

CITY OF SAN ANSELMO

RESOLUTION NO. 891

A RESOLUTION DECLARING THAT CATHERINE C. WOLCOTT'S DISMISSAL WAS A MATTER OF ECONOMY AND IN THE BEST PUBLIC INTEREST AND WAS NOT DISCIPLINARY IN NATURE AND THEREFORE NOT APPEALABLE TO THE BOARD OF REVIEW AND THAT THE BOARD OF REVIEW DID NOT HAVE JURISDICTION TO HEAR THE APPEAL.

WHEREAS: Catherine C. Wolcott was appointed to the classified service as Stenographer-Clerk on or about July 12, 1958 and she was dismissed from the service on or about April 28, 1961 to effect intended economy in the administration of the affairs of the City. Mrs. Wolcott's dismissal was not disciplinary in nature, her work and conduct having been completely satisfactory, and

WHEREAS: Anne Grant has been an employee of the City of San Anselmo continuously from June of 1942, and for many years prior to April 28, 1961 held the position of Controller, and

WHEREAS: Prior to October, 1958, the City's bookkeeping and accounting system was a simple single entry system which lacked the control of accounts and failed to furnish the modern accounting data and statistics necessary to properly administer the affairs of the City and to give the City Council up to the minute accounting information, and

WHEREAS: the City Council did, on or about October 1, 1958, institute, upon professional advise and planning, a modern accounting system, of a double entry type, appropriate to the needs of a municipal corporation which would provide controls of the financial condition of the City and provide a means for the instant recapitulation of any and all accounts. That the old system was inadequate, and outmoded and that the new system was in accord with good and modern business practice, and

WHEREAS: Mrs. Grant as Controller was to administer the new accounting system. That due to many circumstances and particularly the prolonged and serious illness of Mrs. Grant she found difficulty in administering the new accounting system to it's top level of efficiency. That the City Council did not wish to take any precipate action, in view of the unfortunate circumstances, and therefore from time to time sought the assistance of Cooper and Kerr, Certified Public Accountants, to assist Mrs. Grant. That at some public expense extra help was employed in an effort to get the new system up to date and operation. That from time to time various Councilmen demanded to know why the new system was not operating as it should and Mr. Kerr, C.P.A. reported to the Council at length on this matter. That in order to finally resolve the matter and particularly to determine if the new system was too complex or unnecessarily burdensome, the City Council employed the firm of

Lindquist, Van Husen and Joyce, C.P.A.s, to make a survey and report on the City's accounting procedures. That on or about April 8, 1961, the said firm made it's report which in substance stated that the system was adequate and no changes were recommended. That at this time the City Council conferred with Mrs. Grant in an effort to work out the difficulties but Mrs. Grant was ill at that time and confined to her home and it was not ascertainable when she would be able to return to her work, and

WHEREAS: The City Council thereafter, in April, 1961, decided to take some final action in the impasse which had been reached. The City Council considered that Mrs. Grant had been a faithful and hard-working employee of the City for nearly nineteen years and had almost reached a point where she could retire if she so desired. That Mrs. Grant in those nineteen years had become very experienced in the administrative affairs of the City and had a wealth of background and information valuable to the City. That Mrs. Grant was completely worthy and valuable to the City even if she were to be given some other work less taxing to her health, and

WHEREAS: The City Council determined that in the interest of economy and efficiency and for the best welfare of the City the desirable solution of the problem was to first employ a skilled and experienced accountant to administer the position of Controller, and second to retain Mrs. Grant in a lower grade position retaining some of her old duties but absorbing duties of a clerk. That this would necessarily involve, in effect, a lay-off of Mrs. Grant as Controller who by reason of seniority would be entitled to any lesser position left to be filled, and

WHEREAS: The City Council did suggest and offer to Mrs. Grant a lesser position in grade and salary and Mrs. Grant indicated she would accept, and

WHEREAS: On April 28, 1961, Mrs. Grant was appointed to a new position comprising some of her old duties, some of Mrs. Wolcott's duties and some new duties at a salary of \$436.00 per month or \$171.00 per month less than she had been receiving as Controller, and

WHEREAS: Mrs. Wolcott was terminated on April 28, 1961, for reasons of economy and best welfare. That the City's financial situation and work load did not warrant the retention of both Mrs. Grant and Mrs. Wolcott, that in point of service and experience Mrs. Grant was more worthy of retention than Mrs. Wolcott who had been an employee of the City for less than three years to Mrs. Grant's nineteen. That the City Council acted in good faith and after prolonged study of the whole matter and acted in the best interests of the citizens of San Anselmo. That Mrs. Wolcott was not dismissed for any disciplinary reason but simply was no longer needed and it would have been an unwarranted expense of taxpayer's money to retain her, and

WHEREAS: Mrs. Wolcott took an appeal from her dismissal to the Board of Review and the Board on August 25, 1961 made certain findings, and

WHEREAS: Neither the City's Civil Service Ordinance nor the Rules and Regulations grant any employee the right to appeal the action of the City Council when the City Council dismisses an employee for reasons of economy or because the necessity for the position no longer exists. That the right of appeal exists only when an employee has been dismissed, suspended or demoted for disciplinary reasons and Mrs. Wolcott was not dismissed for any such reason,

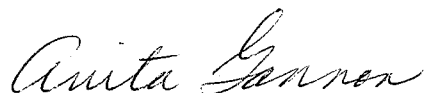
NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1) That Mrs. Catherine C. Wolcott was dismissed from the service because of needed economy in administering the affairs of the City and because the City Council determined that the necessity for the position no longer existed,
- 2) That since Mrs. Wolcott was not dismissed for disciplinary reasons she had no right of appeal to the Board of Review and the Board of Review had no jurisdiction to hear her appeal,
- 3) That the action taken by the Board of Review in Mrs. Wolcott's case, on August 25, 1961, and all its acts, proceedings, findings and judgments are void and ineffectual for lack of jurisdiction over Mrs. Wolcott's appeal or the subject matter thereof.


ANITA GANNON, CITY CLERK

I HEREBY CERTIFY, that the foregoing Resolution was duly passed and adopted at a regular meeting of the San Anselmo City Council held on the 14th day of November 1961 by the following vote:

AYES COUNCILMEN: Franchini, Reichmuth, Little
NOES COUNCILMEN: Smith
ABSENT COUNCILMAN: Rouse


Anita Gannon, City Clerk