

Title 2 ADMINISTRATION

Chapters:

Chapter 1 - CITY COUNCIL

Chapter 2 - CLAIMS AND DEMANDS

Chapter 3 - COMMISSIONS AND BOARDS

Chapter 4 - OFFICERS AND EMPLOYEES

Chapter 5 - ELECTIONS

Chapter 6 - CITY CLERK

Chapter 1 CITY COUNCIL

Sections:

Article 1. - Meetings

Article 2. - Compensation and Benefits

Article 1. Meetings

[2-1.101 Place.](#)

[2-1.102 Time.](#)

[2-1.103 Special and adjourned.](#)

2-1.101 Place.

All meetings of the Council shall be held at 233 East Kings Street in the City, commonly known as the Avenal Theater.

(Ord. 2002-01, 2002; Ord. 81-05)

2-1.102 Time.

Regular meetings of the Council shall be held on the second and fourth Thursdays of each month at 6:00 p.m.

(Ord. 79-2; Res. No. 2004-04, § 2, 1-8-2004)

2-1.103 Special and adjourned.

- (a) Special. Special meetings of the Council may be called at any time by the Mayor, Mayor Pro Tem, or by a majority of the members of the Council by delivering personally or by mailing a written notice to each member of the Council, the City Attorney, and to each local newspaper of general circulation and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as set forth in the notice. The call and notice shall set forth the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of the notice. Such waiver may be given by telephone or by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.
- (b) Adjourned. Any regular, adjourned regular, special, or adjourned special meeting of the Council may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the Council are absent from a regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally or by mail to each member of the Council, the City Attorney, and to each local newspaper of general circulation and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as set forth in the notice. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within twenty-four (24) hours after the time of the adjournment. When a 2-1.103 regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, law, or other rules.

Article 2. Compensation and Benefits

[2-1.201 Compensation.](#)

[2-1.202 Benefits.](#)

2-1.201 Compensation.

Council members shall be entitled to receive compensation as set by resolution provided such resolution does not exceed an amount equivalent to the maximum salary computed pursuant to California Government Code Section 36516, as it now exists or hereafter may be amended or superseded.

(Ord. 99-06, 1999)

2-1.202 Benefits.

In lieu of compensation pursuant to Section 2-1.201, a Council Member may elect to receive benefits, including retirement, health and welfare and/or federal social security benefits, which are available and paid by the City to its employees, in an amount equal to the compensation available to that Council Member pursuant to Section 2-1.201.

(Ord. 99-06, 1999)

Chapter 2 CLAIMS AND DEMANDS

Sections:

[2-2.01 Presenting and filing.](#)

[2-2.02 Council consideration.](#)

[2-2.03 Payment—Audit by Council.](#)

[2-2.04 Payment—Signatures.](#)

2-2.01 Presenting and filing.

Any person having a claim against the City, except for a salary fixed by ordinance or resolution, shall present a detailed statement of such claim to the City Clerk, which statement shall be filed with the City Clerk at least twenty-four (24) hours before the meeting of the Council at which such claim is to be heard.

The Council hereby reserves the right to require, by resolution, that, as a prerequisite to the payment of such claim, any particular claim or type of claim shall be verified by oath before the City Clerk or other officer authorized to administer oaths.

2-2.02 Council consideration.

Claims against the City shall be considered and allowed by the Council only at the first regular meeting in every month.

2-2.03 Payment—Audit by Council.

No demand or claim against the City shall be paid until after such demand or claim has been presented to, and audited by, the Council; provided, however, the payment of salaries and wages shall not be subject to this restriction and shall be paid as established by resolution of the Council.

2-2.04 Payment—Signatures.

All demands, when audited and allowed, and all salaries shall be paid by the Mayor of the City and countersigned by the City Clerk, or by their designated subordinates.

Chapter 3 COMMISSIONS AND BOARDS

Sections:

Article 1. - Planning Commission

Article 2. - Redevelopment Agency

Article 3. - Economic Development Agency

Article 1. Planning Commission

[2-3.101 Established.](#)

[2-3.102 Members—Appointment.](#)

[2-3.103 Term of office.](#)

[2-3.104 Power and duties.](#)

[2-3.105 Attendance at meetings.](#)

2-3.101 Established.

There is hereby established a Planning Commission for the City of Avenal.

(Ord. 94-01 (part), 1994; Ord. 80-6 (part))

2-3.102 Members—Appointment.

The Planning Commission shall consist of five (5) members, who shall be appointed to the Planning Commission and who shall serve as follows:

- (a) Appointments shall be made by each member of the City Council from a list of candidates or from the community at large, subject approval by the Council.
- (b) Appointments shall be made on a rotating basis according to the following schedule: (1) The first appointment shall be made by the Mayor; (2) The second appointment shall be made by the Mayor Pro Tem; and (3) The third, fourth and fifth appointment shall be made by the remaining council members in order of elected seniority. In the event council members have the same elected seniority, the Mayor shall determine the rotation order. The City Clerk is charged with maintaining a record of the rotation schedule.
- (c) Each member of the Planning Commission shall be accountable to the member of the City Council who appointed that Planning Commission member, and shall report and answer to said City Council member.
- (d) In addition to the members appointed to the Planning Commission as described above, the City Engineer and the Mayor shall be ex officio members of the Commission.

(Ord. 94-01 (part), 1994; Ord. 80-6 (part))

2-3.103 Term of office.

Each member of the Planning Commission shall be appointed for a term of four (4) years.

(Ord. 94-01 (part), 1994; Ord. 80-6 (part))

2-3.104 Power and duties.

The Planning Commission shall have the power and duties prescribed by law.

(Ord. 94-01 (part), 1994; Ord. 80-6 (part))

2-3.105 Attendance at meetings.

In the event a member of the Planning Commission misses three (3) meetings in any twelve (12) month period, the City Council member who appointed that Planning Commissioner shall have the right, at his or her discretion, to remove the Commissioner.

(Ord. 94-01 (part))

Article 2. Redevelopment Agency

[2-3.201 Statutory authority.](#)

[2-3.202 Designated.](#)

[2-3.203 Organization—Compensation.](#)

2-3.201 Statutory authority.

Pursuant to the provisions of Section 33200 of the California Health and Safety Code, the City Council of the City does hereby make the finding that the formation of a Redevelopment Agency will serve the public interest and promote the public safety and welfare in an effective manner.

(Ord. 84-15 § 1, 1984)

2-3.202 Designated.

Pursuant to the provisions of Section 33200 of the California Health and Safety Code, the City Council of the City, the legislative body of said City, does hereby declare itself to be the Redevelopment Agency of the City and vests in itself all rights, powers, duties, privileges and immunities vested therein.

(Ord. 84-15 § 2, 1984)

2-3.203 Organization—Compensation.

The Mayor of the City shall be the Chairman of said Redevelopment Agency, the Mayor Pro Tem shall be the Chairman Pro Tem of said Agency, and the City Manager shall be the Executive Director of said Agency. Each of the five said officers shall serve with compensation prescribed at twenty-five dollars (\$25.00) per member per meeting attended with a maximum limit of one hundred dollars (\$100.00) per month per member.

(Ord. 84-15 § 3, 1984)

Article 3. Economic Development Agency

[2-3.301 Established.](#)

[2-3.302 Members—Appointment.](#)

[2-3.303 Term of office.](#)

[2-3.304 Purpose.](#)

[2-3.305 Duties.](#)

[2-3.306 Meetings.](#)

[2-3.307 Quorum.](#)

[2-3.308 Rules of procedure.](#)

[2-3.309 Agency records.](#)

[2-3.310 Clerical assistance—Consultants.](#)

[2-3.311 Compensation—Reimbursement for expenses.](#)

[2-3.312 Removal from office.](#)

2-3.301 Established.

An Economic Development Agency is established for the City of Avenal, such Agency to be known as the Avenal Economic Development Agency.

(Ord. 96-02 § 1 (part), 1996)

2-3.302 Members—Appointment.

The Economic Development Agency shall consist of five (5) members, who shall serve at the pleasure of the City Council. The City Manager and the City Council member who is responsible for overseeing the Economic Development Agency shall interview potential candidates for the Economic Development Agency. Following said interview, the City Manager and the City Council member shall make recommendations to the City Council. The members of the Economic Development Agency shall be appointed by rotation schedule, with each member of the City Council appointing one member of the initial Economic Development Agency. Thereafter, the City Council members shall appoint successor Agency members by rotation as the members' terms expire. Members of the Economic Development Agency shall be required to file a California Government Code Section 87302 Conflict of Interest form with the City Clerk.

(Ord. 96-02 § 1 (part), 1996)

2-3.303 Term of office.

The term of office of the members of the Economic Development Agency shall be four (4) years. The initial members of the Agency shall, by lot, select two (2) members to serve terms of two (2) years each; two (2) members to serve terms of three (3) years each; and one member to serve a term of four (4) years. Thereafter, all terms shall be four (4) years. Agency members shall serve for their term, which shall expire on December 31st of the final year of each term, provided, however, that Agency members shall continue to serve until the appointment of their successors in office. Excepting for the first Agency, which shall assume office immediately upon appointment, the terms of office of the Agency members shall commence on January 1st of the year following their appointment.

(Ord. 96-02 § 1 (part), 1996)

2-3.304 Purpose.

Members of the Economic Development Agency shall serve in a review and advisory capacity to the City Council of the City of Avenal. The purpose of this Agency is to facilitate, act upon and develop strategies and tactics to retain business and to express a commitment to growth within the area of the City of Avenal.

(Ord. 96-02 § 1 (part), 1996)

2-3.305 Duties.

The Agency shall:

- (a) Review the economic condition of the City of Avenal and the surrounding areas;

Title 2 ADMINISTRATION

- (b) Consult with local business and trade organizations, labor organizations and any other local, state or national commission, organization, trade association or agency, whether voluntary or created by law, which the committee deems may be of assistance in formulating a program for industrial and economic development;
- (c) Advise and make recommendations to the City Council with respect to the industrial and economic development of the City of Avenal and formulate a program in furtherance of this purpose at the earliest practicable time;
- (d) Develop and manage programs for the improvement of the local economy;
- (e) Develop and recommend methods for financing economic development in the City;
- (f) Conduct or sponsor seminars relating to economic development;
- (g) Coordinate its studies and programs with other economic development organizations in California's Central Valley; and
- (h) Report monthly to the City Council on the Agency's progress and performance and provide timely responses to all proposals and inquiries made by the City Council.

(Ord. 96-02 § 1 (part), 1996)

2-3.306 Meetings.

The Economic Development Agency shall fix the time and place of its regular meetings, and may hold special meetings in the manner prescribed by state law. The Agency shall meet once a month, or more or less often as required to fulfill its duties and obligations. The Agency shall hold public hearings as necessary, to assess program progress and performance and to provide for the submission of views and proposals regarding the industrial and economic development of the City of Avenal. The Economic Development Agency and its members shall be bound by the Brown Act.

(Ord. 96-02 § 1 (part), 1996)

2-3.307 Quorum.

Three (3) voting members of the Agency constitute a quorum for the transaction of business. A majority vote of those present is required to take official action.

(Ord. 96-02 § 1 (part), 1996)

2-3.308 Rules of procedure.

Rules of procedure to be followed by the Agency shall be adopted by it and submitted to the City Council for approval by resolution. Any changes in the rules of procedure of the Agency shall likewise be approved by the City Council by resolution.

(Ord. 96-02 § 1 (part), 1996)

2-3.309 Agency records.

The Economic Development Agency shall make and keep a written, public record of its meetings, resolutions, transactions, minute orders, findings and determinations, copies of which shall be kept on file in the office of the City Clerk. The Agency shall record deliberations and decisions adequately to reveal considerations significant to such decisions.

(Ord. 96-02 § 1 (part), 1996)

2-3.310 Clerical assistance—Consultants.

The City Manager may provide clerical assistance to the Economic Development Agency. The Agency may recommend to the City Council the employment of expert consultants to perform work or give advice relating to the formulation of a program for industrial and economical development when the Agency finds such work or advice necessary.

(Ord. 96-02 § 1 (part), 1996)

2-3.311 Compensation—Reimbursement for expenses.

Members of the Avenal Economic Development Agency shall serve without compensation. Necessary expenses incurred by them may be paid by the City of Avenal, provided that the approval of such expenses shall be obtained from the City Council prior to the time that such expenses are actually incurred.

(Ord. 96-02 § 1 (part), 1996)

2-3.312 Removal from office.

Members of the Economic Development Agency may be removed from their position by the City Council, upon the affirmative vote of a majority of the members of the City Council constituting a quorum.

(Ord. 96-02 § 1 (part), 1996)

Chapter 4 OFFICERS AND EMPLOYEES

Sections:

Article 1. - City Manager

Article 2. - Personnel System

Article 3. - Training Law Enforcement Officers

Article 4. - Retirement

Article 1. City Manager

[2-4.101 Office established.](#)

[2-4.102 Appointment.](#)

[2-4.103 Term of office—Contract of employment.](#)

[2-4.104 Residence.](#)

[2-4.105 Absences or disability—Acting City Manager.](#)

[2-4.106 Compensation—Expenses.](#)

[2-4.107 Automobile allowance.](#)

[2-4.108 Powers and duties.](#)

[2-4.109 Relationship with the Council.](#)

[2-4.110 Attendance at commission, board, and committee meetings.](#)

[2-4.111 Vacation and sick leave.](#)

[2-4.112 Political activities.](#)

2-4.101 Office established.

The office of the City Manager of the City is hereby created and established.

(Ord. 80-9)

2-4.102 Appointment.

The City Manager shall be appointed by the Council on the basis of his administrative and executive qualifications, ability, and technical training and shall hold office for and during the pleasure of the Council.

(Ord. 80-9)

2-4.103 Term of office—Contract of employment.

Unless the Council determines to enter into a contract of employment with the City Manager, as set forth in this section, the Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of the Council. The Council, in removing the City Manager, shall use its uncontrolled and unqualified discretion, and its action shall be final.

The Council may, at its option, enter into a contract of employment with the City Manager upon such terms as may be mutually agreed upon.

(Ord. 80-9)

2-4.104 Residence.

Residence in the City at the time of the appointment of the City Manager shall not be required as a condition of the appointment. However, within ninety (90) days thereafter, the City Manager shall become a resident of the City, or the Council shall declare the office of the City Manager to be vacant.

(Ord. 80-9)

2-4.105 Absences or disability—Acting City Manager.

In the case of the absence or disability of the City Manager for a period exceeding two (2) weeks, the Council may designate some duly qualified person to perform the duties of the office during the period of the absence or disability of the City Manager. A department head or other City employee may be appointed Acting City Manager.

(Ord. 80-9)

2-4.106 Compensation—Expenses.

The City Manager shall receive such compensation as the Council shall from time to time determine. Such compensation shall be fixed by resolution and shall be a proper charge against such funds of the City as the Council shall designate.

In addition, the City Manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties or incurred when traveling on business pertaining to the City under the

Title 2 ADMINISTRATION

direction of the Council. Reimbursement shall only be made when a claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the Council for approval and has been so approved.

(Ord. 80-9)

2-4.107 Automobile allowance.

The City Manager shall be paid an automobile allowance for City business or, in the discretion of the Council, shall be furnished with the use of a City-owned automobile.

(Ord. 80-9)

2-4.108 Powers and duties.

The City Manager shall be the administrative head of the City government under the direction and control of the Council except as otherwise provided in this article. He shall be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon; he shall have the following powers and duties:

- (a) Law enforcement. To ascertain that the laws of the State pertaining to the City and all laws, ordinances, and policies of the City are duly enforced and that all franchises, permits, and privileges granted by the City are faithfully observed;
- (b) Direction of officers and employees. To control, order, and give directions to all heads of departments, subordinate officers, and employees of the City, except the City Clerk, City Treasurer, and the City Attorney; to transfer employees from one department to another; to consolidate or combine offices, positions, departments, or units under his direction; and to exercise control over and supervise, in general, all departments and divisions of the City and all appointive officers and employees thereof. Further, any actions taken by the City Manager shall be consistent with the Personnel Rules of the City;
- (c) Recommendation of appointment of officers and employees. To recommend to the Council the appointment of all officers and employees over whom he has jurisdiction. Such recommendations shall be made subject to the applicable Personnel Rules and shall be made from eligibility lists when available. The City Manager may, subject to the applicable Personnel Rules take action to remove, suspend, demote, and promote such officers and employees over whom the City Manager has jurisdiction;
- (d) Reorganization of offices, positions, and departments. To study and recommend to the Council such reorganization of offices, positions, departments, or units under his direction as may be indicated in the interest of the efficient, effective, and economical conduct of the City's business;
- (e) Recommendation of adoption of laws. To recommend to the Council for adoption such measures and ordinances as he deems necessary or expedient;
- (f) Attendance at Council meetings. To attend all meetings of the Council, unless excused therefrom by the Council, except when his removal is under consideration;
- (g) Preparation of financial reports. To keep the Council at all times fully advised as to the financial conditions and needs of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenue of all municipal funds and accounts;
- (h) Preparation of budgets and salary plans. To prepare and submit to the Council the annual budget and to administer the budget after its adoption and to annually recommend to the Council, a salary plan;
- (i) Expenditure control and purchasing. To purchase or cause to be purchased all supplies for the departments of the City. No expenditures shall be submitted or recommended to the Council

Title 2 ADMINISTRATION

except by the report or approval of the City Manager. However, no purchase shall be made or obligation incurred by the City Manager except upon authorization by the Council. The Council shall, by appropriate resolution, fix and determine the maximum amount which the City Manager may spend or for which he may obligate the City to pay for designated services, supplies, or equipment, within which limits the City Manager shall not need or require prior approval or authorization. A report on all such expenditures shall be made to the Council;

- (j) Investigations. To make investigations into the affairs of the City, and any department thereof, and any contract or the proper performance of any obligations of the City;
- (k) Supervision of public property. To exercise general supervision over all public buildings, parks, streets, and other public property which are under the control and jurisdiction of the Council, including all utility systems and properties;
- (l) Investigations and recommendations of government and overseeing franchises, permits, and licenses. To investigate all complaints and recommendations in relation to matters concerning the administration of the City government and concerning the service maintained by public utilities in the City and to ascertain that all franchises, permits, and licenses granted by the City are faithfully performed and observed;
- (m) Devotion of time to his duties. To devote his entire time to the duties and interests of the City, and he shall not engage in any other private occupation or employment for gain or profit;
- (n) Preparation of reports and recommendations requested by Council. To make reports and recommendations as may be desirable or as requested by the Council;
- (o) Provide leadership. To provide leadership for civil movements designed to benefit the residents of the City when so authorized by the Council; and
- (p) Performance of additional duties. To perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance, resolution, or other action of the Council, including the duty of acting as City Engineer if he is so qualified; provided, however, the Council shall not assign to the City Manager any duties the nature of which would operate to give the City Manager any civil service status.

(Ord. 80-9)

2-4.109 Relationship with the Council.

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purposes of inquiry, and neither the Council nor any of its members shall give orders directly to any subordinate of the City Manager. The City Manager shall take his orders and instructions from the Council only upon official action taken in a duly held meeting of the Council, and no individual Councilman shall give any orders or instructions to the City Manager, except as the Council shall have officially instructed such Councilman to do so.

(Ord. 80-9)

2-4.110 Attendance at commission, board, and committee meetings.

The City Manager may attend any and all meetings of the Planning Commission, boards, or committees, existing now or hereafter created by the Council, upon his own volition or upon the direction of the Council, at which meetings he shall be heard by such commissions, boards, or committees as to all matters upon which he may wish to address the members thereof, and he shall inform such members as to the status of any matter being considered by the Council, and he shall cooperate to the fullest extent with the members of all such commissions, boards, or committees appointed by the Council.

(Ord. 80-9)

2-4.111 Vacation and sick leave.

The City Manager shall be entitled to those privileges with respect to vacations and sick leave as the Council may from time to time determine.

(Ord. 80-9)

2-4.112 Political activities.

The rules and regulations prohibiting political activities by City employees, as set forth in Article 3 of this chapter, shall apply with equal force and effect to the City Manager.

(Ord. 80-9)

Article 2. Personnel System

[2-4.201 Adoption of personnel system.](#)

[2-4.202 Definitions.](#)

[2-4.203 Administration.](#)

[2-4.204 Competitive service.](#)

[2-4.205 Adoption and amendment of rules.](#)

[2-4.206 Appointments.](#)

[2-4.207 Probationary period.](#)

[2-4.208 Status of present employees.](#)

[2-4.209 Demotion—Dismissal—Reduction in pay—Suspension—Reprimand.](#)

[2-4.210 Right of appeal.](#)

[2-4.211 Lay-off and re-employment.](#)

[2-4.212 Political activity.](#)

[2-4.213 Contracts for special services.](#)

2-4.201 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the following Personnel System is adopted.

(Ord. 89-02 § 1, 1989)

2-4.202 Definitions.

The terms used to administer the personnel system shall be defined in the personnel rules.

(Ord. 89-02 § 2, 1989)

2-4.203 Administration.

The City Manager shall administer the city personnel system and may delegate any of the powers and duties to a Personnel Director or may delegate the appointing authority granted by the City Council to any other officer of the City or may recommend that such powers and duties be performed under contract as provided in Section 2-4.213. The City Manager shall:

- (a) Act as the appointing authority for the City.
- (b) Administer all the provisions of this article and of the personnel rules not specifically reserved to the City Council.
- (c) Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.
- (d) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan.
- (e) Have the authority to discipline employees in accordance with this article and the personnel rules of the City.
- (f) Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefor; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to the appropriate position in the competitive service; and performing any other duty that may be required to administer the personnel system.

(Ord. 89-02 § 3, 1989)

2-4.204 Competitive service.

The provisions of this article shall apply to all offices, positions and employments in the service of the City, except:

- (a) Elective officers.
- (b) The City Manager and any assistant to the City Manager.
- (c) The City Attorney and any assistant to the City Attorney.
- (d) Members of appointive boards, commissions, and committees.
- (e) All department heads.
- (f) Persons engaged under contract to supply expert, professional, technical or any other service.
- (g) Volunteer personnel, such as volunteer firemen.
- (h) All Council-appointed City officers.
- (i) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property.
- (j) Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, who is either a full-time employee regularly scheduled to work no less than two thousand eighty (2,080) regular hours per year or a permanent part-time employee who is regularly scheduled to work no less than one thousand forty (1,040) regular hours per year, and who has successfully completed the initial probationary period and has been retained as provided in this article and the personnel rules.
- (k) Except as otherwise provided herein, employees not included in the competitive service under this section shall serve at the pleasure of the appointing authority. Those positions and employments in the service of the City referred to in subsections (e), (g), (i) and (j) of this section shall serve at the pleasure of the City Manager. The City Manager or any appointment

Title 2 ADMINISTRATION

power shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend any such employee.

(Ord. 91-03 (part), 1991: Ord. 89-02 § 4, 1989)

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 provisional appointments.
- (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)

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.

(Ord. 89-02 § 6, 1989)

2-4.207 Probationary period.

All original and promotional appointments shall be tentative and subject to a probationary period to be determined by the Personnel Director for each class. All full-time positions shall be subject to a probationary period of not less than one thousand forty (1,040) regular hours of work. All permanent part-

time positions shall be subject to a probationary period of not less than five hundred twenty (520) regular hours of work. The appointing authority may extend such probationary period by an additional one thousand forty (1,040) regular hours for full-time appointments and an additional five hundred twenty (520) regular hours for permanent part-time positions. The calculation of hours for purpose of this section includes only regular hours as distinguished from overtime hours of work. During the probationary period, the employee may be rejected at any time without the right of appeal, hearing or any grievance procedure.

If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the Personnel Director a written statement to such effect and state that the retention of such employee in the service is desired. If such statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of termination shall be served on the terminated employee by the Personnel Director after the expiration of the selection period.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged from the City service as provided in the personnel rules. If no vacancy exists in such position, he shall be placed on a re-employment list as provided in the personnel rules.

(Ord. 89-02 § 7, 1989)

2-4.208 Status of present employees.

Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this article, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this article and personnel rules.

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

(Ord. 89-02 § 8, 1989)

2-4.209 Demotion—Dismissal—Reduction in pay—Suspension—Reprimand.

The City Manager or any appointment power shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend, any regular employee for cause in accordance with procedures included in the personnel rules.

The City Manager or any appointment power shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend, any department head, volunteer personnel, emergency employee or employee who is not regularly employed in a permanent position as provided in Section 2-4.204(k) of this article.

(Ord. 91-03 (part), 1991; Ord. 89-02 § 9, 1989)

2-4.210 Right of appeal.

Any employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this article or the rules adopted thereunder.

All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this article.

Title 2 ADMINISTRATION

(Ord. 89-02 § 10, 1989)

2-4.211 Lay-off and re-employment.

Lay-off and re-employment actions shall follow the process outlined in the personnel rules.

(Ord. 89-02 § 11, 1989)

2-4.212 Political activity.

The political activities of the City employees shall conform to pertinent provisions of State law and any local provisions adopted pursuant to State law.

(Ord. 89-02 § 12, 1989)

2-4.213 Contracts for special services.

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the Personnel System. The City Council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this article.

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

(Ord. 89-02 § 13, 1989)

Article 3. Training Law Enforcement Officers [\[1\]](#)

[2-4.301 Declaration of qualification.](#)

[2-4.302 Declaration of adherence to standards.](#)

2-4.301 Declaration of qualification.

The Council hereby declares that it desires to qualify to receive aid from the State pursuant to the provisions of Chapter 1 of Title 4 of Part 4 of the Penal Code of the State.

2-4.302 Declaration of adherence to standards.

Pursuant to the provisions of Section 13522 of Chapter 1 of Title 4 of Part 4 of the Penal Code of the State, the City, while receiving aid from the State pursuant to said Chapter 1, shall adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

FOOTNOTE(S):

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Cross reference— Police Department, § 4-11.01 et seq. ([Back](#))

Article 4. Retirement

[2-4.401 All employees.](#)

2-4.401 All employees.

- (a) Contract. A contract between the Council and The Board of Administration of the California Public Employees' Retirement System is hereby authorized.
- (b) Contract: Execution. The Mayor is hereby authorized, empowered, and directed to execute such contract for and on behalf of the City.

Chapter 5 ELECTIONS

Sections:

[2-5.01 When held.](#)

2-5.01 When held.

In accordance with California Government Code Section 36503.5, the municipal election for Avenal shall be held on the same date as the statewide general election.

(Ord. 83-10 § 1, 1984)

Chapter 6 CITY CLERK ^[1]

Sections:

[2-6.101 Election of City Clerk.](#)

[2-6.102 Elections official.](#)

[2-6.103 Term of office.](#)

[2-6.104 Qualifications of City Clerk.](#)

[2-6.105 Absences or disability—Acting City Clerk.](#)

[2-6.106 Compensation—Expenses.](#)

[2-6.107 Powers and duties.](#)

[2-6.108 Prohibited acts.](#)

[2-6.109 Vacation and sick leave.](#)

[2-6.110 Political activities.](#)

2-6.101 Election of City Clerk.

The elective office of City Clerk shall be filled by the city electorate at a general municipal election governed by California Elections Code, applicable provisions of the California Government Code, and other relevant statutes and common law. In accordance with California Government Code, Section 36503.5, the municipal election shall be held on the same date as the statewide general election.

(Ord. 96-06 § 1 (part), 1996)

2-6.102 Elections official.

The City Clerk is the elections official. The City Council, by resolution, may request the County Clerk to render specific elections services to the City.

(Ord. 96-06 § 1 (part), 1996)

2-6.103 Term of office.

The City Clerk shall hold office for a period of four (4) years, and shall hold office for the prescribed term from the Tuesday succeeding the election and until the successors are elected and qualified.

(Ord. 96-06 § 1 (part), 1996)

2-6.104 Qualifications of City Clerk.

In order to hold the office of City Clerk, the candidate must be an elector of the City at the time of assuming office, and a registered voter at the time nomination papers were issued. If the candidate moves his/her residence to a place outside the city limits or ceases to be an elector, the office held by that person immediately becomes vacant.

An "elector" is any person who is a United States citizen at least eighteen (18) years of age, and a resident of an election precinct at least twenty-nine (29) days prior to an election. A "voter" is an elector who is registered as such.

(Ord. 96-06 § 1 (part), 1996)

2-6.105 Absences or disability—Acting City Clerk.

In the case of the absence or disability of the City Clerk for a period exceeding two (2) weeks, the Council may designate some duly qualified person to perform the duties of the office during the period of the absence or disability of the City Clerk. A department head or other City employee may be appointed Acting City Clerk.

(Ord. 96-06 § 1 (part), 1996)

2-6.106 Compensation—Expenses.

The City Clerk shall receive such compensation as the Council shall, from time to time, determine. Such compensation shall be fixed by resolution and shall be a proper charge against such funds of the City as the Council shall designate.

In addition, the City Clerk shall be reimbursed for all sums necessarily incurred or paid in the performance of City Clerk duties or incurred when traveling on business pertaining to the City under the direction of the Council. Reimbursement shall only be made when a claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the Council for approval and has been so approved.

(Ord. 96-06 § 1 (part), 1996)

2-6.107 Powers and duties.

The City Clerk, being a special administrative officer, shall be, and is, under the supervision, direction, and guidance of the City Council which delegates this supervision, direction, and guidance to the City Manager. In addition to the general powers, the City Clerk shall have, without limitation, the following powers and duties:

- (a) The City Clerk shall act as the elections official for general and special municipal elections;
- (b) Administer and generally supervise the application for, issuance of, renewal of, and payment for business licenses in accordance with Title 3 (Finance), Chapter 1 (Business Licenses) of the Municipal Code for the City of Avenal;
- (c) Administer and generally supervise the Fair Political Practices Commission Guidelines and the filing of the Economic Interest Statements;
- (d) Prepare and distribute all public hearing notices;
- (e) Preparation of all agendas for meetings of the Council, Redevelopment Agency, and Public Finance Authority, including, but not limited to, review of documents submitted for agenda;
- (f) Each Thursday and Friday of the week prior to a meeting of the Council, between 8:00 a.m. and 5:00 p.m., prepare and organize Council packets for use during Council meetings;
- (g) Preparation for Council meetings, including, but limited to, setting up table, chairs, and equipment in the meeting facility; the City Clerk shall report to City Hall at 2:00 p.m. the day of the City Council meeting and continue until conclusion of Council/RDA/PFA meeting(s). The City Clerk shall also report to City Hall the Friday following the Council/RDA/PFA meeting(s) from 8:00 a.m. to 12:00 p.m.;
- (h) To attend all meetings of the Council, Redevelopment Agency (RDA), Public Finance Authority (PFA), and City Staff, as scheduled, unless excused therefrom by the City Manager or by the Council;
- (i) Preparation of minutes of all meetings of the Council, Redevelopment Agency, and the Public Finance Authority;
- (j) Provide secretarial services to the City Council, the City Mayor, the Redevelopment Agency, and the Public Finance Authority, including filing, typing, and other duties as requested;
- (k) During City election/nomination period, the City Clerk shall be available to work during the hours of 8:00 a.m. to 5:00 p.m. each week day. This is usually a four (4) week period every two (2) years unless there is a special election;
- (l) Handle general information inquiries to the City by the public;

Title 2 ADMINISTRATION

- (m) Performance of additional duties. To perform such other duties which may be delegated from time to time to the City Clerk by the City Manager, ordinance, resolution, or other action of the Council;
- (n) The City Clerk's schedule shall include, in addition to the foregoing and without limitation, the following, except as otherwise directed by the City Council:
 - (1) Every Tuesday from 10:00 a.m. to 2:00 p.m.;
 - (2) Every first and third week of the month: Thursday and Friday from 8:00 a.m. to 5:00 p.m.;
 - (3) Every second and fourth week of the month: Thursday from 2:00 p.m. until conclusion of City Council/RDA/PFA meeting. Friday from 8:00 a.m. to 12:00 noon;
 - (4) Election/nomination period. Every two (2) years unless Special Elections, the Clerk shall be at City Hall from Monday through Friday, 8:00 a.m. to 5:00 p.m. (approximately four (4) weeks).

(Ord. 96-06 § 1 (part), 1996)

2-6.108 Prohibited acts.

Without prior consent of the City Manager, or unless otherwise authorized in this Chapter, the City Clerk is prohibited from the following acts and responsibilities:

- (a) From participating in any involvement in or with issues involving personnel, officers, or other individuals employed by or on behalf of the City;
- (b) From seeking, examining, or otherwise having access to confidential files.

(Ord. 96-06 § 1 (part), 1996)

2-6.109 Vacation and sick leave.

The City Clerk shall be entitled to those privileges with respect to vacations and sick leave, if any, as the City Council may, from time to time, determine.

(Ord. 96-06 § 1 (part), 1996)

2-6.110 Political activities.

- (a) The rules and regulations prohibiting political activities by City employees, as set forth in Section 2-4.212, shall apply with equal force and effect to the City Clerk.

(Ord. 96-06 § 1 (part), 1996)

FOOTNOTE(S):

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Editor's note— At the direction of the city, pursuant to the general election held November 5, 1996, the position of city clerk shall now be appointed as opposed to elected since it serves no beneficial purpose

Title 2 ADMINISTRATION

for the taxpayers of Avenal to absorb the related costs of the election process, payroll, benefits and the cost related to training these elected positions which are currently being performed by staff. ([Back](#))