which are conducted for the purpose of constructing and installing public storm drainage facilities. The agreement shall provide for the connection of all of the temporary leach field storm drainage facilities installed on the property to any public storm drainage facilities which are thereafter constructed and installed within a public right-of-way or public easement adjoining the subject property whether or not such storm drainage facilities are constructed and installed as part of the storm drainage assessment district proceedings. Such agreement shall be in a standard form approved by the city attorney.

(Res. No. 150 91-92)

2R.04.360 City manager authorized to execute permit applications and permits from state and federal agencies.

The city manager is authorized to execute permit applications and permits from state and federal agencies when required in connection with city construction projects and programs. In the event a condition of the permit application or the permit will have a fiscal impact on the city beyond the funds budgeted, the city manager shall secure city council approval prior to execution of the permit application or permit.

(Res. 78 94-95)

2R.04.380 City manager authorized to execute funding agreements with state and federal agencies.

The city manager is authorized to execute funding agreements with state and federal agencies when required in connection with projects for which funds have been budgeted. In the event a condition of the agreement will have a fiscal impact on the city beyond the funds budgeted, the city manager shall secure city council approval prior to execution of the agreement.

(Res. No. 68 92-93)

2R.04.390 City manager authorized to execute administrative agreements in connection with banking and investment services.

The city manager or a designee is authorized to execute administrative agreements with banking or financial institutions in connection with securing banking and investment services provided such services are consistent with the investment policies adopted by the council.

(Res. No. 130 92-93, Res. No. 02 03-04)

2R.04.400 City manager authorized to issue revocable grants of license to state agencies.

The city manager is authorized to issue revocable grants of license to state agencies for encroachments in public ways and places in the city.

(Res. 181 92-93)

2R.04.405 City manager authorized to issue grants of license to Butte County Association of Governments

The city manager is authorized to issue grants of license to the Butte County Association of Governments for the placement of signs, benches and bus shelters for public transit services in public ways and places in the city.

(Res. 64-08)

2R.04.410 Authorization to commence civil actions to recover damages of less than \$10,000.

The city attorney, at the request of or with the concurrence of the city manager, is authorized to file civil actions in a court of appropriate jurisdiction, in an amount not to exceed Ten Thousand Dollars (\$10,000), to recover damages sustained by the city. In addition, the city manager is authorized to cause actions to be filed in small claims court in any amount up to the monetary jurisdiction of small claims court in order to recover damages sustained by the city.

(Res. No. 2 96-97)

2R.04.420 Authority of city manager and city attorney to commence foreclosure actions when assessment district installments become delinquent.

If any assessment or reassessment or installment thereof, or any interest thereon, together with any penalties, costs, fees, and other charges accruing under any assessment or reassessment now or hereafter levied as part of assessment district proceedings becomes delinquent, the city manager or city attorney may cause the filing of an action in the Superior Court of the County of Butte to foreclose the lien of the delinquent assessment pursuant to any authority provided by the statute or ordinance under which the assessment district was established.

(Res. No. 90 96-97)

2R.04.430 City manager authorized to provide notice of proposed adoption of resolution of necessity and hearing.

The city manager is hereby authorized to give notice on behalf of the city council of the proposed adoption of resolutions of necessity to acquire property by eminent domain. Such notices shall be in the form, and served in the manner, specified in the Eminent Domain Law set forth at California Code of Civil Procedure section 1230.010 et seq.

(Res. No. 72 01-02)

2R.04.440 Authorized agents for obtaining federal and state financial assistance for disaster relief.

The city manager, assistant city manager, and finance director are authorized to execute applications, documents, assurances, and agreements from state and federal agencies when required in connection with requests for financial assistance for disaster relief.

(Res. No. 40 02-03, Res. No. 23-08)

2R.04.450 City manager authorized to execute agreements to obtain grants of temporary construction easements.

The city manager is authorized to execute agreements to obtain grants of temporary construction easements and any other documents necessary to compensate property owners when it is necessary to enter upon private property to conform such property to newly constructed public improvements. The city manager shall be authorized to execute agreements in which the appraised value of the easement and compensation is \$5,000 or less.

(Res. No. 17 03-04)

2R.04.460 City manager authorized to execute sewer service agreements with school districts and other public agencies.

The city manager is authorized to execute sewer service agreements with school districts and other public agencies negotiated pursuant to the provisions of Chapter 15.36 of this code in a form approved by the city attorney.

(Res. No. 76-06)

2R.04.470 City attorney authorized to execute agreements for legal and other professional services.

The city attorney is authorized to execute agreements to retain legal and other professional services in connection with legal matters for which budgeted funds are available to pay for such services. If such an agreement would have a fiscal impact on the city beyond funds budgeted, the city attorney shall secure city council approval prior to execution of the agreement.

(Res. No 115-07)

2R.04.480 City manager authorized to execute tow service agreements

The City Manager is authorized to execute tow service agreements in a form approved by the city attorney related to tow service programs administered by the Police Department and the Housing and Neighborhood Services Department.

(Res. No. 05-08)

Chapter 2R.08

CITY COUNCIL

Section:

2R.08.010 Housing Authority of the county of Butte authorized to apply for funds for Section 8 housing assistance payments program.

2R.08.010 Housing authority of the county of Butte authorized to apply for funds for Section 8 housing assistance payments program.

The housing authority of the county of Butte is hereby authorized to apply for funds from the Department of Housing and Urban Development for purposes of implementing or continuing a Section 8 housing assistance payments program.

(Res. No 80 86-87 §2)

Chapter 2R.20

FIRE DEPARTMENT

Section:

2R.20.010 Fire department designated as authority for the management of the scene of on-highway hazardous substance spills or disasters.

2R.20.010 Fire department designated as authority for the management of the scene of on-highway hazardous substance spills or disasters.

In accordance with the provisions of California Vehicle Code Section 2454, the fire department is assigned the authority for the management of the scene of on-highway hazardous substance spills or disasters occurring upon any street within the jurisdiction of the city.

(Res. No. 100 92-93)

Chapter 2R.24

HEALTH DEPARTMENT

Section:

2R.24.010 Enforcement of health regulations by county health officer within city limits.

2R.24.020 Local enforcement agency designation - State requirements.

2R.24.010 Enforcement of health regulations by county health officer within city limits.

The health officer of the county of Butte is hereby designated as the city health officer and authorized to enforce and observe in the city all of the following:

- A. The orders, quarantine regulations and rules prescribed by the state department of health services and other rules and regulations issued under the provisions of the California Health and Safety Code;
- B. State statutes relating to public health;
- C. City ordinances relating to public health.

(Res. No. 31 82-83)

2R.24.020 Local enforcement agency designation - State requirements.

The department of public health of the county of Butte is designated as the local enforcement agency to carry out the provisions of Division 30, Part 4, Chapter 2 of the Public Resources Code relating to solid waste handling or disposal operations.

(Res. No. 122 91-92 §2)

Chapter 2R.28

POLICE DEPARTMENT

Section:

- 2R.28.010 Police special investigation account.**
- 2R.28.020 Chief of police authorized to execute and file applications with the United States Department of Justice to obtain forfeited property pursuant to the Comprehensive Crime Control Act of 1984.**
- 2R.28.030 Destruction of recordings of telephone and radio communications.**

2R.28.010 Police special investigation account.

- A. There is hereby established in the police department activity of the general fund an account to be known and designated as the “police special investigation account” (hereinafter “the account”) in the amount set forth in the city's annual budget.
- B. Said account shall be used by the chief of police to pay expenses necessarily incurred by him/her in the investigation of crime occurring in the city.
- C. The chief of police may request the city manager from time to time to provide funds from the account for the purpose of conducting criminal investigations. The purpose for which the funds are to be used shall be provided to the city manager but shall not become a public record until after the investigations involved and subsequent prosecutions, if any, have been completed.
- D. Upon review and approval of such request, the city manager shall request the finance director to provide the sum of money required from the account for the stated purpose. The finance director shall require no evidence regarding the investigations to support the issuance of a check or cash for the amount of said request other than the request of the city manager.
- E. The chief of police shall maintain a journal and receipts as required by the finance director showing the disposition of any money received from the account and the particular purpose for which it was spent.

When deemed appropriate by the city manager and not later than the end of each fiscal year, the finance director shall audit the records maintained by the chief of police. The audit shall be forwarded to the city manager; provided that, if at the end of the fiscal year a criminal proceeding is pending or under investigation, the receipts as to any money spent in the proceeding or investigation shall not be made public until trial of such proceeding has ended, or the investigation is concluded without trial.

(Res. No. 48 77-78, Res. No. 170 84-85, Res. No. 133 95-96 §1)

2R.28.020 Chief of police authorized to execute and file applications with the United States Department of Justice to obtain forfeited property pursuant to the Comprehensive Crime Control Act of 1984.

- A. The chief of police, with the prior approval of the city manager, is hereby authorized to execute and file applications on behalf of the city with the United States Department of Justice to obtain forfeited property pursuant to the Comprehensive Crime Control Act of 1984. The forfeited property may consist of property, material and/or moneys.
- B. The city manager is hereby authorized to accept such forfeitures and use or sell them. Funds received will be credited to the police department police special investigation fund or such other municipal fund as the city manager determines to be appropriate.

(Res. No. 101 85-86 §2 (Exhibit "A"))

2R.28.030 Destruction of recordings of telephone and radio communications.

The chief of police, with the prior consent of the city attorney, is hereby authorized to destroy any and all tape recordings of telephone and radio communications made by the public safety communications center after six months from the date the recording was made. Provided that if, during the six-month period following the date a recording of a telephone or radio communication is made, the chief of police is notified that such recording is evidence in any claim filed or any pending litigation then, notwithstanding the provisions of this section to the contrary, the chief of police shall cause such recordings to be preserved until such claim or pending litigation is resolved. When preservation is requested by persons or entities other than city officers or employees or defendants in criminal actions, a fee not to exceed the actual cost of preserving the recording shall be paid by the person or entity requesting preservation of same.

(Res. No. 66 88-89 §1)

Chapter 2R.32

BUILDING AND DEVELOPMENT SERVICES DEPARTMENT

Section:

- 2R.32.005** **Determination of purpose of systematic housing code.**
- 2R.32.010** **Establishment of systematic housing code enforcement areas - Building division authorized to inspect housing units within such areas.**
- 2R.32.020** **Determinations regarding conformity with the city general plan to be made by city manager.**

2R.32.005 **Determination of purpose of systematic housing code.**

The council has determined that, in the area described in Exhibit A, attached hereto, entitled "Systematic Housing Code Enforcement Areas," there exist run-down and dilapidated housing conditions, including sanitation, structural, electrical, plumbing, mechanical and fire protection defects, which should be identified.

(Res. No. 111 78-79 (part))

2R.32.010 **Establishment of systematic housing code enforcement areas - Building division authorized to inspect housing units within such areas.**

- A. There are hereby established systematic housing code enforcement areas #1 and #2, as delineated on the Exhibit A attached to the ordinance codified in this chapter.
- B. There is hereby established within systematic housing code enforcement area #1 a housing rehabilitation area as delineated on the Exhibit A attached to the ordinance codified in this chapter.
- C. The building division is hereby authorized to inspect two-family and multiple-family dwellings within systematic housing code enforcement area #1.
- D. The building division is hereby authorized to inspect all dwellings within the housing rehabilitation area of systematic housing code enforcement area #1 and all dwelling units within systematic housing code enforcement area #2.
- E. Entry and inspection of dwelling units shall be made in accordance with Section 1.12.010 of this code.

(Res. No. 111 78-79 (part))

2R.32.020 **Determinations regarding conformity with the city general plan to be made by city manager.**

In accordance with the provisions of Section 65100 of the California Government Code, the city manager shall be and is authorized to make determinations regarding conformity with the city general plan which are:

- A. Required by Section 65401 of the California Government Code upon submittal of a list of proposed public works recommended for planning, initiation or construction during the ensuing fiscal year, and
- B. Required by Section 65402 of the California Government Code (1) whenever real property is being acquired within the city for a public purpose by the city or another public agency, (2) whenever real property within the city which is owned by the city

or another public agency is being disposed of, (3) whenever a public street within the city is being abandoned or vacated by the city or another public agency, or (4) whenever a public building or structure is being authorized or being constructed within the city by the city or another public agency. Such determinations shall be made by the city manager within 40 days after the date the matter is submitted to the city manager for review. However, the provisions of this section shall not require general plan conformity determinations to be made in the case of (1) the disposition of the remainder of a larger parcel which was acquired and used in part for public street purposes, (2) acquisitions, dispositions or abandonments for the widening of a public street or (3) public street alignments, provided such transaction or project is of a minor nature.

(Res. No. 129 92-93, Res. No 190 92-93, Res. No. 113-07)

Chapter 2R.41**CHICO INDUSTRIAL DEVELOPMENT AUTHORITY****Section:**

- 2R.41.010 Declaration of need for industrial development authority.**
2R.41.020 Appointment of board of directors of the Chico development authority.
2R.41.030 Seal.
2R.41.040 Officers.
2R.41.050 Duties of officers.
2R.41.060 Meetings.
2R.41.070 Quorum.
2R.41.080 Minutes of meetings.
2R.41.090 Authority address.
2R.41.100 Conflict of interest code.

2R.41.010 Declaration of need for industrial development authority.

Pursuant to Section 2.41.010 of this code, the council of the city of Chico declared the need for an industrial development authority in the city and established the Chico industrial development authority.

(Res. No. 90 83-84 §1 (part))

2R.41.020 Appointment of board of directors of Chico development authority.

Pursuant to Section 2.41.020 of this code the council of the city of Chico declared itself to be the board of directors of the Chico industrial development authority.

(Res. No. 90 83-84 §1 (part))

2R.41.030 Seal.

The executive director of the Chico industrial development authority is hereby authorized to obtain the seal of the authority which shall include the name of the authority and the date of its establishment.

(Res. No. 90 83-84 §1 (part))

2R.41.040 Officers.

The officers of the Chico industrial development authority shall be a chairperson, vice chairperson, executive director, secretary, treasurer, and attorney who shall be the mayor, vice mayor, city manager, city clerk, finance director and city attorney respectively.

(Res. No. 90 83-84 §1 (part), Res. No. 133 95-96 §1)

2R.41.050 Duties of officers.

The duties of the officers of the Chico industrial development authority shall be as provided by law as adopted by resolution of the board of directors and as promulgated by the executive director when not in conflict with the foregoing.

(Res. No. 90 83-84 §1 (part))

2R.41.060 Meetings.

All meetings of the Chico industrial development authority shall be held at the times and in the manner established for meetings of the city council.

(Res. No. 90 83-84 §1 (part))

2R.41.070 Quorum.

A majority of the board of directors of the industrial development authority shall constitute a quorum for the transaction of business.

(Res. No. 90 83-84 §1 (part))

2R.41.080 Minutes of meetings.

The secretary of the industrial development authority shall be responsible for minutes of all meetings of the authority.

(Res. No. 90 83-84 §1 (part))

2R.41.090 Authority address.

The mailing address and office address of the Chico industrial development authority shall be the mailing address and office address of the city clerk of the city.

(Res. No. 90 83-84 §1 (part))

2R.41.100 Conflict of interest code.

- A. Adoption of Model Conflict of Interest Code. The Model Conflict of Interest Code as set forth in Section 18730 of Title 2 of the California Code of Regulations, together with any amendments thereto hereinafter enacted by the Fair Political Practices Commission, is adopted by reference and constitutes the conflict of interest code of the Chico industrial development authority.
- B. Place of Filing Statements of Economic Interests. Members of the board of directors of the Chico industrial development authority, authority officers and other authority personnel (hereinafter referred to as “authority officials”) shall file statements of economic interest with the authority secretary as provided for in Section 4(C) of the Model Conflict of Interest Code.
- C. Disclosure Categories. The disclosure categories for authority officials provided for in Section 3 of the Model Conflict of Interest Code shall be as follows:
 1. Disclosure Categories for Investments in Business Entities.

Category 1a. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is located or doing business in the city.

Category 1b. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is engaged in contracting with the authority or selling goods or services to the authority.
 2. Disclosure Categories for Interests in Real Property.

Category 2. Authority officials in this category shall report any direct or indirect interest in real property worth more than \$1,000 where the real property is located within the city or within two miles of the city's boundaries.
 3. Disclosure Categories for Sources of Income.

Category 3a. Authority officials in this category shall report any source of income, other

than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value, where the source of income is located or doing business in the city.

Category 3b. Authority officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value, where the source of income is engaged in contracting with the authority, or selling goods or services to the authority.

4. Disclosure Categories for Business Entities in Which the Authority Official is a Director, Officer, Partner, Trustee, Employee, or Holds Any Position in Management.

Category 4a. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is located or doing business in the city.

Category 4b. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is engaged in contracting with the authority, or selling goods or services to the authority.

D. Designated Authority Officials. The designated authority officials provided for in Section 2 of the Model Conflict of Interest Code, and the disclosure categories applicable to such designated authority officials shall be as follows:

Designated Authority Official	Disclosure Category
Members of the authority’s board of directors, including the board’s chairperson and vice-chairperson	1a,b; 2; 3a,b; 4a,b
Executive director	1a,b; 2; 3a,b; 4a,b
Attorney	1a,b; 2; 3a,b; 4a,b
Secretary	1b; 2; 3b; 4b
Treasurer	1b; 2; 3b; 4b

E. Consultants. The disclosure categories applicable to consultants of the Chico industrial development authority shall be determined by the authority executive director or a designee based on the nature of the services to be performed for the authority by such consultants. Such determination shall be made in writing and shall contain a description of the consultants’ duties. A copy of such determination shall be forwarded to the authority secretary and shall be retained by the authority’s secretary for public inspection in the same manner and in the same location as the authority’s conflict of interest code.

(Res. No. 111 91 -92 §1, Res. No. 02 03-04)

Chapter 2R.43

CHICO REDEVELOPMENT AGENCY¹

Section:

- 2R.43.010 Declaration of need for redevelopment agency.**
- 2R.43.020 Appointment of board of directors of redevelopment agency.**
- 2R.43.025 Remuneration for board of directors of redevelopment agency.**
- 2R.43.030 Seal.**
- 2R.43.040 Officers.**
- 2R.43.045 Other agency personnel.**
- 2R.43.050 Duties of officers and other agency personnel.**
- 2R.43.060 Meetings.**
- 2R.43.070 Quorum.**
- 2R.43.080 Minutes of meetings.**
- 2R.43.090 Agency address.**
- 2R.43.100 Environmental review guidelines.**
- 2R.43.110 Investment of moneys in Local Agency Investment Fund.**
- 2R.43.120 Conflict of interest code.**

2R.43.010 Declaration of need for redevelopment agency.

Pursuant to Section 2.43.010 of this code, the council of the city of Chico declared the need for a redevelopment agency in the city and established the Chico redevelopment agency.
(Res. No. 92 83-84 §1 (part))

2R.43.020 Appointment of board of directors of redevelopment agency.

Pursuant to Section 2.43.020 of this code, the council of the city of Chico declared itself to be the board of directors of the Chico redevelopment agency.
(Res. No. 92 83-84 §1 (part))

2R.43.025 Remuneration for board of directors of redevelopment agency.

The board of directors of the Chico redevelopment agency shall be remunerated at the rate of thirty dollars for each agency meeting attended; provided, that the maximum amount of remuneration in any month shall not exceed one hundred twenty dollars.
(Res. No. RDA 2-89)

2R.43.030 Seal.

The executive director of the Chico redevelopment agency is hereby authorized to obtain the seal of the agency which shall include the name of the agency and the year of its establishment.
(Res. No. 92 83-84 §1 (part))

2R.43.040 Officers.

The officers of the Chico redevelopment agency shall be a chairperson, vice-chairperson, executive director, secretary, treasurer and attorney who shall be the mayor, vice-mayor, city manager, city clerk, finance director and city attorney respectively.

(Res. No. 92 83-84 §1 (part), Res. No. 133 95-96 §1)

2R.43.045 Other agency personnel.

The executive director of the agency may appoint a city employee to serve as the agency manager and may appoint a city employee to serve as the agency housing officer.

(Res. No. 110 91-92 §1)

2R.43.050 Duties of officers and other agency personnel.

The duties of the officers and other personnel of the Chico redevelopment agency shall be as provided by law, as adopted by resolution of the board of directors and as promulgated by the executive director when not in conflict with the foregoing.

(Res. No. 92 83-84 §1 (part), Res. No. 110 91-92 §2)

2R.43.060 Meetings.

All meetings of the Chico redevelopment agency shall be held at the times and in the manner established for meetings of the city council, or at such other times as may be determined by the board of directors of the agency.

(Res. No. 92 83-84 §1 (part), Res. No. RDA 2-89)

2R.43.070 Quorum.

A majority of the board of directors of the Chico redevelopment agency shall constitute a quorum for the transaction of business.

(Res. No. 92 83-84 §1 (part))

2R.43.080 Minutes of meetings.

The secretary of the Chico redevelopment agency shall be responsible for minutes of all meetings of the agency.

(Res. No. 92 83-84 §1 (part))

2R.43.090 Agency address.

The mailing address and office address of the Chico redevelopment agency shall be the mailing address and office address of the city clerk of the city.

(Res. No. 92 83-84 §1 (part))

2R.43.100 Environmental review guidelines.

The "Environmental Review Guidelines" of the city of Chico, as set out in Chapter 19R.04 of this code, are adopted as the Chico redevelopment agency's guidelines for evaluating projects and the preparation and review of environmental documents, except that the agency shall be deemed the lead agency under the California Environmental Quality Act (CEQA) and shall certify the final environmental impact report for a proposed redevelopment plan and

subsequent environmental documents, if any, for proposed projects for which approval of the agency is required.

(Res. No. 171 84-85 §2)

2R.43.110 Investment of moneys in Local Agency Investment Fund.

- A. The Chico redevelopment agency hereby authorizes the deposit and withdrawal of agency moneys in the Local Agency Investment Fund in the State Treasury.
- B. The executive director and the treasurer of the agency, or their designees, are authorized to order the deposit and withdrawal of moneys in said Local Agency Investment Fund.

(Res. No. RDA 1-86 §3 (Exhibit "A"))

2R.43.120 Conflict of interest code.

- A. Adoption of Model Conflict of Interest Code. The Model Conflict of Interest Code as set forth in Section 18730 of Title 2 of the California Code of Regulations, together with any amendments thereto hereinafter enacted by the Fair Political Practices Commission, is adopted by reference and constitutes the conflict of interest code of the Chico redevelopment agency.
- B. Place of Filing Statements of Economic Interests. Members of the board of directors of the Chico redevelopment agency, agency officers and other agency personnel (hereinafter referred to as "agency officials") shall file statements of economic interest with the agency secretary as provided for in Section 4(C) of the Model Conflict of Interest Code.
- C. Disclosure Categories. The disclosure categories for agency officials provided for in Section 3 of the Model Conflict of Interest Code shall be as follows:
 - 1. Disclosure Categories for Investments in Business Entities.
 - Category 1a. Agency officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is located or doing business in the city.
 - Category 1b. Agency officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is engaged in contracting with the agency or selling goods or services to the agency.
 - Category 1c. Agency officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is located or doing business in the city and engaged in the building and construction industry.
 - 2. Disclosure Categories for Interests in Real Property.
 - Category 2a. Agency officials in this category shall report any direct or indirect interests in real property worth more than \$1,000 where the real property is located within the city or within two miles of the city's boundaries.
 - Category 2b. Agency officials in this category shall report any direct or indirect interest in real property worth more than \$1,000 where the real property is located within a redevelopment project area or within three hundred feet of a redevelopment project area.
 - 3. Disclosure Categories for Sources of Income.
 - Category 3a. Agency officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business,

aggregating \$250 or more in value, where the source of income is located or doing business in the city.

Category 3b. Agency officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value, where the source of income is engaged in contracting with the agency, or selling goods or services to the agency.

Category 3c. Agency officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value where the source of income is located or doing business in the city and engaged in the building and construction industry

4. Disclosure Categories for Business Entities in Which the Agency Official is a Director, Officer, Partner, Trustee Employee or Holds Any Position in Management.

Category 4a. Agency officials in this category shall report any business entity in which the agency official is a director, officer, partner, trustee, employee or holds any position in management where the business entity is located or doing business in the city.

Category 4b. Agency officials in this category shall report any business entity in which the agency official is a director, officer, partner, trustee, employee or holds any position in management where the business entity is engaged in contracting with the agency, or selling goods or services to the agency.

Category 4c. Agency officials in this category shall report any business entity in which the agency official is a director, officer, partner, trustee, employee or holds any position in management where the business entity is located or doing business in the city and is engaged in the building and construction industry.

D. Designated Agency Officials. The designated agency officials provided for in Section 2 of the Model Conflict of Interest Code, and the disclosure categories applicable to such designated agency officials shall be as follows:

Designated Agency Official	Disclosure Category
Members of the agency’s board of directors, including the board’s chair and vice-chair	1a,b; 2a; 3a,b; 4a,b
Executive director	1a,b; 2a; 3a,b; 4a,b
Attorney	1a,b; 2a; 3a,b; 4a,b
Secretary	1b; 2b; 3b; 4b
Treasurer	1b; 2b; 3b; 4b
Manager	1a,b; 2a; 3a,b; 4a,b
Housing officer	1c; 2a; 3c; 4c

E. Consultants. The disclosure categories applicable to consultants of the Chico redevelopment agency shall be determined by the agency executive director or a designee based on the nature of the services to be performed for the agency by such consultants. Such determination shall be made in writing and shall contain a description of the consultant’s duties. A copy of such determination shall be forwarded to the agency secretary and shall be retained by the agency’s secretary for public inspection in the same

manner and in the same location as the agency's conflict of interest code.
(Res. No. 111 91-92 §2, Res. No. 02 03-04)

Chapter 2R.46

CHICO PUBLIC FINANCING AUTHORITY

Section:

- 2R.46.010** **General provisions.**
- 2R.46.020** **Meetings.**
- 2R.46.030** **Quorum.**
- 2R.46.040** **Minutes of meetings.**
- 2R.46.050** **Fiscal year.**
- 2R.46.060** **Seal.**
- 2R.46.070** **Authority address.**
- 2R.46.080** **Contributions by city and Chico redevelopment agency.**
- 2R.46.090** **Funds.**
- 2R.46.100** **Accounts and reports.**
- 2R.46.110** **Bonding of officers.**
- 2R.46.120** **Environmental review guidelines.**
- 2R.46.130** **Conflict of interest code.**

2R.46.010 **General provisions.**

The city of Chico and the Chico redevelopment agency have heretofore approved and executed that certain joint powers agreement dated July 17, 1990, which established the Chico public financing authority for the purpose of facilitating the financing of land, facilities and equipment to be used for the public purposes of the city or the agency. Such agreement is codified in Chapter 2.46 of this code. The purpose of this chapter is to set forth the bylaws of the Chico public financing authority, all as provided for by the joint powers agreement and Chapter 2.46 of this code.

(Res. No. 11 90-91 (part))

2R.46.020 **Meetings.**

All meetings of the board of directors of the Chico public financing authority shall be held at the times and in the manner established for meetings of the city council, or at such other times as may be determined by the board of directors of the authority.

(Res. No. 11 90-91 (part))

2R.46.030 **Quorum.**

A majority of the board of directors of the Chico public financing authority shall constitute a quorum for the transaction of business.

(Res. No. 11 90-91 (part))

2R.46.040 **Minutes of meetings.**

The secretary of the Chico public financing authority shall be responsible for minutes of all meetings of the authority.

(Res. No. 11 90-91 (part))

2R.46.050 Fiscal year.

The fiscal year of the Chico public financing authority shall commence on July 1 of each calendar year and end on June 30 of the succeeding calendar year.

(Res. No. 11 90-91 (part))

2R.46.060 Seal.

The executive director of the Chico public financing authority is hereby authorized to obtain a seal for the authority which shall include the name of the authority and the date of its establishment.

(Res. No. 11 90-91 (part))

2R.46.070 Authority address.

The mailing and office address of the Chico public financing authority shall be the mailing and office address of the city clerk.

(Res. No. 11 90-91 (part))

2R.46.080 Contributions by city and Chico redevelopment agency.

The city and Chico redevelopment agency may, but shall not be required, to:

- A. Make contributions from their respective treasuries to carry out any of the purposes of the Chico public financing authority;
- B. Make payments of public funds to defray the cost of carrying out such purposes;
- C. Make advances of public funds to carry out such purposes; or
- D. Use their personnel, equipment, or property in lieu of other contributions, payments or advances.

(Res. No. 11 90-91 (part))

2R.46.090 Funds.

Subject to the applicable provisions of any instrument or agreement to which the Chico public financing authority is a party and which provides for a trustee to receive, have custody of, and disburse authority funds, the treasurer of the authority shall receive, have custody of, and disburse all authority funds as may be necessary to carry out the purposes of the authority, all in accordance with generally accepted accounting practices.

(Res. No. 11 90-91 (part))

2R.46.100 Accounts and reports.

To the extent not covered by the duties of a trustee chosen by the Chico public financing authority, the treasurer shall establish and maintain such funds and accounts as may be required by good accounting practices or any provision of any trust instrument entered into with respect to the proceeds of any bonds issued by the authority. The books and records of the Chico public financing authority in the hands of a trustee or the treasurer shall be open to inspection at all reasonable times by representatives of the city or the Chico redevelopment agency. The treasurer, within one hundred eighty days after the close of each fiscal year of the authority, shall give a complete written report of all financial activities for such fiscal year to the city and

the Chico redevelopment agency to the extent such activities are not covered by the report of such trustee. The trustee appointed under any trust agreement shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of such trust agreement. Such trustee may be given such duties in such trust instrument as may be desirable to carry out the purposes of the Chico public financing authority.

(Res. No. 11 90-91 (part))

2R.46.110 Bonding of officers.

From time to time the board of directors of the Chico public financing authority may require any officers of the authority who have charge of, handle, or have access to funds or any other property of the authority to file an official bond in an amount to be fixed by the board.

(Res. No. 11 90-91 (part))

2R.46.120 Environmental review guidelines.

The environmental review guidelines of the city as set forth in Chapter 1.40 of this code are hereby adopted as the environmental review guidelines of the Chico public financing authority.

(Res. No. 11 90-91 (part), Res. No. 133 95-96 §5)

2R.46.130 Conflict of interest code.

- A. Adoption of Model Conflict of Interest Code. The Model Conflict of Interest Code as set forth in Section 18730 of Title 2 of the California Code of Regulations together with any amendments thereto hereinafter enacted by the Fair Political Practices Commission is adopted by reference and constitutes the conflict of interest code of the Chico public financing authority.
- B. Place of Filing Statements of Economic Interests. Members of the board of directors of the Chico public financing authority, authority officer and other authority personnel (hereinafter referred to as “authority officials”) shall file statements of economic interest with the authority secretary as provided for in Section 4(C) of the Model Conflict of Interest Code.
- C. Disclosure Categories. The disclosure categories for authority officials provided for in Section 3 of the Model Conflict of Interest Code shall be as follows:
 1. Disclosure Categories for Investments in Business Entities.
 - Category 1a. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is located or doing business in the city.
 - Category 1b. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is engaged in contracting with the authority or selling goods or services to the authority.
 2. Disclosure Categories for Interest in Real Property.
 - Category 2. Authority officials in this category shall report any direct or indirect interests in real property worth more than \$1,000 where the real property is located within the city or within two miles of the city’s boundaries.
 3. Disclosure Categories for Sources of Income.
 - Category 3a. Authority officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value where the source of income is located or doing

business in the city.

Category 3b. Authority officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value where the source of income is engaged in contracting with the authority or selling goods or services to the authority.

4. Disclosure Categories for Business Entities in Which the Authority Official is a Director, Officer, Partner, Trustee, Employee or Holds Any Position in Management.

Category 4a. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee or holds any position in management where the business entity is located or doing business in the city.

Category 4b. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee or holds any position in management where the business entity is engaged in contracting with the authority, or selling goods or services to the authority.

D. Designated Authority Officials. The designated authority officials provided for in Section 2 of the Model Conflict of Interest Code, and the disclosure categories applicable to such designated authority officials shall be as follows:

Designated Authority Official	Disclosure Category
Members of the authority’s board of directors, including the board’s chairperson and vice-chairperson	1a,b; 2; 3a,b; 4a,b
Executive director	1a,b; 2; 3a,b; 4a,b
Authority counsel	1a,b; 2; 3a,b; 4a,b
Secretary	1b; 2; 3b; 4b
Treasurer	1b; 2; 3b; 4b

E. Consultants. The disclosure categories applicable to consultants of the Chico public financing authority shall be determined by the authority executive director or a designee based on the nature of the services to be performed for the authority by such consultants. Such determination shall be made in writing and shall contain a description of the consultants’ duties. A copy of such determination shall be forwarded to the authority secretary and shall be retained by the authority’s secretary for public inspection in the same manner and in the same location as the authority’s conflict of interest code.

(Res. No. 111 91-92 §3, Res. No. 02 03-04)

Chapter 2R.66

PARKING AUTHORITY²

Section:

- 2R.66.010 Declaration of need for parking authority to function in city.**
- 2R.66.020 Appointment of board of directors of city of Chico parking authority.**
- 2R.66.030 Seal.**
- 2R.66.040 Officers.**
- 2R.66.050 Duties of officers.**
- 2R.66.060 Meetings.**
- 2R.66.070 Quorum.**
- 2R.66.080 Minutes of meetings.**
- 2R.66.090 Authority address.**
- 2R.66.100 Conflict of interest code.**

2R.66.010 Declaration of need for parking authority to function in city.

The city council of the city of Chico hereby declares and determines that there is a need for the parking authority to function in the city pursuant to the provisions of the Parking Law of 1949 and hereby establishes the city of Chico parking authority.

(Res. No. 91 83-84 §1 (part))

2R.66.020 Appointment of board of directors of city of Chico parking authority.

The council hereby appoints itself to be the board of directors of the city of Chico parking authority and all of the rights, powers, duties, privileges and immunities vested by the Parking Law of 1949 in the members of the parking authority shall be vested in the city council.

(Res. No. 19 83-84 §1 (part))

2R.66.030 Seal.

The executive director of the city of Chico parking authority is hereby authorized to obtain the seal of the authority which shall include the name of the authority and the date of its establishment.

(Res. No. 91 83-84 §1 (part))

2R.66.040 Officers.

The officers of the city of Chico parking authority shall be a chairperson, vice-chairperson, executive director, secretary, treasurer and attorney, who shall be the mayor, vice-mayor, city manager, city clerk, finance director and city attorney.

(Res. No. 91 83-84 §1 (part), Res. No. 133 95-96 §1)

2R.66.050 Duties of officers.

The duties of the officers of the city of Chico parking authority shall be as provided by law,

as adopted by resolution of the board of directors and as promulgated by the executive director when not in conflict with the foregoing.

(Res. No. 91 83-84 §1 (part))

2R.66.060 Meetings.

All meetings of the city of Chico parking authority shall be held at the times and in the manner established for meetings of the city council.

(Res. No. 91 83-84 §1 (part))

2R.66.070 Quorum.

A majority of the board of directors of the city of Chico parking authority shall constitute a quorum for the transaction of business.

(Res. No. 91 83-84 §1 (part))

2R.66.080 Minutes of meetings.

The clerk of the city of Chico parking authority shall be responsible for minutes of all meetings of the authority.

(Res. No. 91 83-84 §(part))

2R.66.090 Authority address.

The mailing address and office address of the city of Chico parking authority shall be the mailing address and office address of the city clerk of the city.

(Res. No. 91 83-84 §1 (part))

2R.66.100 Conflict of interest code.

- A. Adoption of Model Conflict of Interest Code. The Model Conflict of Interest Code as set forth in Section 18730 of Title 2 of the California Code of Regulations, together with any amendments thereto hereinafter enacted by the Fair Political Practices Commission, is hereby adopted by reference and constitutes the conflict of interest code of the Chico parking authority.
- B. Place of Filing Statements of Economic Interests. Members of the board of directors of the Chico parking authority, authority officers and other authority personnel (hereinafter referred to as “authority officials”) shall file statements of economic interest with the authority secretary as provided for in Section 4(C) of the Model Conflict of Interest Code.
- C. Disclosure Categories. The disclosure categories of authority officials provided for in Section 3 of the Model Conflict of Interest Code shall be as follows:
 1. Disclosure Categories for Investments in Business Entities.
 - Category 1a. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is located or doing business in the city.
 - Category 1b. Authority officials in this category shall report any direct or indirect investment in a business entity worth more than \$1,000 where the business entity is engaged in contracting with the authority or selling goods or services to the authority.
 2. Disclosure Categories for Interests in Real Property.
 - Category 2. Authority officials in this category shall report any direct or indirect interests in real property worth more than \$1,000 where the real property is located

within the city or within two miles of the city's boundaries.

3. Disclosure Categories for Sources of Income.

Category 3a. Authority officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value, where the source of income is located or doing business in the city.

Category 3b. Authority officials in this category shall report any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value, where the source of income is engaged in contracting with the authority, or selling goods or services to the authority.

4. Disclosure Categories for Business Entities in Which the Authority Official is a Director, Officer, Partner, Trustee, Employee, or Holds Any Position in Management.

Category 4a. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is located or doing business in the city.

Category 4b. Authority officials in this category shall report any business entity in which the authority official is a director, officer, partner, trustee, employee, or holds any position in management where the business entity is engaged in contracting with the authority, or selling goods or services to the authority.

D. Designated Authority Officials. The designated authority officials provided for in Section 2 of the Model Conflict of Interest Code, and the disclosure categories applicable to such designated authority officials shall be as follows:

Designated Authority Official	Disclosure Category
Members of the authority's board of directors, including the board's chairperson and vice-chairperson	1a,b; 2; 3a,b; 4a,b
Executive director	1a,b; 2; 3a,b; 4a,b
Attorney	1a,b; 2; 3a,b; 4a,b
Secretary	1b; 2; 3b; 4b
Treasurer	1b; 2; 3b; 4b

E. Consultants. The disclosure categories applicable to consultants of the Chico parking authority shall be determined by the authority executive director or a designee based on the nature of the services to be performed for the authority by such consultants. Such determination shall be made in writing and shall contain a description of the consultants' duties. A copy of such determination shall be forwarded to the authority secretary and shall be retained by the authority's secretary for public inspection in the same manner and in the same location as the authority's conflict of interest code.

(Res. No. 111 91-92 §4, Res. No. 02 03-04)

Chapter 2R.68

CITY OF CHICO EMERGENCY SERVICES ORGANIZATION

Section:

2R.68.010 Approval of California Disaster and Civil Defense Master Mutual Aid Agreement.

2R.68.010 Approval of California Disaster and Civil Defense Master Mutual Aid Agreement.

The city council hereby approves and agrees to abide by the California Civil Defense Master Mutual Aid Agreement.

(Res. No. 116 86-87 §2)

Chapter 2R.72

PERSONNEL AND EMPLOYEE REPRESENTATION RULES

Section:

ARTICLE I. PERSONNEL RULES - GENERAL PROVISIONS

- 2R.72.005 Director.**
- 2R.72.010 Definitions.**
- 2R.72.020 Non-limitation of employee rights.**
- 2R.72.030 Amendment.**
- 2R.72.040 Disclosure of religious or political affiliations.**
- 2R.72.050 Non-discrimination in employment.**
- 2R.72.060 Employee reports and records.**
- 2R.72.070 Classification plan.**
- 2R.72.080 Pay.**
- 2R.72.090 Incompatible outside employment.**

ARTICLE II. PERSONNEL RULES - CLASSIFIED SERVICE

- 2R.72.100 Applicability.**
- 2R.72.110 Violation.**
- 2R.72.120 Definitions.**
- 2R.72.130 Selection procedures.**
- 2R.72.140 Employment status.**
- 2R.72.150 Disciplinary action.**
- 2R.72.160 Review of Director decisions.**

ARTICLE III. PERSONNEL RULES - EXEMPT SERVICE

- 2R.72.170 Applicability.**
- 2R.72.180 Definitions.**
- 2R.72.190 Applicability of certain classified service rules.**
- 2R.72.200 Termination of employment.**
- 2R.72.210 Employee representation rules.**

ARTICLE IV. EMPLOYEE REPRESENTATION RULES

- 2R.72.220 Generally.**
- 2R.72.230 Recognition provisions.**
- 2R.72.240 Dispute resolution provisions.**
- 2R.72.250 Meet and confer provisions.**

ARTICLE I. PERSONNEL RULES - GENERAL PROVISIONS

2R.72.005 Director.

Where used in this chapter, the term “Director” means the director of the human resources department.

2R.72.010 Definitions.

All terms, phrases and words as used in this chapter shall have the meanings as defined in the Charter of the City of Chico, the Chico Municipal Code, or by common usage except for terms, phrases or words defined herein.

- A. "Administrative Procedure and Policy." Written policies and/or procedures adopted by the City Manager pursuant to Title 2 of the Chico Municipal Code, or by the City Council, and incorporated in the City of Chico Administrative Procedure and Policy Manual, herein referred to as "Administrative Procedure."
- B. "Advancement." A pay increase within the limits of the pay range established for a job title.
- C. "Appeal." Any written request for relief filed pursuant to this chapter.
- D. "Applicant." Any person who has filed with the personnel office an application for employment with the City or promotion to another City position.
- E. "Appointing authority." Councilmembers, the City Manager and department heads who, in their individual and/or collective capacities, have the authority, or have been delegated the authority, to make an appointment to a position to be filled, and to discipline or remove employees, pursuant to the applicable provisions of the Charter or this Code.
- F. "Appointment." The selection of and acceptance by a candidate to a position in the classified service or exempt service.
- G. "Appropriate unit." A group of employees who have been organized and established pursuant to Article IV of this chapter.
- H. "Assignment." The allocation of a job title to a pay plan range.
- I. "Candidate." Any applicant who fulfills the requirements of a given job description, who has successfully completed the required examination(s) for that job description, and whose name has been listed upon an eligible list pursuant to this chapter.
- J. "Career ladder promotion." The promotional process as defined in the City of Chico Classification Plan.
- K. "Certification." The process of giving the appointing power the names of the candidates who are on an appropriate eligible list.
- L. "Class." A position or group of positions having qualifications, duties and responsibilities sufficiently similar that they share the same title, job description and qualifications.
- M. "Classification plan." A grouping of job titles and their respective descriptions for the various positions within the City services adopted pursuant to this chapter.
- N. "Demotion." A disciplinary action resulting in a change in employment status:
 - 1. From one job title to a second job title which requires lesser desired qualifications and is assigned a lower pay range in the City's duly adopted pay plan; or
 - 2. From one pay step to a lower pay step within a pay range assigned to a particular job title.
- O. "Discharge." Involuntary and complete separation from a position for either disciplinary reasons, inability to perform the duties of the position, or for failure to satisfactorily complete a designated probationary period.
- P. "Eligible list." A list of candidates who have qualified for certification to a specific job title. Eligible lists shall be in one of the following forms:
 - 1. "Reemployment list." A list containing the names of previous employees who have resigned following satisfactory service, and requested reemployment.
 - 2. "Employment list." A list of candidates who have been examined competitively for either an initial or promotional appointment to a position.

3. "Reinstatement List." A list containing the names of employees laid off or displaced in accordance with the procedures set forth in this chapter.
- Q. "Employee organization." Any organization which includes employees of the City and which has as one of its primary purposes the representation of its members in their employment relations with the City.
- R. "Examination." The process of measuring and evaluating the fitness and qualifications of applicants by appropriate testing procedures consisting of one or more of the following instruments alone or in combination:
1. Application evaluation test;
 2. Personal interview test;
 3. Performance test;
 4. Physical agility test;
 5. Written test;
 6. Medical examination;
 7. Psychological test.
- S. "Job description." A written statement of the essential factors which distinguish one job title from other job titles. The requisite parts of a job description are the title, definition, typical duties performed and the desired qualifications.
- T. "Job title." A descriptive name given to a position.
- U. "Layoff." The voluntary or involuntary separation of employees due to lack of work or funds, or due to the abolition of positions for such lack of work or funds, due to organizational changes, or due to changes in the methods for performing work.
- V. "Majority representative." An employee organization, or its duly authorized representative, that has been granted exclusive recognition by the City Council as representing the majority of employees in an appropriate unit.
- W. "Mediation or conciliation." The efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.
- X. "Meet and confer in good faith." (Sometimes referred to herein as "meet and confer" or "meeting and conferring"), as defined in Section 3505 of the California Government Code.
- Y. "Memorandum of Understanding." A written statement, setting forth the matters on which agreement has been reached through meeting and conferring.
- Z. "Officer." As defined in Chapter 2.04 of this Code, provided, however, unless otherwise provided for in this chapter, "officer" shall not include Councilmembers and members of the Airport Commission and Bidwell Park and Playground Commission.
- AA. "Pay plan." A schedule of pay-plan ranges and steps as adopted by the City Council either through the annual budget or a memorandum of understanding or an adopted pay and benefit resolution.
- BB. "Pay plan range." A designated series of pay plan steps ranging from the lowest to the highest step as incorporated in the duly adopted pay plan.
- CC. "Pay plan step." A specific amount of pay as adopted within a pay plan range.
- DD. "Position." A group of responsibilities requiring the full or part-time services of one person as designated by a job title and described by a job description as duly adopted in the City of Chico classification plan.
- EE. "Probationary Rejection." The discharge of an employee from an initial

- probationary position or the demotion of an employee from a promotional probationary position to the previously held position in which the employee successfully completed the probationary period.
- FF. “Probationary period.” A working test period during which an employee is required to demonstrate fitness for the duties to which appointment is made.
- GG. “Promotion.” A change in employment status from one job title to a second job title which requires a higher level of desired qualifications, is assigned more difficult duties and responsibilities, and is assigned a higher pay range.
- HH. “Protected group members.” Ethnic and racial minorities, women and the disabled.
- II. “Reclassification.” The resulting modification of job duties and title supported by classification analysis which identifies a difference between the existing job description and the actual job duties.
- JJ. “Recognized employee organization.” As defined in Section 3501(b) of the California Government Code.
- KK. “Reduction.” A pay decrease within the limits of the pay range established for a job title.
- LL. “Reinstatement.” The return to employment of a person to the same position which the individual held at the time of separation.
- MM. “Resignation.” Voluntary separation from a position.
- NN. “Scope of representation.” All matters relating to employment conditions and employer-employee relations, including, but not limited to wages, hours and other terms and conditions of employment except however, that the scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or executive order.
- OO. “Suspension.” The temporary, involuntary separation of an employee for disciplinary reasons for a specific period of time.
- PP. “Transfer.” The change of an employee's employment status resulting from:
1. A voluntary or involuntary transfer from one job title to another job title having similar qualifications, duties and responsibilities, which does not result in any diminution of salary, benefits or other emoluments;
 2. A voluntary transfer from one job title to another job title having lesser qualifications and/or duties and/or responsibilities which may or may not result in a diminution of salary and/or benefits and/or other emoluments.
 3. A voluntary or involuntary transfer from one job title to the same job title in a different department.
- QQ. “Working hours.” As defined in the Administrative Procedure and Policy Manual or adopted memorandum of understanding or pay and benefit resolution.
- RR. “Work week.” As defined in the Administrative Procedure and Policy Manual or adopted memorandum of understanding or pay and benefit resolution.
- SS. “Y-Rate.” The maintenance of an employee's salary or pay rate at the level achieved by the employee immediately prior to a reduction in job class until such time as the pay level of the lower job class reaches or surpasses such achieved salary or pay rate.

(Res. No. 143 95-96)

2R.72.020 Non-limitation of employee rights.

The provisions of this chapter shall not be construed to limit the rights of any employee or recognized employee organization pursuant to the provisions of California Government Code Section 3500 et seq. (Meyers-Milias-Brown Act) or any other

applicable statute or regulation. City recognizes its obligation to meet and confer with recognized employee organizations upon request as provided for in such statutes.
(Res. No. 143 95-96)

2R.72.030 Amendment.

These rules shall be amended pursuant to the provisions of Section 2.72.080 of this Code; provided, however, that recognized employee organizations whose members may be affected by the proposed amendment shall be provided with a copy of the proposed amendment at least twenty (20) days prior to consideration by the City Council. Upon request, the City Manager or his or her designated representative will meet with representatives of recognized employee organizations, within ten (10) days following such request and prior to the scheduled date for City Council consideration thereof, to meet and confer regarding the proposed amendment. At the time the matter is considered by the Council, any interested person may appear and be heard. Amendments shall become effective upon adoption by resolution of the City Council following such consideration or at such other time as the adopting resolution may provide.
(Res. 143 95-96)

2R.72.040 Disclosure of religious or political affiliations.

The City shall not attempt to elicit nor shall it elicit any information of any kind or character from an applicant, candidate, officer or employee concerning that individual's political or religious opinions or affiliations. Personnel actions involving such individuals shall not be affected or influenced in any manner by their political or religious opinions or affiliations, the race, the sex, the age or the ethnic derivation of the individual involved. Nothing contained herein shall be construed to preclude the execution of oaths of allegiance or oaths of office as may be required by the City Charter or the Constitution of the State of California.
(Res. No. 143 95-96)

2R.72.050 Non-discrimination in employment.

The City shall not discriminate against any person in any employment or personnel action in any manner on the basis of race, sex, color, age, national origin, religion, ethnic derivation, physical disability, cancer related medical condition or marital status.
(Res. No. 143 95-96)

2R.72.060 Employee reports and records.

A. Personnel Files. The Director shall maintain a personnel file for each employee and officer in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status and such other information as may be considered pertinent. Materials maintained in such personnel files which serve as a basis for affecting the employment status are to be made available for the inspection of the individual involved. Employees have the right to inspect such materials upon request and scheduling as provided by Administrative Procedure. Information of a derogatory nature shall not be entered or filed unless the employee is provided copy thereof and an opportunity to respond. An employee shall have the right to comment on any such derogatory information and the comments shall be stapled to the information. No information shall be disclosed from the personnel file of a current or former employee, unless written permission from the employee is provided in a form approved by the Director, other than that information

- allowed by law, as set forth by Administrative Procedure, to any person other than the City Manager, Assistant City Manager, Director, City Attorney, a department head only upon the approval of the Director, or their designated representatives. The personnel files of the City Manager and City Attorney shall be available to individual City Councilmembers for review upon request to the Director. Nothing herein shall preclude nor specifically deny the use of any pertinent information in personnel files in any phase of a disciplinary action. Notwithstanding anything hereinabove to the contrary, pre-employment background investigation files or information, or information relating to any investigation by another public agency into possible criminal activity of an employee shall not be considered part of the employee's personnel file and shall not be available to any person except as determined by the City Manager.
- B. Personnel Transactions. Every transaction, including but not limited to, appointment, transfer, promotion, disciplinary action, change of pay or any other temporary or permanent change in status of employees shall be recorded by the Director in such manner as may be prescribed by this chapter and a copy of such change shall be provided to the employee.
- C. Destruction of Records. Destruction of personnel records shall be carried out in accordance with the provisions of the California Government Code relative to destruction of records.
- D. Removal of Counseling Memoranda from Personnel Files. Memoranda regarding employee performance counseling shall be removed from an employee's personnel file three (3) years after the date of such memoranda provided that no additional counseling memoranda on the same or related performance issue are filed in the personnel file within such three (3) year period.

(Res. No. 143 95-96, Res. No. 113-07)

2R.72.070 Classification plan.

- A. Preparation or Revision of Plan. The Director shall ascertain and record the duties and responsibilities of all positions in the service of the City, and after consultation with the appointing authorities, other affected officials, and affected employee organizations, shall recommend a classification plan for such positions or matters relating to the classification plan. The classification plan shall consist of the job titles and job descriptions for all City positions. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities and other like characteristics of work are included within the same job title. When the duties of a position have changed materially so as to necessitate reclassification, the position shall be allocated to a more appropriate job title, whether new or already created, in the same manner as originally classified and allocated. The duties of the job title shall also be redescribed should the duties of the position change materially. Reclassification shall not be used for the purpose of avoiding restrictions regarding demotions and promotions. No person shall be appointed to any position unless the position has been incorporated in the classification plan as provided by these rules.
- B. Adoption or amendment of plan - Effect. The classification plan or any part thereof shall be established by the City Manager; provided, however, that prior to the City Manager's consideration, the classification plan or any amendment thereto shall be approved and recommended by the Director to the City Manager. The Director's recommendations shall contain a definition of each position, a list of the duties,

responsibilities and working conditions of each position and the desired qualifications for each position. Prior to the City Manager's approval of the classification plan or any amendment thereto, a copy of the proposed amendment shall be distributed to the affected employee organizations.

(Res. No. 143 95-96, Res. No. 113-07)

2R.72.080 Pay.

The manner and method of pay for employees is prescribed in the annual budget of the City and/or duly adopted memoranda of understanding or pay and benefit resolutions.

If an employee's probationary period is extended as provided by this chapter, an employee shall nonetheless be eligible for pay advancement at the expiration of the initial probationary period, if such advancement is provided for in the annual budget of the City, memorandum of understanding and/or pay and benefit resolution affecting the employee's job title. Such advancement shall be effective only after the department head has certified that the employee has fulfilled the job requirements during the initial probationary period.

In the event that an employee is reduced in job class in lieu of layoff for reasons of economy or efficiency, or is reclassified to a lower level position, the employee may be 'Y-Rated' at the level attained by the employee prior to such reduction in job class, upon approval of the City Manager.

(Res. No. 143 95-96)

2R.72.090 Incompatible outside employment.

- A. General Prohibition. No officer or employee of the City shall engage in any employment, activity, or enterprise for compensation of any kind or character which is inconsistent, incompatible or in conflict with his or her duties as an officer or employee of the City or the duties, functions or responsibilities of his or her appointing power or the City itself.
- B. Definition of Employment Activities. For the purpose of this section, an employment activity or enterprise is inconsistent, incompatible or in conflict with those various duties, functions or responsibilities set forth above if it:
1. Involves the use for private gain or advantage of the City's time, facilities, equipment, or supplies; or the badge, uniform, prestige or influence of the City; or
 2. Involves receipt or acceptance by an officer or employee of the City of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her duties as a City officer or employee; or
 3. Involves the performance of an act in other than his or her capacity as an officer or employee of the City which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer, employee or elected official of the City; or
 4. Involves such time demands as would interfere with the performance of duties as a City officer or employee.
- C. Director's Approval. No officer or employee of the City shall be gainfully employed at any employment activity or enterprise outside of City service without prior approval from the Director. If the Director seeks such approval, the outside employment activity shall be reviewed by the City Manager. The provisions of this paragraph shall not apply to the Council-appointed positions of City Manager and

City Attorney.

- D. Council Authority. The City Council, by resolution, may define those occupations, activities or enterprises for which such outside employment approval shall not be given. In defining those occupations, activities or enterprises which shall be so prohibited, the Council shall consider, but shall not be limited to consideration of, whether the occupation, activity or enterprise is inconsistent, incompatible or in conflict with the duties, functions or responsibilities of City employment. This section shall not be interpreted to limit disapproval of outside employment to those occupations, activities or enterprises prohibited hereby.
- E. Administrative Procedure. Procedures and guidelines for application for approval as well as a listing of those occupations, activities and enterprises prohibited pursuant to subsection B above, shall be set out in the Administrative Procedure and Policy Manual available to any and all officers and employees.

(Res. No. 143 95-96, Res. No. 113-07)

ARTICLE II. PERSONNEL RULES - CLASSIFIED SERVICE

2R.72.100 Applicability.

This Article shall only apply to classified service employees as defined herein.
(Res. No. 143 95-96)

2R.72.110 Violation.

Violation of any rule or regulation herein shall be grounds for disciplinary action and subject to the applicable appeals procedure provided herein.
(Res. No. 143 95-96)

2R.72.120 Definitions.

As used in this chapter, the following terms shall be defined as set forth below:

- A. "Classified Service." A grouping of job titles occupied by non-management probationary and permanent employees, as designated by the City Manager in the Classification Plan.
- B. "Classified Service Employee." A non-management probationary or permanent employee occupying a classified service job title to which this Article applies.
- C. "Confidential Employee." A non-management, classified service employee who assists and acts in a confidential capacity to persons who formulate, determine and implement management policies in the field of labor relations, as designated by the City Manager in the Classification Plan.
- D. "Permanent Employee." A classified service employee who has successfully completed a probationary period and has been retained as hereafter provided in this chapter.
2. "Permanent full-time employee." An employee who provides full-time services to the City and who is compensated at full pay for the employee's position.
 2. "Permanent part-time employee." An employee who provides less than full time service to the City and who is compensated proportional to the amount of service provided to the City as provided by the individual's appointment document.
- E. "Probationary employee." A classified service employee who has not completed the probationary period for a particular position pursuant to this chapter.
- F. "Professional Employee." A non-management, classified service employee engaged in work requiring specialized knowledge and skills attained through completion of a

recognized course of instruction, usually leading to the attainment of an academic degree, as designated by the City Manager in the Classification Plan, subject to the provisions of California Government Code Section 3500 et seq., as applicable to the City.

- G. "Supervisory Employee." A non-management, classified service employee occupying a position whose principal job duties include supervising the work of other employees, as designated by the City Manager in the Classification Plan, subject to the provisions of California Government Code Section 3500 et seq., as applicable to the City.
- H. "Veteran." An individual who is considered to be a veteran of military service by the government of the United States, and who has been discharged or released upon conditions other than dishonorable.

(Res. No. 143 95-96, Res. No. 74 01-02)

2R.72.130 Selection procedures.

A. Application and Applicants.

1. **Announcement.** Notice of vacancies for all positions in the classified service shall be given by the preparation of employment opportunities announcements. Such announcements shall be posted at the human resources department and on departmental bulletin boards, and may further be posted, distributed, or advertised in such a manner as the Director shall determine will yield maximum effectiveness and benefit to the City in securing the largest number of qualified applicants. In addition, a copy of such announcement shall be mailed to the official representative of the applicable employee organization, if any. The announcement shall specify the position, title, and pay range of the position for which the examination is announced, the nature of the work to be performed, desired qualifications, the date, time, place, and manner of making applications, the closing date for receiving applications, the types of tests to be administered in the examination, and other pertinent information.
2. **Application Forms.** Applications shall be made on forms provided by the Director. All applications must be signed prior to appointment by the person applying.
3. **Disqualification.** The Director may reject any application which indicates on its face that the applicant does not possess the desired qualifications required for the position. Such desired qualifications may include physical or psychological requirements if they are bona fide occupational qualifications for the position to which the applicant seeks appointment. Further, the applicant may be rejected if the applicant is determined to be a current abuser of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude, a crime which would reasonably be expected to affect the applicant's ability to perform the duties of the position applied for or which could reasonably be expected to reflect adversely on the mission of the City; has made any false statement on the application on any material fact; or has practiced or attempted to practice any deception or fraud on the application. Defective or incomplete applications shall be rejected. Whenever an application is rejected, notice of such rejection shall be made to the applicant by the Director.
4. **Reduction in Number of Applications.** The Director may reduce the number of qualified applicants to be examined through a method of random selection, as set forth in an approved Administrative Procedure.

B. Examinations.

1. **Subject and Methods of Examinations.** Examinations may be assembled, unassembled, written, oral, practical demonstration, or any combination thereof, or any other form which will evaluate fairly the qualifications of applicants. In whatever form the examination takes, it shall relate to job responsibilities for the position and shall be structured fairly to measure the applicant's capability to perform in the position. Examinations may consist of one or more of the following parts:
 - a. **Performance Tests.** That part which deals with the duties of a position, and is designed to test the ability of an individual to perform those duties. Example: the practical test of driving or typing.
 - b. **Written Test.** That part which examines the knowledge and training which form the basis for performing the duties of the position.
 - c. **Application Evaluation Test.** That part which reviews the applicant's qualifications, training and experience as measured in relation to the desired qualifications of the position and those of other applicants, through an analysis of application forms and/or resumes. Recommendations provided by references which relate to the requirements of the job may be included as part of this evaluation.
 - d. **Physical Agility, Medical or Psychological Tests.** A physical agility, medical and/or psychological examination or test may be required of any applicant.
 - e. **Personal Interview Test.** The applicant may be questioned on the duties of the position, training and experience, the nature of work previously performed, and other occupational qualification questions in order to determine the applicant's fitness for the position.
2. **Conduct of Tests.** The Director shall administer such tests as are appropriate and shall arrange for the use of public buildings, materials, and equipment for the conduct of tests. All tests shall be held unless no qualified applicants are available for testing.
3. **Qualifying Grade.** In all tests, the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the test, including educational requirements, experience, occupational qualifications of the position, and other test validity studies. If so determined by the Director prior to test administration, failure in one test of an examination may be grounds for declaring that an applicant has failed the entire examination or is disqualified for subsequent parts of an examination.
4. **Notification of Results.** Each applicant taking an examination shall be given notice of the results thereof within a reasonable time period, including the applicant's final rating and, if successful, the applicant's relative position on the subsequent employment list. Applicants shall have the right to inspect their test papers and the key examination booklet except where standardized examinations are used. An error in grading or rating, if called to the attention of the Director within 10 days after notification of the results of the examination, shall be corrected and appropriate changes to any employment list made. Correction shall not, however, invalidate a certification or appointment previously made. In promotional examinations applicants may, upon request, be provided an analysis of their test results.
5. **Review of Examination Comments.** City will receive and review any and all

comments offered by applicants concerning the examinations, their validity, and any other comments the applicant desires to offer, and will provide a written response.

C. Employment Lists.

1. Employment.

- a. As soon as possible after the conclusion of an examination, the Director shall prepare and keep available a list of names of persons successful in the examination. The final rating shall be determined by the total of the scores received by each candidate for each test of the examination based upon the relative value assigned to each test. Candidates achieving identical final ratings shall be listed at the same numerical ranking on the employment list in the order in which their names are randomly selected by the Director. Candidates whose final rating falls lower than such a grouping shall be listed at the numerical ranking which is one greater than the total number of candidates that achieved a higher final rating. (Example: If four candidates score the same highest final rating, all four are listed at the number 1 ranking, in the order that their names are randomly drawn by the Director. Three candidates scoring the second highest rating would have a ranking of 5, their names also in random order. A single candidate with the third highest final rating would have a ranking of 8, and so on.)
 - b. Exception. The only exception to the numerical ranking system, as provided in Subsection 1, shall apply to candidates who are Veterans and have provided documentation of qualifying military service to the Human Resources Department at the time of application for an examination process open to persons who are not current City employees. If a Veteran has a final rating identical to other non-Veteran candidates, the Veteran shall be listed at a position on the employment list at a numerical rating which is one greater than the non-veteran candidates. If two or more Veterans have identical final rating scores, the Veterans will be placed at the same numerical ranking in the order in which their names are randomly selected by the Director. (Example: If four candidates score the same highest final rating and one is a Veteran, the Veteran shall be listed at the number 1 ranking and the remaining three candidates shall be listed at the number 2 ranking in the order that their names are randomly drawn by the Director. If four candidates score the same highest final rating and two are Veterans, the Veterans shall be listed at the number 1 ranking and the remaining two candidates shall be listed at the number 3 ranking, all in the order that their names are randomly drawn by the Director.)
2. Reemployment Lists. Employees who have resigned in good standing upon their request at the time of termination of employment shall be placed on a reemployment list for the position from which they resigned. Employees who resign and so request placement on the reemployment list shall be placed on the list in the order, most to least, of the number of years in the position covered by the list.
 3. Special Placement of Police Academy Trainees. Hourly exempt employees in the Police Academy Trainee classification who have successfully completed all of the requirements for the Police Officer Entry classification shall be placed on the Employment List for the Police Officer Entry position without further application or testing. Such Police Academy Trainees will be placed at the number 1 ranking

- on the list, and no specific testing score will be assigned to them. Qualified Police Academy Trainees may be placed on a Police Officer Entry Employment List which has no other candidates. Should multiple Police Academy Trainees become eligible for placement on the Police Officer Entry Employment List, all will be placed at the number 1 ranking, with the remainder of candidates placed below them in the manner specified in Paragraph 1 above.
4. Duration. Employment lists shall become effective upon the approval thereof by the Director and upon certification that the same were properly prepared and represent the relative ratings of the names appearing thereon. Employment lists shall remain in effect for one year and may be extended by action of the Director, after consultation with the appointing authority, for additional three-month periods, but in no event shall an employment list remain in effect for more than two years. The only exception to the one-year effective period for employment lists shall be for the positions of Public Safety Dispatcher - Entry, Public Safety Dispatcher - Lateral; Police Officer-Entry, and Police Officer - Lateral, all of which shall have an effective period of six months, with the Director's authority to extend such lists for additional three-month periods to a maximum of one year from the date originally established. Reemployment lists shall remain in effect for a period of not less than one year and so long as the employment list for the same position remains active, provided, however, that the maximum period of entitlement for placement of an employee on a reemployment list shall be one (1) year from the date of termination. The Director shall have the authority, subject to approval by the City Manager, to invalidate and terminate an employment list due to cheating or other irregularities associated with its establishment. The Director shall also have the authority to terminate an employment list which contains less than three (3) names thereon.
 5. Multiple Employment Lists. If, after consultation with the appointing authority, the Director determines that there are less than ten (10) eligible candidates on an employment list for a particular position, the Director may establish additional employment lists pursuant to this chapter. The relative ranking of eligible candidates on all valid employment lists shall be based upon the date that each such list was established by the Director, with the candidates on the list first established being ranked above candidates on the second list, regardless of score, and so on, in the order that each candidate is listed. The only exception to the sequencing of employment lists pursuant to this paragraph shall be for the positions of Public Safety Dispatcher - Entry, Public Safety Dispatcher - Lateral, Police Officer Entry, and Police Officer - Lateral, in which case the scores from multiple examinations shall be integrated into a single eligibility list, with each candidate retaining the period of entitlement to placement on the employment list established as of the date the candidate successfully completed the examination process.
 6. Removal of Names from Employment List. The name of any candidate appearing on an employment list shall be removed by the Director if any of the following occur:
 - a. Voluntary removal.
 1. If the candidate requests in writing that his or her name be removed.
 - b. Involuntary Removal.
 1. If the candidate fails to respond to a notice of eligibility for employment

consideration mailed to his or her last known address; or

2. If the candidate has been considered for appointment and rejected as a result of a background investigation, preemployment interview or psychological evaluation; or
3. If the candidate is no longer qualified for the position; or
4. If the candidate is determined to have cheated on one or more of the examinations for the position. The candidate affected shall be notified of the removal and the reasons therefor by notice mailed to candidate's last known address. Such notice shall also include the right of the candidate to respond to such removal to the Director within ten (10) days after such notification. Such response may be made orally or in writing. Within ten (10) days after such response, the Director shall render a final decision. The names of candidates listed on a promotional basis who have either resigned or are discharged from the service of the City shall automatically be removed from any such lists.

D. Method of Filling Vacancies.

1. Types of Appointment. Vacancies may be filled by transfer, reemployment, demotion, promotion, including career ladder promotions, or by candidates certified by the Director from an employment list.
2. Order of Precedence. The order of precedence for filling vacancies shall be as follows:
 - a. Layoff reinstatement list.
 - b. Career ladder promotions, if such procedure is utilized.
 - c. Promotional list.
 - d. Reemployment list.
 - e. Employment list.
3. Notice to Director. Whenever a vacancy is to be filled, the Human Resources Department shall be notified. The Director shall advise the appointing authority as to the availability of employees for reemployment, request for transfer, and of candidates on employment lists for the position.
4. Certifying Candidates from Employment Lists. When certifying eligible candidates from employment lists to the appointing authority, the Director shall include the names of the top twenty (20) listed candidates on the employment list, plus all candidates tied with the twentieth-listed candidate, in addition to the names of candidates, if any, on the re-employment list. The names of all candidates willing to accept appointment shall be certified in the order in which they appear on the employment list. In the event that there is more than one vacancy to be filled at any one time, the total number of eligible candidates certified by the Director shall be increased by the number of additional vacancies to be filled. In the case of the employment lists for the Trainee, Entry and Lateral levels of Police Officer and Firefighter, Reserve Police Officer and Volunteer Firefighter, persons who have served the City for a minimum of eighteen months, and who are certified by the Fire Chief or Chief of Police to be in good standing, and who are qualified as established under the position job description and have successfully completed the examination process for the permanent position but not placed within the top twenty positions on the list, shall also be added to the list of candidates eligible for appointment in their respective departments.
5. Appointment. After review and investigation, the appointing authority shall make

appointments from among any of the candidates certified in compliance with this section, and shall immediately notify the Director of the person or persons selected; provided, however, that should an employment list be certified with less than three (3) names contained thereon the appointing authority may request a new employment list prior to appointment of any candidate. The Director shall thereupon notify the candidate selected. If the candidate accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, and provides information and material as required by the Director, the candidate shall be deemed appointed; otherwise, the candidate shall be deemed to have declined the appointment. Any candidate not appointed and who has a higher ranking than the candidate appointed pursuant to the provisions of this subsection shall, upon request, be provided with a statement from the appointing authority describing the employment qualifications which the candidate should attempt to strengthen in order to make him or her a more desirable candidate for employment.

6. Emergency Services - Emergency Appointments. City's office of emergency services may make emergency appointments as provided in Chapter 2.68 of the Code, without regard to the provisions of this chapter.
7. Career Ladder Appointments. Notwithstanding anything herein to the contrary, the appointing authority may promote a permanent full-time employee to a higher position in such employee's job classification career ladder, as defined in the Classification Plan, without testing or regard for existing employment lists, provided that such employee meets the desired qualifications for the position, as set forth in the job description, and/or otherwise possesses such other education, training or experience that the appointing authority deems qualifying to perform the duties of such higher position.

(Res. No. 143 95-96, Res. No. 39 97-98, Res. No. 48 97-98 §§1-2, Res. No. 80 99-00, Res. 74 01-02, Res. No. 51 02-03, Res. No. 11 04-05 §§1-2, Res. No. 113-07)

2R.72.140 Employment status.

A. Probationary Period.

1. Objective of Probationary Period. The probationary period shall be regarded as an extension of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective training for the employee to assist the employee in adjusting to the position, and for rejecting any probationary employee who the appointing authority determines to be unsatisfactory.
2. Regular Appointment Following Probationary Period. All initial appointments, shall be subject to a probationary period of 12 months, except the appointment to Public Safety Dispatcher, which shall be subject to a probationary period of 18 months. However, the Director, with the approval of the City Manager, may extend the probationary period for any given job title not to exceed an additional 12 months upon finding that the length of the initial probationary period in relation to training and other requirements of the position is insufficient to evaluate adequately a probationary employee's fitness. The applicable employee organization, if any, shall be given notice of such extension. Employees in their probationary periods at the time such an extension is made, shall not have their probationary periods extended. All appointments which result from a promotion or reclassification, with the exception of promotions to police sergeant, fire

apparatus engineer, fire captain and communications/records supervisor, shall be subject to a probationary period of six months. Promotions to police sergeant, fire apparatus engineer, fire captain and communications/records supervisory shall be subject to a probationary period of 12 months. Appointments which result from a voluntary reduction in class which are subject to a probationary period pursuant to section 2R.72.140A.7.b shall be subject to a probationary period of six months.

An employee's probationary period may be extended by the Director if the employee is unable to perform the employee's job duties because of extended absence. However, the length of such extension shall not exceed the length of such extended period of absence. Nothing contained herein shall prohibit an employee from requesting, or an appointing authority from offering, an individual extension of a probationary period in lieu of termination.

3. Probationary Reports. Employee performance reports for probationary employees shall be prepared at three-month intervals through the entire probationary period. These reports shall be submitted to the Director on a form prescribed by the Director and shall be filed for permanent record. Each report shall be discussed with the employee and may be signed by the employee at that time, to indicate receipt of a copy of the report. If an employee declines to sign the performance report, the report shall be annotated to that effect and placed in the employee's personnel file. The employee may, upon request, review the report with the Director to review or clarify areas of disagreement by the employee. However, the employee must first review the report with the employee's department head, who shall have the authority to change such ratings. The Director shall not have the authority to change performance ratings but will review disputed ratings with the department head in an attempt to answer the concerns of the employee. Upon the conclusion of this review process, if the employee is still not satisfied, the employee may provide the Director with a written response regarding disputed ratings for placement in the employee's personnel file. A copy of the performance report and associated documents shall be given to the employee upon final review of the report by the Director.
4. Rejection of Employee on Probation. During the probationary period, an employee may be rejected at any time by the appointing authority. A probationary employee so rejected shall not have the right to appeal such rejection or file a grievance relating thereto. Notification of rejection shall be in writing and shall be served upon the probationary employee five days prior to the discharge date except in the case of an emergency, and a copy shall be filed with the Director concurrent with such service on the employee.
5. Completion of Probationary Period; Permanent Status or Termination of Employment. The Director shall notify the applicable appointing authority at least 14 days prior to the termination of the probationary period. If the appointing authority determines to retain the employee, the appointing authority shall file with the Director a statement in writing to such effect and recommending that permanent status be granted to the employee. If such a statement is not filed at least seven days prior to the termination of the probationary period, the employee will be considered certified as a permanent employee.
6. Rejection from Promotional Position.
 - a. Any employee rejected during the probationary period following a

- promotional appointment shall be reinstated to the position from which the employee was promoted.
- b. An employee, if any, appointed to the position from which the first employee was promoted may, at the discretion of the City Manager, be laid off, or, in the case of a promotional employee, reduced in job class to the position from which the employee was promoted, in order to create the necessary position vacancy.
 - c. The employee laid off or reduced in job class to create a vacant position shall not have the right to grieve or appeal such action. Such employee shall, however, have the right to request placement on the reemployment list. Should such employee subsequently be re-employed in or promoted to the higher position, a new probationary period shall be required, provided, however, that:
 1. If the employee had successfully completed the probationary period prior to lay-off or demotion, no new probationary period will be required.
 2. If the employee had successfully completed a substantial portion of the probationary period prior to the lay-off or demotion, the City Manager may, upon the recommendation of the department head, waive the requirement for a new probationary period and give the employee credit for the probationary time previously completed. The Director shall notify such employees at the time of their appointment to the position of the provisions of this paragraph.
7. Probationary Periods in Cases of Voluntary Reduction in Job Class. When an employee requests and is granted a voluntary reduction in job class, a new probationary period will not be required if:
- a. The employee had previously completed a probationary period in the lower job class and was granted permanent employee status; or
 - b. The duties of the lower job class are included in the position from which the employee is being reduced in job class. However, if the employee moves to a job class in which the employee has not previously achieved permanent status or which is a different job class, a new probationary period will be required. Employees who are not considered permanent employees of the City shall not be eligible for a voluntary reduction in job class.
- B. Transfer. An employee may be transferred at either the employee's request or at the discretion of the employee's department head at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one department or office to another, the prior consent of the head of each department or office shall be required unless the City Manager orders the transfer for the purposes of economy or efficiency. Transfer shall not be utilized to effectuate promotion, advancement, reduction in job class or disciplinary action; provided, however, that the City Manager may transfer an employee to a position of comparable or higher job class in the event that the employee's current position is being eliminated from City service. No employee shall be transferred to a position for which the employee does not possess the desired qualifications. If an employee is involuntarily transferred, the employee may file a grievance to appeal such transfer in the manner as provided for in Section 2R.72.240 of this chapter.
- C. Promotion. Vacancies may be filled by promotion from within the classified service or by open competitive examination. Appropriate examinations shall be used to

develop an employment list for determining qualified promotional candidates. The decision as to whether a particular examination shall be on a competitive or on a promotional basis shall be made by the Director, after consultation with the affected department head, subject to the approval of the City Manager, based upon the determination as to how best the position can be filled to satisfactorily meet the needs of the service.

D. Reduction in Job Class.

1. Upon request of the employee, and with the prior consent of the prospective department or office head, a reduction in job class may be made to a vacant position.
2. The City Manager may place an employee in a vacant position of a lower job class in lieu of layoff for reasons of economy or efficiency, provided, however, that an employee may voluntarily elect to be laid off and placed on a layoff reinstatement list in lieu of reduction in job class.
3. No employee shall be placed in a lower job class for which the employee does not possess the desired qualifications.

E. Layoff. The City Manager may lay off an employee or employees in the classified service because of a shortage of work or funds, curtailment or elimination of a public service activity, or organizational restructuring which results in a reduction in force. In such cases, the Personnel Reduction Procedure shall be utilized.

F. Personnel Reduction Procedure.

1. Notification. Written notice of layoff and the availability of displacement rights, including available positions, shall be given to the affected employee(s), and the employee organization or group representing such employee(s), by the Personnel office office at least thirty (30) calendar days prior to the effective date of layoff. The Personnel office office shall also notify all employees who will be subject to the exercise of displacement rights by more senior employees. Written notice to employees subject to layoff shall be made by certified mail to the employee's address on file with the Personnel office office, or hand-delivered in person to the employee. Notice to employee organizations and groups, and notice to employees subject to displacement may be made by regular mail and/or other similar means of communication.
2. Order of Layoff. Layoffs shall be by classification, with probationary employees being laid off before permanent employees. The order of layoff for permanent employees shall be that the employee with the least seniority in the classification subject to layoff shall be laid off first.
3. Seniority.
 - a. For the purpose of layoff only, employees in a higher classification within a career ladder shall have seniority rights over other employees in the next lower job classification in the career ladder provided that such employee previously held permanent full-time status in the lower classification. Temporary and acting appointments to a classification shall not be construed as service in such classification, and unpaid leaves of absence shall not be included in calculating time of service to determine seniority.
 - b. Whenever the effective date of appointment to a classification is the same for two or more employees, probationary and permanent full-time service from the date of appointment to the classification, adjusted for unpaid leaves, shall be used to determine which employee had greater seniority within the

- classification. If classification seniority is still the same, the original date of hire with the City, adjusted for unpaid leaves, shall be used to determine seniority. If a tie still remains, the department head shall make a recommendation to the City Manager based on the particular employees' overall performance, and the City Manager shall make the final determination.
4. Displacement.
 - a. Permanent and promotional probationary full-time employees shall have the right to displace (bump) employees with less seniority in a lower classification provided that the employee previously held permanent full-time status in the lower classification. Clerical employees from other City departments displacing clerical employees in the Police Department will be required to successfully complete a background investigation conducted by Police Department personnel.
 - b. A permanent full-time employee hired directly into a higher job classification in a classification series may displace an employee in a lower classification within the classification series if the employee occupying the higher job classification has more seniority within the classification series than the employee occupying the lower level job classification.
 - c. Displacement rights afforded to an employee shall include access to those classifications in which the employee has previously served but which may since have been retitled but where, as determined by the Director, no substantive changes have been made in the duties or qualifications for the classification(s) in question.
 - d. To qualify for displacement to a classification in which the employee has previously served, the employee must be able to meet the desired qualifications therefor at the time of displacement or within a reasonable period thereafter, as determined by the Director.
 - e. Should an employee subject to layoff or displacement have prior City service in one or more classifications outside their career ladder at the time of layoff or displacement, such employee shall have the right to exercise displacement rights in their current career ladder, or in the career ladder of a prior classification. Such decision exercising displacement rights shall be made within the time limits as set forth hereinbelow and shall not be revocable or subject to change by the employee. For employees exercising displacement rights to a prior classification career ladder, only years of service in such career ladder may be used to determine seniority for the purposes of displacement to classifications contained therein.
 5. Request for Displacement and Determination of Salary. In order to displace to a previously held classification, an employee must request such action in writing to the Director within seven (7) calendar days of receipt of notice of layoff. The Human Resources Department will acknowledge in writing by regular mail the receipt of notification from the employee of the desire to exercise displacement rights. Employees may not exercise displacement rights subsequent to being laid off. An employee returning to a previously held lower classification shall be assigned to the step in the salary range for the lower classification for which they are qualified and that is closest to but does not exceed the employee's current rate of pay. In no case shall the salary be increased above that received by the employee in the job classification from which the employee is laid off.

6. Reinstatement List.
 - a. Order. The names of persons laid off or displaced in accordance with these procedures shall be entered upon a reinstatement list for the position in the inverse order in which the layoff or displacement occurred.
 - b. Duration. Names of persons laid off from their appointed position or displaced due to bumping shall be carried on the reinstatement list for the position for two years. Persons subsequently reemployed or reinstated to regular positions of the same classification and status as that from which they were laid off or displaced shall, upon such reemployment or reinstatement, be removed from the list. Persons reemployed in a lower classification or on an hourly exempt basis shall remain on the list for the higher permanent position.
 - c. Recall. Appointments shall be made from the reinstatement list in the order that they appear on the list when a vacancy arises in the same classification. Reemployment or reinstatement will be subject to the employee passing a medical examination, and physical agility test and/or psychological test if applicable to the job classification, if the layoff period exceeds 12 months. Any person who does not respond within 14 calendar days to a letter offering reemployment or reinstatement sent certified mail addressed to such person's last known address shall be removed from the list. If an employee elects to become reemployed, the employee shall report to work within 30 calendar days from the date notice is given to the City that the employee will return to work. A laid off employee, when offered reemployment, who is unable to accept due to medical reasons as certified by a physician, may be granted an additional 30 calendar days to report to work. When an employee is unable to return to work due to a medical condition within this 60 calendar day period, the City shall recall the next employee on the reinstatement list and the disabled employee's name shall remain on the list and eligible for recall for the remaining duration of the two year period. If an employee declines reemployment or reinstatement to a permanent position of the same classification and status, or fails to report to work within the 30 calendar day period, except for a medical condition as provided for above, the employee's name shall be removed from the reinstatement list and the City shall have no further obligation for employment.
7. Reinstatement Rights.
 - a. An employee reemployed or reinstated from a layoff reinstatement list within two years of the effective date of layoff shall retain cumulative service credited as of the date of layoff for purposes of determining seniority in the event of future layoffs.
 - b. Upon reemployment, an employee shall resume accrual of vacation at the rate that corresponds to the employee's years of service on the date of separation from employment due to layoff. An employee's unused sick leave balance remaining on the date of such separation, after conversion to cash if applicable, shall be restored.
 - c. The period of time during which the employee is on unpaid status shall not count toward service credit.
 - d. Upon reemployment or reinstatement to the same classification from which laid off or displaced, an employee shall be placed at the same salary step which the employee occupied on the date of separation from employment or

displacement, and shall be eligible for step increases on the same schedule or basis which existed on the date of layoff or displacement.

- G. Resignation. An employee wishing to resign in good standing shall file with the employee's supervisor at least two weeks before leaving the service a written resignation stating the effective date and reasons for leaving. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation shall be forwarded by the supervisor, through the department head, to the Director with a statement by the appointing authority or department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. An employee who fails to give notice of resignation shall be reported to the Director by the department head immediately, and may not be eligible for reemployment. An employee who leaves the service in good standing may request reemployment rights through the Director as described by this chapter. An employee who is absent for one work week or more, as applicable to the position, without permission from the City, without cause, or without notice to the employee's department head, shall be deemed to have resigned the employee's position and shall not be eligible for reemployment. (Res. No. 143 95-96; Res. No. 3 99-00, Res. No. 02 03-04, Res. No. 11 04-05 §3, Res. No. 113-07)

2R.72.150 Disciplinary action.

A. General Provisions.

1. The provisions of this section, including permitted disciplinary actions, and hearing and procedural requirements shall be available only to permanent classified employees and, except in cases of probationary rejection, to permanent classified employees on promotional probation.
2. City employees who are not permanent classified employees or employees on promotional probation shall have no right to the notice and hearing requirements set forth herein. Provided, however, that such employees shall be given a written notice of such disciplinary action and the opportunity to discuss the matter with the Director.
3. When disciplinary action against a permanent classified employee is first contemplated by a direct or indirect supervisor of such employee, the employee shall be advised of the employee's right to representation. Such advice may be given by the appointing authority or the Director.
4. At the discretion of the appointing authority or department head, employees may be placed on paid leave during a period in which an investigation into facts which may result in discipline is conducted. Such paid investigatory leave is not discipline, and employees on such paid leave shall not be subject to a reduction in pay or benefits during the period of investigatory leave. Investigatory leave may be terminated at any time by the appointing authority or department head. At such time, the employee shall immediately return to work. An employee who is placed on paid investigatory leave during an investigation shall be informed of the reason for the leave, the potential for discipline, the right to representation, and the obligation to return to work when so instructed by the appointing authority or department head.

- B. Permitted Disciplinary Action. The following disciplinary actions may be taken against an employee for one or more of the causes for discipline specified in subsection D below, or for any other just cause:

1. Discharge;

2. Demotion; provided, however, that no employee shall be demoted to a position for which the employee does not possess the desired qualifications;
 3. Suspension without pay; provided, however, that such suspension shall not exceed 240 hours, and no employee shall be penalized by suspension for more than 240 hours in any fiscal year; further provided, that employees exempt from payment for overtime work under the Fair Labor Standards Act (FLSA) shall not be suspended in a manner that would conflict with employees' FLSA exempt status.
 4. Written reprimand;
 5. Any other action which corrects or mitigates the cause for which disciplinary action is taken and which is agreed to between the employee and the appointing authority, with the prior approval of the City Manager.
- C. Delegation of Disciplinary Authority. Pursuant to Section 701a of the Charter of the City of Chico, the City Manager may at any time authorize any appointing authority to discipline subordinate employees subject to the procedures in these rules.
- D. Causes for Disciplinary Action. Causes for disciplinary action against any employee shall include any just cause including, but not limited to, the following:
1. Fraud in securing employment;
 2. Willful violation of safety rules;
 3. Nonobservance of work hours;
 4. Unauthorized absence;
 5. Being in the unauthorized possession of or under the influence of alcoholic beverages and/or any nonprescription or unauthorized narcotics or dangerous drugs during working hours;
 6. Refusal or failure to perform assigned work;
 7. Violation of any City or department rule, regulation or ordinance applicable to an employee's performance;
 8. Conviction of a felony or conviction of a misdemeanor involving moral turpitude;
 9. Disrespectful or unprofessional treatment of the public or another City employee;
 10. Disobedience of a lawful order or insubordination to proper authority;
 11. Misuse, misappropriation or theft of City property;
 12. Falsification of City records;
 13. Unauthorized sleeping on the job;
 14. Incompetent, substandard or untimely performance of assigned work.
- E. Procedural Requirements Prior to Disciplinary Action. No employee to whom this section applies shall be subject to disciplinary action hereunder unless prior thereto such employee has received:
1. A written notice of the proposed disciplinary action including the specific charges, and grounds upon which such charges are based;
 2. A reasonable time to review the materials upon which the charges and proposed action are based and to answer the charges;
 3. The opportunity to appear before the appointing authority to respond to the charges orally and/or in writing;
 4. Notice of his or her right to be represented by an attorney or other representative at any disciplinary conferences or proceedings;
 5. A written decision on such answer at the earliest practicable date, not to exceed fifteen (15) days following the answer. No disciplinary action shall be taken against an employee until the time period provided herein has been exhausted

without a response from the employee.

- F. Notice of Proposed Action. An employee against whom disciplinary action is pending is entitled to reasonable advance written notice stating any and all reasons, specifically and in detail, for the proposed action. All material, including new material prepared subsequent to the notice, on which the notice is based and which is relied on to support the reasons in that notice, shall be assembled and made available to the employee for review. The notice shall inform the employee when and where the employee may review such materials and of a reasonable method for reviewing such materials. Employees will be provided with a copy of such materials upon request. Material which is classified as confidential and as such is not available for the employee to review shall not be used to support the reasons in the notice.
- G. Employee's Answer. An employee is entitled to a reasonable time, not to exceed fifteen (15) days unless the appointing authority authorizes a longer time, to answer a notice of proposed disciplinary action. The time to be allowed depends on the facts and circumstances of the case, and shall be sufficient to afford the employee ample opportunity to review the material relied on by the appointing authority to support the reasons in the notice and to prepare an answer. If the employee answers, the appointing authority shall consider the answer in reaching a decision. The employee is entitled to answer through a designated representative, or personally, or in writing, or any combination thereof. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might affect the final decision in the case. When the employee requests an opportunity to answer personally, the appointing authority taking the action shall personally hear the answer. The word "answer" shall be deemed to include such statements, affidavits, declarations, or such other evidentiary matter as the employee may wish to submit. At this stage of the process, the employee shall not be entitled to an evidentiary hearing and the sole purpose of the answer shall be to allow the employee to respond to the charges. Further, the employee shall not be entitled to present witnesses or cross-examine any witness of the appointing authority.
- H. Status of Employee During Notice Period. Except as otherwise provided, an employee against whom disciplinary action is proposed is entitled to be retained in an active status during the notice period. When circumstances are such that the retention of the employee in an active status in the employee's position may result in damage to City property or may be detrimental to the interests of the City or injurious to the employee, fellow workers or the public, the appointing authority may temporarily assign the employee to duties in which these conditions do not exist or place the employee on paid leave status which is not charged to the employee.
- I. Notice of Decision. Any employee against whom disciplinary action is pending is entitled to notice of the appointing authority's decision at the earliest practicable date, not to exceed fifteen (15) days following the answer. The appointing authority shall cause the notice of decision to be delivered to the employee at or before the time when the action will be effective. If discipline is to be finally imposed, the notice shall be in writing, be dated and inform the employee of the following:
1. Those reasons in the notice of proposed disciplinary action which have been sustained and which have not been sustained;
 2. The nature of the disciplinary action.
 3. The right to appeal the notice of decision, as provided herein, if and only if such

disciplinary action results in discharge, demotion, or suspension. However, police safety employees shall have a right to appeal if the disciplinary action is with a written reprimand. All other employees may provide a written response to the reprimand and the response shall be placed in the employee's personnel file, stapled to the written reprimand, but the employee shall have no right to further appeal.

4. The time limit for such appeal. If after notice and answer the appointing authority decides not to discipline the employee, the employee shall be so notified within fifteen (15) days following the answer. No materials relating to the proposed disciplinary action shall be placed in an employee's personnel file unless and until a decision is made to discipline the employee.

J. Appeal of Disciplinary Actions.

1. To appeal the notice of decision, an employee must file with the Director within fifteen (15) days following receipt of the notice of decision a written request for such appeal and hearing. Upon receipt of such request a hearing officer shall be named to hear the matter. The hearing officer shall be appointed from a list maintained by the City Clerk. The City Clerk's appointment shall be by random selection from among those appearing on the list. Both the employee and the City shall have the right to challenge and refuse any person so selected. The employee and the City may each so challenge two such persons. The City Clerk's random selection shall proceed until both parties are satisfied with the selection or until their rights to challenge are exhausted. The list shall be compiled by obtaining names from the Butte County Bar Association or by another agency independent of the City for the purpose of providing impartial, competent hearing officers to hear disciplinary appeals.
2. The hearing authorized herein shall be held within thirty (30) days following the request for hearing.
3. Whenever a hearing on any disciplinary action is to be held, the Director shall notify the person requesting the hearing and the appointing authority from whose action the appeal is being taken, of the date, time and place of the hearing and shall publicly post a notice of the date, time and place of hearing on a public bulletin board in the Municipal Center of the City.
4. The hearing may be public or closed, at the employee's option.
5. The employee requesting the hearing shall not be required to appear at the hearing; provided, however, that in any event City shall have the right to call as a witness the employee requesting the hearing. The employee requesting the hearing may be represented by any person. Unless otherwise mutually agreed upon by the employee and City's representative, during the hearing, any and all witnesses to be called by either the employee or City shall be excluded from the hearing room unless actually testifying. Provided, that both the employee and City may designate a person, who shall not be subject to the exclusion herein, who has investigated the matter at issue in the hearing and whose assistance during the hearing is necessary to the efficient conduct of the hearing.
6. The Director shall issue subpoenas to compel the attendance of witnesses or the production of documents at the hearing when a request for same is made on behalf of the City, or by the affected employee. Any witness fees, mileage or other costs relating to subpoenas shall be the responsibility of the party requesting their issuance.

7. The hearing shall proceed generally as follows:
 - a. City's representative and the affected employee may make preliminary, opening statements.
 - b. The City's representative shall present oral and/or documentary evidence in support of City's position; the affected employee may cross-examine any witness called by City.
 - c. The affected employee may present evidence in employee's own behalf; the City's representative may cross-examine such witnesses as are called by the affected employee.
 - d. Both the City and the affected employee may present rebuttal evidence as they deem necessary and appropriate.
 - e. The hearing officer shall rule on any objections made to the admissibility of evidence or otherwise relating to the conduct of the hearing. Such rulings shall be final.
 - f. The City's representative and the affected employee may make closing statements.
8. Hearing Officer's Action.
 - a. Upon the conclusion of any investigation or hearing, the hearing officer shall cause findings and recommendations to be prepared in writing and shall certify the same.
 - b. The hearing officer shall, at a minimum, find whether the City has shown by a preponderance of the evidence that the charges in support of the disciplinary action have been substantiated. Such a finding shall be made as to each charge. If the hearing officer finds that none of the charges are supported by the evidence presented, the recommendation shall be that no disciplinary action be taken. If the hearing officer finds that any or all of the charges are supported, the hearing officer shall either:
 - (1) Recommend that the proposed disciplinary action be carried out;
 - (2) Recommend such other disciplinary action deemed appropriate under the circumstances;
 - (3) Recommend that no disciplinary action be taken.
 - c. The hearing officer's findings and recommendations shall be filed as a permanent record with the Director who shall acknowledge their receipt. The Director shall certify and deliver a copy of such findings and recommendations to the appointing authority, the City Manager and to the employee affected by such findings and recommendations, or from whose action the appeal was taken.
9. The City Manager shall review the findings and recommendations, the record of the hearing and any other information submitted in writing by the employee, and shall then determine in light of such record and other information supplied by the employee whether the disciplinary action in the notice of decision (subsection I above) is proper. If it is determined that the action is proper, the employee shall be so notified in writing and no further action shall be necessary. If it is determined that the action is not proper, the action shall be rescinded and steps necessary to adjust the employee's records and pay to reflect such rescission shall be taken. Nothing herein shall be construed to preclude the City Manager from imposing a less severe disciplinary action than that imposed under subsection B above, following review of the records. For this purpose, the order of severity,

from most severe to least, shall be as listed (in subdivisions 1 through 4) in said subsection B.

10. At the request of the employee, a copy of the written determination and findings of the hearing officer and the final determination of the City Manager shall be furnished to the City Council.
- K. Imposition of Discipline Prior to or During Appeal. The disciplinary action set forth in the notice of decision may be imposed or carried out regardless of whether or not an appeal has been filed or is being processed by the employee being disciplined.
- L. Variation in Time Periods.
 1. Any time period set forth in this section may be waived or otherwise varied from upon mutual agreement between the Director and the affected employee.
 2. If the time period for the conduct of an appeal hearing cannot be met due to the unavailability of a hearing officer, the illness of the appointing authority, the temporary unavailability of a City witness, an employee or an employee's witness, or for any other reason beyond the control of the City, or the employee, the time period shall be extended to the earliest possible date for such hearing.
 3. Upon request, the affected employee shall have the right to one postponement of the hearing date to the earliest possible date.

(Res. No. 143 95-96, Res. No. 51 02-03, Res. No. 113-07)

2R.72.160 Review of Director decisions.

- A. Any person dissatisfied with a decision of the Director under this Article may request a review of the decision by the City Manager. Within ten (10) calendar days of receipt of such a request, the City Manager shall either confirm or reverse the decision of the Director. The City Manager's action shall be final.
- B. Exclusion. Disciplinary actions taken or initiated by the Director are specifically excluded from consideration under this review procedure.

(Res. No. 143 95-96, Res. No. 113-07)

ARTICLE III. PERSONNEL RULES - EXEMPT SERVICE.

2R.72.170 Applicability.

This Article shall only apply to exempt service employees as defined herein.

(Res. No. 143 95-96)

2R.72.180 Definitions.

As used in this Article, the following terms shall be defined as set forth below:

- A. Exempt Service. A grouping of job titles and positions occupied by management, hourly exempt and other non-classified service employees, as designated by the City Manager in the Classification Plan.
- B. Exempt Service Employee. A management employee, an employee employed on an hourly or interim basis and any other non-classified service employee occupying a job title to which this Article applies and who serves or is employed at the will and pleasure of the appointing authority.
- C. Hourly Exempt Employee. A non-permanent, exempt service employee hired on a short-term basis, as a temporary or interim replacement or to supplement the City workforce, who is paid at an hourly rate, including an employee hired on such basis to fill a classified service job title.

D. Management Employee. The Council appointed positions of City Manager and City Attorney and other exempt service employees designated as a management employee by the City Manager in the Classification Plan, pursuant to the provisions of California Government Code Section 3500 et seq. which are applicable to the City.

(Res. No. 143 95-96)

2R.72.190 Applicability of certain classified service rules.

- A. Except as provided hereinbelow, the classified service rules set forth in Articles II and IV of this chapter shall not be applicable to exempt service employees.
- B. The provisions of Section 2R.72.130 entitled "Selection Procedures" may be utilized for the selection of management employees, including Council appointed employees, or some other selection procedure may be utilized, as determined by the City Manager in the case of management employees, or as determined by the City Council in the case of Council appointed employees.
- C. The provisions of Section 2R.72.140 relating to the layoff and Personnel Reduction Procedures shall be applicable to management employees, except Council appointed employees as defined in the City Charter.

(Res. No. 143 95-96)

2R.72.200 Termination of employment.

Exempt service employees serve at the will and pleasure of the appointing authority and may be terminated from their employment without cause and without the right of appeal. No written, verbal or other assurance, correspondence or communication by any person shall amend, abrogate or otherwise affect this provision.

(Res. No. 143 95-96)

2R.72.210 Employee representation rules.

The provisions of Sections 2R.72.220, 2R.72.230 and 2R.72.250 relating to employee representation procedures shall be applicable to exempt service employees.

(Res. No. 143 95-96)

ARTICLE IV. EMPLOYEE REPRESENTATION RULES

2R.72.220 Generally.

- A. Statement of Purpose. The purpose of this Article is to implement Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Section 3500 et seq.) captioned "Public Employee Organizations," and known as the Meyers-Milius-Brown (MMB) Act, by providing orderly procedures for the administration of employer-employee relations and for the resolution of disputes regarding wages, hours, and other terms and conditions of employment within the scope of representation. As utilized in this Article, and except as otherwise provided, the term "employee" includes permanent or probationary classified employees, management employees and hourly exempt employees.
- B. Employee Rights. Employees shall have the right to form, join and participate in the activities of employee organizations of their choice for the purpose of representation on all matters of employer-employee relations within the definition of the scope of representation.

Employees also shall have the right to refuse to join or participate in the activities of employee organizations, and shall have the right to represent themselves

individually in their employment relations with the city. Employees shall not be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any employee organization because of an exercise of these rights.

C. City Rights. The rights of the City include, but are not limited to:

1. The exclusive right to determine the mission and organization of its constituent departments, offices, commissions, and boards;
2. Set goals and standards of service;
3. Determine the standards of selection for employment and promotion;
4. Direct its employees;
5. Take disciplinary action;
6. Relieve its employees from duty because of lack of work, funds, or for other legitimate reasons in accordance with applicable law and rules;
7. Maintain the efficiency of governmental operations;
8. Determine the methods, means and personnel by which government operations are to be conducted, including the contracting and/or subcontracting of work;
9. Determine the goals and objectives, and minimum qualifications of job positions;
10. Take all necessary actions to carry out its mission in emergencies;
11. Exercise complete control over and direction of the organization and technology of performing work;
12. Establish reasonable work and safety rules and regulations in order to protect the health and welfare of City employees and members of the general public.

The exercise of such rights by the City shall be subject to the requirement to meet and confer if the matter impacts the terms and conditions of employment.

D. Access to Work Locations. Reasonable access to employee work locations shall be granted officers of recognized employee organizations and their officially designated representatives, for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Such officers or representatives shall not enter any work location without the consent of the head of the department or office. Access shall be restricted to pre-work time, lunch or after-work hours so as not to interfere with the normal operations of the department or with established safety or security requirements. Solicitation of membership and activities concerned with the internal management of an employee organization, such as collecting dues, holding membership meetings, campaigning for office, conducting elections and distributing literature, shall not be conducted during working hours, nor with the use of City facilities or equipment, except as provided below.

E. Use of City Facilities. Employee organizations may be granted the use of City facilities during nonworking hours for meetings of City employees, provided space is available. All such requests shall be in writing, shall state the general purpose or purposes of the meeting and shall be submitted at least 24 hours prior to such meeting. The City may assess reasonable charges for the use of such facilities in accordance with any applicable administrative procedure regarding the particular facility.

The use of City equipment other than items normally used in the conduct of business meetings, such as desks, chairs, and blackboards, is prohibited, the presence of such equipment in approved City facilities notwithstanding. Notwithstanding anything to the contrary herein, recognized employee organizations may use any City facility open to the public for any lawful purpose upon application to the City Clerk.

- F. Use of Bulletin Boards. Recognized employee organizations may use portions of City bulletin boards under the following conditions:
1. All materials must be dated and must identify the organization that published them.
 2. The City reserves the right to determine what portion of the bulletin boards are to be allocated to employee organization materials.
 3. The City Manager may remove materials which the City Manager determines are slanderous, defaming or factually inaccurate if they are not removed by the affected employee organization immediately after being given notice to remove such materials.
 4. An employee organization that does not abide by these bulletin board rules after a reasonable request to do so will forfeit its right to have materials posted on City bulletin boards for a period of 30 calendar days.
- G. Availability of Data. The City shall make available to employee organizations such nonconfidential information pertaining to employment relations as is contained in the public records of the agency, subject to the limitations and conditions set forth in this rule and Government Code Sections 6250-6260.
- Such information shall be made available during regular office hours in accordance with the City's procedures for making public records available and after payment of fees as set forth in a duly adopted City fee schedule for reproduction and labor.
- Information which shall be made available to employee organizations may include regularly published data covering subjects under discussion. Data collected on a promise to keep its source confidential shall not be made available.
- H. Dues deduction.
1. Only a recognized employee organization may be granted permission to have the regular dues of its members deducted from their paychecks, in accordance with procedures set forth in an applicable memorandum of understanding, or as set forth in these Rules.
 2. Dues deduction shall be made only upon the voluntary written authorization of the employee, on a form provided by City. Dues deduction authorization may be cancelled and the dues deduction from payroll discontinued at any time by the employee upon voluntary written notice to the Finance Director unless otherwise provided. Dues deduction may continue only upon voluntary written authorization of the member for a period of time not to exceed the time period as may be provided in a memoranda of understanding. Employee payroll deduction authorizations shall be in uniform amounts to each employee for dues deductions and paid only to one employee organization for each employee.
 3. The employee's earnings must be sufficient to pay the due deductions after other legal and required deductions are made. All other legal and required deductions have priority over employee organization dues. When an employee who is a member in good standing of the formally recognized employee organization is in a leave without pay (LWOP) status for an entire pay period, no dues withholding will be made to cover that pay period from future earnings nor will the employee deposit the amount with City which would have been withheld if the employee had been in a paid status during that period. In the case of an employee who is in LWOP status during only part of the pay period and the salary is not sufficient to cover the full withholding, no deduction shall be made. The City shall have no liability whatsoever of any kind or character regarding dues deduction relative to

an employee who has insufficient net earnings remaining after all legal and other required deductions to pay the authorized dues deduction or who has no earnings by virtue of being on leave without pay status.

4. Dues withheld by the City shall be paid monthly on or before the 15th day of the month next following the month in which the dues were deducted. A check shall be prepared and provided to the organization officer designated in writing by the organization as authorized to receive such funds and at the address specified.
5. All employee organizations who receive dues deductions shall indemnify, defend, and hold the City of Chico harmless against any claims made and against any suit instituted against the City of Chico on account of deduction of employee organization dues. In addition, all such employee organizations shall refund forthwith to the City of Chico any amounts paid to it in error upon presentation of supporting evidence.

(Res. No. 143 95-96, Res. No. 02 03-04)

2R.72.230 Recognition provisions.

- A. Petition for Recognition - Generally. An employee organization that seeks recognition as the majority representative in an appropriate unit shall file with the City Manager a petition for recognition containing all of the information set forth herein, accompanied by written proof that at least 50 percent of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Upon receipt of the petition for recognition, the City Manager shall:
 1. Determine that there has been compliance with the requirements of the petition for recognition; and
 2. Determine the appropriateness of a unit. If an affirmative determination is made by the City Manager on the foregoing two matters, the City Manager shall give notice of such request for formal recognition to the employees in the unit and shall take no action on said request for 30 days thereafter; if either of the foregoing matters are not affirmatively determined, the City Manager shall inform the employee organization of the reasons therefor in writing.
- B. Petition for Recognition Requirements. The petition for recognition to be filed with the City Manager shall contain the following information and documentation:
 1. Name and address of the employee organization;
 2. Names and titles of its officers;
 3. Name(s) of employee organization representative(s) who are authorized to speak on behalf of its members;
 4. A statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the City;
 5. A statement as to whether or not the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with a regional, state, national or international employee organization, or union, and, if so, the name and address of each such regional, state, national or international employee organization or union;
 6. A designation of a person, and such person's address, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose;
 7. A statement that the employee organization does not discriminate or restrict membership or participation based on race, color, age, national origin, sex,

religion, ethnic derivation, physical disability, cancer related medical condition, sexual orientation or marital status.

8. The job titles, names, and office or departmental affiliations of member employees in the unit claimed to be appropriate;
 9. A statement that the employee organization has in its possession written proof, dated within two months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate, have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City Manager;
 10. A request that the City Council recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation;
 11. All petitions, including accompanying documents, shall be verified, under oath, by at least two officers of the organization that the statements are true and that the signatures are authorized and valid. All changes in such information shall be filed, forthwith, in like manner.
- C. Determining Appropriateness of Units.
1. The City Manager, after reviewing the petition filed by an employee organization seeking formal recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following criteria, or other related criteria, are also to be considered in making such determination:
 - a. The history of employee relations:
 - (1) In the unit,
 - (2) Among other employees of the City, and
 - (3) In similar public employment;
 - b. The effect of the unit on the efficient operation of the City and sound employer-employee relations;
 - c. The extent to which employees have functional relationships, common skills, working conditions, job duties;
 - d. The effect on the existing Classification Plan of dividing a single class among two or more units. Preference shall be given to the largest possible class consistent with criteria listed herein.
 2. In the establishment of appropriate units, professional employees shall not be denied the right to be represented separately from nonprofessional employees. Management and confidential employees shall not be included in the same unit with non-management or non-confidential employees.
 3. Police department employees who are "peace officers" as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code of the State of California, shall have the right to join or participate in an employee organization which is composed solely of such peace officers, which concerns itself solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which is not subordinate to any other organization.

4. No employee may be represented by more than one recognized employee organization for the purposes of this chapter.
 5. Notwithstanding any provisions provided herein, the City retains the right to communicate with unrepresented employees or groups of employee individuals concerning wages, hours and other terms and conditions of employment.
- D. Recognition Proceedings and Election.
1. Within 30 days of the date notice of the request for formal recognition is given to employees, any other employee organization (hereinafter referred to as the “challenging organization”) may seek formal recognition in an overlapping unit by filing a petition for recognition, provided that such challenging organization submit written proof that it represents at least 50 percent of the employees in such unit. The City Manager shall hold a hearing on such overlapping petitions, at which time all affected employee organizations shall be heard. Thereafter, the City Manager shall determine the appropriate unit or units as between such proposed overlapping units in accordance with the criteria set forth herein.
 2. When an employee organization in the unit found to be appropriate submits written proof that it represents at least 50 percent of the employees in such unit, the City Manager shall arrange for a secret ballot election to be conducted by the City Clerk or the State Conciliation Service. All challenging organizations who have submitted written proof that they represent at least 30 percent of the employees in the unit found to be appropriate, and have submitted a petition for recognition as required by this chapter, shall be included on the ballot. The choice of “no organization” shall be included on the ballot. Employees eligible to vote in such election shall be those persons regularly employed in permanent, full-time positions within the unit who were employed during the pay period which includes the date which is 15 days before the election, including those who did not work during such period because of illness, disability, vacation or authorized leaves of absence and who are employed by the City in the same unit on the date of election. In the case of hourly exempt employees, those employees eligible to vote shall be those persons who were employed and actively working during the pay period which includes the date which is 15 days before the election, including those who did not work because of illness or disability, and who are actively working in the same unit on the date of the election.

An employee organization shall be granted recognition following an election or runoff election if the employee organization has received the vote of a numerical majority of all the employees eligible to vote in the unit in which the election is held (i.e., 50 percent plus 1 of the votes of all eligible employees). In an election involving three or more choices, where none of the choices receives a majority, a runoff election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall also apply to a runoff election.
- E. Impasse in Representation Proceedings. Any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the City Manager made pursuant to this Section shall be processed in accordance with the procedures set forth in Section 2R.72.250 and must be filed with the City Manager within 7 days after the affected employee organization first receives notice of the

decision upon which its complaint is based, or its complaint will be considered closed and not subject to the impasse procedures or to any other appeal.

F. City Council Recognition of Majority Representative.

1. After the City Manager has determined the majority representative of City employees in an appropriate unit by arranging for a secret ballot election as prescribed herein, the City Manager shall certify to the City Council the choice of the majority of the employees or the name of the employee organization found to represent a majority of the employees in an appropriate unit. The City Manager shall not preclude other recognized employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.
2. The City Council shall:
 - a. Grant formal recognition to the employee organization certified by the City Manager to represent the majority of the employees in an appropriate unit as the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit.
 - b. Revoke the recognition rights of a majority representative which has been found by a secret ballot election no longer to be the majority representative.

G. Decertification of Recognized Organization.

1. Duration of Recognition. When an employee organization has been recognized, such recognition shall remain in effect until such time as the City Manager shall determine, on the basis of a secret ballot election in accordance with the foregoing rules, that the employee organization no longer represents the majority of the employees in the affected unit, provided however, that recognition of employee organizations recognized as majority representatives pursuant to a vote of the employees may be revoked by a majority vote of such employees only after a period of not less than twelve (12) months following the date that the City Council granted formal recognition to the employee organization; provided, further, that a memorandum of understanding, if any, negotiated by such a decertified employee organization shall remain in full force and effect until the expiration date provided in the existing memorandum. City shall have no obligation to negotiate a new memorandum of understanding as to any employees within the newly certified employee organization until such expiration date.
2. Petition for Decertification. A petition for decertification alleging that an employee organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed with the City Manager. The petition for decertification may be filed by an employee, a group of employees or their representative, or an employee organization. The petition, including all accompanying documents, shall be verified, under oath, by the person signing it that its contents are true. It may be accompanied by a petition for recognition by a challenging organization. The petition for decertification shall contain the following information:
 - a. The name, address and telephone number of the petitioner and/or a designated representative authorized to receive notices or requests for further information;
 - b. The name of the formally recognized employee organization;

- c. All allegations that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts;
 - d. Written proof that at least 50 percent of the employees in the unit do not desire to be represented by the formally recognized employee organization. Such written proof shall be dated within three months of the date upon which the petition is filed and shall be submitted for confirmation to the City Manager. If the petition for decertification is determined to contain this information, the City Manager shall notify the employees in the unit and shall take no action on said petition for thirty (30) days thereafter. If the petition is deficient in this regard, the City Manager shall inform the employee(s) or employee organization of such deficiencies in writing. Upon the conclusion of the thirty (30) day period, the City Manager shall arrange for a secret ballot election to be administered by the City Clerk or the State Conciliation Service, to determine if the recognized employee organization shall retain its recognition rights. A recognized employee organization shall be decertified if a majority of all employees eligible to vote cast votes for decertification.
- H. Modification of Established Unit. A petition for modification of an established unit may be filed by an employee organization with the City Manager. The petition for modification shall contain all of the information required by subsection B of this Section along with a statement of all relevant facts in support of the proposed modified unit. The petition shall be accompanied by written proof that at least 50 percent of the employees within the proposed modified unit have designated the employee organization to represent them in their employment relations with the City. The City Manager shall hold a hearing on the petition for modification, at which time all affected employee organizations shall be heard. Thereafter, the City Manager shall determine the appropriate unit or units between the existing unit and the proposed modified unit and shall follow the procedure set forth in subsection D of this Section for determining the formal recognition of such unit.
- I. Cost of Election Proceedings. The cost of any election proceedings shall be borne equally among each of the employee organization(s) which names(s) appear on ballot and City. Provided, however, that City's maximum obligation hereunder shall be \$100 per election.

(Res. No. 143 95-96, Res. No. 02 03-04)

2R.72.240 Dispute resolution provisions.

A. Grievances.

- 1. Purpose of Grievance Procedures.
 - a. To promote improved employer-employee relationships by establishing a grievance procedure on matters for which appeal is not otherwise provided;
 - b. To afford individual employees and recognized employee organizations a systematic means to obtain further consideration of problems after every reasonable effort has failed to resolve them through discussions. Nothing herein shall preclude an employee from being represented by another individual or employee organization in the grievance procedure;
 - c. To provide that grievances shall be settled as near as possible to the point of origin;
 - d. To provide that the grievance procedure shall be as informal as possible.

2. Availability of Procedures. The grievance procedures set forth herein shall be available only to permanent employees, as defined in Section 2R.72.120, and to recognized employee organizations.
3. Grievance Defined. A grievance is any dispute concerning the interpretation or application of:
 - a. A written memorandum of understanding between the City and an employee organization;
 - b. The provisions of a pay and benefit resolution;
 - c. Any ordinance, rule or regulation governing personnel practices which address wages, hours or other terms and conditions of employment;
 - d. These Personnel and Employee Representation Rules, provided, however, that final determinations of the City Manager or a hearing officer, made pursuant to the provisions of these Rules, shall not be the subject of a grievance; or
 - e. The adoption or amendment of the Classification Plan.
4. Exclusions. The following matters are specifically excluded from review under this grievance procedure:
 - a. All City rights and all employee rights as set forth in Section 2R.72.220 of this Article.
 - b. Matters within the budgetary authority of the City Council or City Manager.
 - c. The rejection of an employee from probation.
 - d. All rights reserved to management under the provisions of an existing memorandum of understanding.
5. Grievance Procedures. Grievances shall be processed in accordance with the following procedures:
 - a. Informal Procedure. Any employee having a grievance shall first discuss the grievance with his or her immediate supervisor within ten (10) calendar days of the occurrence which caused the grievance. Within ten (10) calendar days after the discussion the supervisor shall attempt to resolve the grievance.
 - b. Formal Procedure. If the supervisor's action does not adjust the grievance satisfactorily, the employee may, within ten (10) working days of the supervisor's response, take the following steps:
 - (1) First Level of Review. A grievance may be submitted in writing to the employee's immediate supervisor. The written grievance shall be as specific as possible and shall include all facts deemed pertinent to its resolution. The immediate supervisor shall discuss the grievance with the employee and/or the employee's representative, if any, and reply in writing to the employee within five (5) working days.
 - (2) Second Level of Review. If the employee does not agree with the supervisor's decision, the written grievance will be presented within ten (10) working days to the next level of supervision. The second level supervisor shall have ten (10) working days to investigate and shall thereafter render a written decision.
 - (3) Third Level of Review. If the employee does not agree with the decision of the second level supervisor, the written grievance shall be submitted to the department head within five (5) working days after receipt of the second level supervisor's decision. After the receipt of the grievance, the department head shall have fifteen (15) working days to render a written

decision.

- (4) If the employee does not agree with the decision of the department head, the written grievance shall be submitted to the Director within five (5) days after receipt of the department head's decision. After receipt of the grievance, the Director shall have fifteen (15) working days in which to investigate and render a written decision.
 - (5) Hearing Request. Should the employee still be aggrieved, the employee may appeal the decision. An appeal must be filed with the Director within fifteen (15) working days of receipt of the written decision. After receipt of the appeal, a hearing officer shall be appointed and a hearing held in the manner set forth below.
- c. General Provisions: The following provisions shall apply to the grievance procedure:
- (1) Departments with only one supervisory level between the employee and the department head shall omit the second level review. In departments where the only supervisor is the department or office head, the first level and the second level shall be omitted. In departments with more than three levels of supervision, each additional level shall review the grievance prior to the matter being submitted to the department head, in accordance with the time lines provided for in the second level of review. Employees in the Human Resources Department shall have the Assistant City Manager act in place of the Director in step b (3) and (4) above. Employees having a grievance which involves an office or department other than their own shall submit the written grievance to the Director who shall have twenty (20) working days in which to investigate and render a written decision thereon. Such decision shall be subject to appeal by the employee.

If the employee does not agree with the decision of the department head, the written grievance shall be submitted to the Personnel Director within five (5) days after receipt of the department head's decision. After receipt of the grievance, the Personnel Director shall have fifteen (15) working days in which to investigate and render a written decision.

- (1) Hearing Request. Should the employee still be aggrieved, the employee may appeal the decision. Said appeal must be filed with the Personnel Director within fifteen (15) working days of receipt of the written decision. After receipt of the appeal, a hearing officer shall be appointed and a hearing held in the manner set forth below.
- b. General Provisions: The following provisions shall apply to the grievance procedure:
- (1) Departments with only one supervisory level between the employee and the department head shall omit the second level review. In departments where the only supervisor is the department or office head, the first level and the second level shall be omitted. In departments with more than three levels of supervision, each additional level shall review the grievance prior to the matter being submitted to the department head, in accordance with the time lines provided for in the second level of review. Employees in the personnel office shall have the Assistant City Manager act in place of the Personnel Director in step b (iii) and (iv) above. Employees having a grievance which involves an office or

department other than their own shall submit the written grievance to the Personnel Director who shall have twenty (20) working days in which to investigate and render a written decision thereon. Such decision shall be subject to appeal by the employee.

- (2) Each level of supervision has an obligation to respond to any grievance, but should a response not be rendered within the time limit, the grievance may be appealed to the next step.
- (3) The grievance is considered settled if the decision of any step is not appealed within the time limit, except when an investigative process is still in progress and the employee has been notified that it is taking place and the employee agrees to extend the time period.
- (4) Any time limit in the grievance procedure may be extended to a date mutually consented to by the employee or employees filing the grievance and the supervisor involved.
- (5) There shall be no reprisal or any other action taken against employees who avail themselves of the grievance procedure.
- (6) An employee may use vacation time, administrative leave or compensatory time, if reasonably necessary, for the preparation of a grievance. If the grievance is sustained by the City Manager, such time taken shall be recredited to the employee.
- (7) The cost, if any for a hearing officer to conduct a grievance hearing, for a facility in which to hold the hearing, and the like, shall be divided equally between the parties. Each party shall be responsible for its own costs for an attorney or other representation, for presenting evidence and for the cost of a court reporter when it requests one.

B. Grievance Hearing Procedure.

1. The hearing officer shall be appointed in the manner set forth under Section 2R.72.150.J. of this chapter.
2. The hearing authorized herein shall be held within thirty (30) days following the request for hearing.
3. The Director shall notify the person requesting the hearing and the hearing officer of the date, time and place of the hearing.
4. Unless otherwise requested by the grievant, the hearing shall be closed to the public.
5. The grievant may be represented by any person.
6. The Director shall be authorized to issue subpoenas to compel the attendance of witnesses or the production of documents at the hearing when a request for same is made on behalf of the City, or by the grievant. Any witness fees, mileage or other costs relating to subpoenas shall be the responsibility of the party requesting their issuance.
7. Prehearing briefs regarding the issue subject to the grievance may be filed by the City or the grievant with the hearing officer no later than seven (7) calendar days prior to the date of the hearing. Post-hearing briefs may be requested by the hearing officer, in his or her sole discretion, to be filed after the conclusion of the hearing by a date certain mutually agreed to between the hearing officer and the parties. Copies of prehearing and post-hearing briefs shall be filed concurrently with the other parties involved in the hearing.
8. The hearing shall proceed generally as follows:

- a. The grievant and the City's representative may make preliminary, opening statements.
 - b. The grievant may present oral and/or documentary evidence in support of his/her/its position; the City's representative may cross-examine any witness called by the grievant.
 - c. The City's representative may present evidence in the City's behalf; the grievant or his/her/its representative may cross-examine witnesses called by the City.
 - d. Both the grievant and the City may present rebuttal evidence as they deem necessary and appropriate.
 - e. The hearing officer shall rule on any objections made to the admissibility of evidence or otherwise relating to the conduct of the hearing. Such rulings shall be final, unless otherwise provided for in a memorandum of understanding, or in a pay and benefit resolution adopted by the City Council for non-recognized employee groups.
 - f. The grievant and the City's representative may make closing statements.
9. Hearing officer's action:
- a. At the close of the hearing, and in no event more than fifteen (15) calendar days following the conclusion thereof, the hearing officer shall prepare findings and conclusions regarding the merits of the grievance; provided, however, that the hearing officer may request and the Director may grant an extension of not more than fifteen (15) days for the preparation of findings and conclusions.
 - b. The findings and conclusions shall be forwarded to the City Manager and to the grievant and his/her/its representative. The City Manager shall, within ten (10) calendar days of receipt of same, either accept, reject, or modify the findings and conclusions of the hearing officer and make a decision and issue a written order on the matter. If the City Manager rejects or modifies the decision of the hearing officer, the reasons therefor shall be included in the decision and order. The City Manager's action shall be final, unless otherwise provided for in a memorandum of understanding, or in a pay and benefit resolution adopted by the City Council for non-recognized employee groups.
 - c. All materials relating to any grievance including, but not limited to, minutes of the hearing, findings and recommendations and the final decision and order shall be available to the City Council for review, upon request.

(Res. No. 143 95-96, Res. No. 113-07)

2R.72.250 Meet and confer provisions.

A. Meeting and Confering in Good Faith and Memoranda of Understanding.

1. Pursuant to the provisions of California Government Code, Section 3500 et seq., as said sections apply to City, the City, through its designated representatives, shall meet and confer in good faith with representatives of recognized employee organizations, regarding matters within the scope of representation.
2. When the meet and confer process is concluded between the City and a recognized employee organization representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized City and majority representatives. The memorandum of understanding shall be submitted to the City Council for determination and implementation on matters over which the

Council has authority. A memorandum of understanding shall not be binding on the City or the recognized employee organization until approved by the City Council.

B. Resolution of Impasses - Impasse Procedures.

1. Initiation. If the possibility of settlement by direct discussion has been exhausted after a reasonable number of meetings and attempts to conclude an agreement, any party may initiate impasse procedures by filing with the other party or parties a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled by the City Manager forthwith after the date of filing of the written request for such meeting with written notice to all parties affected. The purpose of such impasse meeting shall be:
 - a. To permit a review of the position of all parties in a final effort to reach agreement on the disputed issues; and
 - b. If agreement is not concluded, to discuss the process for the appointment of a mediator by the State Conciliation Service.
2. Mediation. If the parties fail to conclude an agreement at the impasse meeting, the impasse shall be submitted to mediation. The parties shall provide to the mediator written statements outlining their relative positions on the remaining disputed issues. The mediator shall conduct all meetings and discussions in private and shall make no public statements or recommendations concerning the issues. Neither party to the mediation shall make any public statement regarding any aspect of the mediation. The mediator or either party shall have the right to terminate the mediation proceedings at any time and for any reason.
3. Appointment of Mediator and Costs. If an agreement is not concluded at the impasse meeting, the City Manager shall request the State Conciliation Service to assign a mediator. Should a mediator not be available from the State Conciliation Service the parties shall mutually agree upon a mediator from some other source. Costs, if any, of the mediation services shall be divided equally between the parties pursuant to Government Code Section 3505.2.
4. Upon Termination of Mediation. If after thirty (30) days following commencement of mediation, or upon the earlier termination of such proceedings by the mediator or either or both of the parties thereto, the City and the recognized employee organization again fail to conclude an agreement, the City may act to unilaterally implement any disputed issues except those matters the City is precluded by law from implementing. In the alternative, upon mutual consent of both parties, the issues may be submitted to additional impasse procedures, including but not limited to factfinding.
5. Factfinding. If the parties agree to factfinding, a factfinding panel of three shall be appointed in the following manner: one member to be appointed by the City Manager, one member to be appointed by the recognized employee organization, and those two appointed members shall appoint a third, who shall act as chair. If they are unable to agree upon a third, they shall select by agreement the third from a list to be provided by the State Conciliation Service. The factfinding panel shall act in accordance with whatever procedures are mutually agreed to by the parties. Upon completion of such procedures, the panel shall issue a confidential, non-binding, advisory report to the parties.

C. Advance Notice and Reasonable Time Off to Meet and Confer.

1. Reasonable written notice shall be given to each recognized employee organization affected, of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation, proposed to be adopted or amended and each shall be given the opportunity to meet and confer with the City's representative. In cases of emergency, when an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, such notice and opportunity to meet and confer shall be provided at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.
2. The recognized employee organization may select not more than two employee members of such organization to attend scheduled meetings with the City's representatives on subjects within the scope of representation during regular work hours without loss of compensation. Where circumstances warrant, the City Manager may approve the attendance at such meetings of additional employee representatives with or without loss of compensation. The employee organization shall, whenever practicable, submit the names of all such employee representatives to the City Manager at least two working days in advance of such meetings. Provided further:
 - a. That no employee representative shall leave his or her duty or work station or assignment without specific approval of the department head or his or her designee, provided that such approval will not be unreasonably withheld.
 - b. That such meeting is subject to scheduling in a manner consistent with operating needs and work schedules of the City. Nothing herein shall limit or restrict the scheduling of meetings at mutually agreeable times before or following regular duty or work hours. Employees involved in such meetings during their regular work hours shall not be required to make up the time so spent. No overtime payments shall be authorized or made for such time spent in such meetings by those on-duty employees authorized to attend.

(Res. No. 143 95-96, Res. No. 48 97-98 §3)

Chapter 2R.76

EQUAL EMPLOYMENT OPPORTUNITY PLAN

Section:

- 2R.76.005 Director**
- 2R.76.010 Equal employment opportunity policy statement.**
- 2R.76.015 Dissemination of equal employment opportunity plan.**
- 2R.76.020 Responsibility for implementation of equal employment opportunity plan.**
- 2R.76.030 Human resources commission.**
- 2R.76.040 Audit and reporting system.**
- 2R.76.050 Utilization analysis.**
- 2R.76.060 Equal employment opportunity goals.**
- 2R.76.070 Discrimination appeal process.**

2R.76.005 Director.

Where used in this chapter, the term “Director” means the Director of the Human Resources Department.

(Res. No. 113-07)

2R.76.010 Equal employment opportunity policy statement.

The city of Chico commits itself to a policy designed to ensure equal employment opportunities to all job applicants and employees regardless of their race, color, national origin, gender, religion, age or disability. This policy statement represents a commitment that in matters affecting employment, the city will ensure that each employee and applicant will be accorded equal treatment with respect to all terms, conditions and privileges of employment, including recruiting, training and promotion. The city will provide reasonable accommodation in the recruitment, testing, selection and employment of qualified individuals with disabilities. Implementation of this equal employment opportunity policy shall be the responsibility of the city manager.

(Res. No. 93 83-84 §1 (part), Res. No. 38 97-98)

2R.76.015 Dissemination of equal employment opportunity plan.

- A. Internal Dissemination. Upon adoption of this equal employment opportunity plan and any amendments thereto by the city council:
1. Each current employee of the city of Chico shall receive a copy.
 2. Each new employee of the city shall receive a copy of the plan as a regular part of the employment processing.
 3. Departments shall post a copy of the equal employment opportunity policy statement in a conspicuous place at each principal city work area.
 4. Department heads, key staff members, and supervisors will be kept informed on a continual basis as to their responsibility and accountability for implementation of the equal employment opportunity plan.

- B. External Dissemination. Upon adoption of this equal employment opportunity plan and any amendments thereto by the city council:
1. All employment announcements shall include the phrase “an equal opportunity employer.”
 2. The city shall fully utilize its influence, powers of persuasion and good offices to encourage and assist businesses operating within the community and/or contracting with the city to adopt similar policies and practices and provide equal employment opportunities for all residents of the city.

(Res. No. 93 83-84 §1 (part), Res. No. 38 97-98)

2R.76.020 Responsibility for implementation of equal employment opportunity plan.

- A. City Council. The Chico city council has ultimate responsibility for the equal employment opportunity plan and for ensuring its effective implementation.
- B. City Manager.
1. The city manager has responsibility for policy dissemination and reviewing and determining department heads’ performance in their efforts to meet the goals of this equal employment opportunity plan.
 2. The city manager has the responsibility to review proposed changes in the city’s recruitment, selection, classification, grievance, and related activities and to ensure that the Director takes appropriate action on their implementation.
 3. The city manager has the responsibility of requesting city council approval for budgetary items to be allocated to equal employment opportunity programs in amounts sufficient to achieve the approved goals.
- C. Director.
1. The Director shall coordinate the implementation of the provisions of the plan. The Director will continually review the personnel system and procedures and recommend changes to make them more responsive and effective in meeting equal employment opportunity goals.
 2. The Director will measure the effectiveness of equal employment opportunity goals and timetables through audit and reporting systems.
 3. The Director will monitor transfers, appointments, promotions, terminations and other transactions to ensure proper implementation of the equal employment opportunity plan.
 4. The Director will monitor all questions asked by an interview panel to ensure that no questions are asked which are contrary to equal employment opportunity.
 5. The Director has the responsibility for ensuring that each individual on the employment list is properly examined.
 6. The Director has the responsibility of ensuring, through appropriate training, that all supervisory personnel are aware of their responsibility to prevent discrimination against employees because of their race, color, national origin, gender, religion, age or disability.
 7. The Director has the responsibility to receive and investigate all complaints regarding discrimination, and to determine courses of action to resolve such complaints.

D. Department Heads.

1. Department heads will ensure that supervisors in their departments understand the equal employment opportunity plan and actively support it.
2. Department heads will make every good faith effort to ensure that all employees and applicants are treated in a non-discriminatory manner as it relates to their race, ethnicity, gender, or disability.
3. Department heads will be accountable to the city manager for ensuring non-discrimination in employment matters within their respective departments.
4. Department heads will recommend to the personnel director suggestions for changes to the audit and reporting system to make it more effective for equal employment opportunity purposes.

(Res. No. 93 83-84 §1 (part), Res. No. 133 95-96 §3, Res. No. 38 97-98, Res. No. 113-07)

2R.76.030 Human resources commission.

A. A human resources commission shall be maintained to:

1. Evaluate and make suggestions to the city on the equal employment opportunity plan and its implementation.
2. Review issues of equal employment opportunity and non-discrimination in City employment.
3. When so assigned by Council, investigate and make recommendations on policy issues relating to personnel matters.

B. The human resources commission's membership shall be selected in accordance with Chapter 2.64 of the code.

C. The human resources commission and the city manager shall periodically report to the council regarding the status of the city's equal employment opportunity plan. Amendments to the plan as proposed by the human resources commission shall be reviewed by the city manager and submitted to council for action. The human resources commission may request to meet with the city council to discuss the city's equal employment opportunity program or its progress.

(Res. No. 93 83-84 §1 (part), Res. No. 162 94-95, Res. No. 3 96-97, Res. No. 38 97-98)

2R.76.040 Audit and reporting system.

A. The Director will keep an annual record of the following:

1. Recruitment activity;
2. Applications received for city jobs;
3. Records of applicants' performance on written, oral, and other examinations administered, and records on job analysis data supporting the job relatedness of selection procedures;
4. Records of new employee appointments;
5. Records of promotions;
6. Records of separations;
7. Records of current city work force.

All of the above information shall be compiled by protected group status.

B. Periodic reports will be submitted by the Director to the city council through the city manager.

These reports will contain information on applicants' examination results, appointments, promotions, separations, and work force surveys.

The city council will review these reports for progress the city is making toward

equal employment opportunity goals. The city council will make suggestions for improvement of the equal employment opportunity efforts and will establish whatever enforcement or redirection it feels is necessary.

(Res. No. 93 83-84 §1 (part), Res. No. 133 95-96 §3, Res. No. 38 97-98, Res. No. 113-07)

2R.76.050 Utilization analysis.

The Director shall conduct utilization analyses and develop and maintain goals and timetables which can be used to determine the extent to which protected group members are represented in the city's work force. The representation of protected group members will be compared to the distribution of such individuals in the Butte County labor force.

(Res. No. 93 83-84 §1 (part), Res. No. 38 97-98, Res. No. 48 97-98 §4, Res. No. 113-07)

2R.76.060 Equal employment opportunity goals.

A. The overall equal employment opportunity goal for the city of Chico is to provide equal access to employment opportunities to all individuals regardless of their race, color, national origin, gender, religion, age or disability which will result in parity between the percentages of protected group members in the city work force and the percentages of protected group members in the Butte County labor force.

(Res. No. 93 83-84 §1 (part), Res. No. 133 95-96 §3, Res. No. 38 97-98)

2R.76.070 Discrimination appeal process.

A. Non-Employee and Hourly-Exempt Employee Job Applicant.

1. Any non-employee or hourly-exempt employee job applicant who feels that an employment opportunity was denied on the basis of race, color, national origin, gender, religion, age, or disability shall have 30 calendar days from the date of the alleged discriminatory incident to file a written complaint thereon with the Director.
2. Within 30 calendar days of the receipt of such complaint, the Director shall investigate, resolve if possible and respond to such complaint.
3. At any time during this appeal process, or if the complainant is not satisfied with the response of the Director, the complainant may pursue the matter directly with the city council or any other appropriate federal or state agency.
4. This appeal process shall be publicized by inclusion on the city's employment opportunity announcements and shall be posted in the personnel office.

B. Employee Job Applicant. Full-time, permanent employees of the city who feel that they have been subject to employment discrimination may utilize the grievance procedure set forth in the personnel rules or may pursue the matter directly with any other appropriate federal or state agency.

(Res. No. 93 83-84 §1 (part), Res. No. 133 95-96 §3, Res. No. 38 97-98, Res. No. 02 03-04, Res. No. 113-07)

TITLE 2R FOOTNOTES

1. Prior history: Res. No. RDA 1-80 §1.
2. Prior history: Res. No. 150 77-78.