

Sec. 2-100. - Officials, generally.

The appointed officials of the city will consist of the city manager, city clerk, city attorney, and the presiding city court judge. The city council hereby delegates to the city manager the council's statutory authority to appoint the police chief, fire chief, and city engineer.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013)

Sec. 2-101. - Noninterference by council.

(a) Neither the city council nor any of its members may:

- (1) Direct or give orders, either publicly or privately, to any city employee under the supervision of an appointed official.
- (2) Request the appointment of any person to or removal from employment, or participate in any manner in the appointment or removal of any employee, other than appointed officials under this article.

(b) City council will address matters of concern directly with its appointed officials and will limit interaction with all other city employees to the purpose of inquiry.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013)

Sec. 2-122. - Powers and duties.

(a) The city manager may delegate the authority of the city manager to subordinate employees.

(b) The city manager is authorized to appoint, supervise, direct, discipline, and terminate all officers and employees of the city except appointed officials or as otherwise set forth in this article.

(c) The city manager will:

- (1) Manage the day to day operations of the city;
- (2) Carry out the goals and directives of the city council;
- (3) Prepare and present a recommended budget to the city council annually;
- (4) Keep the city council advised of the financial condition and future needs of the city, and make such recommendations as are appropriate;
- (5) Recommend for city council action measures necessary or expedient for the health, safety, or welfare of the community;
- (6) Attend city council meetings unless excused;

(7) See that all laws and ordinances are duly enforced; and

(8) Perform any other duties or responsibilities otherwise described in this Code.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013)

Sec. 2-140. - Appointment.

The city council will appoint a city attorney who will be the chief legal adviser of all officers, departments and agencies and of all officers and employees in matters relating to their official powers and duties. The city attorney will serve at the pleasure of the city council. The city council reserves the right to engage other legal counsel as its discretion.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013)

Sec. 2-141. - Terms and conditions of employment.

The terms and conditions of employment of the city attorney will be set forth in a written contract approved by majority vote of the city council. The employment contract may be terminated by majority vote of the city council at any time and for any reason. No term in the employment contract may be inconsistent with this division.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013)

Sec. 3-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appointed official means an employee of the city appointed by the mayor and city council, including the city manager, city attorney, presiding judge, associate judges and city clerk.

Classification means a grouping of one or more positions that involve similar duties and responsibilities requiring similar qualifications, and which can properly be described by a common job title and description.

Classification plan means the alphabetically arranged compilation of classification specifications for employees consisting of broadly defined classes with position descriptions, a reclassification process, a position change (upgrade/downgrade) process, and a process for the development of new job classes.

Classification specification means a written description that reflects the specific type and level of duties and responsibilities of the class, and necessary requirements. A classification specification is not meant to be all inclusive, but rather to serve as a guide for such activities as recruitment, selection, compensation and determining training needs.

Compensation means payments to employees for work performed. Compensation includes but is not limited to salary, merit pay, premium pay, paid leave, health insurance and other paid benefits.

Compensation plan means the compensation structure of the city.

Corrective action means all supervisory actions, including nondisciplinary and disciplinary action as defined herein, which are designed and intended to be used in a progressive manner to improve an employee's performance.

Demotion means the movement of an employee from a position currently held to another position in a lower classification and salary range.

Discipline or disciplinary action means the act of suspending, demoting, or terminating an employee, when such is designed and intended to be used by supervisors to improve an employee's performance.

Employee means a person working for the city for compensation who occupies a position subject to selection, promotion, demotion, or termination.

Hiring official means the city manager or designee responsible for the hiring and discipline of any employee.

Introductory period of employment means a specific period of time, commencing on date of hire in a classified employment position, for an employee to demonstrate the requisite job knowledge, skill, and ability and other qualities required of position incumbents.

Non-disciplinary action means those corrective actions including but is not limited to coaching, undocumented counseling, documented oral counseling and written reprimands.

Primary residency means home in which a person lives or will live most of the time, whether owned or rented.

Promotion means the movement of an employee from a position currently held to another position in a higher classification and salary range.

Promotional trial period means a specific period of time, commencing upon promotion to a classified employment position, for the promoted employee to demonstrate the requisite job knowledge, skill, and ability and other qualities required of position incumbents.

Reclassification means the process by which the classification of a specific position or group of positions is changed because the position(s) has undergone a significant change in the type, difficulty, or degree of responsibility entailed in the work performed.

Reduction in force means a reduction in the number of employees in the classified work force, generally due to a lack of funds, a lack of work or the need to abolish (permanently delete from the organization) a position or positions due to a lack of continued need for such position(s).

Relative means spouse, domestic partner, child (including step, in-laws, and foster), sibling (including step, in-laws, and foster), parent (including step, in-laws, and foster), grandparent, uncle, aunt, niece, and nephew.

Resignation means a separation from service initiated by the employee through formal notice.

Transfer means the movement of an employee from one position to another vacant position within the same or similar classification.

(Ord. No. 08-42, § 1(Exh. A), 9-25-08; Ord. No. 09-20, § 2, 5-14-09)

Sec. 3-15. - Categories of employment.

(a) *Employment categories.* All employment positions with the city fall into one of the following defined employment categories:

- (1) *Appointed officials.* Positions whose incumbents are appointed by and serve pursuant to the terms of an employment contract with the mayor and city council. Appointed officials include:
 - a. City manager;
 - b. City attorney;
 - c. City clerk;
 - d. Presiding judge;
 - e. Associate judges.

(2)

Nonclassified employees. Employee positions not included in the classified service are nonclassified employees. Persons in nonclassified positions are at-will employees and serve at the discretion of their hiring official. Nonclassified positions include:

- a. Assistant and deputy city managers;
- b. Executive administrative assistants;
- c. All employees in the office of the city manager;
- d. All department director/assistant department director positions;
- e. All division and other manager positions;
- f. All employees in the city attorney's office/legal department;
- g. Classified employees in their introductory period of employment;
- h. All employees meeting the definition of supervisor per city policy;
- i. Fire and police cadets; and
- j. Part-time, intermittent, temporary, seasonal, and intern employees;
- k. All employees in the mayor or council office;
- l. All employees in the human resources department.

(3) *Classified employees.* Employee positions with the city other than those designated as nonclassified or appointed officials are classified employees.

(b) *Scheduling categories.* All employment positions with the city fall into one of the following defined scheduling categories:

- (1) *Full-time.* A position scheduled to work at least 32 hours per week on a regularly scheduled basis.
- (2) *Part-time.* A position scheduled to work less than 32 hours per week on a regularly scheduled basis.

(c) *Duration categories.* All employment positions with the city fall into one of the following defined duration categories:

- (1) *Regular*—A position requiring a regular schedule of at least 26 bi-weekly pay periods (27 in certain years) in a calendar year.
- (2) *Temporary*—A position in which an employee works on a full or part-time basis for a fixed period of time.
- (3) *Seasonal*—A position requiring a full or part-time schedule for a portion of a calendar year performing work limited to a specific season or period of the year.
- (4) *Intermittent*—A position requiring a full or part-time schedule on a recurring, noncontinuous basis.

- (5) *Intern*—A position requiring a full-time schedule which is related to the course of study of a student who is currently enrolled at a recognized post-secondary educational institution. Such employment is limited in duration as specified in advance and for the purpose of working on a specific project(s) or task(s) generally related to the education program.

(Ord. No. 08-42, § 1(Exh. A), 9-25-08; Ord. No. 2011-10, § 1, 6-28-2011)