

**RESOLUTION NO. 42-19**

**(CODIFIED)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING  
CHAPTER 2R.72 OF THE PERSONNEL AND EMPLOYEE REPRESENTATION  
RULES, SECTION 2R.72.150 “DISCIPLINARY ACTION”**

WHEREAS, the City of Chico has historically sent a Request for Qualifications to include five years of Administrative Law experience to all Attorneys listed as members of the Butte County Bar Association; and

WHEREAS, the City Clerk has prepared Service Provider Agreements with responsive Attorneys to serve as Administrative Hearing Officers in disciplinary hearings and has maintained an alphabetical rotational system to select hearing officers; and

WHEREAS, the current Butte County Bar Association Members list has only three Attorneys that practice Administrative Law and the current selection process would severely limit the number of qualified Attorneys to serve as hearing officers; and

WHEREAS, due process principles require that administrative hearings be fair and administrative hearing officers be impartial, and

WHEREAS, hearings officers shall be appointed in a way that does not create the risk that decisions that favor the agency will be rewarded with future work, and therefore re-occurring Service Provider Agreements increases that risk; and

WHEREAS, the City desires to have the most fair and impartial selection process for Disciplinary Hearings; and

WHEREAS, Administrative Procedure and Policy (AP&P) 10-42 shall be revised pursuant to adoption of this Resolution, and

**NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by the City Council of the City of Chico, State of California, amends 2R.72.150 to read as follows:

**2R.72.150 Disciplinary action.**

A-I. [no change]


1 J. Appeal of Disciplinary Actions.

2 1. To appeal the notice of decision, an employee must file with the Director within fifteen  
3 (15) days following receipt of the notice of decision a written request for such appeal and  
4 hearing. Upon receipt of such request a hearing officer shall be named to hear the matter. The  
5 City Clerk will coordinate the administrative hearing officer system through the Office of  
6 Administrative Hearings. The system of selecting a hearing officer for a given hearing will  
7 consist of the City Clerk contacting the Office of Administrative Hearings and requesting a  
8 hearing officer. Both the employee and the City shall have the right to challenge and refuse any  
9 hearing officer so selected. The employee and the City may each so challenge two such hearing  
10 officers. The City Clerk's selection process shall proceed until both parties are satisfied with the  
11 selection or until their rights to challenge are exhausted.


12  
13 The foregoing resolution was adopted by the Council of the City of Chico at its meeting held on  
14 June 18, 2019, by the following vote:

15 AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone  
16 NOES: None  
17 ABSENT: None  
18 ABSTAINED: None  
19 DISQUALIFIED: None

20  
21 ATTEST:

22   
23 \_\_\_\_\_  
24 Deborah R. Presson  
25 City Clerk

APPROVED AS TO FORM:

26   
27 \_\_\_\_\_  
28 Vincent C. Ewing, City Attorney\*

\*Pursuant to The Charter of the  
City of Chico, Section 906(E)