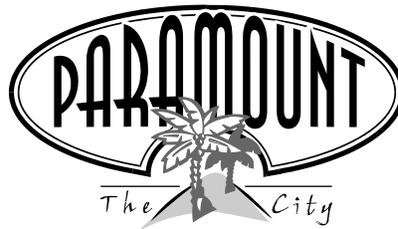


AGENDA

Paramount City Council
June 21, 2016



Adjourned Meeting
City Hall Council Chambers

- 3:30 p.m. - Mobile City Council Tour
- Meet & Greet @ Meadows Park
15753 Gundry Avenue
- 5:00 p.m. - Meeting

City of Paramount
16400 Colorado Avenue ❖ Paramount, CA 90723 ❖ (562) 220-2000 ❖ www.paramountcity.com

Public Comments: If you wish to make a statement, please complete a Speaker's Card at the beginning of the meeting. Speaker's Cards are located at the entrance. Give your completed card to a staff member or put it on the staff table located at the front of the room. When your name is called, please go to the rostrum provided for the public. Persons are limited to a maximum of 5 minutes unless an extension of time is granted. No action may be taken on items not on the agenda except as provided by law.

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (562) 220-2027 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Note: Agenda items are on file in the City Clerk's office and are available for public inspection during normal business hours. Materials related to an item on this Agenda submitted after distribution of the agenda packet are also available for public inspection during normal business hours in the City Clerk's office. The office of the City Clerk is located at City Hall, 16400 Colorado Avenue, Paramount.

Notes

CALL TO ORDER:

Mayor Daryl Hofmeyer

ROLL CALL OF
COUNCILMEMBERS:

Councilmember Gene Daniels
Councilmember Tom Hansen
Councilmember Diane J. Martinez
Vice Mayor Peggy Lemons
Mayor Daryl Hofmeyer

1. [Mobile City Council](#)

1. Tour of Southwest Quadrant of the City
2. Meet & Greet at Meadows Park

PUBLIC COMMENTS

CONSENT CALENDAR

All items under the Consent Calendar may be enacted by one motion. Any item may be removed from the Consent Calendar and acted upon separately by the City Council.

2. [RESOLUTION NO. 16:017](#) Approving a Covenant to Relocate an Easement for Public Utilities at the Clearwater Crossing Development on the Northeast Corner of Paramount Boulevard and Alondra Boulevard

REPORTS

3. BUDGET Fiscal Year 2017 Budget
- a) [RESOLUTION NO. 16:014](#) Adoption of the Fiscal Year 2017 Annual Municipal Operating and Capital Improvement Budget
- b) [RESOLUTION NO. 16:015](#) Approval of the Gann Appropriations Limit for Fiscal Year 2017
- c) [RESOLUTION NO. 16:016](#) Amending in Its Entirety Resolution No. 15:023 Relating to the Duties, Compensation, and Terms of Employment of City Employees

COMMENTS

- Staff
- Councilmembers

CLOSED SESSION

Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9
Name of case: City of Paramount, et al v. Cohen, et al
Third District Court of Appeal Case No. C078968

ADJOURNMENT

To a meeting on July 5, 2016 at 6:00 p.m.

JUNE 21, 2016

MOBILE CITY COUNCIL

1. TOUR OF SOUTHWEST QUADRANT OF THE CITY
2. MEET & GREET AT MEADOWS PARK

JUNE 21, 2016

RESOLUTION NO. 16:017

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT APPROVING A COVENANT TO RELOCATE AN EASEMENT FOR PUBLIC UTILITIES AT THE CLEARWATER CROSSING DEVELOPMENT ON THE NORTHEAST CORNER OF PARAMOUNT BOULEVARD AND ALONDRA BOULEVARD”

MOTION IN ORDER:

READ BY TITLE ONLY AND ADOPT RESOLUTION NO. 16:017.

APPROVED: _____

DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council
From: John Moreno
By: Kevin M. Chun/John Carver
Date: June 21, 2016

Subject: Resolution No. 16:017 – Approving a Covenant to Relocate an Easement for Public Utilities at the Clearwater Crossing Development on the Northeast Corner of Paramount and Alondra

Background

This item is a request for approval of a covenant to relocate an easement for public utilities at the northeast corner of Paramount Boulevard and Alondra Boulevard. In January 2016, Arroyo Seco Development purchased the Rosewood Restaurant property and the Red Rose Plaza site from the City for the development of a multi-tenant restaurant project known as Clearwater Crossing. Prior to the purchase of the two properties by Arroyo Seco, the City vacated a portion of the alley between the Rosewood and Red Rose Plaza sites for incorporation into the restaurant development.

When the alley was vacated, an easement was recorded for the utilities running under the former alley. One of the two structures in the restaurant development (Applebee's) will be constructed over the utility easement. Arroyo Seco's construction financing lender will not allow a building to be constructed over the vacated alley while the City maintains the utility easement. Additionally, Arroyo Seco's financing lender cannot obtain title insurance to protect the lender for potential future conflicts with the current easement.

To address these issues, the covenant before the City Council this evening commits the developer to relocate all utilities to the east of the Applebee's structure. The developer will be responsible for all costs associated with the relocation of the utilities.

Environmental Assessment

This project is exempt from the provisions of the California Environmental Quality Act (CEQA) as a Section 15332, Class 32 Categorical Exemption – infill development.

Recommended Action

It is recommended that the City Council read by title only and adopt Resolution No. 16:017 approving a covenant to relocate an easement for public utilities at the Clearwater Crossing development on the northeast corner of Paramount Boulevard and Alondra Boulevard.

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT, APPROVING A COVENANT TO RELOCATE AN EASEMENT FOR PUBLIC UTILITIES AT THE CLEARWATER CROSSING DEVELOPMENT ON THE NORTHEAST CORNER OF PARAMOUNT BOULEVARD AND ALONDRA BOULEVARD

WHEREAS, the City of Paramount (City) vacated a portion of an alley between the Rosewood Restaurant property and the Red Rose Plaza site, both owned by the City; and

WHEREAS, the City reserved an easement for public utilities under the vacated portion of the alley; and

WHEREAS, the City consolidated the vacated alley with the Rosewood property and the Red Rose Plaza site; and

WHEREAS, the City entered into a Disposition and Development Agreement with Arroyo Seco Development (Developer) to construct a multi-tenant restaurant project, known as the Clearwater Crossing development, over the combined parcels and vacated alley; and

WHEREAS, one building of the multi-tenant restaurant project will be constructed over the vacated alley; and

WHEREAS, the developer's construction financing lender will not allow a building to be constructed over the vacated alley while the City maintains the utility easement; and

WHEREAS, the developer's financing lender cannot obtain title insurance to protect the lender for potential future conflicts with the current easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Paramount, California, as follows:

Section 1. The City Council hereby enters into a covenant with the developer, whereby the developer will relocate all current public utilities from the area that will be underneath the structure planned to be built over the former alley.

Section 2. Under the terms of the covenant, the developer will relocate all current utilities, at the sole expense of the developer, to an area east of the building that will be constructed over the former alley.

PASSED, APPROVED and ADOPTED this 21st day of June, 2016.

Daryl Hofmeyer, Mayor

Attest:

Lana Chikami, City Clerk

COVENANT TO RELOCATE EASEMENT FOR PUBLIC UTILITIES

THIS COVENANT TO RELOCATE EASEMENT FOR PUBLIC UTILITIES (“Covenant”) is made and entered into as of June 21, 2016, by and between Paramount Place, LLC (“Developer”), and the City of Paramount (“City”).

RECITALS

A. Developer purchased three (3) land parcels from City on or about January 26, 2016 (the “Property”), with one (1) parcel being a former public alley (“Alley”), as depicted on the original parcel map attached as **EXHIBIT A**.

B. As depicted on the current parcel map attached as **EXHIBIT B**, City consolidated the Alley with one of the other parcels, but kept a reservation for an easement for public utilities in the former Alley (“Current Reservation”). City of Paramount Resolution No. 15:011.

C. Developer and City have entered into an agreement where Developer is to construct a new shopping center on the Property (the “DDA”), with one structure planned to be built over the former Alley, as depicted on the development site plan attached as **EXHIBIT C**.

D. Developer’s construction financing lender will not allow a building to be constructed over the former Alley while City maintains the Current Reservation. Further, Developer’s construction financing lender cannot get title insurance to protect lender for potential future conflicts with the Current Reservation.

THEREFORE, in consideration of the terms and conditions contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Developer and City hereby agree as follows:

1. Developer hereby covenants to City that Developer will relocate all current public utilities from the area that will be underneath the structure planned to be built over the former Alley to the approximate area shown on the attached **EXHIBIT D** (the “New Easement Area”). Developer hereby further covenants to City that Developer will pay all costs and expenses necessary for the relocation of the existing public utilities to the New Easement Area and will provide City with unconditional final waivers and releases for all work and materials relating thereto. Developer hereby further covenants to City that Developer will provide City a new reservation for easements for public utilities in the New Easement Area in the form attached as **EXHIBIT E** (“New Reservation”), with such New Reservation being effective immediately upon Developer completing the relocation of all existing public utilities to City’s reasonable satisfaction.
2. City hereby covenants to Developer that upon Developer’s satisfaction of the covenants set forth in Section 1 to City’s reasonable satisfaction, City shall forever abandon the Current Reservation and, at Developer’s cost and expense, execute all documents and take all actions that are reasonably necessary to remove the Current Easement from title for the Property.

3. Miscellaneous. This Covenant may be executed in one or more counterparts, each of which shall be an original, but all of which shall constitute one Covenant.

IN WITNESS WHEREOF, Developer and City have executed this Covenant on the date first above written.

DEVELOPER

Paramount Place, LLC

By: Arroyo Seco Development Group, LLC,
a California limited liability company,
its Managing Member

By: 
Name: Steve Boss
Its: Manager

CITY

By: _____

Name: _____

Title: _____

Date: _____

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles s.s.

On June 2, 2016 before me, G. J. Bristow, Notary Public

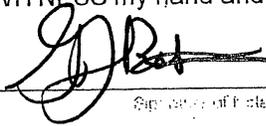
personally appeared Steve Boss

Name of Signer (s)

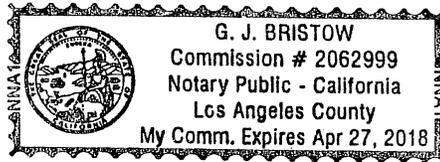
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Covenant to Relocate Easement For Public utilities containing 2 pages, and dated June 2, 2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other _____

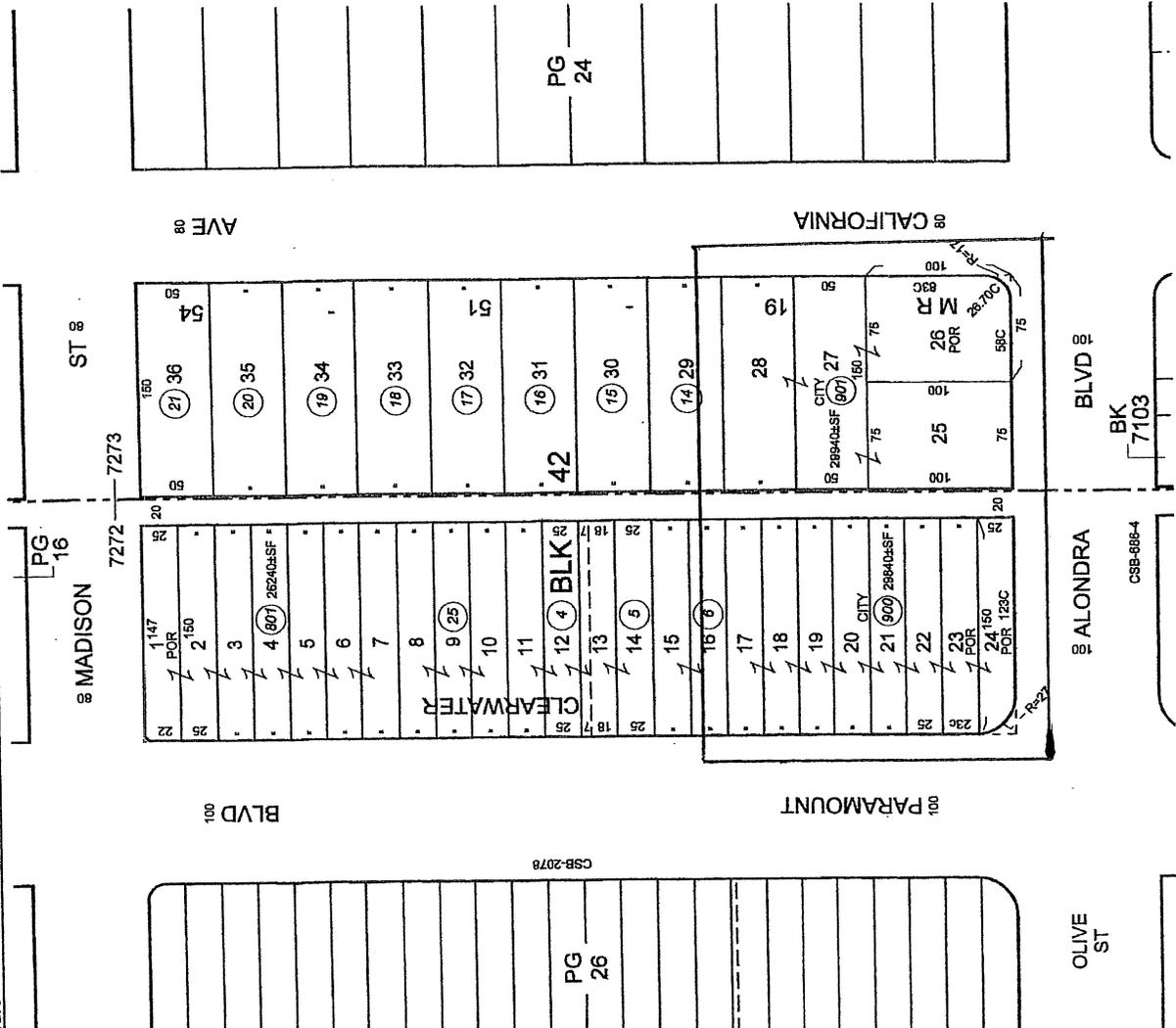
Additional Signer Signer(s) Thumbprints(s)

2012



MAPPING AND GIS
 SERVICES
 SCALE 1" = 80'

EXHIBIT "A"



ST 8

MADISON ST 8

AVE 80

CALIFORNIA 8

ALONDRA 8

OLIVE ST

PARAMOUNT 8

CSB-2078

BK 7103

CSB-666-4

PG 16

PG 26

PG 24

42

BLK 27

CLEARWATER

CITY 907

CITY 909

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT, APPROVING AND ADOPTING THE FISCAL YEAR (FY) 2017 ANNUAL MUNICIPAL OPERATING AND CAPITAL IMPROVEMENT BUDGET, ASSIGNING THE FY 2016 SURPLUS, AMENDING THE AUTHORIZED POSITION LISTING AND SALARY SCHEDULE FOR CITY EMPLOYEES, AND AUTHORIZING THE CITY MANAGER TO ADMINISTER SAID BUDGET AND MAKE SUCH CHANGES AS MAY BE NECESSARY DURING THE FISCAL YEAR TO MAINTAIN STANDARDS AND LEVELS OF SERVICES AND ACHIEVE THE INTENT OF THE CITY COUNCIL IN PROVIDING MUNICIPAL SERVICES FOR FY 2017

WHEREAS, the City Manager has prepared the Fiscal Year 2017 Annual Municipal Operating and Capital Improvement Budget (FY 2017 Budget) in accordance with the Paramount Municipal Code, Chapter II, Article II, Section 2-23 (h); and

WHEREAS, the City Council has examined the Fiscal Year 2017 Budget with the City Manager; and

WHEREAS, the City Council finds the proposed capital improvements to be exempt from the provisions of the California Environmental Quality Act (CEQA) as Section 15301, 15302, 15303, 15304, and 15311 Categorical Exemptions: operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding use; replacement or reconstruction of existing structures or facilities on the same site having the same purpose; new construction of limited small new facilities, and installation of small, new equipment and facilities; minor alterations in the condition of the land, such as grading, gardening, and landscaping that do not affect sensitive resources; and construction of minor structures accessory to existing facilities; and

WHEREAS, the City, pursuant to Federal regulations 24 CFR Part 570.301 under the Housing and Community Development Act (HCDA) of 1974, as amended, has obtained citizen comments on proposed projects which will be undertaken using CDBG and HOME funds; and

WHEREAS, the City Council has reviewed the estimated Fiscal Year 2016 revenues, expenditures, and fund balances as projected to the end of the fiscal year; and

WHEREAS, it is the intention of the City Council to assign any General Fund surplus as of June 30, 2016 to unassigned and assigned fund balances within the General Fund and/or to the Equipment Replacement Fund at the discretion of the City Manager and the Finance Director, and the actual amount of the Fiscal Year 2016 surplus cannot be determined at this time; and

WHEREAS, certain capital improvement projects in Fiscal Year 2016 require continuing appropriations to complete the projects; and

WHEREAS, the City Council has studied and discussed the Fiscal Year 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Paramount, California, as follows:

Section 1. That the General Fund surplus as of June 30, 2016 shall be assigned to unassigned and assigned fund balances within the General Fund and/or to the Equipment Replacement Fund at the discretion of the City Manager and Finance Director.

Section 2. That the Fiscal Year 2017 Annual Municipal Operating Budget is hereby approved and adopted as amended by the City Council and that appropriations be made, by department, in the following amounts:

<u>Department</u>	<u>Amount</u>
Council/Commissions	\$ 301,400
Community Promotion	293,000
City Attorney	243,650
City Manager/City Clerk	829,850
Administrative Services	1,331,750
Finance	3,599,150
Community Development	1,899,600
Public Safety	11,523,100
Community Services and Recreation	5,023,850
Public Works	<u>14,063,800</u>
TOTAL OPERATING EXPENDITURES BY DEPT.	<u>\$ 39,109,150</u>

Section 3. That the above appropriations for Fiscal Year 2017 shall be expended by the following funds:

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 24,521,250
Community Development Block Grant	813,200
HOME Investment Partnership Act	211,000
After School Education and Safety	1,897,500
Gas Tax Fund	1,521,150
Traffic Safety Fund	105,000
AB 939 Fees	47,100
Air Quality Management District	53,700
Proposition A Transit Tax	1,079,200
Proposition C Transit Tax	174,050
Measure R Transit Tax	73,650
Maintenance District Funds	14,150

<u>Fund (con't)</u>	<u>Amount</u>
Other Grants Fund:	
Area E	800
Asset Forfeiture	22,500
Justice Assistance Grant	25,050
Park Maintenance – Paramount Park	22,600
State COPS	100,400
Used Oil	15,350
Municipal Water Fund	8,094,600
Equipment Replacement Fund	<u>341,950</u>
TOTAL OPERATING EXPENDITURES BY FUND	<u>\$39,109,150</u>

Section 4. That the Fiscal Year 2017 Annual Municipal Capital Improvement Budget is hereby approved and adopted as amended by the City Council and that appropriation be made, by project, in the following amounts:

<u>NEW CAPITAL PROJECTS FOR FY 2017</u>	<u>Amount</u>
Installation of Services and Hydrants – FY 2017	\$ 75,000
Annual Valve Replacement Program – FY 2017	20,000
Arterial Street Resurfacing – FY 2017	1,100,000
Neighborhood Street Improvements – FY 2017	505,000
Annual Sidewalk Program – FY 2017	193,100
Pilot Drought Tolerant Median Refurbish	150,000
City Entry Monument Signs	50,000
Spane Park Lobby Door ADA Upgrades	13,500
Paramount Park Community Center Roof	175,000
Paramount Park Gym A/C System Replacement	80,000
Paramount Park Community Center Lighting	20,000
Progress Park Playground Replacement	90,000
Progress Plaza A/C Replacement	8,000
Neighborhood Enhancement Program – FY 2017	100,000
Utility Box Murals	6,000
Paramount Substation Server Room A/C Replacement	<u>8,000</u>
Subtotal New Capital Projects FY 2017	<u>\$ 2,593,600</u>

<u>CARRY-OVER CAPITAL PROJECTS FROM FY 2016</u>	<u>Amount</u>
Paramount Boulevard Urban Renovation	520,000
Garfield Avenue Widening	1,010,000
Bike Park Conceptual Design	20,000
Salud Park Expansion Design	20,000
Orange Splash Pad	205,000
Paramount Park Futsal Court	175,000
Council Chamber Audio/Visual and Accessibility Access	25,000
Paramount/Alondra Art Piece	<u>71,250</u>
 Subtotal Carry-Over Projects from FY 2016	 <u>2,046,250</u>
 TOTAL CAPITAL IMPROVEMENTS - FY 2017	 <u>\$ 4,639,850</u>

Section 5. That the above capital improvement project appropriations for Fiscal Year 2017 shall be expended by the following funds:

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 489,500
Capital Project Reserve	867,100
I-710 Early Action Funds	1,010,000
STPL	700,000
Proposition C Transit Tax	400,000
Measure R	505,000
County Park Grant	225,000
CDBG	235,000
Public Art Fees	77,250
SB821 Sidewalk/Bikeway	36,000
Municipal Water Fund	<u>95,000</u>
 TOTAL CAPITAL IMPROVEMENT APPROPRIATIONS	 <u>\$ 4,639,850</u>

Section 6. That the City shall not undertake any capital improvements without adequate environmental review and approval.

Section 7. That the City Council amends the "Authorized Position Listing" as follows:

AUTHORIZED POSITION LISTING
 FOR FULL-TIME POSITIONS

<u>Positions Authorized</u>	<u>Job Classification Titles</u>	<u>Pay Range Number</u>
1	City Manager	277
1	Assistant City Manager	257
1	Community Services & Recreation Director	255
1	Finance Director	255
1	Public Safety Director	255
1	Public Works Director	255
1	City Clerk	252
1	Assistant Community Development Director	250
1	Assistant Community Svcs. & Recreation Director	250
1	Assistant Finance Director	250
1	Assistant Public Safety Director	250
1	Assistant Public Works Director	250
1	Development Services Manager	202
1	Human Resources Manager	202
1	Planning Manager	195
1	Senior Accountant	188
1	Public Works Superintendent	186
1	Public Works Manager	186
1	Water Superintendent	186
1	Sr. Community Services & Recreation Supervisor	183*
1	Code Enforcement Division Head	182
2	Building and Safety Inspector	182
1	Public Information Officer	178
1	Crime Analyst	178
1	Community Development Planner	170
1	IT Supervisor	170
2	Maintenance Supervisor	170
4	Management Analyst	170
1	Water Maintenance Supervisor	170
3	Community Services & Recreation Supervisor	170
1	Finance Supervisor	170
1	Community Service Officer Supervisor	163
1	Executive Secretary	163
1	Neighborhood Preservation Specialist	151
1	Graphic Artist/Social Media Coordinator	151
1	Building Permit Technician	151
4	Finance Clerk	148
1	Payroll Specialist	148
5	Secretary	148

<u>Pay Positions Authorized</u>	<u>Job Classification Titles</u>	<u>Range Number</u>
9	Senior Maintenance Worker	148
1	Warehouse Attendant	148
5	Code Enforcement Officer	145
7	Community Service Officer	142
1	Parking Control Officer	140
3	Departmental Clerk	137
12	Maintenance Worker	137
<u>91</u>		

*Effective July 9, 2016

POSITION LISTING FOR PART-TIME POSITIONS

<u>Job Classification Titles</u>	<u>Pay Range Number</u>
Accountant	128
Code Enforcement Officer	108
Computer Technician	108
HR Assistant	93
Finance Assistant	87
Recreation Assistant	87
Public Service Assistant	72
Administrative Intern	68*
Recreation Coordinator	68
Senior Lifeguard	63
Office Aide 2	58
Lifeguard	53
Senior Recreation Leader	53
Office Aide 1	48
Maintenance Aide	48*
Facility Leader	38
Aquatic Aide	34**
Recreation Leader	34

*Effective July 9, 2016

**Pay range 23 thru April 30, 2016; Pay range 34 effective May 1, 2017

Section 8. That a cost-of-living adjustment of five (5) percent for all part-time employees is effective July 9, 2016.

Section 9. That two one-time “floating holidays” are added for all full-time employees in Fiscal Year 2017.

Section 10. That business license fees will be adjusted to reflect a 2.41 percent increase effective July 1, 2016, as illustrated in Exhibit A. Parking citations for commercial vehicle parking will be increased to \$175 per citation and vehicles parked for sale on highway will be increased to \$75 per citation, as illustrated in Exhibit B.

Section 11. That the Gann Appropriations Limitation has been duly approved by Resolution No. 16:015.

Section 12. That the Personnel Resolution has been duly approved by Resolution No. 16:016.

Section 13. That the City Council authorizes and directs the City Manager or his/her designee to make any necessary changes and adjustments to the approved appropriations up to \$10,000, or to fiscal and personnel matters, or enter into and execute agreements necessary to administer City operations and capital improvement projects in order to assure adequate and proper standards of service and to achieve the intent of the City Council in providing municipal services for Fiscal Year 2017.

Section 14. That the City Council hereby directs the City Manager to have the FY 2017 Budget prepared for general distribution.

Section 15. The Mayor, or presiding officer, is hereby authorized to affix his/her signature to this resolution signifying its adoption and the City Clerk or his/her duly appointed deputy is directed to attest thereto.

PASSED, APPROVED and ADOPTED by the City Council of the City of Paramount this 21st day of June, 2016.

Daryl Hofmeyer, Mayor

Attest:

Lana Chikami, City Clerk

<u>Pay Positions Authorized</u>	<u>Job Classification Titles</u>	<u>Range Number</u>
9	Senior Maintenance Worker	148
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Recreation Assistant	87
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Office Aide 2	58
Lifeguard	53
Senior Recreation Leader	53
Office Aide 1	48
Maintenance Aide	48*
Facility Leader	38
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PASSED, APPROVED and ADOPTED by the City Council of the City of Paramount this 21st day of June, 2016.

Daryl Hofmeyer, Mayor

Attest:

Lana Chikami, City Clerk

BUSINESS LICENSE FEES - EFFECTIVE JULY 1, 2016

The fees listed below pertain to Sections 26-54, 26-55, and 26-56 of the Paramount Municipal Code:

BASIC BUSINESS LICENSE FEES

1. Basic Fee			\$	130.00
2. Additional Fees:				
Number of Employees 2-5	Per Employee		\$	7.60
Number of Employees 6-25	Per Employee		\$	3.60
Number of Employees Over 25	Per Employee		\$	1.35

SPECIAL BUSINESS LICENSE FEES

The letter "A" following the fee shall indicate an annual fee, the letters "SA" shall indicate semi-annual fee, the letter "D" shall indicate daily fee, the letter "M" shall indicate monthly fee, the letter "Q" shall indicate quarterly fee and the letter "W" shall indicate weekly fee.

1. Advertising by billboard		\$	1,295.00 - A
Plus each panel		\$	69.00 - A
2. Advertising by distribution of handbills		\$	648.00 - A
		\$	321.00 - Q
		\$	66.00 - D
3. Advertising by posting		\$	648.00 - A
		\$	321.00 - Q
		\$	66.00 - D
(a) Benches (each)		\$	36.00 - A
(b) Benches (over ten)		\$	648.00 - A
4. Advertising by searchlight		\$	648.00 - A
		\$	321.00 - Q
		\$	66.00 - D
5. Advertising by sound truck, per truck		\$	161.00 - A
6. Amusement rides			
(a) Per machine at a permanent fixed location		\$	161.00 - A
(b) All amusement machines of a temporary nature		\$	233.00 - W
7. Auctioneer, livestock, per auctioneer or auction establishment		\$	648.00 - A
8. Auctioneer, real property and personal property, per auctioneer or auction establishment		\$	321.00 - A
9. Auto wrecker		\$	997.00 - A
10. Bankrupt stock, bankrupt sales or closing out		\$	233.00 - D
		\$	497.00 - W
11. Billiard or pool halls			
(a) First billiard or pool table		\$	130.00 - A
(b) Each additional table		\$	30.00 - A

BUSINESS LICENSE FEES - EFFECTIVE JULY 1, 2016

12. Boardinghouse, apartment house, hotel		
(a) Apartments & Hotels		
Three to sixteen	\$	130.00 - A
Seventeen or more families	\$	130.00 - A
Each family over sixteen	\$	15.00 - A
(b) Boardinghouse:		
Three or more boarders	\$	130.00 - A
13. Bowling alleys, table tennis and shuffleboard		
(a) One table or alley	\$	130.00 - A
(b) Each additional alley or table	\$	30.00 - A
14. Cafes, food establishments and eating places		
(a) For a capacity of serving simultaneously more than fifty individuals	\$	321.00 - A
(b) Other cafes, food establishments or other eating places	\$	130.00 - A
15. Card clubs		
(a) First table	\$	130.00 - A
(b) Each additional table	\$	30.00 - A
16. Carnival		
(a) For first day	\$	648.00 - D
(b) For each additional day	\$	161.00 - D
(c) For each side show or separate admission:		
Charged first day	\$	99.00 - D
For each additional day	\$	30.00 - D
17. Circus		
(a) For first day	\$	648.00 - D
(b) For each additional day	\$	161.00 - D
(c) For each side show or separate admission:		
Charged first day	\$	99.00 - D
For each additional day	\$	30.00 - D
18. Circus procession or parade	\$	1,620.00 - D
19. Collection agency	\$	497.00 - A
20. Concessions	\$	130.00 - A
21. Contractors		
(a) General contractor or builder	\$	321.00 - A
(b) Electrical, plaster, plumbing, heating, ventilating and house moving contractor	\$	161.00 - A
(c) All other Subcontractors or specialty contractors	\$	161.00 - A
22. Dairies, livestock dealers and cattle feed yards		
(a) 10 to 105 head of livestock	\$	130.00 - A
(b) Over 106 head of livestock	\$	497.00 - A

BUSINESS LICENSE FEES - EFFECTIVE JULY 1, 2016

23. Dance hall		
(a) Single dance	\$	130.00 - D
(b) Series of dances over a period of four weeks or less	\$	321.00 - W
(c) Series of dances over a period of not more than three months (payable quarterly)	\$	872.00 - Q
24. Deliveries		
(a) Itinerant restaurants	\$	520.00 - A
(b) Retail delivery of groceries by traveling grocery store or bus	\$	520.00 - A
(c) Retail/Wholesale delivery by vehicle of goods with no fixed place of business within the city	\$	130.00 - A
(d) Plus for each vehicle over one	\$	7.70 - A
25. Fertilizer processors	\$	749.00 - A
Plus fees for number of average employees		
26. Gasoline, filling stations	\$	130.00 - A
Plus per pump	\$	7.70 - A
27. Hay and grain dealers and brokers	\$	130.00 - A
Plus for each truck engaged in such business	\$	15.10 - A
28. House number painters	\$	130.00 - A
Plus for each employee	\$	32.45 - A
29. Itinerant amusement rides		
(a) For first day	\$	648.00 - D
For each additional day	\$	161.00 - D
30. Itinerant shows not including regularly licensed theaters	\$	256.00 - D
31. Patrolman	\$	30.00 - A
32. Patrol system	\$	497.00 - A
Plus per patrolman per year	\$	28.00 - A
33. Peddlers		
For each pack, basket, handcart or other vehicle	\$	130.00 - A
34. Riding stables, boarding and training, stall rentals and hayrides	\$	250.00 - A
Plus for each animal for hire, or trained over one	\$	15.10 - A
35. Refuse, Rubbish, Waste, Garbage, or Recycling		
(a) Transfer Station		5% of County landfill tipping fee per ton of material received at facility-M
(b) Material Recovery Facility		5% of County landfill tipping fee per ton of material received at facility-M
(c) Dump/Solid Waste Landfill		5% of County landfill tipping fee per ton of material received at facility-M
(d) Recycling Center	\$	997.00 - A
		Plus fees for number of average employees

BUSINESS LICENSE FEES - EFFECTIVE JULY 1, 2016

(e) Refuse/Recycling Collector/Enterprise (non-franchise)	\$ 2,492.00 - A
	Plus three percent of gross receipts for each single business
(f) Redemption Center	\$ 130.00 - A
	Plus fees for number of average employees
(g) Hazardous Waste Facility	5% of County landfill tipping fee per ton of material received at facility-M
(h) Transformation, Reuse, Composting Facility	5% of County landfill tipping fee per ton of material received at facility-M
36. Schools	
(a) Private day school	\$ 161.00 - A
(b) Day nursery or day nursery school	\$ 161.00 - A
(c) Private boarding school	\$ 161.00 - A
(d) Children's boarding homes	\$ 161.00 - A
(e) Foster or day care homes	\$ 179.00 - A
37. Secondhand business	
(a) Pawnbrokers	\$ 1,249.00 - A
(b) Secondhand dealers	\$ 520.00 - A
(c) Junk and salvage dealers	\$ 997.00 - A
(d) Junk and salvage collectors	\$ 250.00 - A
(e) Plus for each wagon or vehicle per year	\$ 162.00 - A
38. Solicitor	\$ 130.00 - A
39. Taxicabs	
(a) Taxicab operator	\$ 200.00 - A
(b) Plus per year per cab	\$ 70.00 - A
40. Mobile home/trailer parks	
(a) For the first twenty spaces	\$ 99.00 - A
(b) Plus for each trailer space from 21-75	\$ 3.35 - A
(c) Plus for each trailer space over 75	\$ 1.95 - A
41. Theaters	
(a) 499 seats or less	\$ 925.00 - A
(b) 500 seats and less than 750	\$ 1,293.00 - A
(c) 750 seats but less than 1,000	\$ 1,615.00 - A
(d) 1,000 seats but less than 1,500	\$ 2,263.00 - A
(e) 1,500 seats and over	\$ 3,230.00 - A
42. Truck and other rental equipment	
(a) Truck rental	\$ 1,293.00 - A
(b) Equipment rental	\$ 648.00 - A
43. Used car dealer	\$ 749.00 - A

BUSINESS LICENSE FEES - EFFECTIVE JULY 1, 2016

44. Vehicle storage		
(a) Truck or trailer storage	\$	175.00 - A
(b) Plus for each truck or trailer stored	\$	35.00 - A
(c) Recreational vehicle storage	\$	175.00 - A
(d) Plus each available space per year	\$	10.25 - A
45. Vending, amusement, service and other coin-operated machines		
(a) Per machine using .04 or less	\$	5.30 - A
(b) Machines using .05 or more		One percent of the gross receipts
46. Wells, oil		
Each barrel of oil or hydrocarbon substance produced	\$.25 - A

BUSINESS LICENSE TAXES FOR SWAP MEETS, OUTDOOR MARKETS, & FLEA MARKETS

1. Operator tax	\$	1,661.00 - SA
Plus for each exhibitor	\$	1.85 - D
2. Exhibitor tax		
Each exhibitor	\$	1.85 - D

PARKING CITATION

- 1. Commercial vehicle parking \$108 to \$175
- 2. Vehicles parked for sale on highway \$53 to \$75

JUNE 21, 2016

RESOLUTION NO. 16:015

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT, CALIFORNIA, ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017 IMPLEMENTING ARTICLE XIII-B OF THE STATE CONSTITUTION PURSUANT TO SECTION 7900 ET. SEQ. OF THE GOVERNMENT CODE"

MOTION IN ORDER:

READ BY TITLE ONLY AND ADOPT RESOLUTION NO. 16:015.

APPROVED: _____ DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By: Karina Lam Liu

Date: June 21, 2016

Subject: Resolution No. 16:015: Adopting the Appropriations Limit for Fiscal Year 2017 Implementing Article XIII-B of the State Constitution Pursuant to Section 7900 Et. Seq. of the Government Code

The California Constitution, Article XIII-B, commonly referred to as "Proposition 4: The Gann Appropriations Limit," requires the City to annually adopt an appropriations limit beyond which budgetary appropriation shall not be made. The appropriations limit can be adjusted each year to allow for increases in population, assessed value growth, and/or increases in per capita income.

The City has the option to annually increase the appropriation limit. This is done by choosing two of the following four variables and multiplying them to arrive at the allowed increase in appropriations. We may choose the two variables that most benefit the City.

Factor 1

1. The percentage change in California per capita income, or
2. The percentage change in Paramount's assessed valuation due to new non-residential construction.

Factor 2

1. The percentage change in Paramount's population, or
2. The percentage change in Los Angeles County's population.

For Fiscal Year 2017 we have chosen to use: 1) the percentage change in California per capita income and 2) the percentage change in Los Angeles County's population. These factors allow us to increase our appropriations limit by 6.3% to \$433,838,708. The amount of our tax revenues subject to this limit is \$20,381,964 which is well under the limit of \$433,838,708.

Recommended Action

It is recommended that the City Council read by title only and adopt Resolution No. 16:015 establishing the appropriations limit for Fiscal Year 2017 in the amount of \$433,838,708.

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT, CALIFORNIA, ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017 IMPLEMENTING ARTICLE XIII-B OF THE STATE CONSTITUTION PURSUANT TO SECTION 7900 ET. SEQ. OF THE GOVERNMENT CODE

WHEREAS, the people of California on November 6, 1979, added Article XIII-B to the State Constitution placing various limitations on the appropriations of state and local governments; and

WHEREAS, the State Legislature adopted Chapter 1205 and 1342 of the 1990 Statutes which implemented Article XIII-B; and

WHEREAS, Section 7902 of the Government Code provides the process in which to calculate the appropriations limit pursuant to Article XIII-B; and

WHEREAS, Section 7910 of the Government Code requires cities to adopt a resolution setting the annual appropriations limit at a regularly scheduled meeting or a noticed special meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Paramount that the appropriations limit for Fiscal Year 2017 pursuant to Section 7902 of the Government Code shall be \$433,838,708.

PASSED, APPROVED and ADOPTED by the City Council of the City of Paramount on this 21st day of June, 2016.

Daryl Hofmeyer, Mayor

Attest:

Lana Chikami, City Clerk

ESTABLISHING THE APPROPRIATIONS LIMIT

Schedule #1

A. LAST YEAR'S APPROPRIATIONS LIMIT	\$	408,126,724
B. ADJUSTMENT FACTORS (Schedule #5)		
Factor No. 1. Change in California Per Capita Income	5.37%	1.0537
Factor No. 2. Change in Los Angeles County's Population	0.85%	1.0085
Total Adjustment Factor (Factor No. 1 multiplied by Factor No. 2)		<u>1.063%</u>
C. THIS YEAR'S LIMIT (Last year's limit multiplied by Total Adjustment Factor)		433,838,708
D. OTHER ADJUSTMENTS		
Lost Responsibility (-)	0	
Transfer to Private (-)	0	
Transfer to Fees (-)	0	
Assumed Responsibility (+)	0	
Sub-total Other Adjustments		<u>0</u>
E. THIS YEAR'S APPROPRIATIONS LIMIT	\$	<u><u>433,838,708</u></u>

**CITY OF PARAMOUNT
 GANN LIMITATION ANALYSIS - FY 2016
 APPROPRIATIONS OVER/(UNDER) THE LIMIT**

Schedule #2

A. PROCEEDS OF TAXES		
NON-INTEREST TAX PROCEEDS (Schedule #3, Line 50)	\$	20,357,200
INTEREST EARNINGS PRODUCED BY TAX PROCEEDS (Schedule #4, Line G)		<u>24,764</u>
Sub-total Proceeds of Taxes	\$	20,381,964
B. EXCLUSIONS		<u>0</u>
C. APPROPRIATIONS SUBJECT TO LIMITATION (A-B)	\$	20,381,964
D. CURRENT YEAR LIMIT (Schedule #1)	\$	<u>433,838,708</u>
E. OVER/(UNDER) LIMIT (C-D)	\$	<u><u>(413,456,743)</u></u>

**CITY OF PARAMOUNT
 GANN LIMITATION ANALYSIS - FY 2017
 CALCULATION OF TAX PROCEEDS**

Schedule #3

<u>REVENUE</u>	<u>PROCEEDS OF TAXES</u>	<u>NON-PROCEEDS OF TAXES</u>	<u>TOTAL</u>
TAXES:			
1 Property Tax	\$ 2,000,000	\$	\$ 2,000,000
2 Sales & Use Tax	7,389,450	\$	7,389,450
3 Real Property Transfer Tax	85,000	\$	85,000
4 Business License Tax	1,305,000	\$	1,305,000
5 Utility Users Tax	4,000,000	\$	4,000,000
FROM STATE:			
6 Motor Vehicle License	22,300	\$	22,300
7 Motor Vehicle License In Lieu	5,555,450	\$	5,555,450
8 Gasoline Tax/Transportation Funds	1,136,350	\$	1,136,350
OTHER GOVERNMENTS:			
9 After School Education and Safety Allocation	\$	1,898,500	1,898,500
10 Air Quality Management District	\$	66,000	66,000
11 Area E	\$	800	800
12 Community Development (CDBG/HOME)	\$	1,259,200	1,259,200
13 Early Action	\$	1,010,000	1,010,000
14 Measure R	\$	630,300	630,300
15 Park Maintenance (Paramount)	\$	22,600	22,600
16 Proposition A	\$	1,118,250	1,118,250
17 Proposition A Park Development	\$	225,000	225,000
18 Proposition C	\$	840,450	840,450
19 SB 821 Sidewalk/Bikeway	\$	36,000	36,000
20 State COPS	\$	100,000	100,000
21 State Transportation Program - Local	\$	700,000	700,000
22 Used Oil	\$	15,350	15,350
LOCALLY RAISED:			
23 Administration Citation Fines	\$	62,000	62,000
24 AB 939 Waste Reduction Fees	\$	68,000	68,000
25 Animal Licenses	\$	120,000	120,000
26 Construction Permits	\$	280,000	280,000
27 Development Fees	\$	187,400	187,400
28 Disability Access/Education	\$	1,500	1,500
29 Franchise Fees	\$	1,668,800	1,668,800
30 Industrial Waste Inspection	\$	70,000	70,000
31 Master Plan Fees	\$	30,000	30,000
32 Municipal Court Fines	\$	7,500	7,500
33 Other Fees	\$	2,400	2,400
34 Other Licenses & Permits	\$	1,000	1,000
35 Parking Citations	\$	575,000	575,000
36 Property Assessments	\$	14,150	14,150
37 Public Access Fees	\$	35,000	35,000
38 Public Art Fee	\$	40,000	40,000

**CITY OF PARAMOUNT
 GANN LIMITATION ANALYSIS - FY 2016
 CALCULATION OF TAX PROCEEDS**

Schedule #3

<u>REVENUE</u>	<u>PROCEEDS OF TAXES</u>	<u>NON-PROCEEDS OF TAXES</u>	<u>TOTAL</u>
LOCALLY RAISED:			
39 Recreation Program Fees		160,200	160,200
40 Rent and Leases		62,000	62,000
41 Sewer Reconstruction Fees		1,500	1,500
42 Swimming Pool Fees		78,000	78,000
43 Traffic Safety Fines		105,000	105,000
44 Vehicle Corrections		6,000	6,000
45 Vehicle Impound Fees		46,000	46,000
OTHER MISCELLANEOUS:			
46 Judgements/Damages		15,000	15,000
47 Miscellaneous		250,000	250,000
48 Reimb. from Water		850,000	850,000
49 Reimb. from PRA		250,000	250,000
50 SUB-TOTAL (for schedule #4)	\$ <u>20,357,200</u>	\$ <u>14,045,250</u>	\$ <u>34,402,450</u>
51 INTEREST EARNINGS: (from schedule #4)	24,764	17,086	41,850
52 TOTAL REVENUE (use for schedule #2)	<u>20,381,964</u>	<u>14,062,336</u>	<u>34,444,300</u>
53 RESERVE WITHDRAWALS (including appropriated fund balance)	0	0	0
54 TOTAL OF THESE FUNDS	<u>20,381,964</u>	<u>14,062,336</u>	<u>34,444,300</u>
55 OTHER FUNDS NOT INCLUDED (1)	0	6,850,000	6,850,000
56 GRAND TOTAL BUDGET	\$ <u>20,381,964</u>	\$ <u>20,912,336</u>	\$ <u>41,294,300</u>

(1) Includes Water Enterprise and Equipment Replacement Funds

**CITY OF PARAMOUNT
GANN LIMITATION ANALYSIS - FY 2017
INTEREST EARNINGS PRODUCED BY TAX**

Schedule #4

A. NON-INTEREST TAX PROCEEDS (From Schedule #3, Line 50)	\$ 20,357,200
B. MINUS EXCLUSIONS	<u>0</u>
C. NET INVESTED TAXES (A-B)	\$ 20,357,200
D. PLUS RESERVE WITHDRAWALS and NON-TAX PROCEEDS	\$ 34,402,450
E. TAX PROCEEDS AS % OF BUDGET (C/D)	59.17%
F. TOTAL INTEREST EARNINGS	\$ <u>41,850</u>
G. INTEREST EARNED FROM TAXES (E*F) (To Schedule #3, Line 56)	<u>24,764</u>
H. INTEREST EARNED FROM NON-TAXES (F-G)	\$ <u>17,086</u>

CITY OF PARAMOUNT
GANN LIMITATION ANALYSIS - FY 2017
GANN LIMITATION ADJUSTMENT FACTORS

Schedule #5

<u>PERMITTED ADJUSTMENT FACTORS</u>	<u>AMOUNT</u>	<u>SELECTED FACTOR</u>
FACTOR 1:		
% CHANGE IN CALIFORNIA PER CAPITA INCOME (1) OR	5.37%	
% CHANGE IN PARAMOUNT'S ASSESSED VALUATION DUE TO NEW NON-RESIDENTIAL CONSTRUCTION (2)	-49.23%	5.37%
FACTOR 2:		
% CHANGE IN PARAMOUNT'S POPULATION (1) OR	0.46%	
% CHANGE IN LOS ANGELES COUNTY POPULATION (1)	0.85%	0.85%
Adjustment Factor (Add one to each factor then multiply factors)		<u>1.063%</u>

SOURCES:

(1) California Department of Finance, Price & Population Data for Local Jurisdictions, May 2016

(2) Los Angeles County Assessor's Office

JUNE 21, 2016

RESOLUTION NO. 16:016

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT AMENDING IN ITS ENTIRETY RESOLUTION NO. 15:023 RELATING TO THE DUTIES, COMPENSATION, AND TERMS OF EMPLOYMENT OF CITY EMPLOYEES”

MOTION IN ORDER:

READ BY TITLE ONLY AND ADOPT RESOLUTION NO. 16:016.

APPROVED: _____ DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By: Kevin Chun/Patrick Matson

Date: June 21, 2016

Subject: RESOLUTION NO. 16:016 AMENDING THE CITY'S PERSONNEL RESOLUTION RELATING TO THE DUTIES, COMPENSATION AND TERMS OF EMPLOYMENT FOR CITY EMPLOYEES

Background

Annually, the City Council is presented with a proposed Personnel Resolution for approval which outlines any changes or revisions as it relates to the duties, compensation and terms of employment with respect to City employees.

This year, the following revisions to the City's Personnel Resolution are being proposed by staff for City Council consideration:

CHAPTER 1

Section 10. Holidays.

In addition to existing language within the Personnel Resolution outlining City recognized holidays for full-time staff, staff has incorporated language reflecting two (2) one-time "Floating Holidays" which consists of up to 18 hours of leave to use at the full-time employee's discretion, subject to management approval. This benefit must be taken within FY 17. Any remaining or unused Floating Holiday hours within the employee's accrual bank will expire at the end of the fiscal year on June 30, 2017.

Section 13. Sick Leave.

Staff has incorporated language on part-time employee sick leave rate of accrual and related restrictions on its usage. There is currently no language that specifically addresses the sick leave rate of accrual, or restrictions on its usage, for part-time employees in the current Personnel Resolution as stipulated by the State of California's Healthy Workplaces, Healthy Family Act of 2014. We instituted part-time employee sick leave on July 1, 2015.

Additional language has also been incorporated under this section of the Personnel Resolution allowing a department head or manager at his/her discretion, to require a physician's note or certificate in the event of an employee who is sick for three (3) consecutive days or more. This language will apply to both full-time and part-time City personnel.

Section 21. Education Reimbursement.

In regards to our long-time Education Reimbursement Program, we have incorporated language to reflect a maximum allocation of \$10,000 per fiscal year for full-time employee education reimbursement requests. Furthermore, verbiage has also been added specifying that requests for reimbursements will be considered only within the fiscal year in which the employee has completed his/her coursework. There is currently no language that reflects a budgeted amount of funds for education reimbursement per fiscal year within the Personnel Resolution or any related restrictions therein.

CHAPTER 2

Section 1.B.(k). Causes for Disciplinary Action.

Staff changed the language previously read as “Improper or unauthorized use of City property” to read as “Improper or unauthorized use of City property and/or facilities” as cause for disciplinary action.

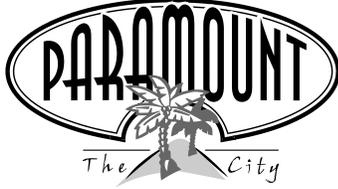
Other Miscellaneous Changes

In addition to the aforementioned changes, the term “training” was changed to “probationary” throughout the Personnel Resolution as it relates to an employee’s probationary period.

Attached is the Personnel Resolution which reflects the recommended changes for City Council consideration.

Recommended Action

It is recommended that the City Council read by title only and adopt Resolution No. 16:016 adopting the revisions made to the City’s Personnel Resolution therein as it relates to the duties, compensation and terms of employment for City employees.



Personnel Division ❖ 16400 Colorado Avenue, Paramount, CA 90723 ❖ (562) 220-2027

Personnel Resolution

Resolution No. 16:016

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CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT AMENDING IN ITS ENTIRETY RESOLUTION NO. 15:023 RELATING TO THE DUTIES, COMPENSATION, AND TERMS OF EMPLOYMENT OF CITY EMPLOYEES

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Paramount as follows:

Resolution No. 15:023 is hereby amended in its entirety to read as follows:

CHAPTER 1

Section 1. Authorized Positions. Authorized full-time and part-time positions, with classification titles and pay ranges specified, shall be established from time to time upon adoption of a resolution by the City Council.

Section 2. Workweek and Workday Defined. A workweek shall be a regularly recurring period of 168 hours. The beginning and ending of the workweek may vary according to each employee's classification.

Section 3. Overtime Compensation. Non-exempt employees who actually work more than 40 hours in a workweek shall be paid at one and one-half times the straight time hourly rate for all hours worked in excess of 40 in any workweek. Work classified as standby, emergency response and disaster response will also be paid at one and one-half times the straight time rate. For the purposes of this resolution, holidays and pre-scheduled time off are to be considered actual work time. (Resolution Nos. 93:024, 03:029, 09:019, 09:022)

Section 4. Non-City Funded Employees. Employees who are hired pursuant to Federal/State/County funding assisted programs are subject to termination when program funding terminates.

Section 5. Salary and Wage Schedules. The salary and wage schedule for authorized full-time and part-time positions shall be established from time to time upon adoption of a resolution by the City Council.

Section 6. Beginning Rates. A new employee shall be paid the beginning "step" rate as shown within the pay range allocated to the class of employment for which he has been hired, unless the City Manager places such new employee in a succeeding step, depending upon the particular employee's qualifications.

Section 7. Advancement Within the Schedule. The City Manager shall effect such advances as he/she may deem advisable based upon the employee's ability, proficiency, and performance within the authorized salary range.

Section 8. Health Screening. All applicants being offered employment or employees returning to work may be required to undergo a health screening and drug test if in the discretion of the City Manager such screening is necessary.

Section 9. Investigation. All applicants upon employment may be fingerprinted and shall successfully undergo any further investigation deemed necessary by the City Manager as a prerequisite for employment.

Section 10. Holidays.

- (a) All regular full-time employees and full-time employees who are in their probationary period shall have the following holidays as vacation with pay:
1. January 1st, known as “New Year’s Day”
 2. The third Monday in January, known as “Martin Luther King Jr. Day”
 3. The third Monday in February, known as “Presidents’ Day”
 4. March 31st, known as “Cesar Chavez Day”
 5. The last Monday in May, known as “Memorial Day”
 6. July 4th, known as “Independence Day”
 7. The first Monday in September, known as “Labor Day”
 8. November 11th, known as “Veteran’s Day”
 9. “Thanksgiving Day”
 10. The day after Thanksgiving Day
 11. December 24th, known as “Christmas Eve Day”
 12. December 25th, known as “Christmas Day”
 13. Every day appointed by the Mayor as a holiday
- (b) In the event a holiday falls upon a Saturday, the prior work day will be taken in lieu of the holiday; in the event a holiday falls upon a Sunday, the following workday will be taken in lieu of the holiday. (Resolution Nos. 94:032, 01:019)
- (c) All full-time employees and full-time employees who are in their probationary period will be entitled to two (2) “Floating Holidays”, consisting of 18 hours of leave time, at the beginning of the fiscal year. All Floating Holidays must be taken within FY 17, subject to approval of the department head. Any unused Floating Holiday hours will expire at the end of the fiscal year on June 30, 2017.

Section 11. Vacation. All regular full-time employees and full-time employees who are in their probationary period shall be eligible for and accrue vacation with pay according to the following conditions:

Amount of Vacation:

- (a) Less than five (5) years of continuous service:

Each employee working in continuous service of less than five (5) years shall earn 80 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

(b) Five (5) or more years of continuous service:

Upon completion of the fifth year of continuous service, each employee shall receive immediate credit of forty (40) hours of paid vacation and then shall earn 120 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

(c) Ten (10) or more years of continuous service:

Upon completion of the tenth year of continuous service, each employee shall receive immediate credit of forty (40) hours of paid vacation and then shall earn 160 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

Use of Vacation:

- (a) Employees shall be eligible to use vacation as it is accrued.
- (b) Employees shall request use of vacation a reasonable time in advance of the proposed use of the vacation as designated by the City Manager or designee.
- (c) All requests for use of vacation must be approved by the employee's supervisor and the relevant department head.
- (d) After November 1, 1996, each employee may accrue a maximum of 240 hours of vacation. Each employee may retain vacation accrued but not used on or before November 1, 1996.
- (e) Upon termination, employees shall be compensated for accrued unused vacation at their then current pay rate. (Resolution Nos. 96:049, 01:019)

Section 12. Travel Expense Allowance. All regular full-time employees and full-time employees who are in their probationary period, with prior approval by the City Manager, shall be eligible for a travel expense allowance as specified by the following:

- (a) Local Travel: Expense claims for use of private automobiles must be submitted to the City Manager. Such use will be reimbursed at the standard mileage rate for all business miles.
- (b) Out-of-Town Travel: If, in the judgement of the City Manager, the estimated expense for contemplated travel out-of-city is too high to expect the employee to finance the trip and be reimbursed upon his return, the City Manager may authorize advance payment of the estimated amount to the employee.

- (c) Use of personal cars for trips out of the metropolitan area may be approved by the City Manager when use of commercial transportation is not practical. Compensation is not to exceed air fare cost.
- (d) Expenses will be allowed for adequate lodging. Hotel accommodations shall be appropriate to the purpose of the trip. Expenses for meals will be reimbursed at actual cost.

Section 13. Sick Leave. All regular employees and employees who are in their probationary period shall be granted sick leave as determined by the following rules:

- (a) All regular full-time employees and full-time employees who are in their probationary period shall be granted sick leave at the rate of 96 hours for each 12 months of the employee's active service. Any such leave accrued but unused in any year shall be accumulated for the employee to use in succeeding years up to a maximum of 480 hours.

Accumulated unused sick leave in excess of 480 hours maximum shall be paid annually to the employee in December or January at the rate of fifty percent (50%) of the employee's current pay rate.

- (b) All regular part-time employees and part-time employees in their probationary period shall be granted sick leave at the rate of 0.33 hours for each hour of straight time worked. No sick leave with pay may be taken until the 90th day of employment.

Part-time employees shall be able to carry over sick leave hours from year to year. However, part-time employees will be limited to twenty-four (24) hours of sick leave use in each calendar year during the scope of their employment. Part-time employees shall not be compensated for unused sick days upon separation of employment.

- (c) All employees eligible for sick leave with pay shall be granted such leave for the following reasons:
 - (1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. "Family member" is limited to:
 - a. A child, for purposes of these provisions, means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - b. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

- c. A spouse.
 - d. A registered domestic partner.
 - e. A grandparent.
 - f. A grandchild.
 - g. A sibling.
- (2) Enforced quarantine of the employee in accordance with community health regulations; or
- (3) The death of a member of the employee's immediate family. "Immediate family" is limited to any relative of blood or marriage who is a member of the employee's household, under the same roof, and any parent, grandparent, spouse, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee's, regardless of residence. Accrued vacation may also be used for bereavement purposes for members of the immediate family.
- (4) For an employee who is the victim of domestic violence, sexual assault, or stalking, the reasons described in subdivision (c) of Labor Code Section 230 and subdivision (a) of Labor Code Section 230.1.
- (d) Any employee on sick leave shall inform their supervisor of the fact and the reasons thereof within one-half hour of the beginning or their work shift of each sick day, unless otherwise agreed, and failure to do so may be cause for denial of sick leave with pay for the period of absence and may be cause for disciplinary action.
- (e) Eligibility of sick leave shall commence when accrued.
- (f) Observed holidays occurring during sick leave shall not be counted as days of sick leave.
- (g) Upon retirement through the Public Employees' Retirement System (PERS), layoff, or death, any unused accumulated sick leave shall be paid to the employee, or in the event of death, to the employee's rightful heirs at the rate of one hundred percent (100%) of the employee's current pay rate.
- (h) Upon termination, either voluntary or non-voluntary, other than retirement, lay-off, or employee's death, sick leave shall be lost and not compensated for whatsoever.
- (i) Subject to the discretion of a department head or manager, any employee who has missed three (3) consecutive days of work or more may be required to furnish proof of disabling sickness or illness in the form of a physician's

notice or certificate. Employees off of work for an extended period of time may be subject to the successful completion of a fitness for duty examination prior to returning to work.

Section 14. Leave of Absence Without Pay. The City Manager may grant leaves of absence up to one year without pay to any regular full-time employee if the circumstances of the particular case warrant such action. During all such leaves of absence the employee shall not be considered as being on active service and shall not accrue any service time calculated benefits.

Section 15. Pregnancy.

- (a) All regular full-time employees and full-time employees who are in their probationary period may be granted all or any portion of accrued sick leave with pay, in accordance with the provisions of this rule, for illness or disability resulting from a pregnancy. In applying the policy regarding sick leave, any incapacity resulting from pregnancy or related complications shall be treated as a form of temporary disability.
- (b) An employee may be granted a leave of absence without pay in accordance with the pertinent provisions of this section.

Section 16. Military Leave. Military leave shall be granted to any regular full-time employee or full-time employee who is in their probationary period in accordance with the Military and Veteran's Code of the State of California and as amended.

Section 17. Jury Duty. Any regular full-time employee or full-time employee who is in their probationary period who is required to serve as a juror or subpoenaed as a witness in any State or Federal court, or any administrative board or tribunal, shall be entitled to a leave of absence up to ten (10) working days with pay while performing services as a juror or a witness; provided that any such employee shall be required to pay over to the City any amount he receives for jury fees, exclusive of approved travel and subsistence. (Resolution No. 99:019)

Section 18. Position Abandonment. Any absence without informing the supervisor of the reason thereof for a period of three (3) consecutive work days on the part of any employee may be considered a position abandonment, and may be cause for immediate dismissal.

Section 19. Insurance Benefits. All regular full-time employees and full-time employees who are in their probationary period and their dependents will be covered under the City's medical, dental, vision, life, short-term and long-term disability insurance policies. These benefits may be increased or decreased from time to time. The City reserves the right to change carriers and/or eliminate or reduce any type of coverage at its absolute discretion. Employees shall pay 15% of the cost of their medical premiums. No employee has any vested right to any type of insurance coverage or benefits.

Section 20. Retirement Benefits. All regular full-time employees and full-time employees who are in their probationary period shall be members of the Public Employees' Retirement System (PERS). Employees who retire from the City prior to December 31, 2010 are entitled to 100% of the cost of their medical insurance premium. Employees who retire from the City after December 31, 2010 are entitled to 85% of the cost of their medical premium.

Section 21. Education Reimbursement. All regular full-time employees and full-time employees who are in their probationary period who undertake courses of study which will benefit their positions with the City and who is authorized by the City Manager may be reimbursed in whole or in part up to a maximum of \$2,000 per fiscal year, for textbooks, tuition, and any approved miscellaneous expenses upon completion of the term in which enrolled. Employees enrolled in a college or university course must achieve a grade of "C" or higher in order to be considered for reimbursement.

A maximum of \$10,000 will be allocated or budgeted for education reimbursement at the beginning of each fiscal year. Eligible full-time employees will be reimbursed on a "first come, first served" basis. Once the budgeted amount has been exhausted within the fiscal year, there will be no other reimbursement considerations made. Any remaining allocated funds will not carry over to the following fiscal year.

Section 22. Bilingual Pay Benefits. All public contact positions as approved by the City Manager, will receive \$15.00 a month compensation for bilingual capability, if job related.

Section 23. Reinstatement. A regular full-time employee or a full-time employee who is in their probationary period in the Competitive Service who has completed at least one probationary period and who has resigned with a good service record may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to a probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the department head and approval of the Personnel Officer at time of reinstatement.

CHAPTER 2

This chapter applies to all regular full-time employees except those listed in Section 2-63 (a) through (j) of Chapter 2, Article V of the Paramount Municipal Code.

Section 1. Employee Conduct and Discipline.

- A. Definition and Objective of Discipline. Discipline is the enforcement of conformity to policies, rules and regulations, and other administrative or legal requirements or practices designed to maintain a standard of cooperation and conduct necessary to carry out the service requirements of the City organization successfully. Disciplinary action as authorized shall be

accomplished in such a manner as to be just, equitable, and suited to the situation. The disciplinary action when taken shall be documented in such a manner as to be defensible on appeal and/or review.

B. Causes for Disciplinary Action.

1. Any one or more of the following shall constitute grounds for disciplinary action:
 - (a) Fraud in securing employment or making false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
 - (b) Incompetency, such as failure to comply with the minimum standard of an employee's position for a significant period of time.
 - (c) Inexcusable negligent duty, such as failure to perform duties required of an employee.
 - (d) Willful disobedience and insubordination such as a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
 - (e) Dishonesty involving employment.
 - (f) Being under the influence of alcohol or controlled substances while at work, while driving a City vehicle, or consuming, selling, possessing, or manufacturing same while on City premises or while engaged in City business.
 - (g) Addiction or habitual use of alcoholic beverages, narcotics, or any habit forming drug, so as to interfere with job performance.
 - (h) Absence without leave, including but not limited to being absent from the workplace without a reasonable excuse.
 - (i) Conviction of a felony, or a misdemeanor involving moral turpitude, which shall be deemed to include only crimes involving dishonesty or character depravity, which can be proven to relate to the satisfactory performance of the employee's job.
 - (j) Discourteous behavior. Normally such behavior is grounds for reprimand, but more serious discipline shall be given in event of multiple reprimands.

- (k) Improper or unauthorized use of City property and/or facilities.
- (l) Violation of the City's policies, ordinances, and resolutions, including the personnel rules and procedures and administrative orders of any department.
- (m) Any willful act of conduct undertaken in bad faith which either during or outside of duty hours is of such a nature that it causes discredit to fall upon the City, the employee's department or division. Willful failure to maintain proper decorum during working hours causing discredit to the employee's department or division.
- (n) Knowingly failing to follow the procedures set forth herein governing grievances when pursuing a grievance.
- (o) Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of City property.
- (p) Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation by an employee for the performance of the employee's assigned duties.
- (q) Falsification of any City report or record, or of any report of record required to be, or filed by the employee.
- (r) Willful violation of any of the provisions of the Paramount Municipal Code, lawful ordinances, resolutions, or any rules, regulations, or policies which may be prescribed by the City Council, City Manager or department head as appointing authority.
- (s) The political activities of City employees which do not conform to pertinent provisions of State Law.

2. Activities not affected.

- (a) Nothing in these rules and regulations shall be construed to prevent any officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance to a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office; provided, however, that any person holding a position with the City must obtain leave of absence status before seeking election of the office of Paramount City Councilmember or any appointment to any Paramount City commission.

- (b) No person in the employ of the City, or seeking admission thereto shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions, except that no one shall be eligible to hold a position with this City who is or becomes sympathetic or affiliated with any group of movement that advocates the overthrow of the government by force or violence.
- (c) No City employee shall simultaneously hold the office of Paramount City Councilmember or Paramount City Commissioner and his City office, but must forfeit one of such offices.
- (d) Any employee of the City seeking election for himself or for any other person to any public office or soliciting votes in favor of or against any propositions to be submitted to the voters in any election shall not do so during working hours or while wearing a uniform or badge identifying him with his employment by the City; except, however, that such prohibitions shall not be applicable to any employee appearing before any public employee's organization for which he is a member.

C. Types of Disciplinary Action.

Department heads and supervisors shall discuss deficiencies in performance, conduct, and other matters with subordinates at the time they are observed, pointing out corrective action the employee should take. Whenever possible, sufficient time for improvement shall precede formal disciplinary action. A confidential written report shall be made of such conferences and retained by the department head.

The following types of formal disciplinary action are permissible in accordance with the provisions of these rules and regulations.

1. Verbal Reprimand. An employee may be verbally reprimanded in private about his/her inappropriate behavior. The Supervisor shall make a brief notation regarding the date and substance of the verbal reprimand in the personnel file. If an employee's conduct does not improve, reference to the verbal reprimand will be made in a subsequent written reprimand or performance evaluation.
2. Written Reprimand. If the inappropriate behavior continues after a verbal reprimand, or if deemed warranted by the Supervisor, the employee will receive written notification indicating the City is dissatisfied with the employee's services or conduct and that further disciplinary measures may be taken if the behavior is not corrected. A signed copy shall be delivered to the Personnel Officer which shall be placed in the employee's personnel file.

3. Suspension. An employee may be suspended without pay for periods not to exceed thirty (30) working days in any one calendar year.
4. Disciplinary Reduction in Pay. An employee's pay rate within their pay range and class may be reduced for disciplinary reasons.
5. Disciplinary Demotion. An employee may be demoted from a position in one class to a position in another class having a lower maximum pay rate. The demotion may be permanent or temporary.
6. Dismissal. An employee may be dismissed from City service for disciplinary reasons.

Section 2. Grievance Procedure.

Employees who are in their probationary period do not have a right to file a grievance as to their performance rating, or any disciplinary action imposed.

A. Purpose.

1. To promote improved employer-employee relationships by establishing grievance procedures on matters for which an appeal is not provided by other regulations.
2. To afford all employees of the Competitive Service a systematic means of obtaining further considerations of problems after every reasonable effort has failed to resolve them through discussions.
3. To provide that grievances shall be settled as near as possible to the point of origin.
4. To provide that the grievance procedures shall be as informal as possible.

B. Matters Subject to Grievance Procedures. For the purposes of this rule, a grievance shall be considered as any matter for which appeal is not provided for, or prohibited, in these rules and regulations concerning those matters affecting an employee personally and adversely:

1. A dispute about the interpretation or application of any ordinance, rule, or regulation governing personnel practices or working conditions.
2. A dispute about the practical consequences of an administrative decision on wages, hours, or other terms and conditions of employment.
3. A decision affecting the employment of any regular full-time employee.

4. Any matter personally affecting an employee's working schedule, fringe benefits, holidays, vacation, sick leave, retirement, performance rating, change in classification or salary.
 5. Excluding matters concerning pre-existing terminations appeals or hearing disputes.
- C. Informal Grievance Procedure. An employee who has a problem or complaint should first attempt to resolve it through discussion with his immediate supervisor without undue delay. If after this discussion, he does not believe the problem has been satisfactorily resolved, he shall have the right to discuss it with his supervisor's immediate supervisor, if any, in the administrative service. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If the employee is not in agreement with the decision reached by discussion, he shall then have the right to file a formal grievance in writing ten (10) calendar days after receiving the informal decision of his immediate superior.
- D. Formal Grievance Procedure. A formal grievance shall be presented in writing to the employee's immediate supervisor, who shall render his decision and comments in writing and return them to the employee within fifteen (15) working days after receiving the grievance. If the employee does not agree with his supervisor's decision, or if the employee has not received an answer from his supervisor within fifteen (15) working days, the employee may present the appeal in writing to his department head. The department head shall render his decision and comments in writing and return them to the employee within fifteen (15) working days. Failure of the employee to take further action within five (5) working days after receipt of the written decision of his supervisor shall render any disciplinary action final and binding.
- E. Conduct of Grievance Procedure.
1. The time limit specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
 2. The employee may request the assistance of another person of his choosing in preparing and presenting his appeal at any level of review.
 3. Employees shall be assured freedom from reprisal for using the grievance procedure.

Section 3. Appeals.

Right of Appeal. Any regular full-time employee in the Competitive Service, who has passed his probationary period, feeling him or herself aggrieved and having not resolved such pursuant to the grievance procedure outlined herein shall, within five (5) calendar days, have the right to appeal to the City Manager of the notice of

disciplinary action to be taken. If the employee fails to submit a timely written appeal, the disciplinary action will be final and binding. The City Manager shall select an independent hearing officer who shall set a hearing on the appeal not more than forty-five (45) working days from the date of the filing. The City Manager shall review the hearing officer's conclusions, findings, and facts prior to deciding whether or not to uphold the disciplinary action. Written notice of the City Manager's decision shall be given to the employee. The City Manager's decision shall be final.

Section 4. Records.

Original copies of all written records pertaining to disciplinary actions shall be maintained in the employee's confidential personnel file.

CHAPTER 3

Section 1. Resignation.

- A. An employee wishing to resign is asked to submit a written notice ten (10) working days prior to leaving. The notice should include the reasons for resignation and the effective date.
- B. In the event of dismissal or layoff, the employee will be paid within 24 hours of the last day of work. For voluntary resignation, the employee's check will be issued at the next regularly scheduled payday.
- C. Employees will be asked to review and sign a statement indicating receipt of their last paycheck which will include accrued comprehensive annual leave pay-off. Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork and other requirements of termination.

Section 2. Layoff.

Pursuant to Section 2-71 of the Paramount Municipal Code, the following criteria shall supplement Section 2-71 and will be utilized in establishing the "order of layoff":

- A. "Length of service" shall be determined by an employee's length of full-time employment as a City employee. Seniority will be measured from an employee's most recent date of hire as a full-time employee; however, any period of unpaid leave of absences in excess of thirty (30) calendar days shall be deducted from the employee's total full-time service, except where the deduction of such leave is prohibited by State and Federal law.
- B. The "order of layoff" shall be determined within each Department. If a Department has more than one Division, then the "order of layoff" shall be determined within each Division.

- C. Any employee who is subject to layoff shall have no right to bump, transfer, and/or demote to another position in the City.
- D. The City Manager, in conjunction with the Department Head, may make the determination that an employee with lesser seniority has special “skill, ability, and job performance.” Therefore, this policy does not preclude the retention of employees who have less seniority to other employees within the classification for which the reduction in force action may be taken.
- E. In conjunction with the “fourteen (14) days prior notice,” the City may place employees selected for layoff on paid administrative leave.
- F. The City Council may, at its sole discretion, establish severance packages for those employees selected for layoffs.

CHAPTER 4

Section 1. Harassment.

The City of Paramount maintains a strict policy prohibiting discriminatory harassment in accordance with State and Federal law. This policy applies to all City employees including management personnel, applicants and persons providing services pursuant to a contract.

Section 2. Statement of Policy.

It is the policy of the City of Paramount to treat its employees with respect and dignity, and to provide a work environment free of unlawful discrimination and harassment. The City therefore prohibits all forms of unlawful harassment in the workplace including sexual, verbal, physical, and visual harassment based on participation in a protected group (i.e. race, color, religion, gender, sexual orientation, age, national origin, disability, veteran status or marital status). Sexually harassing conduct is that which can occur between people of the same or different genders. Conduct in violation of this policy is considered an illegal employment discrimination practice when:

1. Such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting an individual;
3. Such conduct is sufficiently severe or pervasive as to create a discriminatory, hostile or offensive work environment based on an employee’s race, color, religion, gender, sexual orientation, age, national origin, disability, veteran status or marital status; and/or
4. Such conduct is sufficiently severe or pervasive to alter the conditions of employment.

City employees and contract employees who permit or engage in such harassment or fail to take appropriate steps to report or investigate such conduct may be subject to prompt and appropriate disciplinary action up to and including dismissal or termination of services.

Section 3. Sexual Harassment.

Sexual harassment is the deliberate or repeated behavior of a sexual nature that is unwelcome. As defined by the Fair Employment and Housing Commission, sexual harassment is unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior, and includes gender-based harassment of a person of the same sex as the harasser.

Consensual relationships that end or change are not a bar to filing a claim of sexual harassment.

The following is a partial list of conduct that could be considered sexual harassment:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Making sexual gestures, displaying of sexually suggesting objects or pictures, cartoons, or posters;
5. Verbal conduct, such as making or using derogatory comments, epithets, slurs, jokes and suggestions about another employee's gender or sexuality;
6. Verbal sexual advances or propositions;
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and/or
8. Physical conduct, such as touching, assault, impeding, or blocking movements.

Section 4. Procedure.

- A. Any acts of sexual discrimination or harassment shall be reported immediately to the employee's Department Head, City Manager, or other designated responsible party, who will then investigate complaints or cause an investigation to be conducted in a confidential and timely manner. Any individuals who have knowledge of conduct or information regarding the matter shall be interviewed.

- B. In reaching a decision about the complaint, the investigator may take into account:
 - 1. Statements made by complainant, witnesses or others who may provide information;
 - 2. Details and consistency of each person's account;
 - 3. Evidence of how the complainant reacted to the incident;
 - 4. Evidence of past instances of harassment by the accused; and/or
 - 5. Evidence of past harassment complaints found to be untrue.
- C. The City Manager, or designee, shall take prompt corrective action to eliminate any unlawful harassing behavior to address the effects on the person subjected to the harassment and to prevent any further instances of harassment. This may consist of disciplinary action up to, and including, dismissal or termination of employment services, training or other remedial actions. Notice of such corrective action shall be provided to the complainant. No retaliatory behavior of any kind shall be tolerated and this may result in separate disciplinary action. If no illegal harassment is found, no corrective action will be taken.
- D. Each Department Head or designee is responsible for setting a positive example of appropriate behavior in the work place and for ensuring a work environment free of unlawful harassment.

Section 5. Enforcement of Laws Against Harassment.

Employees, or job applicants, who believe they have been unlawfully harassed may, within one year of the act of harassment, file a complaint of discrimination with the Department of Fair Employment and Housing (DFEH). The DFEH serves as a fact-finder and attempts to assist employers and employees to voluntarily resolve unlawful harassment disputes.

For more information regarding employee rights and remedies related to unlawful harassment, refer to:

State of California Department of Fair Employment and Housing Commission

Reference:

Government Code Section 12900-12940 et. seq. Fair Employment and Housing Act.

CHAPTER 5

Section 1. Drug and Alcohol-Free Workplace.

The purpose of this policy is to provide guidelines for all employees regarding alcohol and drug use at the workplace. The City of Paramount intends to provide a working environment that is safe and free from drugs and alcohol. Therefore, the City prohibits the unauthorized or unlawful use or manufacture of alcohol or drugs on City premises.

Additionally, employees are expected to be in suitable mental and physical condition to perform their job satisfactorily and behave appropriately. Prolonged failure to meet satisfactory levels of job performance as a result of the use of alcohol or other drugs could result in disciplinary action up to, and including, dismissal.

Section 2. Statement of Policy.

The possession, transfer, sale, manufacture, or use of alcohol or other drugs, legal or illegal, is prohibited while on City premises or during work hours or breaks. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and all other controlled substances. Additionally, the unlawful manufacture of a controlled substance is prohibited in the workplace.

City employees are also prohibited from being under the influence, or having a detectable level, of alcohol or controlled substances in their systems during working hours (including lunch hours and breaks), while on City premises at any time, and/or while driving a City vehicle at any time. Employees taking prescription or over-the-counter drugs that may affect job performance or behavior are encouraged to inform their supervisor that they are taking medications.

Section 3. Procedure.

When an employee's supervisor and a second employee or supervisor have reasonable suspicion to believe an employee may be under the influence of alcohol or a controlled substance, that employee may be given a medical evaluation by a City-designated medical clinic on City time and at City expense. This medical evaluation will be conducted to determine if alcohol or drugs are in the employee's system.

Reasonable suspicion may be justified by one or a combination of the following indicators:

Bloodshot or watery eyes	Slurred speech
Alcohol on the breath	Physical and/or verbal altercation
Inability to walk a straight line	An accident involving City property
Possession of drugs or alcohol	Frequent absenteeism
Confusion/difficulty in concentration	Noticeable change in behavior

The following steps establish a procedure to facilitate the medical evaluation process:

Step 1 The Department Head will meet with the City Manager, or designee, to discuss the employee's behavior. At that time, it will be determined if the employee should be tested for drugs. The City Manager, or designee, will arrange for an immediate appointment with a medical facility to conduct the test, unless the employee admits to being under the influence of alcohol or controlled substance.

An employee's refusal to submit immediately to an alcohol or drug analysis when requested by management may constitute insubordination, and may be grounds for disciplinary action up to, and including, dismissal. All employees are required to consent to controlled substance and alcohol testing and/or inspection pursuant to this policy as a condition of continued employment.

Step 2 The City will immediately provide transportation for the employee to the medical facility and wait for the tests to be completed. The type of testing required will be determined by the physician.

Step 3 After being tested, the employee will be transported home, back to work, or in appropriate situations, to the hospital. The employee will continue receiving pay during this time and disciplinary action will not be administered unless the test results show the presence of alcohol or drugs. Information obtained through this testing will be treated with strict confidentiality.

Step 4 If alcohol or drugs are found in the employee's body, the City Manager, or designee, shall meet with the employee and explain the proposed disciplinary action.

If an employee is convicted of criminal drug activity, the employee must notify the City Manager, or designee, of the conviction in writing within five (5) calendar days after the conviction.

Section 4. Documentation.

Records relating to job performance, attendance, and behavior shall be maintained in the employee's personnel file. All tests shall be maintained, along with the employee's medical records, in a confidential medical file separate from the personnel records.

Section 5. Follow-Up.

A. If the employee's drug test results are confirmed positive the City Manager, or designee will determine the most suitable disciplinary action.

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- B. Should the results of the alcohol or drug test be negative, the employee may return to the workplace and perform regular job duties.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Paramount this 21st day of June, 2016.

Daryl Hofmeyer, Mayor

ATTEST:

Lana Chikami, City Clerk

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