

Title 2

ADMINISTRATION AND PERSONNEL¹

Chapters:

- 2.04 City Council
- 2.08 City Officers and Departments
- 2.12 City Manager
- 2.16 City Engineer
- 2.20 Finance Director
- 2.24 City Treasurer
- 2.28 Assessor and Tax Collector
- 2.32 Bonding
- 2.40 Planning Commission
- 2.44 Emergency Organization and Functions
- 2.48 Park, Recreation, and Arts Program
- 2.50 Community Advisory Commission
- 2.52 Personnel System
- 2.53 Employer-Employee Organization Relations
- 2.56 Retirement Systems for City Employees
- 2.60 Peace Officer Training
- 2.68 Commissioners of the Housing Authority
- 2.72 Housing Commission
- 2.76 Unclaimed Property
- 2.80 *Repealed*
- 2.84 Home Mortgage Financing Program
- 2.85 Purchasing System
- 2.86 Informal Bidding Procedures – Public Works Projects

1. Cross references:

Architectural review committee, Chapter 18.16 PMC.

City traffic engineer, Chapter 10.08 PMC.

Chapter 2.04

CITY COUNCIL¹

Sections:

- 2.04.010 Meetings – Time and place.
- 2.04.020 Salaries – Designated.
- 2.04.030 Salaries – Method of payment.
- 2.04.040 Expense reimbursement.
- 2.04.050 Municipal election dates.
- 2.04.060 City commissions – Appointment – Removal from office of city commissioners – Conduct of business of city commissions.
- 2.04.070 Procedures for the conduct of council business.
- 2.04.080 Powers and responsibilities.

2.04.010 Meetings – Time and place.

The regular meetings of the city council shall be held at the City Hall. The city council shall establish the dates and times for its regular meetings by resolution. [Ord. 09-1321 § 2, 2009; Ord. 858 § 1, 1984; 1937 Code § 4.]

2.04.020 Salaries – Designated.

A. This section is enacted under Government Code Section 36516, which authorizes a city council to provide by ordinance that each member of the council may receive a salary based upon the population of the city.

B. The latest estimate of population of the city of Pittsburg exceeds 50,000.

C. Under the authority of Government Code Sections 36516 and 36516.6 each member of the city council may receive a salary of \$500.00 per month. The salary is payable beginning December 1, 1995. [Ord. 1101 § 1, 1995; Ord. 914 § 1, 1986; 1937 Code § 5.]

2.04.030 Salaries – Method of payment.

The salaries of councilmen shall be paid in the same manner and at the same time as salaries are paid to other officers and employees of the city. [1937 Code § 5.1.]

1. For statutory provisions regarding city councilmen, see Government Code § 36501 et seq. and § 36801 et seq.

2.04.040 Expense reimbursement.

The salaries prescribed in PMC 2.04.020 for councilmen are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for this city. [1937 Code § 5.2.]

2.04.050 Municipal election dates.

Pursuant to Elections Code Sections 1301 et seq., the general municipal election in the city shall be held on the same day as the statewide general election, specifically on the first Tuesday after the first Monday in November of each even-numbered year, or as otherwise provided by law. [Ord. 1152 § 2, 1998; Ord. 831 § 1, 1982.]

2.04.060 City commissions – Appointment – Removal from office of city commissioners – Conduct of business of city commissions.

A. Commission appointments shall be made by the city council. Unless the appointment involves filling a vacancy, the term of a newly appointed commissioner shall begin on July 1st. The city council may remove, at its pleasure, any commissioner during his/her term of office, by a majority vote of the city council.

B. Commissioners who have reached their term limits, who resign or are removed from a commission by the city council must wait one year before seeking reappointment to the same commission. The city council may adopt, by resolution, guidelines and requirements for the conduct of commission business. [Ord. 07-1286 § 2, 2007; Ord. 04-1218 § 2, 2004; Ord. 848 § 2, 1984.]

2.04.070 Procedures for the conduct of council business.

The city council may adopt by resolution rules and procedures for the conduct of council business. [Ord. 1184 § 2, 2001.]

2.04.080 Powers and responsibilities.

A. The city council shall act as a body. No member has any extraordinary powers beyond those of other members. While the mayor and vice-mayor have some additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant

areas, all members are equal. All policy shall be established by at least a majority vote of the city council. While individual members may disagree with decisions of the majority, a decision of the majority shall be binding. It is staff's responsibility to ensure the policy of the council is upheld. Actions of staff to pursue the policy direction established by a majority of council shall not be interpreted as reflecting any bias against council members who held a minority opinion on an issue.

B. The mayor shall preside at all meetings of the city council and perform such other duties consistent with the office as may be imposed by the council. The mayor does not possess any power of veto. As presiding officer of the council, the mayor shall faithfully communicate the will of the council majority in matters of policy. The mayor shall be recognized as the official head of the city for all ceremonial purposes.

C. The vice-mayor shall perform the duties of the mayor during the mayor's absence. The vice-mayor shall serve in this capacity at the pleasure of the city council.

D. The positions of mayor and vice-mayor shall each be for a one-year term and will be rotated among city council members. The council shall determine the rotation by which council members become mayor and vice-mayor. A mayoral rotation schedule shall be established by resolution of the council. Council members shall rotate according to the adopted mayoral rotation schedule annually at the council reorganization meeting which shall be the first meeting in December of each year.

E. The city council appoints two positions within the city organization; city manager and city attorney. Both positions are appointed and serve at the will of the city council. The city manager shall be an employee of the city and shall be evaluated on an annual basis. The city manager is responsible for all other personnel appointments within the city in accordance with PMC 2.52.030. The city attorney may serve by contract or as an in-house employee, as determined by a majority of the city council.

F. The city has several standing commissions and special purpose citizens committees and task forces which are appointed by the city council to address issues of interest. All members of such commissions and committees must be residents of the city of Pittsburg during the term of appoint-

ment. Names to be considered for appointment will be submitted to the city council. Only the council shall review applications and make appointments to commissions. The council will interview applicants at an open, public meeting and appointment will be made by a majority vote of the council at a subsequent meeting. The selection of members to commissions, committees, and task forces shall be based on the individual's knowledge of and experience in the areas of interest of the board/commission on which he/she wishes to serve. The terms of the various commissioners are established by the Pittsburg Municipal Code.

G. The mayor and the vice-mayor shall appoint individual council members to the standing and ad hoc recognized committees. All council members may submit preferences for committee assignments to the mayor and/or vice-mayor prior to the appointment. Such list of appointments shall be presented as an item on the council agenda at the first meeting in January following the annual reorganization and shall be approved by a majority of the council. [Ord. 05-1258 § 2, 2005; Ord. 02-1192 § 2, 2002.]

Chapter 2.08

CITY OFFICERS AND DEPARTMENTS

Sections:

- 2.08.010 Officers and employees – Generally.
- 2.08.020 Elective officers.
- 2.08.030 Appointive officers.
- 2.08.040 Health officer.
- 2.08.050 Officers and employees –
Appointments by city manager.
- 2.08.060 Department heads – Generally.
- 2.08.070 Department heads – Appointment.
- 2.08.080 Officers and employees – Duties.
- 2.08.090 Officers and employees –
Compensation.
- 2.08.100 Eligibility for board, commission or
committee appointment.

2.08.010 Officers and employees – Generally.

There shall be in this city the officers and employees set forth in this chapter, selected as set forth in this chapter. [1937 Code § 9.]

2.08.020 Elective officers.

The following officers shall be elected by the voters of this city in accordance with applicable state law:

- A. Five members of the city council;
- B. City clerk;
- C. City treasurer. [1937 Code § 9.1.]

2.08.030 Appointive officers.

The following officers shall be appointed by majority vote of the entire city council:

- A. City attorney;
- B. City manager. [1937 Code § 9.2.]

2.08.040 Health officer.

The health officer of the county is designated as the city health officer. [1937 Code § 9.3.]

**2.08.050 Officers and employees –
Appointments by city manager.**

The city manager shall, subject to the civil service rules and regulations, appoint department heads and such other officers and employees as may be required to fill positions created and continued by appropriate action of the city council. [Ord. 668 C.S. § 38, 1974; 1937 Code § 9.4.]

2.08.060 Department heads – Generally.

Each of the departments created and controlled by appropriate action of the city council shall be under the control and supervision of the respective department heads, who shall be responsible to the city manager. The city council shall, upon recommendation of the city manager, designate the titles and class descriptions of the heads of the various departments. [Ord. 668 C.S. § 38, 1974; 1937 Code § 10.1.]

2.08.070 Department heads – Appointment.

Except for the city clerk, who is elected by the voters, all department heads shall be appointed by the city manager, with the advice and consent of the city council subject to the civil service ordinance and applicable civil service rules and regulations. [Ord. 683, 1975; 1937 Code § 10.2.]

2.08.080 Officers and employees – Duties.

All officers and employees of the city shall perform such duties as are prescribed for them by state law, this code, resolutions of the city council or valid orders of their superiors in the city government. [1937 Code § 11.]

**2.08.090 Officers and employees –
Compensation.**

The city clerk, the city treasurer and all appointed officers and employees shall receive such compensation as the city council may from time to time determine. [Ord. 668 C.S. § 5, 1974; 1937 Code § 16.]

**2.08.100 Eligibility for board, commission or
committee appointment.**

No person shall be eligible to serve upon any board, commission or committee of the city unless he is a resident of the city. [1937 Code § 17.]

Chapter 2.12

CITY MANAGER¹

Sections:

- 2.12.010 Salary.
- 2.12.020 Powers and duties.
- 2.12.030 Limitation on power.

2.12.010 Salary.

The city manager shall receive such salary, benefits and compensation for his services, not inconsistent with the civil service rules and regulations, as the city council may from time to time prescribe by resolution. Such remuneration shall be in full payment for all services rendered to the city pursuant to the provisions of this code and to any resolutions or orders of the city council and he shall be entitled to no other compensation for such services. [1937 Code § 19.]

2.12.020 Powers and duties.

A. The city manager shall be the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this code. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, he shall have the following powers and duties:

1. To see that all laws, ordinances, rules and regulations, franchises, permits and privileges of the city are enforced and observed;
2. To execute on behalf of the city council its administrative supervision and control of such affairs of the city as may be placed in his charge, and to exercise control over all city departments;
3. Subject to the ordinances, rules and regulations relating to civil service and to the provisions of PMC 2.08.080, to appoint, supervise and remove department heads and subordinate employees for whom he is the appointing power;
4. To attend meetings of the city council, unless excused, with the duty of reporting on or

discussing any matter concerning the affairs of the departments, services or activities under his supervision, upon which, in his judgment, the city council should be informed;

5. To investigate and analyze the functions, duties and activities of the various departments, divisions and services of the city government and of all employees thereof and to make such recommendations to the city council with reference thereto as in his judgment will result in the highest degree of efficiency in the overall operation of the city government;

6. To be responsible for the administration of the budget after its final adoption and to keep the city council informed with respect thereto;

7. As agent for the city council, to supervise the expenditures for all departments, divisions or services of the city government and to supervise the purchasing of all supplies, goods, wares, merchandise, equipment and material which may be required for any of such departments, divisions or services;

8. To develop and organize necessary public improvement projects and programs and to aid and assist the city council and the various departments in carrying the same through to successful conclusion;

9. To serve as public relations officer of the city government and to follow through and endeavor to adjust all just complaints filed against any employee, department, division or service thereof;

10. To cooperate, within lawful limits, with all community organizations whose aim and purpose it is to advance the spiritual and material interests of the city and its people and to provide them, within lawful limits, with assistance through the city government;

11. To make and keep up to date an inventory of all property, real and personal, owned by the city and to recommend to the city council the purchase of new machinery, equipment and supplies whenever in his judgment the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use;

12. To receive and open all mail addressed to the city council and give immediate attention thereto to the end that all administrative business referred to in the communications and not neces-

1. For statutory provisions regarding the city manager and the city manager form of government, see Government Code §§ 34851 through 34859.

sarily requiring councilmanic action may be disposed of between council meetings; provided, that all actions taken pursuant to such communications shall be reported to the city council at its next regular meeting thereafter;

13. To exercise general supervision over all public buildings, public parks and other public property which is under the control and jurisdiction of the city council;

14. To devote his entire time to the duties of his office in the interest of the city;

15. To perform such other duties pertaining to his position as the city council may, from time to time, reasonably require.

B. The city manager shall act as the agent for the city council in the discharge of its administrative functions, but shall not exercise any policy making or legislative functions whatsoever, nor attempt to commit or bind the city council or any member thereof to any action, plan or program requiring official councilmanic action. It is not the intent of this section to grant any authority to, nor to impose any duty upon, the city manager which is vested in, or imposed by general law or valid city ordinances on, any city commission, board or department, nor any other officer or employee.

C. In the discharge of his duties, the city manager shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his contacts with officers and employees and shall use his best efforts to establish and maintain a harmonious relationship among all personnel employed in the city government, to the end that the highest possible standards of public service are continuously maintained.

D. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. The city manager shall take his orders and instructions from the city council only when sitting in a duly held meeting of the city council and no individual councilman shall give any orders or instructions to the city manager. [Ord. 668 C.S. § 38, 1974; 1937 Code § 20.]

cil. The council shall have the power to correct and set aside any action taken by him. [1937 Code § 21.]

2.12.030 Limitation on power.

Any and all acts of the city manager shall be subject to the approval and control of the city coun-

Chapter 2.16

CITY ENGINEER¹

Sections:

- 2.16.010 Duties generally.
- 2.16.020 Keeping records of surveys.
- 2.16.030 City surveyor.

qualified surveyor from the city staff; or (3) contract with an outside individual or firm qualified to perform the function of the city surveyor. [Ord. 1149 § 2, 1998.]

2.16.010 Duties generally.

It shall be the duty of the city engineer to give the corners, lines or survey of lots and proper grade of sidewalks in front of all buildings, blocks or lots with plot or certificate of same, when applied to for that purpose. For such service the party requiring such work done shall pay all lawful charges for same. When required by the city council or any city contractor for work in the city, he shall furnish the lines, grades and measurements and calculations for any street or other city work. It shall also be his duty when ordered by the city council to place monuments as initial points for the purpose of measurements or grades, and at such places as the city council may direct, and do and perform such other duties as pertain to the office. [1937 Code § 12.]

2.16.020 Keeping records of surveys.

The city engineer shall keep a record of all surveys and measurements made under the provisions of this chapter in a book or books to be kept for that purpose. All records of surveys and all calculation books pertaining to street or other city work, with all maps, plans and profiles in which the city can in any manner be interested, shall be and remain the property of the city, and shall be kept in a secure place open to public inspection. And all such books, plans, maps and profiles shall be carefully preserved by the city engineer and transmitted to his successor in office. [1937 Code § 13.]

2.16.030 City surveyor.

The city engineer may, from time to time, appoint or designate a city surveyor. The city engineer, in his or her discretion, may either (1) perform the duties of city surveyor; (2) designate a

1. For statutory provisions regarding the appointment of, inter alia, a city civil engineer, see Government Code § 36505.

Chapter 2.20**FINANCE DIRECTOR¹**

Sections:

2.20.010 Duties.

2.20.010 Duties.

Pursuant to the provisions of Sections 37209 and 40805.5 of the Government Code of the state, the financial duties of the city clerk, as prescribed in Chapter 4 of Part 2 and Chapter 2 of Part 3, Division 3, Title 4 of the Government Code, are transferred to the finance director. The finance director shall be the head of the finance department and shall be responsible for all of the financial affairs of the city, including the collection of revenues, the investment of idle funds, the payment of salaries, wages and vendor invoices, the general accounting system and the preparation of financial reports. His duties shall be more precisely described in a class description for his position, which shall be adopted by resolution of the city council. [1937 Code § 22.]

Chapter 2.24**CITY TREASURER²**

Sections:

2.24.010 Treasurer – Duties.

2.24.010 Treasurer – Duties.

The treasurer of the city shall audit and examine all investments made by the city, or its duly authorized personnel, at those times deemed necessary by him and shall in his discretion report his audit and examination to the city council. [1937 Code § 23.]

1. For statutory provisions regarding the transfer of statutory duties involving financial responsibility from the city clerk to the finance director, see Government Code § 37209.

2. For statutory provisions regarding the office of city treasurer, see Government Code §§ 36501, 36503 and 41001 et seq.

Chapter 2.28

Chapter 2.32

ASSESSOR AND TAX COLLECTOR¹

BONDING²

Sections:

- 2.28.010 Duties transfer.
- 2.28.020 Office abolition.

Sections:

- 2.32.010 Public employees' crime insurance.
- 2.32.020 Officers.
- 2.32.030 Policy premium payment by city.

2.28.010 Duties transfer.

The assessment and tax collection duties and the collection of assessments levied for municipal improvements, heretofore performed by the assessor and the tax collector of the city, are transferred to the assessor and the tax collector of the county for the purpose of assessment and collection of and for ad valorem property taxes that become a lien after the adoption of the ordinance codified in this chapter, and the collection of assessments for municipal improvements becoming due and payable on and after July 1, 1964. [1937 Code § 160.]

2.32.010 Public employees' crime insurance.

The city shall procure and maintain a public employees' crime insurance policy in the sum of at least \$500,000, including an applicable deductible, covering all employees of the city. [Amended during 2007 recodification; 1937 Code § 25.]

2.28.020 Office abolition.

The offices of assessor and tax collector for the city are abolished as of the first day of July, 1964, and thereafter all duties performed by the assessor of the city other than the assessing of property in the city, and all duties performed by the tax collector of the city other than the collection of ad valorem taxes on property that become a lien after the adoption of the ordinance codified in this chapter and the collection of assessments for municipal improvements becoming due and payable on and after July 1, 1964, are transferred to and are to be performed by the city clerk. [1937 Code § 161.]

2.32.020 Officers.

A specific schedule, attached to the public employees' crime insurance policy, shall be maintained for the officers named in this section:

- A. City clerk;
- B. City treasurer. [Amended during 2007 recodification; 1937 Code § 25.1.]

2.32.030 Policy premium payment by city.

The city will pay the premium on such crime insurance policy. [Amended during 2007 recodification; 1937 Code § 26.]

1. For statutory provisions authorizing cities to transfer tax assessment and collection duties to the county, see Government Code § 51500 et seq.

2. For statutory provisions regarding the bonding of city officers and employees, see Government Code § 36519 et seq.

Chapter 2.40

PLANNING COMMISSION¹

Sections:

- 2.40.010 Establishment.
- 2.40.020 Membership.
- 2.40.030 Meetings.
- 2.40.035 Reimbursement for expenses.
- 2.40.040 Powers.
- 2.40.050 Map making duties.
- 2.40.060 Planning functions.

2.40.010 Establishment.

A city planning commission is established. [1937 Code § 28.]

2.40.020 Membership.

The city planning commission shall consist of seven voting members and three ex officio members, as follows:

A. The voting members of the city planning commission shall be appointed by the city council and shall be residents of the city;

B. No city officer, official, employee or member of the city council shall be appointed as a voting member of the planning commission;

C. The city manager, city attorney and city engineer shall be ex officio members of the planning commission and shall serve as members thereof during their official tenure;

D. A planning commissioner shall serve no more than two consecutive, four-year terms in office. If a commissioner has completed two terms the commissioner is not eligible for reappointment to the planning commission until two years have passed;

E. If a commissioner is appointed to a vacant seat and serves less than two years of the unexpired seat, the appointed commissioner shall be eligible to serve two additional four-year terms in addition to completing the term of the vacant seat the appointed commissioner fills. If a commissioner is

appointed to a vacant seat and serves more than two years of an unexpired term, the appointed commissioner shall only be eligible to serve one additional consecutive term;

F. Notwithstanding the term limits contained herein, if a commissioner's term has expired or is expiring and there is an insufficient number of applicants to fill all vacant seats on the commission, the city council shall be entitled, in its discretion, to reappoint one or more commissioners who would otherwise be ineligible to reapply under subsection (D) of this section. Nothing in this section shall require a commissioner to accept reappointment. [Ord. 04-1218 § 3, 2004; Ord. 1182 § 2, 2001; Ord. 1173 § 2, 2000; Ord. 800 § 2, 1981; 1937 Code § 29.]

2.40.030 Meetings.

The planning commission shall hold at least one regular meeting in each month and shall adopt bylaws and policies for the transaction of business consistent with the standards and requirements adopted by the city council by resolution. The commission shall elect, at its first meeting in July of each year, a chairperson and vice-chairperson from among the voting members. The chairperson and vice-chairperson shall serve for a term of one year. A quorum for the transaction of business shall consist of four voting members. [Ord. 04-1218 § 4, 2004; 1937 Code § 30.]

2.40.035 Reimbursement for expenses.

A. A member of the planning commission does not receive compensation for the performance of the member's duties, but is entitled to reimbursement for the actual and necessary expenses incurred by the member in the performance of the member's official duties for the city.

B. The city manager shall submit to the city council for its approval the classes and types of expenses which may be eligible for reimbursement. An item not on the approved list must be approved before the expenditure is made to be eligible for reimbursement. Each item of reimbursement is subject to the city manager's approval.

C. For reimbursement, the member must submit evidence of the expenditure within 45 days of the date the expense occurred. [Ord. 945 § 1, 1988; Ord. 934 § 1, 1987.]

1. For statutory provisions regarding the establishment and duties of a city planning agency, see Government Code § 65100 et seq.; for the provisions regarding a city planning commission, see Government Code § 65150.

2.40.040 Powers.

The city planning commission shall have power, except as otherwise provided by law to:

A. Recommend to the proper officers of the municipality plans for the regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots;

B. Recommend to the proper officers of the municipality plans consistent with the future growth and development of the municipality in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities;

C. Make recommendations to any public authorities or any corporation or individuals of such city with reference to the location of any proposed building;

D. Recommend to the proper officers of the municipality the approval or disapproval of maps or plats of subdivisions of lands. Every such map or plat shall, prior to its final approval or disapproval by the proper officers of the municipality, be submitted to the commission for its recommendation thereon to such officers;

E. Carry out all functions necessary for the preservation, enhancement, and use of structures and districts of historic, architectural, and engineering significance located within the city as defined within Chapter 15.84 PMC. [Ord. 04-1218 § 5, 2004; 1937 Code § 31.]

2.40.050 Map making duties.

The city planning commission shall make or cause to be made, at the direction of the city council, a map or maps of the city or any portion thereof, including adjacent territory lying outside of the corporate boundaries thereof, showing the streets, highways and other natural or artificial features therein; also the locations or relocations proposed for any new public building, civic center, street, parkway, boulevard, park, playground or other public ground or improvement; also any proposed widening, extension, closing or relocation of any street or highway, or any change in the plan of the city that it may deem advisable. The commission may, at its discretion, prepare such maps or plans as aforesaid for the purpose of making recommendations in connection therewith to the

proper officers of such municipality having charge, superintendence or control of the matters set forth in such recommendations. [1937 Code § 32.]

2.40.060 Planning functions.

The city planning commission shall make suggestions or recommendations to the city council from time to time concerning any of the matters and things aforesaid for action by the city council thereon, having due regard for the present conditions and the future needs and growth of the city, including the distributions and relative location of all public buildings, grounds and open spaces devoted to public use; also the planning and laying out for urban uses of all private grounds brought into the market from time to time, and the division of the city into zones or districts for the purpose of conserving and protecting the public health, comfort and convenience. [1937 Code § 33.]

Chapter 2.44

EMERGENCY ORGANIZATION AND FUNCTIONS¹

Sections:

- 2.44.010 Purposes.
- 2.44.020 Emergency defined.
- 2.44.030 Disaster council – Membership.
- 2.44.040 Disaster council – Powers and duties.
- 2.44.050 Director and assistant director of emergency services – Offices created.
- 2.44.060 Director and assistant director of emergency services – Powers and duties.
- 2.44.070 Emergency organization.
- 2.44.080 Emergency plan.
- 2.44.090 Expenditures.
- 2.44.100 Violation – Penalty.

2.44.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. [Ord. 668 C.S. § 7, 1974.]

2.44.020 Emergency defined.

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of

war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. [Ord. 668 C.S. § 7, 1974.]

2.44.030 Disaster council – Membership.

The Pittsburg disaster council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of emergency services, who shall be vice-chairman;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
- E. Such representatives of civic, business, labor, veterans’, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. [Ord. 668 C.S. § 7, 1974.]

2.44.040 Disaster council – Powers and duties.

It shall be the duty of the Pittsburg disaster council, and it is empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. [Ord. 668 C.S. § 7, 1974.]

2.44.050 Director and assistant director of emergency services – Offices created.

A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.

B. There is created the office of assistant director of emergency services, who shall be appointed by the director. [Ord. 668 C.S. § 7, 1974.]

1. For statutory provisions regarding the establishment and powers of local war or disaster councils, see Government Code § 8610 et seq.; for the criteria governing “certification” of a local disaster council by the State Emergency Council, see Government Code § 8612; for the provisions regarding mutual aid between local governments and the state, see Government Code § 8615 et seq.; for the provisions authorizing an ordinance outlining emergency executive powers, see Government Code § 38791.

2.44.060 Director and assistant director of emergency services – Powers and duties.

A. The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a “local emergency” if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter, or the proclamation shall have no further force or effect;

2. Request the Governor to proclaim a “state of emergency” when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;

5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

6. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the director is empowered to:

a. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council,

b. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. Require emergency services of any city officer or employee and to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons

shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers,

d. Requisition necessary personnel or material of any city department or agency, and

e. Execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan adopted pursuant to this chapter by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council and by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director. [Ord. 744 § 1, 1978; Ord. 668 C.S. § 7, 1974.]

2.44.070 Emergency organization.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of PMC 2.44.060(A)(6)(c), be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. [Ord. 668 C.S. § 7, 1974.]

2.44.080 Emergency plan.

The Pittsburg disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. [Ord. 668 C.S. § 7, 1974.]

2.44.090 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. [Ord. 668 C.S. § 7, 1974.]

2.44.100 Violation – Penalty.

It is a misdemeanor, punishable as provided in PMC 1.16.010, for any person, during an emergency, to:

A. Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. [Ord. 668 C.S. § 7, 1974.]

Chapter 2.48**PARK, RECREATION,
AND ARTS PROGRAM¹**

Sections:

2.48.010 Park, recreation and arts program.

2.48.020 *Repealed.*

2.48.025 *Repealed.*

2.48.030 *Repealed.*

2.48.040 *Repealed.*

2.48.010 Park, recreation and arts program.

There is established a park, recreation and arts program to provide opportunities for wholesome and varied year-round public recreation and arts for all age groups within the city. To implement the park, recreation and arts program, the city council may provide for a park, recreation and arts fund, and such full-time and part-time employees as are needed to provide for an adequate and well-administered park, recreation and arts program. [Ord. 861 § 1, 1984; Ord. 797 § 2, 1980; 1937 Code § 358.]

**2.48.020 Recreation commission –
Composition – Appointments –
Terms.**

Repealed by Ord. 08-1299. [Ord. 04-1218 § 6, 2004; Ord. 1182 § 3, 2001; Ord. 1173 § 3, 2000; Ord. 861 § 1, 1984; Ord. 797 § 3, 1980.]

2.48.025 Reimbursement for expenses.

Repealed by Ord. 08-1299. [Ord. 945 § 2, 1988; Ord. 934 § 2, 1987.]

2.48.030 Recreation commission – Duties.

Repealed by Ord. 08-1299. [Ord. 04-1218 § 7, 2004; Ord. 861 § 1, 1984; Ord. 797 § 4, 1980.]

2.48.040 Rules and regulations.

Repealed by Ord. 08-1299. [Ord. 861 § 1, 1984.]

1. For statutory provisions regarding community recreation, see Education Code § 10900 et seq.

Chapter 2.50

COMMUNITY ADVISORY COMMISSION

Sections:

- 2.50.010 Establishment.
- 2.50.020 Membership.
- 2.50.030 Chairperson.
- 2.50.040 *Repealed.*
- 2.50.050 Meetings.
- 2.50.060 Compensation and reimbursement for expenses.
- 2.50.070 Responsibilities.
- 2.50.080 Committees.
- 2.50.090 Annual report and work plan.

2.50.010 Establishment.

A community advisory commission (commission) is established by this chapter. The purpose of establishing the commission is to organize an effective means of gathering and communicating citizen concerns to the city council on an on-going basis. [Ord. 1165 § 2, 2000.]

2.50.020 Membership.

A. The commission shall initially consist of nine voting members selected from any sector of the city. As of July 1, 2009, the commission shall consist of seven voting members selected from any sector of the city. All commissioners shall be appointed by and serve at the pleasure of the city council.

B. All candidates for membership shall be registered voters in the city and shall not be a current officeholder. The commissioners should be representative of the community as a whole, as determined by the city council.

C. A community advisory commissioner shall serve no more than two, consecutive, four-year terms in office. If a commissioner has completed two terms, the commissioner is not eligible for reappointment to the community advisory commission until after two years have passed.

D. If a commissioner is appointed to a vacant seat and serves less than two years of the unexpired term, the appointed commissioner shall be eligible to serve two additional four-year terms in addition to completing the term of the vacant seat the appointed commissioner fills. If a commissioner is appointed to a vacant seat and serves more than

two years of an unexpired term, the appointed commissioner shall only be eligible to serve one additional consecutive term.

E. Notwithstanding the term limits contained herein, if a commissioner's term has expired or is expiring and there is an insufficient number of applicants to fill all vacant seats on the commission, the city council shall be entitled, in its discretion, to reappoint one or more commissioners who would otherwise be ineligible to reapply under subsection (C) of this section. Nothing in this section shall require a commissioner to accept reappointment. [Ord. 08-1299 § 2, 2008; Ord. 04-1218 § 8, 2004; Ord. 02-1200 § 2, 2002; Ord. 02-1194 § 2, 2002; Ord. 1182 § 4, 2001; Ord. 1173 § 4, 2000; Ord. 1165 § 2, 2000.]

2.50.030 Chairperson.

The commission shall elect, at its first meeting of the new fiscal year, a chairperson and vice chairperson from among the voting members. The chairperson and vice chairperson shall serve for a term of one year. A quorum for the transaction of business shall consist of four voting members. [Ord. 11-1343 § 1, 2011; Ord. 04-1218 § 9, 2004; Ord. 1165 § 2, 2000.]

2.50.040 Executive board.

Repealed by Ord. 11-1343. [Ord. 04-1218 § 10, 2004; Ord. 1165 § 2, 2000.]

2.50.050 Meetings.

Meetings of the commission generally shall be conducted once each month at a city facility unless an alternate location is selected. Agendas shall be prepared by city staff and shall be properly posted and noticed as prescribed by law. The commission shall meet no less than 10 days during a calendar year. Commission members shall attend all meetings or notify staff if they are going to be unable to attend. [Ord. 04-1218 § 11, 2004; Ord. 1165 § 2, 2000.]

2.50.060 Compensation and reimbursement for expenses.

A. A member of the community advisory commission shall not receive compensation for the performance of his or her duties, but shall be entitled to reimbursement for the actual and necessary expenses incurred by the member in the performance of his or her official duties for the city.

B. The city manager shall submit to the city council for its approval the classes and types of expenses which may be eligible for reimbursement. An item not on the approved list shall be approved before the expenditure is made to be eligible for reimbursement. Each item of reimbursement shall be approved by city manager.

C. In order to obtain reimbursement, a member shall submit evidence of the expenditure within 45 days of the date the expense was incurred. [Ord. 1165 § 2, 2000.]

2.50.070 Responsibilities.

The commission shall have the following responsibilities:

A. Act as an advisory body to the city council on issues concerning the community, including park, recreation and arts needs within the city;

B. Review community development block grant applications and make recommendations to the city council by:

1. Acting as an advisory body in carrying out the city's community development block grant citizen participation process; and

2. Recommending to the city council adoption of the one-year action plan in accordance with U.S. Department of Housing and Urban Development regulations;

C. Serve as a liaison between the city and the public through the conduct of regularly scheduled community meetings to determine issues of concern and importance to the citizens and the city council;

D. Coordinate commission activities, reports or recommendations with other city boards or commissions where identified as appropriate by city staff or the city council;

E. Review and provide input to the city council regarding traffic issues that are of concern to the citizens;

F. Through the chairperson on a quarterly basis, provide a report of the public's issues and concerns

to the city council. Public issues that are urgent should be expeditiously reported to the city council;

G. Recommend to the city council and the planning commission reasonable standards and policies for park and recreation facilities development, program criteria, facility usage, and related matters;

H. Review and make recommendations to the city council and planning commission on the design and plans of parks and recreation facilities;

I. Make recommendations to the city council and planning commission on the application of the city's park land dedication ordinance;

J. Prepare and recommend to the city council for its adoption, a cooperative plan coordinating all phases of the art and cultural activities in the city, including, but not limited to, the promotion of exhibits, shows, displays and facilities for the creative expression of individual talents;

K. Review the public facilities available for creative activities, and recommend additions, alterations, replacements or new facilities, where and when they are considered desirable;

L. Annually review the art and cultural activities within the city and report thereon to the city council;

M. Create and publish a community cultural calendar;

N. Advise and, when requested, assist other city departments, commissions, committees and boards in matters which have a cultural or aesthetic effect upon the community; and

O. Perform such other duties as the city council may direct or which are ancillary to and consistent with the duties set forth herein. [Ord. 08-1299 § 3, 2008; Ord. 04-1218 § 12, 2004; Ord. 1165 § 2, 2000.]

2.50.080 Committees.

The commission may appoint committees. All committees shall be comprised of less than a quorum of the commission. Committees may be appointed for the purpose of studying and advising the commission on any subject within the commission purview of its members comprising less than a quorum of the commission to study and advise the commission on any subject within its purview. [Ord. 1165 § 2, 2000.]

2.50.090 Annual report and work plan.

A. By June 1st of each year, the commission shall submit to the city council a written report of its activities for the prior year; and

B. By September 1st of each year, the commission shall submit to the city council a work plan that lists the commission's projects and priorities for the upcoming year, along with an estimate of the anticipated workload the projects and priorities will generate for city staff. [Ord. 04-1218 § 13, 2004; Ord. 1165 § 2, 2000.]

Chapter 2.52

PERSONNEL SYSTEM

Sections:

- 2.52.010 Adoption of personnel system.
- 2.52.020 Definitions.
- 2.52.030 Administration.
- 2.52.040 Competitive service.
- 2.52.050 Adoption and amendment of rules.
- 2.52.060 Lay-off and reemployment.
- 2.52.070 Political activity.
- 2.52.080 Contracts for special service.

2.52.010 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the personnel system set out in this chapter is adopted. [Ord. 908 § 1, 1986.]

2.52.020 Definitions.

The terms used to administer the personnel system shall be defined in the personnel rules. [Ord. 908 § 1, 1986.]

2.52.030 Administration.

The city manager shall administer the city personnel system and may delegate any of the powers and duties to a personnel director or may delegate the appointing authority granted by the city council to any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in PMC 2.52.080. The city manager shall:

- A. Act as the appointing authority for the city;
- B. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council. [Ord. 04-1225 § 2, 2004; Ord. 980 § 1, 1986.]

2.52.040 Competitive service.

This chapter applies to all offices, positions, and employments in the service of the city, except:

- A. Elective officers;
- B. The city manager, deputy city manager, or assistant city manager;
- C. The city attorney and any assistant or deputy city attorneys;

D. Members of appointive boards, commissions, and committees;

E. All department heads and deputy or assistant department heads;

F. Persons engaged under contract to supply expert, professional, engineering, technical, instructional, or any other service;

G. All volunteer personnel;

H. All council-appointed city officers;

I. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;

J. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than 2,080 hours per year, and has successfully completed the probationary period and been retained as provided in this chapter and the personnel rules;

K. Employees not hired as referenced in this chapter and in the personnel rules and for whom the appointing authority compensates hourly, and anticipates employment for a definite time period.

Employees not included in the competitive service under this section shall serve at the pleasure of the appointing authority. [Ord. 09-1313 § 1, 2009; Ord. 908 § 1, 1986.]

2.52.050 Adoption and amendment of rules.

Personnel rules shall be adopted by resolution of the city council. The rules may establish regulations governing the personnel system, including:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service including employment standards and qualifications for each class;

B. Appropriate announcement of the selection process and acceptance of applications for employment;

C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

- E. Establishment of probationary testing periods;
- F. Evaluation of employees during the probationary testing period and thereafter;
- G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;
- H. Separation of employees from the city service;
- I. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements;
- J. The establishment of any necessary appeal procedures. [Ord. 908 § 1, 1986.]

2.52.060 Lay-off and reemployment.

Lay-off and reemployment actions shall follow the process outlined in the personnel rules. [Ord. 04-1225 § 8, 2004; Ord. 908 § 1, 1986.]

2.52.070 Political activity.

The political activities of city employees shall conform to pertinent provisions of state law and any local provision adopted under state law. [Ord. 04-1225 § 9, 2004; Ord. 908 § 1, 1986.]

2.52.080 Contracts for special service.

The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

- A. The preparation of personnel rules and subsequent revisions and amendments thereof;
- B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;
- C. The preparation, conduct, and grading of competitive tests;
- D. The conduct of employee training programs;
- E. Special and technical services of advisory or informational character on matters relating to personnel administration. [Ord. 04-1225 § 10, 2004; Ord. 908 § 1, 1986.]

Chapter 2.53

EMPLOYER-EMPLOYEE ORGANIZATION RELATIONS

Sections:

Article I. General Provisions

- 2.53.010 Statement of purpose.
- 2.53.020 Definitions.

Article II. Representation Proceedings

- 2.53.030 Filing of recognition petition by employee organization.
- 2.53.040 City response to recognition petition.
- 2.53.050 Open period for filing challenging petition.
- 2.53.060 Election procedure.
- 2.53.070 Procedure for decertification of exclusively recognized employee organization.
- 2.53.080 Policy and standards for determination of appropriate units.
- 2.53.090 Procedure for modification of established appropriate units.
- 2.53.100 Appeals.

Article III. Administration

- 2.53.110 Submission of current information by recognized employee organizations.
- 2.53.120 Payroll deduction on behalf of employee organizations.
- 2.53.130 Employee organization activities – Use of city resources.
- 2.53.140 Administrative rules and procedures.

Article IV. Impasse Procedures

- 2.53.150 Initiation of impasse procedures.
- 2.53.160 Impasse procedures.
- 2.53.170 Costs of impasse procedures.

Article V. Miscellaneous Provisions

- 2.53.180 Construction.
- 2.53.190 Severability.

Article I. General Provisions

2.53.010 Statement of purpose.

The ordinance codified in this chapter implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the city and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of state law, city ordinances, resolutions and rules which establish and regulate the merit and civil service system, or which provide for other methods of administering employer-employee relations. This chapter is intended, instead, to strengthen the city's personnel system and other rules and procedures of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the city.

It is the purpose of this chapter to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly and significantly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law. However, nothing herein shall be construed to restrict any legal or inherent exclusive city rights with respect to matters of general legislative or managerial policy, which include among others:

- A. The exclusive right to determine the mission of its constituent departments, commissions, and boards;
- B. To set standards of service;
- C. Determine the procedures and standards of selection for employment;
- D. To direct, discipline and discharge its employees in accordance with law and existing ordinances, rules and regulations;
- E. To relieve its employees from duty because of lack of work or for other lawful reasons;
- F. To determine the content of job classifications;
- G. To determine the methods, means, number and kind of personnel by which its operations are

to be conducted, including the performance thereof by subcontract;

- H. To administer the city's personnel system;
- I. To maintain the efficiency of governmental operations;
- J. To take all necessary actions to carry out its mission in emergencies;
- K. To exercise complete control and discretion over its organization and the technology of performing its work;
- L. To determine methods of financing.

In the event that the exercise of one or more of these rights results in an impact on wages, hours or other terms and conditions of employment, as defined in California Government Code Section 3505, the city shall meet and confer with the recognized employee organization(s).

Consistent with California Government Code Section 3500 et seq. and the provisions of this chapter, employees shall have the right to form, join and participate in the activities of a recognized employee organization, free from interference and discrimination, for the purpose of representation on all matters of employer-employee relations. [Ord. 1168 § 2, 2000.]

2.53.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. "Appropriate unit" and "bargaining unit" means a unit of employee classes or positions, established pursuant to Article II of this chapter, commencing with PMC 2.53.030.
- B. "City" means the city of Pittsburg, and, where appropriate herein, refers to the city council or any duly authorized city representative as herein defined.
- C. "Confidential employee" means an employee who, in the course of his or her duties, has access to confidential information relating to the city's administration of employer-employee relations.
- D. "Consult/consultation in good faith" means to communicate orally or in writing with any or all employee organizations, whether exclusively recognized or not, for the purpose of presenting and obtaining views or advising of intended actions.
- E. "Day" means calendar day unless expressly stated otherwise.

F. "Employee relations officer" means the city manager or his/her duly authorized representative.

G. "Impasse" means that the representatives of the city and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

H. "Management employee" means a regular status employee having responsibility for formulating, administering or managing the implementation of city policies and programs.

I. "Proof of employee support" means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within 180 days prior to the filing of a petition.

J. "Exclusively recognized employee organization" means an employee organization which has been formally acknowledged by the city as the sole employee organization representing the employees in an appropriate representation unit pursuant to Article II of this chapter, commencing with PMC 2.53.030, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

K. "Supervisory employee" means any regular employee having authority, in the interest of the city, to perform any or all of the following: to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline (with just cause) other employees, or responsibly to direct them, or to adjust their grievances, or effectively to

recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

L. "Employee" means any person employed by the city whose appointment to city service was made from a certified eligibility list, following completion of a competitive recruitment process, and is considered for purposes of the Pittsburg Municipal Code to be a regular employee. Excluded are those persons elected by popular vote, hourly, seasonal, contract and all others considered to be nonregular employees as defined under PMC 2.52.040. [Ord. 1168 § 2, 2000.]

Article II. Representation Proceedings

2.53.030 Filing of recognition petition by employee organization.

Upon adoption of the ordinance codified in this chapter the employee relations officer shall have the responsibility, in consultation with employee organizations, to establish appropriate units in accordance with PMC 2.53.080. The employee relations officer shall thereafter notify the affected employees and employee organizations.

An employee organization which seeks to be formally acknowledged as an exclusively recognized employee organization representing the employees in an appropriate unit shall file a petition with the employee relations officer containing the following information and documentation:

- A. Name and address of the employee organization;
- B. Names and titles of its officers;
- C. Names of employee organization representatives who are authorized to speak on behalf of the organization;
- D. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the city;
- E. A statement whether the employee organization is a chapter of, or affiliated directly in any manner with, a local, regional, state, national or international organization, and, if so, the name and address of each such other organization;
- F. Certified copies of the employee organization's constitution and bylaws;

G. A designation of those persons, not exceeding two in number, and their addresses to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose;

H. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, age, religion, sexual orientation or physical disability;

I. The job classifications or position titles of employees in the unit claimed to be appropriate and approximate number of member employees therein;

J. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that at least 30 percent of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the city. Such written proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party;

K. A request that the employee relations officer formally acknowledge the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith;

L. An acknowledgment in writing, signed by a duly authorized officer of the employee organization, that the organization agrees to abide by all of the provisions of this chapter.

The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it. [Ord. 1168 § 2, 2000.]

2.53.040 City response to recognition petition.

Upon receipt of the petition, the employee relations officer shall determine whether:

A. There has been compliance with the requirements of the recognition petition; and

B. The proposed representation unit is an appropriate unit in accordance with PMC 2.53.080, if different from the initial unit determination.

If an affirmative determination is made by the employee relations officer on the foregoing two

matters, he/she shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on such request for 30 days thereafter. If either of the foregoing matters are not affirmatively determined, the employee relations officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with PMC 2.53.100.

Following the 30-day waiting period after an affirmative determination is made by the employee relations officer, a written confirmation that the proposed unit is appropriate will be sent to the employee organization and an election arranged. [Ord. 1168 § 2, 2000.]

2.53.050 Open period for filing challenging petition.

Within 30 days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some, but not all the classifications or positions set forth in the recognition petition being challenged) by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least 30 percent and otherwise in the same form and manner as set forth in PMC 2.53.030. If such challenging petition seeks establishment of an overlapping unit, the employee relations officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the employee relations officer shall determine the appropriate unit or units in accordance with the standards in PMC 2.53.080. The petitioning employee organizations shall have 15 days from the date notice of such unit determination is communicated to them by the employee relations officer to amend their petition to conform to such determination or to appeal such determina-

tion pursuant to PMC 2.53.100. [Ord. 1168 § 2, 2000.]

2.53.060 Election procedure.

The employee relations officer shall arrange for a secret ballot election to be conducted by a party agreed to by the employee relations officer and the concerned employee organization(s), in accordance with such party's rules and procedures subject to the provisions of this chapter. All employee organizations who have duly submitted petitions which have been determined to be in conformance with PMC 2.53.080 shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the city. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least 15 days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the city in the same unit on the date of election. An employee organization shall be formally acknowledged as the exclusively recognized employee organization for the designated appropriate unit following an election/run-off election if it received a numerical majority (50 percent plus one) of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this chapter pursuant to any petition in a 12-month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the California Mediation and Conciliation Service.

Costs of conducting elections shall be borne in equal shares by the city and by each employee organization appearing on the ballot.

A recognized employee organization shall thereafter annually, between December 1st and

December 31st, file with the employee relations officer the statement required by PMC 2.53.030(A) through (H), inclusive, following which a confirmation of recognition will be issued by the city. [Ord. 1168 § 2, 2000.]

2.53.070 Procedure for decertification of exclusively recognized employee organization.

A decertification petition alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the employee relations officer only during the month of March of any year following the first full year of recognition or during the 30-day period commencing 120 days prior to the termination date of a memorandum of understanding, whichever occurs later. A decertification petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

A. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information;

B. The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as a representative of that unit;

C. An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto;

D. Proof of employee support that at least 30 percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this section.

An employee organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this section in the form of

a recognition petition that evidences proof of employee support of at least 30 percent, that includes the allegation and information required under subsection (C) of this section, and otherwise conforms to the requirements of PMC 2.53.030.

The employee relations officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this section. If his/her determination is in the negative, he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with PMC 2.53.100. If the determination of the employee relations officer is in the affirmative, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such decertification or recognition petition to the incumbent exclusively recognized employee organization and to unit employees.

The employee relations officer shall thereupon arrange for a secret ballot election to be held on or about 15 days after such notice to determine the wishes of unit employees as to the question of decertification and, if a recognition petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with PMC 2.53.060.

If, pursuant to this section, a different employee organization is formally acknowledged as the exclusively recognized employee organization, such organization shall be bound by all the terms and conditions of any memorandum of understanding then in effect for its remaining term. [Ord. 1168 § 2, 2000.]

2.53.080 Policy and standards for determination of appropriate units.

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the city and its compatibility with the primary responsibility of the city and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations.

These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

A. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions;

B. History of representation in the city and similar employment; except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized;

C. Consistency with the organizational patterns of the city;

D. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units;

E. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this section, managerial and confidential responsibilities, as defined in PMC 2.53.020, are determining factors in establishing appropriate units hereunder, and therefore managerial and confidential employees may only be included in a unit consisting solely of managerial or confidential employees respectively. Consistent with Government Code Section 3507.5, managerial and confidential employees may not represent any employee organization which represents other employees, on matters within the scope of representation.

In accordance with Government Code Section 3508, peace officers may join, participate in, and be represented by separate units composed solely of such peace officers. These units shall not be subordinate to any other employee organization. These units may include managerial and supervisory employees.

After notice to and consultation with affected employee organizations, the employee relations officer shall allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this section. The decision of the employee relations officer shall be final. [Ord. 1168 § 2, 2000.]

2.53.090 Procedure for modification of established appropriate units.

Requests by employee organizations for modifications of established appropriate units may be considered by the employee relations officer only during the period specified in PMC 2.53.070 of this article. Such requests shall be submitted in the form of a recognition petition and, in addition to the requirements set forth in PMC 2.53.030, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in PMC 2.53.080. The employee relations officer shall process such petitions as other recognition petitions under PMC 2.53.040.

The employee relations officer may at the request of any employee or group of employees propose that an established unit be modified. Such requests shall be submitted in the form of a recognition petition and, in addition to the requirements set forth in PMC 2.53.030, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit. The employee relations officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the employee relations officer shall determine the composition of the appropriate unit or units in accordance with PMC 2.53.080, and shall give written notice of such determination to the affected employee organizations. The employee relations officer's determination may be appealed as provided in PMC 2.53.100. If a unit is modified pursuant to the motion of the employee relations officer hereunder, employee organizations may thereafter file recognition petitions seeking to become the exclusively recognized employee organization for such new appropriate unit or units pursuant to PMC 2.53.030. [Ord. 1168 § 2, 2000.]

2.53.100 Appeals.

An employee organization aggrieved by an appropriate unit determination of the employee relations officer under PMC 2.53.090, within 10 days of notice thereof, may request the intervention of the California State Mediation and Conciliation Service pursuant to Government Code Sections

3507.1 and 3507.3, or may in lieu thereof or thereafter appeal such determination to the city council for final decision within 15 days of notice of the employee relations officer's determination or the termination of proceedings pursuant to Government Code Sections 3507.1 and 3507.3, whichever is later.

An employee organization aggrieved by a determination of the employee relations officer that a recognition petition (PMC 2.53.030), challenging petition (PMC 2.53.050) or decertification of recognition petition (PMC 2.53.070), or employees aggrieved by a determination of the employee relations officer that a decertification petition (PMC 2.53.070), has not been filed in compliance with the applicable provisions of this article may, within 15 days of notice of such determination, appeal the determination to the city council for final decision.

Appeals to the city council shall be filed in writing with the city clerk, and a copy thereof served on the employee relations officer. The city council shall commence to consider the matter within 30 days of the filing of the appeal. The city council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the city council on the use of such procedure, and/or any decision of the city council determining the substance of the dispute, shall be final and binding. [Ord. 1168 § 2, 2000.]

Article III. Administration

2.53.110 Submission of current information by recognized employee organizations.

All changes in the information filed with the city by an exclusively recognized employee organization under subsections (A) through (H) of its recognized petition under PMC 2.53.030 shall be submitted in writing to the employee relations officer within 14 days of such change. [Ord. 1168 § 2, 2000.]

2.53.120 Payroll deduction on behalf of employee organizations.

Upon formal acknowledgment by the city of an exclusively recognized employee organization under this chapter, only such recognized employee organization shall be eligible for payroll deductions of membership dues and insurance premiums

for plans sponsored by such organization upon the written authorization of employees in the unit represented by the exclusively recognized employee organization on forms provided therefor by the city. The providing of such service to the exclusively recognized employee organization by the city shall be contingent upon and in accordance with the provisions of memoranda of understanding and/or applicable administrative procedures. [Ord. 1168 § 2, 2000.]

2.53.130 Employee organization activities – Use of city resources.

Access to city work locations and the use of city unpaid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in memoranda of understanding and/or administrative procedures, and shall be limited to lawful activities consistent with the provisions of this chapter that pertain directly to the employer-employee relationship, including general business meetings. These meetings shall not include such internal employee organization business as soliciting membership, campaigning for office, and organizing meetings and elections, and shall not interfere with the efficiency, safety and security of city operations. Requests for use of city facilities by an employee organization shall follow the same procedure as required of any organization. [Ord. 1168 § 2, 2000.]

2.53.140 Administrative rules and procedures.

The city manager is authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this chapter after consultation with affected employee organizations. [Ord. 1168 § 2, 2000.]

Article IV. Impasse Procedures

2.53.150 Initiation of impasse procedures.

If the meet and confer process has reached impasse as defined in PMC 2.53.020, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be

scheduled promptly by the employee relations officer for the following purpose:

A. To review the position of the parties in a final effort to reach agreement on a memorandum of understanding; and

B. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein. [Ord. 1168 § 2, 2000.]

2.53.160 Impasse procedures.

Impasse procedures are one of the following:

A. The parties may agree, by mutual consent, to design and implement mediation procedures in accordance with Government Code Section 3505.2 in an attempt to resolve the impasse; or

B. The parties may agree, by mutual consent, to request the assistance of a mediator in an attempt to resolve the impasse. The mediator shall be selected from a list of seven people obtained from the California Mediation and Conciliation Service and shall be determined by alternate parties striking names. The party to begin the striking of names shall be determined by a single coin toss. If the parties are unable to select a mediator from the original list of seven, the entire list of available mediators shall be obtained from the California Mediation and Conciliation Service and the parties will again follow the “striking of names” method until one name remains. That person remaining shall serve as the mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position, at any time concerning the issues. The mediator shall not hold a hearing or make any recommendation, nor have authority to resolve the dispute. At the conclusion of mediation, the mediator shall provide all parties involved a report which outlines the result(s) of the mediation process.

If the parties did not agree on mediation or the selection of a mediator, or having so agreed, the impasse has not been resolved, the city council may take such action regarding the impasse as it in its discretion deems appropriate as in the public interest. Any legislative action by the city council on the impasse shall be final. The city recognizes that this section in no way compromises an employee organization’s rights provided under the law. [Ord. 1168 § 2, 2000.]

2.53.170 Costs of impasse procedures.

The expenses of any mediation proceeding convened pursuant to this chapter, including the fee for the services of a mediator, and other mutually incurred costs of mediation shall be borne equally by the city and exclusively recognized employee organization. The cost for all other expenses which the parties may incur individually shall be borne by the party incurring such expenses. [Ord. 1168 § 2, 2000.]

Article V. Miscellaneous Provisions

2.53.180 Construction.

This chapter shall be administered and construed as follows:

A. Nothing in this chapter shall be construed to deny to any person, employee, organization, the city, or any authorized officer, body or other representative of the city, the rights, powers and authority granted by federal or state law.

B. This chapter shall be interpreted so as to carry out its purpose as set forth in Article I of this chapter.

C. In accordance with Government Code Section 3509, the enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees. [Ord. 1168 § 2, 2000.]

2.53.190 Severability.

If any provision of this chapter, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. [Ord. 1168 § 2, 2000.]

Chapter 2.56

RETIREMENT SYSTEMS FOR CITY EMPLOYEES¹

Sections:

Article I. Miscellaneous Employees' Retirement System of 1962

- 2.56.290 Purpose.
- 2.56.300 Definitions.
- 2.56.310 Establishment and name of retirement system.
- 2.56.320 Membership.
- 2.56.330 Contributions.
- 2.56.340 Board of administration – Membership – Terms.
- 2.56.350 Board of administration – Duties.
- 2.56.360 Retirement fund – Establishment.
- 2.56.370 Retirement fund – Management.
- 2.56.380 Guaranty.
- 2.56.390 Withdrawals.
- 2.56.400 Crediting of interest.
- 2.56.410 Service retirement.
- 2.56.420 Allowance upon service retirement.
- 2.56.430 Disability retirement.
- 2.56.440 Allowance upon disability retirement.
- 2.56.450 Safeguards on disability retirement.
- 2.56.460 Nomination and revocation of beneficiaries.
- 2.56.470 Death benefits.
- 2.56.480 Optional settlement.
- 2.56.490 Federal system coverage.
- 2.56.500 Social Security option.
- 2.56.510 Monthly payments.
- 2.56.520 Exemption from execution and assignment – Exception.
- 2.56.530 Estimate of service, compensation or age.
- 2.56.540 Service after retirement.
- 2.56.550 Provision for administration facilities.

1. For the statutory provisions regarding pension and retirement systems, see Government Code § 45341 et seq.; for the provisions authorizing a contract with the State Employees' Retirement System as an alternate method of providing for city employees' retirement, see Government Code § 45345.

- 2.56.560 Continuation of retirement system of 1948.
 2.56.570 Amendments.
 2.56.580 Cost of living benefits.
 2.56.590 Amount of cost of living benefits.
 2.56.600 Medical insurance benefit.

Article II. Public Employees' Retirement System

- 2.56.610 Miscellaneous and safety regular employees.

Article I. Miscellaneous Employees' Retirement System of 1962

2.56.290 Purpose.

The purpose of this article is to establish a new retirement system, in addition to the Pittsburg municipal employees' retirement system enacted by the electorate on April 13, 1948 (codified in Article I of this chapter), and to provide death benefits for persons employed by the city, said system to be integrated with the Old Age, Survivors' and Disability Insurance System administered by the Social Security Administration of the United States of America; provided, that the system established in this article shall not apply to persons who choose to stay in the existing retirement system of 1948, nor the policemen and firemen as defined in PMC 2.56.300, nor to elective officers and members of boards and commissions appointed by the mayor and/or the city council, except as provided in PMC 2.56.350(F). [§ 1 of Ord. dated April 10, 1962.]

2.56.300 Definitions.

The following words and phrases, as used in this article, unless a different meaning is plainly required by the context, shall have the following meanings:

"Accumulated additional contributions" means the sum of all the additional contributions of a member standing to the credit of his individual account, together with interest thereon as declared by the board in compliance with PMC 2.56.350(D).

"Accumulated contributions" means accumulated normal contributions, plus accumulated additional contributions, plus accumulated prior service contributions.

"Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member and standing to the credit of his individual account, together with interest thereon, as declared by the board in compliance with PMC 2.56.350(D).

"Accumulated prior service contributions" means the sum of all prior service contributions of a member standing to the credit of his individual account together with interest thereon, as declared by the board in compliance with PMC 2.56.350(D).

"Additional contributions" means contributions provided for in PMC 2.56.330(C).

"Annuity" means payments for life derived from contributions made by a member as provided for in this article.

"Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, death benefit or any other benefit provided in this article.

"Board" means "board of administration" as hereinafter created and defined in PMC 2.56.340.

"City service" means service rendered by an employee for compensation, and for the purpose of this article, a member shall be considered as being in the "city service" only while he is receiving compensation from the city for such service.

"Compensation" means the wages or salaries before any deductions or withholdings, payable in cash to any member of this retirement system; plus the monetary value, as determined by the board, of any allowance, whether paid in cash or in kind, payable in addition to wages or salary.

"Compensation earnable" by a member means the average compensation as determined by the board on the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence.

"Current service" means service rendered while a member of this retirement system.

"Employee" or "person employed" means any person including persons generally classified as "officers" or "officials" in the employ of the city whose compensation in such employment is paid wholly by the city.

"Federal system" means the Old Age, Survivors' and Disability Insurance System, adminis-

tered by the Social Security Administration, Department of Health, Education and Welfare, United States of America.

“Final compensation” means the average annual compensation earnable by a member during the three years immediately preceding his retirement.

“Fiscal year” means any year commencing with July 1st and ending with June 30th next following.

“Member” means any person included in the membership of the retirement system as provided in PMC 2.56.320.

“Miscellaneous employees” are all employees of the city, other than policemen and firemen, who are eligible for membership in this retirement system, as provided in PMC 2.56.320 and 2.56.350.

“Normal contributions” means contributions at the rates provided for in PMC 2.56.330(A).

“Pension” means payments for life derived from contributions made by the city as provided for in this article.

“Policemen” and “firemen” mean all members of the police and fire departments of the city, who are eligible for membership in the State Employees’ Retirement System under that system’s definition of “local safety member.”

“Prior service” means service rendered prior to becoming a member of this retirement system.

“Prior service contributions” means the normal contributions made by members under “Pittsburg municipal employees’ retirement system of 1948.”

“Retirement allowance” means the pension plus the annuity.

“Retirement fund” means “Pittsburg miscellaneous employees’ retirement fund of 1962” as created by PMC 2.56.360.

“Retirement system” means “Pittsburg miscellaneous employees’ retirement system of 1962” as provided for in PMC 2.56.310.

“Service” means employment by the city. [§ 2 of Ord. dated April 10, 1962.]

2.56.310 Establishment and name of retirement system.

A retirement system is created and established to become effective July 1, 1962, and to be known as the “Pittsburg miscellaneous employees’ retirement system of 1962.” On and after July 1, 1962, and subject to the provisions of PMC 2.56.330, the provisions of this article shall apply to all employ-

ees who become members of this system. [§ 3 of Ord. dated April 10, 1962.]

2.56.320 Membership.

A. With the exception of those employees who are excluded from membership as provided in subsection (B) of this section, all employees all of the city shall become members of this retirement system, as follows:

1. Every employee who enters city service on or after July 1, 1962;

2. Every employee who reenters the service of the city after July 1, 1962, and who prior to such reentry has completed six months’ service.

B. The following employees of the city shall not become members of this retirement system, except as herein otherwise provided:

1. Elective officers and members of boards or commissions appointed by the mayor or by the city council; provided, that the elective officers as hereinafter provided may make application to the board for membership in the retirement system;

2. Policemen and firemen, as defined in PMC 2.56.300;

3. Employees serving on a part-time basis;

4. Persons employed under contract for a definite period and for the performance of specific duties;

5. Employees holding emergency positions or positions which are designated as emergency positions;

6. Persons employed for temporary employment.

C. It shall be the duty of the head of each office or department to give immediate notice in writing to the board of the change in status of any member of his office or department resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death.

D. Each member shall be subject to all the provisions of this article and to all the rules and regulations adopted by the board.

E. Every employee of the city, other than policemen and firemen, who was a member of the retirement system of 1948 may become a member of the system established by this article by filing with the board, within 90 days after the effective date of the ordinance codified in this article, his written election to become a member of this system, and shall thereafter be subject to the provi-

sions set forth in this article. The election to become a member of this system shall be irrevocable. An employee electing to become a member of this system shall receive credit for all service credited under the retirement system of 1948, and his individual account of normal contributions shall be transferred to this system and shall be deemed to be prior service contributions. [§ 4 of Ord. dated April 10, 1962.]

2.56.330 Contributions.

A. The normal rates of contribution of members shall be based on sex and age to nearest birthday at the time of entry into the retirement system. For the purposes of this system, the age of entry of employees transferring to this retirement system from the retirement system of 1948 shall be the age at entry into the retirement system of 1948.

B. The normal rates of contribution shall be such as will provide, on the average, an annuity at age 65 of one-one hundred fortieth of final compensation for each year of service after entry into this system. The rates of contribution shall, from time to time, be revised as provided in PMC 2.56.350(A). Members shall contribute to the system at one-half of such normal rate of contribution on monthly compensation not in excess of \$400.00, and at the normal rate on monthly compensation in excess of \$400.00. The board shall certify to the city clerk the rates of contribution for each member and each of the amounts shall be deducted from the monthly compensation of the member by the city clerk and shall be paid into the retirement fund hereinafter provided for, and shall be credited to the individual account of the member for whom such deduction was made. Every member shall be deemed to consent and agree to the contribution made and provided for herein and shall receipt in full for his salary, compensation or wages. Payment less the contribution shall be full and complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this article.

C. Upon proper application duly made to the board for authority and the right and privilege to do so, any member may elect to contribute regularly or irregularly at rates or in amounts in excess of those provided in subsection (A) of this section, for

the purpose of providing additional benefits; provided, that the exercise of this privilege by a member shall not obligate the city to any additional payments or financial obligation of any nature whatsoever. Upon such application being duly made to the board for regular contributions at higher rates, the board shall furnish to such member information concerning the nature and amount of additional benefits to which he is entitled by making such additional regular contributions or payments. All such additional contributions must be approved by the board and made under rules established by the board.

D. There shall be paid into the retirement fund, by contributions of the city, that percentage of the monthly compensation of members of the system, determined by actuarial valuation as provided in PMC 2.56.350(A), necessary to maintain the system on a reserve basis and to pay the benefits allowable under the system on account of service after July 1, 1962, and which are not provided by member's contributions.

E. In addition to the contributions required of the city for current service as provided in subsection (D) of this section, the city shall contribute monthly to the retirement fund that sum of money or that percentage of the compensation of members, determined by an actuarial valuation as provided in PMC 2.56.350(A), necessary to liquidate the liabilities of the system on account of service rendered prior to July 1, 1962, and which are not provided by member's prior service contributions or by such city contributions which are transferred to this system from the retirement system of 1948.

F. From and after the effective date of the ordinance codified in this article, the payment of allowances to or on behalf of any employees who had retired under the provisions of the Retirement Act of 1948 shall be made an obligation of this system, and such liabilities shall be included in determining the contributions required of the city under subsection (E) of this section.

G. Upon the expiration of 90 days after the effective date of the ordinance codified in this article, the board of administration of the retirement system of 1948 shall transfer to the retirement fund created by this article that proportion of accumulated city contributions remaining in the retirement fund of 1948 that, in the opinion of the board, is over and above the amount of money necessary to

meet the obligations of the city to those employees of the city who remain in the retirement system of 1948. [§ 5 of Ord. dated April 10, 1962.]

2.56.340 Board of administration – Membership – Terms.

A. The board of administration shall consist of five members. Two of the members shall be elected by the members of this system by a vote of the majority of the members present at a regular stated meeting of the members, which meeting shall be convened by the city clerk, giving not less than 10 days' written notice to all members, and which vote shall be taken by written, secret ballot. Two of the members shall be elected by the city council, which election shall be by a majority vote of the city council at a regular or adjourned regular meeting. The fifth member shall be selected by the four members who have been elected as hereinabove provided. The fifth member shall not be an employee of the city, either temporary or permanent, nor a member of the city council, nor a member of any other official board or commission of the city, except as provided in subsection (D) of this section, nor in any other way employed by contract or otherwise by the city, and shall not be a retired employee of the city entitled to benefits under this article; but the fifth member shall be a disinterested, qualified resident and voter of the city.

B. The terms of office for the first member-elected board members shall expire on June 30, 1964 and June 30, 1966, respectively, and for the first council-elected board members on the same dates. As of July 1, 1964, and each two years thereafter, the members of the system and the city council shall each elect one board member for a four-year term.

C. The fifth member shall be selected for a two-year term, expiring on June 30th of even-numbered years.

D. Membership on the board of administration of the retirement system of 1948 shall not disqualify a person from membership on this board. [§ 6 of Ord. dated April 10, 1962.]

2.56.350 Board of administration – Duties.

The management, control and operation of the retirement system shall be vested in the board, and the board shall exercise the powers and perform all the duties conferred on it by this article, and in par-

ticular, the board shall have the following powers, rights and authority:

A. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the retirement fund created by this article. Beginning with July 1, 1963, and at the end of every five-year period thereafter, the board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries as defined by this article and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation shall do the following:

1. Adopt for the retirement system such mortality, annuity, service and other tables as may be deemed necessary;

2. Revise or change the normal rates of contribution by members on the basis of such mortality, annuity, service and other tables; provided, however, that no adjustment shall be made in such rates for time prior to the effective date of the revision;

3. Revise or change the city's rates of contribution for current service and for prior service as provided for in PMC 2.56.330(D) and (E).

B. In addition to other records and accounts, the board shall keep such records and accounts as shall be necessary at any time for the following purposes:

1. To establish the total accumulated contribution or contributions of members;

2. To show the total annuity payments made to retired members;

3. To show the accumulated contributions of the city held for the benefit of members on account of service rendered as members of the retirement system.

C. The board shall establish a minimum retirement age and such minimum retirement period of service which is not inconsistent with PMC 2.56.410; provided, that the board, after a review of all the facts and after having given the affected member a reasonable opportunity for a hearing before the board, may require any member so affected, upon attaining the minimum retirement age, to retire and to accept the benefits to which the member would be entitled upon attaining the minimum retirement age. If the board declares that any member, after duly considering the matter as

herein provided, shall be retired, it shall be mandatory that the member be retired on the conditions provided by the board.

D. The board shall declare from time to time the rate of interest to be credited on contributions of members, which rate shall not exceed the net rate currently earned on the assets of the retirement fund.

E. The board shall report annually to the city council, which report shall set forth the financial condition of the retirement system, showing the assets and liabilities, including a statement as to accumulated cash and the securities in the retirement fund, as certified to by the auditor or city clerk.

F. The board, upon application of any elective officer for membership in the retirement system, may consider the application only on condition that the elective officer has served or been in the office at the time of making the application for a period of not less than eight consecutive years and shall submit the application for membership in the retirement system in the beginning or commencement of a new term of office, or as soon thereafter as is possible, not to exceed 30 days from the commencement of the new term of office; provided, that if the board is satisfied that all of the conditions have been met and that the elective officer so applying is a member of the retirement system, then the board may declare the elective officer a member of the retirement system, nothing to the contrary in this article notwithstanding; and after having declared the elective officer a member of the retirement system, the board may allow and take into account and give credit for the prior service of the elective officer; provided further, that no credit for prior service shall be allowed to any elective officer for services performed by the elective officer, which services were not continuously and uninterruptedly performed by the elective officer in the office which he holds at the time of making the application next preceding the time of making the application; and provided further, that such prior service credit shall be allowed only if the elective officer pays into the retirement fund an amount equal to the contributions which he would have made, had he been a member of the retirement system during such period of prior service.

G. The board may hire, employ or engage a competent and qualified person to act as secretary

for the board on either part-time or full-time basis as the board deems necessary to assist the board in all matters and in performing the administrative duties herein provided and as provided elsewhere in this article. The salary of the secretary shall be established by the approval of all of the members of the board, to be paid out of the funds of the retirement system; provided, that the secretary so appointed or selected shall not be eligible for benefits under the retirement system by reason of serving in this capacity alone; except that upon due application for membership made to the board, the board may, in its discretion, grant to the secretary the right to membership in the retirement system.

H. The board shall have the sole discretion to determine whether or not an employee is a temporary employee, emergency employee, elective officer or other person who is ineligible for membership in the retirement system as set forth in PMC 2.56.320(B).

I. The board shall adopt and from time to time may amend or repeal such rules and regulations, not inconsistent with the provisions of this article, as may be needed to interpret or implement this article. Copies of such rules and regulations shall be transmitted to the city council and shall, upon request, be furnished without charge to any member of this retirement system.

J. The board shall, at the expense of the retirement fund, have the financial records of the system audited annually by a certified public accountant. [§ 7 of Ord. dated April 10, 1962.]

2.56.360 Retirement fund – Establishment.

A fund is created and established to be known as the “Pittsburg miscellaneous employees’ retirement fund of 1962.” It shall consist of all money paid into it in accordance with the provisions of this article, whether such moneys shall take the form of cash, securities or other assets. [§ 8 of Ord. dated April 10, 1962.]

2.56.370 Retirement fund – Management.

The retirement fund shall be managed as follows:

A. The board shall have exclusive control and operation of the fund subject to the restriction that no investment shall be made except upon the affirmative vote of all members of the board and subject also to the terms, conditions, limitations and

restrictions imposed by the laws of the state upon the making of investments by city retirement systems as set forth in Sections 45308.1, 45308.2 and 45308.3 of the Government Code.

B. The board, subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, may deposit cash belonging to the retirement fund in any licensed national bank or banks in this state, or in any bank, banks or corporations authorized or licensed to do banking business and organized under the laws of this state.

C. The city treasurer shall be the custodian of the retirement fund, subject to the exclusive control of the board as to the administration, deposit and investment of the fund, and the city treasurer shall perform all necessary duties relating to the safeguarding of and accounting for the assets of the fund, except as hereinafter provided. Subject to such provisions as may be prescribed by law, the board may, in its discretion, by resolution, designate state or national banks to perform some or all of the custodial duties which would otherwise be performed by the city treasurer.

All payments of the fund shall be made by check or warrant signed by two authorized persons, at least one of whom must be a member of the board. The board shall, by resolution, authorize two or more of its members to sign checks and warrants of the fund and the board may, by resolution, authorize the signature of the city treasurer as custodian or of a board employee to be one of the two names required on each check or warrant. All demands against the fund must be presented to, audited and approved for payment by the board. The board shall provide one or more corporate fidelity bonds, issued by a surety company licensed in the state, in such principal amount as the board may determine, to cover the city treasurer as custodian, the board members and any other persons authorized to receive or disburse assets of the retirement fund, the premium on the bond to be paid from the retirement fund.

D. Interest on any cash and any investments constituting a part of the fund shall be paid into the fund as received.

E. Except as herein provided, no member or employee of the board shall have any interest, direct or indirect, in any investment, the making thereof, or in the gains or profits accruing therefrom. No member or employee of the board,

directly or indirectly, for himself or as an agent or employee of another, shall borrow, pledge or hypothecate any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any member or employee of the board be an endorser, cosigner, guarantor or surety or in any manner be an obligor for moneys invested by the board. [Ord. 438 C.S. § 1, 1962; § 9 of Ord. dated April 10, 1962.]

2.56.380 Guaranty.

A. The payments of the city into the Pittsburgh miscellaneous employees' retirement fund of 1962, as provided in this article, and the payments of the city to the federal system, are made obligations of the city. The board shall prepare annually an estimate of the amounts necessary to meet such obligations and the city council shall appropriate such amounts as are necessary to make such payments.

B. The city by vote of the electorate may at any time change, modify or repeal this article or any part thereof in respect to its future obligations to any member not at that time receiving or being eligible to a pension under this article. It is specifically provided, however, and the city covenants and guarantees that the city's obligation to those members receiving or eligible to a retirement allowance with respect to services credited under this article to the effective date of change, modification or repeal shall continue in full force and effect as provided in this article. The city's obligation to those members not receiving or being eligible to a pension at the time of such change, modification or repeal shall be, with respect to service credited under this article prior to such change, modification or repeal, not less than a retirement allowance, upon reaching the minimum age of retirement, equal to the annuity which is the actuarial equivalent of the accumulated value of the member's contributions standing to his credit at the date of retirement, plus a pension derived from city contributions equal to the annuity provided by the member's accumulated normal and prior service contributions, increased further by the accumulations of the contributions to the date of retirement with interest, but without further contributions from the city.

C. Notwithstanding any other provisions of this article, the retirement allowance payable upon retirement for service at age 65, or upon qualification for a federal benefit at an older age, to any member who transferred to this system from the retirement system of 1948, shall not be less than an amount which, when added to the primary insurance amount payable to him from the federal system, will equal the allowance which would have been payable had he continued his membership in the retirement system of 1948. [§ 10 of Ord. dated April 10, 1962.]

2.56.390 Withdrawals.

Should the service of a member be discontinued, except by death or retirement, he shall have the option to withdraw all or part of his accumulated contributions. Payment thereof shall be made within one year after the date of demand; provided, that if in the opinion of the board the member is permanently separated from service by reason of such discontinuance, he shall be paid all of his accumulated contributions. Where after a previous discontinuance of city service a member withdrew all or part of his accumulated normal and prior service contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in this section, the board may, in its discretion, delay for not more than one year after a member last rendered city service the withdrawal of all or part of his accumulated normal and prior service contributions.

Where a former member reenters service within three years after discontinuance of service, he may request redeposit in the retirement fund, in not to exceed 12 monthly payments, beginning with the date of reentry into the system, the amount of his accumulated normal and prior service contributions which he previously withdrew therefrom. If a member upon reentering the retirement system after a termination of his membership shall not make such redeposit at the time of his reentrance, the rate of his contribution for future years shall be the normal rate provided for in PMC 2.56.330(A) at his age of reentrance and he shall not receive credit for service to the city prior to the date of his reentrance; otherwise, his rate of contribution for future years shall be based on the same age as his rate prior to the termination of his membership and

he shall receive credit for all service credited to him prior to his reentering.

Any other provision in this article to the contrary notwithstanding, a member whose accumulated contributions exceed \$500.00 shall have a right to elect, not later than 90 days after the date upon which notice of the right is mailed by the board to the member's latest address, whether to leave his accumulated contributions on deposit in the retirement system. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. An election to allow accumulated contributions to remain in the retirement fund may be revoked by the member at any time prior to receiving a retirement allowance. A member whose membership continues under this section is subject to the same age and disability requirements as applied to other members for service or disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the city contributions held for him and calculated in the same manner as for other members, except that the provisions in this article for minimum service and disability retirement allowances do not apply to him unless he meets such minimum service requirements. If a death benefit becomes payable under this article because of death before retirement of such a member, the average annual compensation earnable in the year preceding the date of termination of such service shall be used in computing such benefit under PMC 2.56.470. [§ 11 of Ord. dated April 10, 1962.]

2.56.400 Crediting of interest.

The board shall annually set the rate of interest to be credited on accumulated contributions of members and of the city. Such interest rate shall be based on the actual earnings of the fund and shall be compounded annually. Interest shall be credited to members' accounts on June 30th of each year based on the balance in his account on the previous June 30th. Pro rata interest shall be credited to the date of termination. [§ 12 of Ord. dated April 10, 1962.]

2.56.410 Service retirement.

A member who has attained age 55 and who is credited with at least 10 years of service may be retired upon his written application filed with the board. Retirement shall be compulsory upon the first day of the month next succeeding the month in which he attains age 65, regardless of service credited; provided, however, that no member shall be compulsorily retired until he has become eligible to receive the federal system primary insurance amount. [§ 13 of Ord. dated April 10, 1962.]

2.56.420 Allowance upon service retirement.

Upon retirement for service, a member shall be entitled to receive, in addition to such benefits as may be paid by the federal system, a retirement allowance for life which shall be the sum of:

A. An annuity which shall be the actuarial equivalent of his accumulated contributions;

B. A current service pension which, when added to the annuity provided by his accumulated normal contributions, shall equal one-one hundred fortieth of the first \$400.00 of the member's final compensation per year of current service, plus one-seventieth of the member's final compensation in excess of \$400.00 per year of current service with which he is entitled to be credited at retirement;

C. A prior service pension which, when added to the annuity provided by the member's accumulated prior service contributions, shall equal one-seventieth of the member's final compensation per year of prior service with which he is entitled to be credited at retirement.

If retirement occurs before age 65, the above retirement allowance shall be reduced to that amount which the value of the allowance deferred to age 65 will provide at the actual age of retirement. [§ 14 of Ord. dated April 10, 1962.]

2.56.430 Disability retirement.

Retirement of a member for disability shall be made by the board as provided herein: Upon the application of the head of the office or department in which a member is employed, or upon the application of a member or person acting in his behalf, stating that a member is physically or mentally incapacitated for the performance of duty and ought to be retired, any member while in the service, or while mentally or physically incapacitated for the performance of duty if such incapacity has

been continuous from discontinuance of service, shall be examined by a qualified medical expert appointed by the board.

When a member is permanently incapacitated for the performance of duty as a result of injury or disease arising out of and in the course of his employment with the city, he shall be retired for disability with retirement allowance regardless of age or amount of service.

The board shall be governed by the findings of the Industrial Accident Commission of the state in the determinations of disability arising out of and in the course of a member's employment with the city. Should a member be permanently incapacitated for the performance of his duty from any other cause whatsoever, he shall be retired regardless of age, but with retirement allowance only after 10 years of service. Permanent incapacity for the performance of duty shall in such cases be determined by the board.

The board, at the expense of the retirement fund, shall secure such medical services and advice as may be necessary to carry out the purpose of this section and of PMC 2.56.450. [§ 15 of Ord. dated April 10, 1962.]

2.56.440 Allowance upon disability retirement.

Upon retirement for disability, a member shall receive, in addition to such benefits as may be paid by the federal system, a retirement allowance which shall consist of:

A. A life annuity which his accumulated contributions at the time of his retirement would entitle him to be based upon the actuarial tables adopted by the board;

B. If in the opinion of the board such disability is not due to intemperance, wilful misconduct or violation of law involving moral turpitude on the part of the member, a pension which, when added to the annuity in subsection (A) of this section, which is derived from his accumulated normal and prior service contributions, shall equal 90 percent of one-seventieth of this final compensation for each year of credited service if such allowance exceeds 25 percent of his final compensation; otherwise 90 percent of one-seventieth of his final compensation for each year of service which would have been credited had his service continued to age 65, but in no event shall such allowance exceed 25

percent of his final compensation. [§ 16 of Ord. dated April 10, 1962.]

2.56.450 Safeguards on disability retirement.

A. The board may, at its pleasure, require any disability beneficiary, under age 65, to undergo medical examination, such examination to be made by a qualified doctor of medicine appointed by the board, at the place of residence of the beneficiary or other place of mutual convenience. Upon the basis of such examination, the board shall determine whether the disability beneficiary is physically or mentally incapacitated for service in the position held by him when retired for disability. Should the board determine that the beneficiary is not so incapacitated, his retirement allowance shall be canceled.

B. Should a disability beneficiary enter the service and be eligible for membership in the retirement system in accordance with PMC 2.56.320(A), his disability retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated contributions less the disability annuity payments made to him. Such member shall receive credit for the service credited to him prior to being retired.

C. Should the disability beneficiary prior to attaining age 65 reenter the service and be ineligible for membership in the retirement system, the board shall reduce the amount of his retirement allowance to an amount which, when added to the compensation earned by him upon reentry into the service, shall not exceed the final compensation on the basis of which his retirement allowance was determined.

D. Should any disability beneficiary under age 65 refuse to submit to medical examination, his allowance may be discontinued until he submits to such medical examination, and should such refusal continue for one year his retirement allowance may be canceled.

E. Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into the city service, he shall be paid his accumulated contributions, less the annuity payments made to him. [§ 17 of Ord. dated April 10, 1962.]

2.56.460 Nomination and revocation of beneficiaries.

A member may nominate a beneficiary to whom the death benefit hereafter provided for shall be payable. Any nomination of a beneficiary made by a member may be revoked at the pleasure of the member and a different beneficiary may be nominated. All nominations and revocations of beneficiaries shall be filed with the records of the board. Nominations of beneficiaries heretofore made by members of the retirement system of 1948 who transfer to this retirement system of 1962 shall remain in effect until revoked. [§ 18 of Ord. dated April 10, 1962.]

2.56.470 Death benefits.

Upon the death of a member before retirement, in addition to such benefits as may be paid by the federal system, there shall be paid to his designated beneficiary or beneficiaries, or if there are none and the member leaves no property other than as specified in Section 630 of the Probate Code of the state, then upon furnishing the board with an affidavit as in said section provided, there shall be paid to the person or persons entitled to collect under said section of the Probate Code, and the receipt by such person or persons shall constitute sufficient acquittance therefor and shall fully discharge the board and the retirement system from any further liability with reference thereto without the necessity of inquiring into the truth of any of the facts stated in the affidavit, otherwise to his estate:

A. His accumulated contributions;

B. If death occurs while in the service of the city, or within one month after separation from service, or while physically or mentally incapacitated for the performance of duty, provided his accumulated contributions have not been paid, a lump sum benefit equal to one month's compensation earnable for each completed year of credited service not to exceed six years. [§ 19 of Ord. dated April 10, 1962.]

2.56.480 Optional settlement.

In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement

allowance, in accordance with one of the following optional settlements. Such election, revocation or change of election shall be made prior to the making of the first payment on account of any retirement allowance. If the member dies after retirement and within 30 days from the date upon which his election or changed election is received at the office of this system in Pittsburg, his election is of no effect, and his death shall be considered as that of a member before retirement.

A. Option 1. This optional settlement is the right to have a retirement allowance paid him until his death, and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.

B. Option 2. This optional settlement is the right to have a retirement allowance paid him until his death and thereafter to his beneficiary for life.

C. Option 3. This optional settlement is the right to have a retirement allowance paid him until his death, and thereafter to have one-half of his retirement allowance paid his beneficiary for life.

D. Option 4. This optional settlement, which may be combined with any one of the previous options or which may be selected as the only option, is the right to receive a lump sum payment of all or any portion of his accumulated contributions as he demands in lieu of all or part of the annuity which they would otherwise provide. [§ 20 of Ord. dated April 10, 1962.]

2.56.490 Federal system coverage.

Every member of this retirement system shall also, by virtue of his membership herein, be covered by the federal system; and there shall be deducted from his gross salary such amounts as are required by applicable federal law; and the city shall make such contributions to the federal system, in addition to the deductions from member's pay, as are required by federal law; and the deductions and contributions shall be paid by the city to the federal system as required. Benefits paid to members, their survivors and beneficiaries by the federal system shall be in addition to the benefits provided herein. [§ 21 of Ord. dated April 10, 1962.]

2.56.500 Social Security option.

A member who retires for service prior to the age he would be entitled to receive benefits from the federal system may elect to have his retirement allowance from the city increased prior to the federal retirement age and decreased after such age by amounts which are actuarially equivalent and based upon his anticipated primary insurance amount. The election of this modification shall not prevent the modification of the life portion of the resulting allowance under Options 2 or 3 as provided in PMC 2.56.480(B) and (C). [§ 22 of Ord. dated April 10, 1962.]

2.56.510 Monthly payments.

A pension, an annuity or a retirement allowance granted under the provisions of this article, unless otherwise specified herein, shall be payable in monthly installments and each installment shall cover the current calendar month. [§ 23 of Ord. dated April 10, 1962.]

2.56.520 Exemption from execution and assignment – Exception.

A. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this article, and the moneys in the fund created under this article, shall not be subject to execution, garnishment, attachment or any other process whatsoever, and shall be unassignable, except as provided in subsection (B) of this section, and except as elsewhere in this article specifically provided.

B. Any member of the retirement system may execute a special power of attorney appointing the Pittsburg Municipal Employees' Federal Credit Union special agent to demand, receive and receipt for the return of contributions due the member from the retirement fund. The special power of attorney shall be effective for the sole purpose of paying to the Pittsburg Municipal Employees' Federal Credit Union the unpaid balance of any loan or loans, plus charges and interest owed by the member to the Pittsburg Municipal Employees' Federal Credit Union at the time the member, by resignation or discharge, terminates his employment with the city. Where the special power of attorney

described herein is made by a married person, the written consent of the member's spouse must be attached to the special power of attorney. [§ 24 of Ord. dated April 10, 1962.]

2.56.530 Estimate of service, compensation or age.

If it is impracticable for the board to determine from the records or otherwise the length of service, the compensation or the age of any member, the board may estimate, for the purpose of this article, such length of service, compensation or age. [§ 25 of Ord. dated April 10, 1962.]

2.56.540 Service after retirement.

No person who has been retired for service and who received a retirement allowance under the retirement system shall be paid for any service, except as juror or as an election officer, rendered by him to the city after the effective date of his retirement from the system. [§ 26 of Ord. dated April 10, 1962.]

2.56.550 Provision for administration facilities.

The city council shall provide, at general city expense, adequate office space, furniture, fixtures, equipment and the required stationery or printed matter for the purposes of the board, its staff or employees, required and necessary for carrying out and operating the retirement system. [§ 27 of Ord. dated April 10, 1962.]

2.56.560 Continuation of retirement system of 1948.

It is expressly provided that the Pittsburg municipal employees' retirement system, adopted April 13, 1948, is continued in effect so long as any active employees choose to remain therein. At such time as no active employees remain as members of the system, the board of administration of the retirement system of 1948 shall transfer all assets and liabilities of the system to the retirement system of 1962, created by this article. [§ 28 of Ord. dated April 10, 1962.]

2.56.570 Amendments.

A. There is reserved to the electorate of the city the right to make any amendment to this article which would have the effect, either directly or indi-

rectly, of increasing the financial obligation of the city hereunder per dollar of employee payroll.

B. Any other amendments to this article may be made by the city council. [§ 29 of Ord. dated April 10, 1962.]

2.56.580 Cost of living benefits.

In addition to the actuarially determined retirement allowances payable under this chapter, there shall be paid to the retired employees the monthly cost of living benefits prescribed therein, and in addition thereto, the amount of \$30.00 per month cost of living benefit. The cost of living benefits shall be subject to the following terms and conditions:

A. The cost of living benefit described in this section shall not be paid as part of any death benefit nor of any other lump sum payment.

B. The board of administration is authorized and directed to pay the cost of living benefit to the persons named in PMC 2.56.590, or to their surviving beneficiaries as specified in subsection (D) of this section. The board shall determine annually the amount required by the retirement fund to pay the cost of living benefit, and shall include such amount in the estimate submitted annually to the city pursuant to PMC 2.56.380(A).

C. Pursuant to Section 45311 of the Government Code of the state, the city council shall levy and collect annually such additional ad valorem property taxes as may be necessary to raise the revenue needed by the city to meet its obligations to the retirement fund created by this section and by PMC 2.56.590.

D. The cost of living benefits listed in PMC 2.56.590 for retired employees shall be reduced or eliminated upon the death of the retired employee, as follows:

1. If a surviving beneficiary receives monthly payments pursuant to an optional settlement, the amount of the retired employee's cost of living benefit shall be reduced by 50 percent and the reduced amount shall be paid monthly to the beneficiary in addition to the actuarially determined payment due the beneficiary in accordance with the applicable optional settlement.

2. If there is no surviving beneficiary, or if no monthly payments are to be made to the surviving beneficiary pursuant to an optional settlement, the cost of living benefit shall terminate. [Ord. 785

§ 4, 1980; Ord. 540 C.S. § 1, 1968; § 32 of Ord. dated April 10, 1962.]

2.56.590 Amount of cost of living benefits.

In addition to the actuarially determined retirement allowance of beneficiaries' allowance payable under this chapter and in addition to the \$30.00 across the board per month cost of living benefit provided in PMC 2.56.580, the following additional cost of living benefits shall be paid each month to the retired employees or the beneficiaries named herein:

Dominic Grillo	\$17.51
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[Ord. 785 § 4, 1980; Ord. 540 C.S. § 1, 1968; § 33 of Ord. dated April 10, 1962.]

2.56.600 Medical insurance benefit.

In addition to the retirement allowance, the payments to beneficiaries, the cost of living benefit described in PMC 2.56.580 and any other regular monthly payments made to retired employees or beneficiaries pursuant to this article, the board of administration is authorized and directed to reimburse the retired employees and beneficiaries for the cost of medical insurance, or part thereof, as follows:

A. The medical insurance reimbursement shall be paid only to persons receiving regular monthly payments pursuant to this article.

B. The full amount of the premium for the federal medicare supplemental medical insurance coverage shall be reimbursed to the retired employees or beneficiaries:

1. For themselves, if they subscribe to the coverage;

2. For the spouses of retired employees, if the spouses subscribe to the coverage.

C. In addition to the premium for supplemental medical insurance coverage, the sum of \$4.00 per month shall be paid to the retired employees or beneficiaries:

1. For themselves, if they subscribe to any group medical program made available by the city to the retired employees or beneficiaries who are eligible for the federal medicare supplemental medical insurance coverage; and

2. For the spouses of retired employees, if the spouses subscribe to the group medical program.

D. The additional benefit described in this section shall not be paid as part of any death benefit nor of any other lump sum payment.

E. The board of administration shall determine annually the amount required by the retirement fund to pay the medical insurance benefits, and shall include such amount in the estimate submitted annually to the city pursuant to PMC 2.56.380(A).

F. Pursuant to Section 45311 of the Government Code of the state, the city council shall levy and collect annually such additional ad valorem property taxes as may be necessary to raise the revenue needed by the city to meet its obligations to the retirement fund pursuant to this section. [Ord. 540 C.S. § 1, 1968; § 34 of Ord. dated April 10, 1962.]

Article II. Public Employees' Retirement System

2.56.610 Miscellaneous and safety regular employees.

A. Effective the last payroll period in June, 2001, all miscellaneous regular employees will become members of the public employees' retirement system with the two percent at 55 benefit level, pursuant to the contract executed between the city council of the city of Pittsburg and the board of administration of the public employees' retirement system, and as amended effective October 14, 2001, and July 8, 2003, and through the meet and confer process. The city of Pittsburg shall cease contributions for miscellaneous employees to any and all prior defined benefit retirement plans.

B. Effective the last payroll period in June, 2001, all safety regular employees will become members of the public employees' retirement system with the three percent at 50 benefit level, pursuant to the contract executed between the city council of the city of Pittsburg and the board of administration of the public employees' retirement system, and as amended effective October 14, 2001, and through the meet and confer process. The city of Pittsburg shall cease contributions for safety employees to any and all prior defined ben-

efit retirement plans. [Ord. 03-1211 § 3, 2003; Ord. 01-1186 § 3, 2001; Ord. 1181 § 2, 2001; Ord. 1164 § 3, 1999.]

Chapter 2.60

PEACE OFFICER TRAINING

Sections:

2.60.010 Aid desired.

2.60.020 Standards adherence pledged.

2.60.010 Aid desired.

The city council declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code. [Ord. 405 C.S. § 1, 1960.]

2.60.020 Standards adherence pledged.

Pursuant to Section 13522 of said Chapter 1, the city, while receiving aid from the state pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. [Ord. 405 C.S. § 2, 1960.]

Chapter 2.68

COMMISSIONERS OF THE HOUSING AUTHORITY¹

Sections:

- 2.68.010 Council members declared commissioners.
- 2.68.020 Vacation of previous offices.
- 2.68.030 Effect on status of housing authority.

2.68.010 Council members declared commissioners.

Pursuant to Section 34290 of the Health and Safety Code, the city council declares that its members shall also be the commissioners of the housing authority of the city. (Res. 4963 § 1, 1973.)

2.68.020 Vacation of previous offices.

In order that the members of the city council may also become the commissioners of the housing authority, it is declared that the offices of the existing commissioners of the authority are vacated as of 12:01 a.m. on the first day of July, 1973, at which time the members of the city council shall, in addition to their capacity as legislators, also become the commissioners of the housing authority of the city. (Res. 4963 § 2, 1973.)

2.68.030 Effect on status of housing authority.

This chapter does not in any manner change the status of the housing authority of the city as a public body, corporate, and politic, as specified in Section 34310 of the Health and Safety Code, which authority has continued and continues to exist as a legal entity without change since the date it was determined by Resolution No. 4252, dated December 19, 1966, that there was a need for the authority to function, and the authority is entitled to all the rights and privileges and is subject to all the obligations and liabilities of the housing authority of the city which existed at the time of the change of commissioners authorized by this chapter. (Res. 4963 § 3, 1973.)

1. Resolution 4963 was included in this municipal code at the request of the city attorney.

Chapter 2.72

HOUSING COMMISSION

Sections:

- 2.72.010 Definitions.
- 2.72.020 Created.
- 2.72.030 Name.
- 2.72.040 Function.
- 2.72.050 Appointment.
- 2.72.060 Chairman and organization.

2.72.010 Definitions.

As used in this chapter, the following definitions apply:

- A. "City" means the city of Pittsburg, county of Contra Costa, state of California.
- B. "City council" means the city council of the city of Pittsburg.
- C. "Commission" means the Pittsburg housing commission.
- D. "Housing authority" means the housing authority of the city of Pittsburg, California, a public entity.
- E. "Member" means a member of the Pittsburg housing commission.
- F. "Persons of low income" means persons of families who lack the amount of income which is necessary, as determined by the Pittsburg housing authority, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.
- G. "Tenant" means a member of the Pittsburg housing commission who is also a tenant of the housing authority of the city. Two such tenants shall serve, one being a person over 62 years of age. [Ord. 688 § 3, 1976.]

2.72.020 Created.

There is created a city housing commission known as the Pittsburg housing commission pursuant to the Housing Authorities Law of the state of California, as set forth in Article 3.5, Chapter 1, Part 2, Division 24 (Section 34291) of the Health and Safety Code. [Ord. 688 § 1, 1976.]

2.72.030 Name.

The name of the city housing commission shall be Pittsburg housing commission. [Ord. 688 § 2, 1976.]

2.72.040 Function.

The functions of the Pittsburg housing commission shall include, but are not necessarily limited to, the following:

A. Investigating the living, dwelling and housing conditions and the means of improving such conditions within the city;

B. Determining where slum areas exist and where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income;

C. Making studies and recommendations relating to the problems of clearing, replanning and reconstruction of some areas, and the problems of providing dwelling accommodations for persons of low income. The Pittsburg housing commission shall cooperate with the Pittsburg housing authority, the city of Pittsburg and the county of Contra Costa, state of California, and the United States government, or any of the political subdivisions thereof, in actions taken in connection with problems.

D. Engaging in research studies and any experimentation on the subject of housing and the provision of decent, safe and sanitary housing;

E. Making recommendations to the Pittsburg housing authority for changes or revisions in policy of the Pittsburg housing authority;

F. Reviewing and recommending contracts for site selection, improvements, construction and property appraisals of leases for any proposed Pittsburg housing authority projects or programs;

G. Reviewing and recommending action on annual administrative and operating budgets;

H. Preparing and making recommendations on applications to the federal and state governments for funds for housing and other related programs;

I. Performing such other advisory and appellate functions that may be delegated from time to time to the Pittsburg housing commission by the Pittsburg housing authority or the city council. [Ord. 688 § 4, 1976.]

2.72.050 Appointment.

The commission shall consist of five members who shall be resident electors of the city appointed by the city council and two tenant members who shall be tenants of the housing authority of the city with one of the two being a person over 62 years of age, subject to the following provisions:

A. The term of office for each member shall be four years. The members of the original Pittsburg housing authority who were appointed to serve on the housing commission will be allowed to complete the terms of their prior office. The two new additional appointees (both tenant appointees) will serve a shorter term for the first appointment only, one term to expire in December, 1976, and the other to expire in December, 1977.

B. Vacancies occurring during the term shall be filled for the unexpired term. A member shall hold office until a successor has been appointed and qualified.

C. A member may not be an elective officer or an employee of the city but, notwithstanding any other law, may be a member, commissioner or employee of any other agency or authority of, or created for, the city.

D. Members shall receive their actual and necessary expenses including travel expenses incurred in the discharge of their duties.

E. A tenant member may be removed from office upon the affirmative vote of a majority of the city council. Grounds for removal from office include, but are not limited to, unexcused and excessive absences from required meetings, excessive absences that interfere with the conduct of commission business, failure to discharge duties, inefficiency, ceasing to satisfy residency requirements, and/or conviction of any felony or any misdemeanor or other offense which would be detrimental to a member's ability to serve as determined by the city council.

F. A tenant commissioner shall serve no more than two consecutive, four-year terms in office. If a tenant commissioner has completed two terms, the commissioner is not eligible for reappointment to the housing commission until two years have passed.

G. If a tenant commissioner is appointed to a vacant seat and serves less than two years of the unexpired seat, the appointed tenant commissioner shall be eligible to serve two additional four-year terms in addition to completing the term of the vacant seat the appointed commissioner fills. If a tenant commissioner is appointed to a vacant seat and serves more than two years of an unexpired term, the appointed commissioner shall only be eligible to serve one additional consecutive term.

H. Notwithstanding the term limits contained herein, if a tenant commissioner's term has expired or is expiring, and there is an insufficient number of applicants to fill all vacant seats on the housing commission, the city council shall be entitled, in its discretion, to reappoint one or more commissioners who would otherwise be ineligible to reapply under subsection (F) of this section. Nothing in this section shall require a commissioner to accept reappointment. [Ord. 04-1218 § 23, 2004; Ord. 688 § 5, 1976.]

2.72.060 Chairman and organization.

The mayor and city councilmen shall appoint all members of the commission. The first chairman and vice-chairman of the commission shall be those persons holding those offices when the commission operated as an authority. The term of office of the chairman shall be for one year, except that the first chairman shall serve for that period of time remaining on the term he was serving as chairman of the preexisting housing authority. When there is a vacancy in the office of chairman, the commission shall elect a chairman from its members. Upon appointment, the first chairman shall call an organizational meeting of the commission at which the members shall elect a vice-chairman and determine the time, place and frequency of meetings and adopt rules or procedure for the conduct of commission business. The commission may do any other things necessary or proper to carry out its functions. [Ord. 688 § 6, 1976.]

Chapter 2.76

UNCLAIMED PROPERTY

Sections:

- 2.76.010 Sale by auction.
- 2.76.020 Minimum time of possession.
- 2.76.030 Notice of sale.
- 2.76.040 Disposition of funds.
- 2.76.050 Disposition of unsold property.

2.76.010 Sale by auction.

The chief of police shall, from time to time, hold a public auction at which lost or unclaimed property in the possession of the city may be sold to the highest bidder. [Ord. 750 § 1, 1979.]

2.76.020 Minimum time of possession.

Only those articles or items of lost or unclaimed property of which the city has had possession for a period of not less than three months shall be sold at public auction; provided, however, that no property shall be offered at public auction which, in the determination of the city manager or his duly appointed representative, is needed for public use, in which case it shall be retained by the city as provided for in Civil Code Section 2080. [Ord. 750 § 1, 1979.]

2.76.030 Notice of sale.

The chief of police shall give notice of the holding of such public auction by one publication of a notice thereof, at least five days before the time fixed therefor, in a newspaper of general circulation published in the city. [Ord. 750 § 1, 1979.]

2.76.040 Disposition of funds.

All funds realized at such public auction shall be delivered, with an accounting thereof, to the director of finance, who shall then deposit such funds in the general fund of the city; provided, however, that the chief of police may withhold such costs of auction and costs of retention of said property. [Ord. 750 § 1, 1979.]

2.76.050 Disposition of unsold property.

Any item or article of lost or unclaimed property upon which no bid was made at public auction may be kept or destroyed by the city. [Ord. 750 § 1, 1979.]

Chapter 2.80**YOUTH COMMISSION**

(Repealed by Ord. 09-1320)

Chapter 2.84**HOME MORTGAGE
FINANCING PROGRAM**

Sections:

- 2.84.010 Adoption of program.
- 2.84.020 Findings.
- 2.84.030 Liberal construction.

2.84.010 Adoption of program.

Based upon the findings of the city council, the city adopts the program pursuant to the Act for the purpose of increasing the housing supply for moderate and low-income families in the city. [Ord. 1005 § 1, 1991.]

2.84.020 Findings.

The city council finds and declares that:

A. Decent housing is an essential motivating force in helping people to achieve self-fulfillment in a free and democratic society;

B. A healthy housing market is one in which residents of this state have a choice of housing opportunities and one in which the housing consumer may effectively choose within the free market;

C. There exists within the city a shortage of housing available to moderate and low-income persons, as such persons are now or hereafter defined by the provisions of the Act, and that this shortage is exacerbated during periods of high interest rates, particularly as high interest rates have the effect of diminishing the number of otherwise creditworthy buyers from qualifying for private sector mortgage capital sources, and in order to remedy this adverse effect on potential homebuyers on the lower end of the purchasing spectrum, it is necessary to implement a public program to reduce the cost of mortgage financing for single-family purchases for those persons unable to compete for mortgage financing in the conventional mortgage market; and

D. It is necessary, in order to implement a public program to reduce the cost of mortgage financing, to authorize long-term, low-interest mortgages to persons not presently eligible for financing through private sector lending institutions to finance construction, rehabilitation and acquisition of homes, and in order to finance the program, to

issue mortgage revenue bonds to fund the program.
[Ord. 1005 § 2, 1991.]

2.84.030 Liberal construction.

The provisions of this chapter, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purpose of the program. [Ord. 1005 § 3, 1991.]

Chapter 2.85**PURCHASING SYSTEM**

Sections:

- 2.85.010 Purchase of supplies, services, and equipment.
 2.85.020 Public works projects and construction.
 2.85.030 Chief purchasing officer.

2.85.010 Purchase of supplies, services, and equipment.

The city council shall adopt by resolution a policy for the purchase of supplies, services, and equipment in accordance with state law. [Ord. 06-1260 § 2, 2006.]

2.85.020 Public works projects and construction.

Public work projects and construction shall be in accordance to the procedures promulgated by the Uniform Construction Cost Accounting Act elected by Chapter 2.86 PMC, pursuant to Sections 22019 and 22034 of the Public Contract Code, herein defined as “informal bidding procedures.” [Ord. 06-1260 § 2, 2006.]

2.85.030 Chief purchasing officer.

The city manager is appointed the chief purchasing officer of the city. The city manager may delegate his/her duties as chief purchasing officer to other city staff. The chief purchasing officer or his/her designated representative shall have the duties prescribed by resolution of the city council. The city manager or his/her designated representatives may sign contracts on behalf of the city when authorized by ordinance, resolution or other action of the city council.

The city manager is authorized to establish purchasing procedures as an administrative order in accordance with city council adopted policies. [Ord. 06-1260 § 2, 2006.]

Chapter 2.86**INFORMAL BIDDING PROCEDURES – PUBLIC WORKS PROJECTS**

Sections:

- 2.86.010 Purpose.
 2.86.020 Definitions.
 2.86.030 Informal bidding procedures.
 2.86.040 Contractors list.
 2.86.050 Size of project – Methods for bidding.
 2.86.060 Award of contracts.
 2.86.070 Alternate bidding procedure.

2.86.010 Purpose.

This section is enacted under the authority of the California Public Contract Code Section 22034 which requires a city which elects to become subject to the uniform construction cost accounting procedures as set forth in Public Contract Code Sections 22000 through 22044 to enact an ordinance governing informal bidding procedures for the selection of contractors to perform public works projects. [Ord. 06-1260 § 4, 2006.]

2.86.020 Definitions.

In this section, unless the context otherwise requires:

A. “Commission” means the California Uniform Construction Cost Accounting Commission under Public Contract Code Section 22010, et seq.

B. “Public project” means a project defined in Section 20161 of the Public Contract Code which reads as follows:

1. A project for the erection, improvement, painting or repair of public buildings and works.
2. Work in or about streams, bays, water-fronts, embankments, or other work for protection against overflow.
3. Street or sewer work except maintenance or repair.
4. Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers. [Ord. 06-1260 § 4, 2006.]

2.86.030 Informal bidding procedures.

A public project of \$125,000 or less may be let to contract by the informal procedure as set forth in Section 22032 et seq. of the Public Contract Code. [Ord. 06-1260 § 4, 2006.]

2.86.040 Contractors list.

The city manager or designee(s) shall develop and maintain a list of qualified contractors identified according to categories which comply with Section 22034 of the Public Contract Code and criteria adopted by the Commission. During November of each year the city manager or his/her designee(s) shall develop the contractors list by mailing a written notice to construction trade journals designated by the Commission under Section 22036 of the Public Contract Code inviting all licensed contractors to submit the name of their firm to the city for inclusion on the contractors list of qualified bidders for the following calendar year. [Ord. 06-1260 § 4, 2006.]

2.86.050 Size of project – Methods for bidding.

A. Where public project of \$30,000 or less is to be performed, the city may perform it by its employees, by force account, by negotiated contract or by purchase order, or it may elect to follow the informal bidding procedure prescribed in subsection (B) of this section.

B. Where a public project of \$125,000 or less is to be performed, not less than 10 days before the bids are due, the city manager or his/her designee shall mail a written notice inviting informal bids to (1) all contractors for the category of work to be bid as shown on the contractors list developed in accordance with PMC 2.86.040, and/or (2) all construction trade journals designated by the Commission under Public Contract Code Section 22036. Additional contractors and construction trade journals may be notified at the discretion of the city manager or designee.

C. If there is no list of qualified contractors for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission. [Ord. 06-1260 § 4, 2006.]

2.86.060 Award of contracts.

A. The city manager or his/her designee(s) is authorized to award informal contracts under this chapter in accordance with city council policy.

B. If all bids received on a public project under this procedure set forth in this section are in excess of \$125,000, the city council may award the contract at \$137,500 or less to the lowest responsible

bidder if the council determines that the city's original cost estimate was reasonable. [Ord. 06-1260 § 4, 2006.]

2.86.070 Alternate bidding procedure.

The procedure set forth in this chapter is an alternate to the procedure set forth in Public Contract Code Sections 20160 through 20174. [Ord. 06-1260 § 4, 2006.]