RESOLUTION NO. 2016-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA, APPOINTING ANGELA BUSTAMANTE AS CITY CLERK AND RESCINDING AND REPLACING RESOLUTION NO. 2016-81

WHEREAS, Section 700 of the City of Bell ("City") Charter provides that "[i]n addition to the City Council and Chief Administrative Officer, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, [and] such other officers, assistant, deputies, and employees as the City Council may provide by resolution[.]"); and

WHEREAS, Section 701 of the City Charter provides that the position of the City Clerk of the City "shall be appointed by and may be removed by the affirmative votes of at least a majority of all the members of the City Council[.]"); and

WHEREAS, the duties of the position of City Clerk are set forth in Section 704 of the City Charter; and

WHEREAS, California Government Code section 36506 provides that "[b]y resolution or ordinance, the city council shall fix the compensation of all appointive officers and employees[.]"); and

WHEREAS, pursuant to Resolution 2016-18, adopted by the City Council on April 13, 2016, the position of City Clerk is an unrepresented, at-will position excluded from the classified service of the City and is designated as a "Management" position; and

WHEREAS, the compensation of the City Clerk is provided for in Resolution 2016-20 (identifying employee classifications, compensation levels and salary ranges for Fiscal Years 2014-2016), adopted by the City Council on April 13, 2016 and as may be amended from time to time; and

WHEREAS, the benefits for the position of City Clerk shall be those provided to "Management" employees as set forth in Resolution 2016-59 (management benefits resolution), adopted by the City Council on August 10, 2016 and as may be amended from time to time; and

WHEREAS, Angela Bustamante ("Ms. Bustamante") has served as the Acting City Clerk for the City since July 28, 2014; and

WHEREAS, Ms. Bustamante's compensation for performing the duties of the City Clerk will initially be set at the Step D level for this position, which is $6,367.20 per month; and

WHEREAS, Ms. Bustamante was appointment as City Clerk on November 9, 2016; and

WHEREAS, the City Council made changes to Resolution 2016-81 on November 9, 2016 and desires to rescind and replace the Resolution 2016-81; and

WHEREAS, Ms. Bustamante understands that the position of City Clerk is an unrepresented, at-will position, and further understands that she may be removed at any time by the affirmative vote of at least a majority of all members of the City Council pursuant to Section 701 of the City Charter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY RESOLVE AS FOLLOWS:
SECTION 1. Resolution 2016-81 is hereby rescinded and Replaced by Resolution 2016-95. The effective date of appointment of Ms. Bustamante as the City Clerk of the City of Bell is November 9, 2016.

SECTION 2. Ms. Bustamante's compensation shall be as provided for in Resolution 2016-20, adopted by the City Council on April 13, 2016 and as may be amended from time to time. Ms. Bustamante's compensation shall initially be set at the Step D level for the City Clerk position, which is currently $6,064.00 per month.

- When Ms. Bustamante receives her Certified Municipal Clerk certificate, her compensation will be set at the Step E level for the City Clerk position (currently $6,367.20 per month, which amount may be amended from time to time).
- When Ms. Bustamante receives a Bachelor of Arts (B.A.) or Bachelor of Science (B.S.) degree from an accredited college or university, shall receive additional pay of five percent (5%) of her salary as education pay.

SECTION 3. Except as provided in this Section 3 and below in Sections 4 and Section 5, Ms. Bustamante's benefits shall be those provided to "Management" employees as set forth in Resolution 2016-59 (management benefits resolution), adopted by the City Council on August 10, 2016 and as may be amended from time to time. Ms. Bustamante shall receive tuition reimbursement and professional development as follows:

- Ms. Bustamante will be reimbursed up to seventy-five percent (75%) of tuition fees equal or equivalent to those of the California State University System. Excess tuition fees shall be paid by Ms. Bustamante.
- Educational programs must be job-related.
- Educational institutions must be an accredited two-year college or four-year college or university.
- Reimbursement shall take place after successful completion of the course and receiving a grade of "C" or better.
- This reimbursement shall not be considered special compensation as defined in Section 571 of the California Code of Regulations.
- City-paid membership in professional organizations related to official city clerk business such as the City Clerks Association of California (C.C.A.C.)
- The City Manager is authorized to approve other city clerk professional development activities upon availability of budgeted training funds.

SECTION 4. Notwithstanding that the City Clerk position is designated as a Management position, Ms. Bustamante shall be afforded the same rights to a severance payment as that of Management positions employee set forth in Resolution 2016-59 (Management Benefits Resolution) (i.e. the amount equal to the monthly base salary of the employee in effect multiplied by one (1)). All conditions set forth in Resolution 2016-59 for eligibility for the severance payment shall apply.

SECTION 5. The City Council hereby approves amending the Fiscal Year 2016-17 budget by appropriating an amount of $4200.00 from the General Fund Unrestricted Fund Balance to the City Clerk's Office Training/Education Fund 001-50-00-00-000-7900.
SECTION 6. The City Clerk job description attached hereto as Exhibit A is hereby approved for the position.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 14TH day of December, 2016.

Alicia Romero, Mayor

APPROVED AS TO FORM:

David Aleshine, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 14th day of December, 2016, by the following vote:

AYES: Councilmembers Quintana, Valencia, Saleh, Vice Mayor Gallardo and Mayor Romero

NOES: None

ABSENT: None

ABSTAIN: None

Angela Bustamante, City Clerk