

(O-99-99)

ORDINANCE NUMBER O- 18627 (NEW SERIES)

ADOPTED ON MAR 23 1999

AN ORDINANCE AMENDING ORDINANCE NO. O-18551 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1998-99 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-18551 TO ADD ONE ASSISTANT DEPUTY DIRECTOR POSITION TO SERVE AS THE STORMWATER ADMINISTRATOR IN THE TRANSPORTATION DEPARTMENT AND EXEMPTING SAID POSITION FROM THE CLASSIFIED SERVICE.

WHEREAS, the new Regional Stormwater Pollution Control Permit is being drafted by the Regional Water Control Board; and

WHEREAS, this permit can have far reaching budget and operating effects on the City; and

WHEREAS, the permit will make requirements on businesses and residents which can be expensive and difficult to comply with; and

WHEREAS, a new Assistant Deputy Director position is proposed to serve as the prime negotiator of the permit, attempting to effectively reduce stormwater pollution while avoiding costly and unpopular rules and programs that tend to create a negative opinion of attempts to improve regional water quality; and

WHEREAS, the Stormwater Manager will also lead the City's stormwater quality testing program, investigation and enforcement of reported illegal discharges, as well as a water pollution prevention education and advertising program; and

WHEREAS, this position will also work closely with local environmental groups, regional, state and federal environmental agencies, storm drain maintenance personnel, and other departments regarding the Stormwater Pollution Program; and

WHEREAS, the Civil Service Commission has reviewed the justification for the position on February 4, 1999 and has commented favorably thereon in its memo to the Mayor and Council dated March 5, 1999; and

WHEREAS, it is necessary to amend the annual appropriation ordinance to add said position to the Transportation Department; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Ordinance No. O-18551 as amended, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1998-99 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" be and the same is hereby amended by amending Document No. OO-18551 by adding one Assistant Deputy Director position to serve as the Stormwater Administrator to the budget of the Transportation Department.

Section 2. That pursuant to section 117(a)17 of the City Charter, after having been reviewed and commented upon favorably by the Civil Service Commission on February 4, 1999 as meeting the Charter criterion for exemption from the classified service, and after having considered and reviewed the report thereon from the Civil Service Commission to the Mayor and Council dated March 5, 1999; attached hereto as Attachment A, the Assistant Deputy Director position in the Transportation Department be and is hereby exempted from the classified service and declared to be in the unclassified service of The City of San Diego.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance is declared to take effect and be in force immediately upon its passage after two public hearings pursuant to the authority contained in sections 16, 17 and 71 of the Charter of The City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By Stuart H. Swett
Stuart H. Swett
Deputy City Attorney

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**CITY OF SAN DIEGO
MEMORANDUM**

DATE: March 5, 1999
TO: Honorable Mayor & City Council
FROM: Rich Snapper, Personnel Director
SUBJECT: Exemption of an Assistant Deputy Director Position from the Classified Service

On February 4, 1999, the Civil Service Commission reviewed a request of the Transportation Department Director to exempt an Assistant Deputy Director position from the Classified Service. This position will be responsible for the city's Stormwater Pollution Control Program, developing, implementing, and enforcing Stormwater policies and regulations in coordination with other regulatory agencies such as the Environmental Protection Agency, and the State Department of Fish and Game.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory reviews and comment of the Civil Service Commission and the approval of the City Council."

Upon review of the duties and responsibilities of this position, the Commission finds that it meets the intent of Charter Section 117. If additional information would be of assistance in your consideration of this matter, staff is available to respond with details as necessary.



Rich Snapper
Personnel Director

Attachments:

pc: Transportation Department Director
Stuart Swett, Deputy City Attorney

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0-18627

ATTACHMENT A



CITY OF SAN DIEGO
MEMORANDUM

DATE: December 23, 1998

TO: Civil Service Commission via
Rich Snapper, Personnel Director

FROM: Jerry Sanders, Chief of Police

SUBJECT: Request to Exempt a Program Manager (Police Fleet Manager)
Position from the Classified Service

Charter Section 117 states: "The Unclassified Service shall include: . . .
17. "Managerial employees having significant responsibilities for formulating and administering Department policies and programs. Each such position **shall be** (emphasis added) exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving advisory review and comment of the Civil Service Commission and approval of the City Council." The Police Department hereby requests concurrence from the Civil Service Commission to exempt one Program Manager position for the Police Fleet from the classified service. This classification is presently unrepresented.

Police Department Fleet Manager

The Fleet Manager in the Police Department is considered a commanding officer and reports directly to an Assistant Chief of Police. The Fleet Manager has managerial responsibility over the selection, acquisition, distribution, tracking, maintenance and disposition of a fleet of approximately 1,400 intensive-use vehicles. The Fleet Manager directs a staff of 80 employees located at nine police facilities throughout the City. The Fleet Manager is also responsible for properly safeguarding access to sensitive and confidential information while fleet personnel are interacting with sworn personnel (including undercover personnel) and/or handling of specialized police vehicles and equipment.

The Department would like the incumbent in this position to take a proactive role in researching and evaluating state of the art technology and equipment emerging in the field of law enforcement vehicles and related equipment, and to conduct cost/benefit analyses and develop a long range strategic plan that will assure the Department is positioned to make the most effective use of available resources as we enter the new century.

0-18628

ATTACHMENT A

December 23, 1998
Civil Service Commission
Page 2

This position will be vacant for the first time in 18 years. The Department considers it critical that the next incumbent in the position possess managerial and leadership skills in addition to knowledge and experience in the automotive/equipment industry. Therefore, it is requested that the Civil Service Commission support the request to exempt this position from the classified service so that the search for a manager can begin as soon as possible.



JERRY SANDERS
Chief of Police

cc: Dan Kelley, Labor Relations Manager

0-18628

**CITY OF SAN DIEGO
MEMORANDUM**

DATE: February 11, 1999

TO: Honorable Mayor and Council

FROM: Rich Snapper, Personnel Director

SUBJECT: Civil Service Commission Negative Recommendation on Exemption of a Fleet Manager Position from the Classified Service

On February 4, 1999, the Civil Service Commission reviewed a request of the Police Chief to exempt a Fleet Manager position from the Classified Service. This position manages a fleet of approximately 1400 vehicles, and directs a staff of 80 people in various police facilities throughout the City.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

Upon review of the duties and responsibilities of this position, the Commission finds that it does not meet the intent of Charter Section 117 for the following reasons:

1. There are three positions in the Fleet Manager classification (one in the Police Department, the other two positions are in the Equipment Division of the Transportation Department) performing essentially identical duties. The position in the Police Department is arguably the least complex of the three, based on the variety of the equipment maintained by each.
2. The proposed Police Fleet Manager is basically the head of a departmental support unit and does not have the kind of broad policy making authority or impact envisioned for exemption under Charter Section 117. Rather the duties envisioned by the Police Department appear to be primarily technical and administrative duties at a level consistent with other high level classified employees.

The request was opposed by the Municipal Employees Association as well as by the two Fleet Manager incumbents in the Equipment Division. One of the incumbent Fleet Managers, Steve Holmes, spoke at the February 4, 1999 Civil Service Commission meeting, stating that he has been in the position for 14 years, managing a fleet of 2300 vehicles for various City departments (Water Department emergency vehicles, Lifeguard vehicles, street sweepers, refuse collection vehicles, etc.), some costing over \$125,000 a piece requiring very complex and technical knowledge to repair and maintain. Steve Holmes also stated that he believes that there are

several current City employees with knowledge, skills, and abilities to perform the duties of this position successfully, and to exempt this position from the classified service would hurt morale.

If additional information would be of assistance in your consideration of this matter, staff is available to respond with details as necessary.



Rich Snapper
Personnel Director

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