

ORDINANCE NO. 244

AN ORDINANCE CREATING AND ESTABLISHING A CIVIL SERVICE SYSTEM FOR THE SELECTION, EMPLOYMENT, CLASSIFICATION, ADVANCEMENT, SUSPENSION, DISCHARGE AND RETIREMENT OF APPOINTIVE OFFICERS AND EMPLOYEES OF THE TOWN OF SAN ANSELMO.

The City Council of the Town of San Anselmo does ordain as follows:

Section 1. ADOPTION OF CIVIL SERVICE SYSTEM. Pursuant to the authority granted to the legislative body of any city within the State of California under the provisions of Chapter 48 of the Statutes of 1935, entitled, "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a Civil Service Commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions", the following Civil Service System is hereby adopted for the Town of San Anselmo.

Section 2. CLASSIFIED SERVICE. The provisions of this ordinance shall apply to the following departments, appointive officers and employees of the Town of San Anselmo:

(a) Chief of Police and all members of the Police Department on regular duty.

(b) Chief of the Fire Department and all members of said department on regular duty.

(c) The Building Inspector and all members of the Building department on regular duty.

(d) Superintendent of Streets, Playground Superintendent and Park Superintendent and all members of such departments on regular duty.

(e) The Deputy Clerk and all employees in the office of the City Clerk.

(f) The Deputy City Treasurer and all employees in the office of City Treasurer.

(g) Such other officers, employees or departments as the City Council may from time to time add by ordinance.

The City Council may, from time to time, by ordinance, add additional departments, appointive officers or employees to these hereinabove enumerated and placed under the operation of such systems. All employees and officers in the departments enumerated, or hereafter placed under the system, shall be deemed to be in the Classified Service of said Town of San Anselmo.

Section 3. STATUS OF EMPLOYEES HOLDING POSITIONS AT EFFECTIVE DATE HEREOF. Any person holding a position of employment in the Classified Service at the time this ordinance takes effect, or at the effective date of any subsequently enacted ordinance placing position of employments under the Classified Service, who shall have served in such position for a period of at least six months continuously, immediately prior to such effective date, shall become a Classified Service Employee without preliminary or working tests, and shall thereafter be subject in all respects to the provisions of this ordinance. Any other persons holding positions or employments in the Classified Service shall be regarded as holding their positions or employments as probationers who are serving out the balance of their probationary periods before their appointments become complete.

Section 4. APPOINTMENT OF PERSONNEL CLERK. The City Council shall appoint a personnel clerk whose duty it shall be to act in the capacity of a secretary and clerk for the Civil Service System. He shall be the custodian of all personnel records and shall be the officer or official upon whom or with whom all notices, requests for hearings complaints and other official documents shall be served or filed.

Said personnel clerk shall establish and maintain in card index form a roster of officers and employees in the Classified Service. He shall also prepare a record of the length of service of each employee in the Classified Service, together with a concise statement, of all duties being performed by said employee, the salary being paid, and the hours of work of said employee. He shall render such additional services in connection with such Civil Service System as may be requested by the City Council.

The duties of the office of personnel clerk may be combined with those of any other office in the event the work involved does not warrant, in the discretion of the City Council, the creation of a special position.

Section 5. ADOPTION OF RULES AND REGULATIONS. The City Council shall formulate and adopt rules and regulations for the administration of said civil service system. Any subsequent amendments to said rules and regulations may be adopted by the council only upon a public hearing thereon to be held in the manner prescribed in said rules and regulations. All rules and regulations adopted shall be consistent with the provisions of this ordinance. Such rules shall provide for the following matters in addition to such matters as may be necessary and proper in carrying out the intent and purposes of this ordinance:

- (a) The classification of all persons in the Classified Service.
- (b) The selection, employment, advancement, suspension, demotion, discharge and retirement of all persons in the Classified Service.
- (c) The formulating of minimum standards and qualifications for each of the positions in the Classified Service.
- (d) The publication of notices inviting the filing of applications for the positions in the Classified Service. No applicants to be considered who do not possess the minimum qualifications for holding office.
- (e) A period of probation of six months before an appointment or promotion is made complete during which period a probationer may be discharged or reduced by the appointing power without right of appeal if during the performance test the appointing council or officer deems him unfit or unsatisfactory for service.

Section 6. BOARD OF REVIEW. The City Council shall appoint a board of review to hear all appeals, with respect to the classified service. Upon the conclusion of any such hearing, said board of review shall certify its findings to the City Council and make such orders as it may deem warranted. In any investigation or hearing conducted by said board of review it shall have power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of the city and attested by the city clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such a subpoena shall subject said person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by said City Council.

Each member of the Board of Review shall have the power to administer oaths to witnesses. The Board of Review shall consist of Five members to be appointed by the City Council. No person shall be appointed to said board of review who holds any public office or employment. The members of said board shall be qualified electors of said city and shall serve without compensation.

The first Board of Review to be appointed shall, at its first meeting, so classify its members by lot that one shall serve a term which shall expire

January 15, 1938, one shall serve for a term which shall expire January 15, 1940, one shall serve for a term which shall expire January 15, 1942, one shall serve for a term which shall expire January 15, 1944, and one shall serve for a term which shall expire January 15, 1946.

At the expiration of each of the terms so provided for, a successor shall be appointed by the City Council for a term of six years.

Vacancies in the Board of Review, from whatever cause, shall be filled by appointment by the City Council for the unexpired term. Each member of the Board of Review shall serve until his successor is appointed and qualified. A Unanimous vote of all five members of the City Council shall be required to remove any member of said Board of Review from office prior to the expiration of his term of office.

Section 7. APPROPRIATION OF FUNDS. The City Council shall appropriate such funds as are necessary to carry out the provisions of this ordinance.

Section 8. APPOINTMENTS TO POSITIONS IN THE CLASSIFIED SERVICE. All appointments to positions or employments in the Classified Service shall be made by the City Council, or by the officer in whom is vested by law the appointive power (an Officer having such power of appointment being herein-after designated as an appointing officer) from the applications on file with said city in accordance with the rules and regulations adopted under the authority of this ordinance.

The city council shall have the power to contract with the Legislative body or board of any municipality, or county within this State, or with any state department for the performance by said other governmental agency of such technical service in connection with personnel selection and administration as may be desired, including the giving of examinations. In the event examinations are held the same shall be open, free and competitive and in such event appointments subsequently made shall be from those certified as being qualified as a result of said examinations, and in accordance with the rules and regulations duly adopted hereunder.

Temporary appointments may be made by the city council or by appointing officer of persons who do not possess the minimum standards or qualifications for office, or whose applications have not been filed, or who have not been certified on an eligible list as a result of an examination, or in the event those who are eligible are not immediately available. Such temporary appointments shall not continue for a longer period than three months and no person shall be eligible to serve as temporary appointee in any one or more positions for more than an aggregate period of three months in any one fiscal year. No credit shall be allowed upon an application, or in the giving of an examination, for the service rendered under a temporary appointment.

Section 9. REMOVAL AND SUSPENSION OF EMPLOYEES. The city council and any appointing officer or department head in whom is vested disciplinary or removal power, shall be allowed full freedom in its or his action in such matters, it being the intent and spirit of this ordinance to provide a fair and just approach to municipal employment for every inhabitant of the city in order than city employees may be selected on a basis of merit, but, in no sense, to handicap or curtail the responsible administrative officer in securing efficient service. All persons holding positions in the Classified Service shall be subject to suspension without pay for a period of not exceeding thirty days, and also to demotion or removal from office or employment for misconduct, incompetency, inefficiency, or failure to perform duties, or to observe the rules and regulations of the department, office or board, but subject to the right of appeal of the aggrieved party to the board of review in the manner set forth in the rules and regulations. Any such employee shall be entitled to receive a written statement of the reasons for such action within three days and he shall have three days time thereafter to answer in writing thereto. In the event such employee files an answer, a copy of such written charges and of such answer shall be forthwith filed with the personnel clerk. Any employee who has been suspended, demoted or removed from office may, within ten days after filing his answer, or in the event

written charges have not been made available to him within the time prescribed, then within ten days after the expiration of the period within which same should have been made available, file a written demand with the personnel clerk requesting that the board of review provided for in the rules and regulations shall review such suspension, demotion or removal, in which event the personnel clerk shall, without delay, file a copy of said reasons and the answer of the employee, together with such other information as may be provided for in the rules and regulations, with the board of review. Said board of review may make, or cause to be made, such investigation as it may deem necessary, and thereafter shall hold a public hearing, at which time it shall hear evidence for and against the party aggrieved. Hearings may be informally conducted and the rules of evidence need not apply. Written conclusions or findings of the board of review shall be rendered within ten days after the matter is submitted, and thereupon be certified to the city council or official from whose order the appeal was taken. Such findings and conclusions of the board of review shall be conclusive and binding upon the city council or officer from whose order the appeal was taken. The city council or the appointing officer shall thereupon affirm the action taken by the board of review. The decisions of the board of review and any action taken by the council or appointing officer shall be final and conclusive and shall not be reviewable in any court.

During the period of suspension of an employee or pending final action on proceedings to review a suspension, demotion, or dismissal of an employee, the vacancy created may be filled by the appointing power only by temporary appointment.

A reduction in pay shall be deemed a demotion within the meaning of this section unless such reduction is part of a general plan to reduce all salaries and wages as a part of an economy of general curtailment program.

Section 10. ABOLISHMENT OF POSITION. Whenever in the judgement of the city council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists the city council may abolish any position or employment in the Classified Service and discharge the employee holding such position or employment. Should such position or employment or any position involving all or any of the same duties be reinstated or created within two years, the employee discharged shall be eligible to be appointed thereto in preference to any other qualified persons on the eligible list for such position.

Section 11. IMPROPER POLITICAL ACTIVITY. No person holding a position under the Classified Service shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in a county or municipal political campaign, or serve as a member of a committee of such club or organization or circle, or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges or Pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election or for nomination to a public office, whether county or municipal; provided, however, that nothing in this ordinance shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

Any wilful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any officer or employee.

No person in Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

Section 12. SOLICITATION OF CONTRIBUTIONS. No officer, agent, clerk or employee under the government of the city, shall directly or indirectly, so-

licit or receive or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the provisions of this ordinance.

Section 13. PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$300.00 or by imprisonment in the County Jail for a period of not more than 90 days or by both such fine and imprisonment.

Section 14. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Section 15. This ordinance shall take effect thirty days after the date of its adoption and prior to expiration of fifteen days from the passage thereof shall be published at least once in the Marin Herald, a weekly newspaper of general circulation, published and circulated in the Town of San Anselmo, and hereby designate for that purpose, and thenceforth and thereafter the same shall be in full force and effect.

SIGNED AND APPROVED, this 20th day of April, 1937.

SEAL.

GEO. W. LINCH,  
Mayor of the Town of San Anselmo.

I HEREBY CERTIFY, that the foregoing ordinance was regularly introduced at a regular meeting of the City Council of the Town of San Anselmo, held on the 13th day of April, 1937, and thereafter at an adjourned regular meeting of said City Council held on the 20th day of April, 1937, passed and adopted by the following vote:

AYES: COUNCILMEN: Franchini, Willard, Carroll, White and Linch.

NOES: COUNCILMEN: None.

ABSENT: COUNCILMEN: None.

SEAL.

IN WITNESS WHEREOF, I have hereunto fixed my hand and seal, this 20th day of April, 1937.

F. D. BURROWS,  
CITY CLERK.