

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA AMENDING CHAPTER 2, ARTICLE III, SECTION 2-194 OF THE AZUSA MUNICIPAL CODE RELATING TO TEMPORARY APPOINTMENTS.

WHEREAS, Azusa Municipal Code Chapter 2, Article III, Section 2-194 *Temporary Appointments* states that no person shall be employed by the City under temporary appointment for a total of more than 90 working days in any fiscal year; and

WHEREAS, in order to align with current government codes, the 90 working days should be revised to 960 working hours per fiscal year, on December 13, 2021 the City Council adopted Resolution 2021-C58 amending sections 4.2.9. *Acting Pay* and 5.7.6. *Provisional Appointments* of the Azusa Civil Service Rules; and

WHEREAS, it is necessary for the City to amend Article III, Chapter 2, Section 2-194 of the Azusa Municipal Code to be consistent with the revised Civil Service Rules.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2, Article III, Section 2-194 of the Azusa Municipal Code is hereby deleted in its entirety and restated to read as follows:

Sec. 2-194. Temporary Appointments.

(a) In the absence of appropriate employment lists, a temporary appointment may be made by the appointing power of a person meeting the minimum qualifications for the position; provided, however, that an employment list shall be established for such position within 90 days. No person shall be employed by the city under temporary appointment for a total of more than 960 working hours in any fiscal year. For an emergency, the appointing power may appoint such persons as are required to meet the situation, but such appointment shall not exceed 15 working days.

(b) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists for service rendered under temporary appointment, and time worked under temporary appointment shall not count toward completion of a probationary period.

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

SECTION 2. Any additional Azusa Municipal Code sections that refer to the 90 working day limitation as it pertains to Acting Pay, Provisional Appointments, and/or Temporary Appointments shall also be revised to 960 hours per fiscal year to align with Government Code §20480.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstances is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions or applications, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Azusa hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional, invalid, or unenforceable.

SECTION 4. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 5. Publication. The City Clerk shall certify the adoption of this Ordinance. Not later than fifteen (15) days following the passage of the Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for or against the Ordinance, shall be published in a newspaper of general circulation in the City of Azusa.

PASSED, APPROVED and ADOPTED this 16th day of May, 2022.

/s/ Robert Gonzales, Mayor

ATTEST:

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF AZUSA)

I HEREBY CERTIFY that the foregoing Ordinance No. 2022-02, was duly introduced and placed upon its first reading at a regular meeting of the Azusa City Council on the 2nd day of May, 2022 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the Azusa City Council on the 16th day of May, 2022 by the following vote:

AYES: COUNCILMEMBERS: GONZALES, MENDEZ, ALVAREZ, AVILA, BECKWITH
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

APPROVED AS TO FORM:

/s/ Best, Best & Krieger, LLP, City Attorney
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