ORDINANCE NO. **2022-01**

AN ORDINANCE OF THE CITY OF AVENAL AMENDING PORTIONS OF THE PERSONNEL SYSTEM IN ARTICLE 2 OF CHAPTER 4 OF TITLE 2, PERTAINING TO ADOPTION AND AMENDMENT OF RULES AND APPOINTMENTS.

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are necessary for the efficient operation of the City of Avenal ("City") in order to establish efficient regulations, policies and procedures for the timely hiring for vacant positions which must be immediately staffed, as well as interim and temporary appointments. This ordinance is also intended to clearly define the scope of authority for Temporary Appointments.

Section 2. AMENDMENT. Section 2-4.205 of Article 2 of Chapter 4 of Title 2 is hereby revised to read in its entirety as follows:

2-4.205 Adoption and amendment of rules.
Personnel rules shall be adopted by resolution of the City Council. The rules may establish regulations governing the personnel system, including:

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

(b) Appropriate announcement of the selection process and acceptance of application for employment.

(c) Preparation and conduct of tests and the establishment and use of resulting employment lists concerning names of persons eligible for appointment.

(d) Certification and appointment of persons from employment lists, and the making of <u>temporary appointments on interim or acting basis.</u>

(e) Establishment of probationary testing periods.

(f) Evaluation of employees during the probationary testing period and thereafter.

(g) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.

(h) Separation of employees from the City service.

(i) The establishment of any necessary appeal procedures.

(Ord. 89-02 § 5, 1989)

Section 3. AMENDMENT. Section 2-4.206 of Article 2 of Chapter 4 of Title 2 is hereby revised to read in its entirety as follows:

2-4.206 Appointments.

Appointments to vacant position in the competitive service shall be made in accordance with the personnel rules. Appointments and promotion shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical ability test, evaluation of daily work performance, work samples or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as a part of any examination.

In any examination the City Manager or his/her designee may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

The appointing authority of employees in the competitive service is the City Manager. The City Manager may delegate the appointing authority to any other officer of the City.

Temporary Appointments: under circumstances when it is necessary, convenient or advisable for a vacant position to be immediately staffed, a temporary (interim or acting) appointment may be made by the appointing authority. When making a temporary appointment, the minimum requirements, training and/or experience qualifications for the position, according to corresponding job description, and any competitive examination and/or criteria may be waived in writing at the discretion of the City Manager or designee.

An employment list shall be established within six (6) months for any permanent position filled by temporary appointment. The City Manager or designee, with the majority consent or approval of the city council, may extend the period for any temporary appointment to any position for not more than sixty (60) days each time an extension is made.

(Ord. 89-02 § 6, 1989)

Section 4. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment].

Section 5. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability, or responsibility for damage to person or property upon the City of Avenal, or any official, employee, or agent thereof.

Section 6. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any lawsuit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 9. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the

Hanford Sentinel, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Avenal, State of California, on **March 10, 2022** at a regular meeting of said Council duly and regularly conveyed on said day by the following vote:

AYES: **GRAVELLE, HERNANDEZ, RAMIREZ, PRECIADO.**

NOES: **NONE.**

ABSTAIN: **NONE.**

ABSENT: **VERDUGO.**

ALVARO PRECIADO, Mayor
CITY OF AVENAL

ATTEST:

MARIA A. ORTIZ, City Clerk
CITY OF AVENAL