

ORDINANCE NO. 2699

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 1.34.050 (DELEGATION) OF CHAPTER 1.34 (CLAIMS REQUIREMENT AND PROCEDURES) AND SECTIONS 2.05.010 (UNCLASSIFIED POSITIONS ESTABLISHED) AND 2.05.020 (CRIMINAL CONDUCT - INELIGIBILITY FOR EMPLOYMENT) OF CHAPTER 2.05 (PERSONNEL AND CIVIL SERVICE REGULATIONS) OF THE CHULA VISTA MUNICIPAL CODE TO CHANGE THE TITLE OF THE "DIRECTOR OF PERSONNEL" TO "DIRECTOR OF HUMAN RESOURCES" AND TO CHANGE THE TITLE OF THE "ASSISTANT DIRECTOR OF PERSONNEL" TO "ASSISTANT DIRECTOR OF HUMAN RESOURCES".

WHEREAS, during the 1996-97 Fiscal Year budget workshops, the City Council of the City of Chula Vista directed the Personnel Department to change it's title to "Human Resources"; and

WHEREAS, with the change in name of the department, title changes for the Director and Assistant Director of the Human Resources Department are required.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: Section 1.34.050 (Delegation) of Chapter 1.34 (Claims requirement and procedures) is hereby modified to read as follows:

1.34.050 Delegation.

The functions of the city council required to be performed in considering and rejecting, approving, compromising or settling claims provided for by this chapter are hereby delegated to and shall be performed by the director of human resources. The director of finance may cause a warrant to be issued upon the city treasury in the amount for which any such claim has been allowed, compromised or settled, by the director of human resources, provided such amount does not exceed \$10,000.

SECTION II: Section 2.05.010 (Unclassified positions established) of Chapter 2.05 (Personnel and Civil Service Regulations) is hereby modified to read as follows:

2.05.010 Unclassified positions established.

In addition to those unclassified positions specifically delineated in Section 500 of the charter of the city, there are established the unclassified positions entitled deputy city manager, assistant to the city manager, deputy city clerk, assistant fire chief, assistant director of planning, assistant director of finance, assistant director of human resources, assistant director of building and housing, city engineer, director of management services and information services, redevelopment coordinator, housing coordinator, transit coordinator, assistant director of community development, deputy director of public works/city engineer, public information coordinator, traffic engineer, deputy director of public works/operations, budget manager, revenue manager, assistant director of management services and information services, assistant library director, police captain, special planning projects manager, assistant to the mayor and council, border

environmental business cluster manager and administrative assistant/office manager and California border alliance group executive director, California border alliance group analyst and California border alliance group secretary.

SECTION III: Section 2.05.020 (Criminal conduct - Ineligibility for employment) of Chapter 2.05 (Personnel and Civil Service Regulations) is hereby modified to read as followed:

2.05.020 Criminal conduct-Ineligibility for employment.

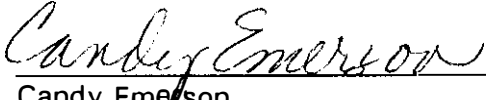
- A. Except as otherwise provided in this chapter, conviction (including pleas of guilty and nolo contendere) of a felony or a misdemeanor shall be prima facie disqualification of an applicant for employment by the city; provided, however, that the director of human resources may disregard such conviction if it is found and determined that mitigating circumstances exist. In making such determination, the following factors shall be considered:
1. The classification, including its sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
 2. The nature and seriousness of the offense;
 3. The circumstances surrounding the conviction;
 4. The length of time elapsed since the conviction;
 5. The age of the person at the time of the conviction;
 6. The presence or absence of rehabilitation or efforts at rehabilitation;
 7. Contributing social or environmental conditions.
- B. The director of human resources shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application for employment.
- C. An applicant who is disqualified for employment under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the city manager within ten days of the date of the notice of disqualification. The city manager shall hear and determine the appeal within ninety days after it is filed. The determination of the city manager on the appeal shall be final.
- D. Notwithstanding the provisions in this section, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant has been convicted of a felony.
- E. Pursuant to Section 11105 of the Penal Code of the state, the following officers of the city are authorized to have access to and to utilize state summary criminal history information when it is needed to assist them in fulfilling employment duties set forth in this section: city manager, assistant city manager, director of human resources, chief of police, city attorney.

- F. Pursuant to Section 11105 of the Penal Code of the State of California, the city council of Chula Vista hereby authorizes the city manager to have access and to utilize state summary criminal history information as a requirement for driving in the local public transportation service of Chula Vista Transit and HandYtrans.

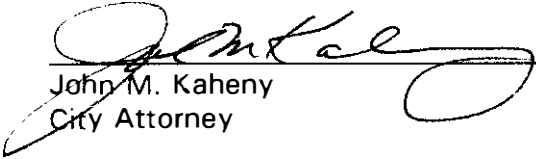
SECTION IV: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



Candy Emerson
Director of Human Resources



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day of March, 1997, by the following vote:

AYES: Councilmembers: Moot, Padilla, Rindone, Salas, and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Shirley Horton, Mayor

ATTEST:



Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2699 had its first reading at a regular meeting held on the 25th day of February, 1997 and its second reading and adoption at a regular meeting of said City Council held on the 4th day of March, 1997.

Executed this 4th day of March, 1997.



Beverly A. Authelet, City Clerk