

**City of Culver City, California
Agenda Item Report**

Meeting Date: 11/23/2009		Item Number: <u>A-2</u>	
CITY COUNCIL AGENDA ITEM: Consideration of a Recommendation from the Civil Service Commission to (1) Discuss the Issues Related to Consistency of Classification Specifications and (2) Consider Submitting a Charter Amendment or Other Measure for Consideration by the Electors at the April 13, 2010 Municipal Election.			
Contact Person/Dept.: Serena Wright		Phone Number: 310-253-5640	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☒ No ☐		Date: 10/07/09	
Public Notification: (E-Mail) Agendas and Meetings – City Council (11/19/09); (E-mail) Culver City Management Group (11/19/09); (E-Mail) ; Civil Service Commission (11/19/09)			
Department Approval: Serena Wright (11/17/09)		City Attorney Approval: Carol Schwab (by H. Baker) (11/17/09)	
Chief Financial Officer Approval: Mark Scott (by M. Noller) (11/18/09)		City Manager Approval: Mark Scott (11/19/09)	
<u>RECOMMENDATION</u> The Civil Service Commission recommends that the City Council: (1) discuss the issues related to consistency of classification specifications; and, (2) consider submitting a Charter Amendment or other measure for consideration by the electors at the April 13, 2010 Municipal Election. <u>BACKGROUND</u> Over the past several months the Civil Service Commission (“Commission”) has discussed the importance of having consistency within classification specifications. The most current issue has focused on the deputy classifications: specifically, why certain deputy classifications are included within the civil service system and others are not. There are a total of eight deputy classifications: Deputy City Attorney I/II, Deputy City Clerk, Deputy City Treasurer, Deputy Community Development Director/Planning Manager, Deputy Community Development Director/Redevelopment Administrator, Deputy Human Resources Director, Deputy Parks, Recreation, and Community			

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Services Director, and Deputy Transportation Director. Three of these are included within the civil service system: Deputy City Clerk, Deputy City Treasurer and Deputy Transportation Director.

This issue was first raised in August 2008 when the City was recruiting to fill three (3) vacant deputy positions. It was noted at that time that the civil service status amongst these classifications was not consistent. It was further discussed that previous City Council direction was to ensure a consistent organizational structure.

The City Attorney's Office and Human Resources Department staff researched the matter and concluded that the inconsistency was a historical issue. The classifications under discussion were created between 1960 and 1989. In addition, it was determined that, under state and local regulations, the deputy classifications that were still within the civil service system could only be removed by a majority vote of the electorate.

DISCUSSION

Culver City's organizational structure includes some classifications that are included within the civil service system and others which are not. Those that are not included within the civil service system are defined as unclassified or at-will.

The criteria used to determine civil service applicability is set forth in Culver City Municipal Code ("CCMC") Section 3.05.015, which provide as follows:

"The Civil Service System shall be applicable to all departments, offices, positions and employments and all persons employed by the City except the following:

- A. Elective Offices;
- B. Members of appointive boards, commissions and committees;
- C. Persons engaged under contract to supply expert professional or technical services for a definite or limited period of time;
- D. The Chief Administrative Officer, whether termed as such, or as City Manager, Coordinator, or by any other term intended to designate the supervisor and superintendent of the overall administration of the City;
- E. Assistant Administrative Officers, Assistants to the Chief Administrative Officer, the Personnel Director, the Labor Relations Officer, Public Works Director/City Engineer and such staff assistants to any of said officers as the City Council may authorize;

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F. Volunteer personnel, crossing guards, or other employees holding seasonal, limited or temporary appointments of limited duration, or serving on a part-time basis;

G. Staff assistants to the head of a department or division as may be authorized by the City Council;

H. Professional and technical employees in the field of information technology, who perform design, development, documentation, analysis, acquisition, installation, creation, technical support, testing or modification of computer systems or programs.”

In concurrence with the City Attorney's Office, the Human Resources Department currently relies upon subsection (G) in designating any newly created deputy classifications as unclassified..

City Charter

The City Charter, which supersedes the CCMC, provides that a classification, once placed within the Civil Service System, may only be removed by a majority vote of the electorate. In addition, Civil Service Rule 1.8 provides similar language. Culver City Charter, Article XII, Section 1200 provides the following:

“...the Civil Service System adopted by the City Council pursuant to State law and in effect prior to the effective date of this Charter, shall continue in full force and effect unless changed by an ordinance of the City Council or by amendment to the rules and regulations approved by the City Council. City Council shall not have the authority to withdraw any departments or employees, including Department heads, placed in Classified Service, from the operation of such system either by outright repeal of the Civil Service ordinance or otherwise, unless and until its withdrawal shall have been submitted to the voters of the City at a regular or special municipal election held in the City and shall have been approved by majority vote at a City election.”

In April 2006, the Culver City electorate approved a Charter amendment that included removing all department heads from the Civil Service System. The City Charter, Article XII, Section 1201 specifically states, “All Department Heads shall be in the Unclassified Service. The City Manager, City Attorney, City Clerk and City Treasurer shall be in the Unclassified Service.”

Civil Service Commission

At the September 2, 2009 meeting, the Commission discussed the inconsistency issues within the deputy classifications and, in light of the requirements of the City's

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Charter, options that could be used to resolve such inconsistencies. Specifically, the Commission discussed making the following recommendations to City Council:

- Place a measure on the ballot in the General Municipal Election to remove the positions of Deputy City Clerk, Deputy City Treasurer and Deputy Transportation Director from the classified service, upon each position becoming vacant; or,
- Place a measure on the ballot in the General Municipal Election to amend City Charter Article XXII, Section 1200 to provide the City Council with greater latitude and flexibility in removing vacant classifications from the Civil Service System as appropriate; or,
- Place a measure on the ballot in the General Municipal Election to amend City Charter Article XXII, Section 1201 to exempt deputy director classifications (in addition to department heads) from the Civil Service System.

The Civil Service Commission continued its discussion of this issue at its October 7, 2009 meeting. At that meeting the Commission determined to recommend that the City Council discuss and take action as appropriate on the following options (It should be noted that the Commission felt consideration should be given in the order presented):

- Place a measure on the ballot in the General Municipal Election to amend City Charter Article XXII, Section 1201 to exempt deputy director classifications (in addition to department heads) from the Civil Service System; or
- Place a measure on the ballot in the General Municipal Election to remove the positions of Deputy City Clerk, Deputy City Treasurer and Deputy Transportation Director from the classified service, upon each position becoming vacant.

The Commission felt that it was essential for the deputy classifications to be consistent. It is important to state that the Commission made their recommendation with the idea of rectifying an issue of perceived unfairness. It was not made with the thought of dismantling the civil service system. None of the above options would affect current employees within the aforementioned classifications. The incumbents would retain their civil service status and the classification would become unclassified upon attrition. Further, the Commission also thought it was important for the City Council to review the City's organizational structure to ensure that other inconsistencies did not exist. Staff has made a review and determined the issue with the deputy classifications is an isolated circumstance.

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One of the dissenting Commissioners believed that taking the current classified deputy positions out of civil service would undermine the civil service system and could hinder employees from making recommendations to superiors without the fear of reprisal. The other dissenting Commissioner felt that there was not enough information provided to make a recommendation to Council.

The recommended last day to call election for ballot measures is December 22, 2009. The last day to call election for ballot measures is January 15, 2010.

Comments from the City Manager

The City Manager fully concurs with the substance of the Commission's recommendation. However, given the current significant economic challenges faced by the City and the very limited number of employees this proposed Charter Amendment or measure would affect, the City Manager questions whether there is sufficient urgency to place this on the ballot at this time.

FISCAL ANALYSIS

The projected cost to place a measure on the ballot is approximately \$16,000. The majority of the cost involves the Department of Justice compliance and language translation requirements.

ATTACHMENTS

1. Excerpt minutes from October 7, 2009 Civil Service Commission meeting

MOTION

That the City Council:

1. Discuss the Issues Related to Consistency of Classification Specifications; and,
2. Consider Submitting a Charter Amendment or other measure for consideration by the electors at the April 13, 2010 Municipal Election.