



Resolution

RESOLUTION NO. 917

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS DIRECTING THE CITY MANAGER TO ESTABLISH AND IMPLEMENT GUIDELINES AND A PLAN FOR REDUCTION IN FORCE PURSUANT TO PERSONNEL POLICIES; AUTHORIZING AND DIRECTING A PLAN FOR LAYOFFS AND CONVERSION OF POSITIONS WITHIN THE CLASSIFIED SERVICE N OF THE CITY; TO AUTHORIZE THE TAKING OF SUCH OTHER ACTS AND ACTIONS AS MAY BE NEEDED AND/OR NECESSARY TO ENSURE THAT CITY EXPENSES DO NOT EXCEED CITY REVENUES; SUPERSEDING ANY CONFLICTING PROVISIONS OF EXISTING REGULATIONS, POLICIES OR PROCEDURES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

Whereas the City of San Luis has experienced a significant shortfall in anticipated revenues for fiscal year 2010/2011, that the performance measures as of the end of November, 2010 show shortfalls of \$976,000 in the General Revenue Fund, \$9,500 in the Highway User Fund, \$108,000 in the Water Utility Fund, and \$377,000 in the Wastewater Utility Fund;

Whereas A.R.S. §42-17101 requires incorporated cities and towns, on or before the third Monday in July of each year to prepare a full and complete statement of political subdivision's financial affairs for the preceding fiscal year and an estimate of the different amounts required to meet the political subdivision's public expense for the current fiscal year and A.R.S. §42-17105 provides that the governing body of a municipality must adopt estimates of proposed estimates of revenues and expenses as the budget for the current fiscal year and the amounts proposed to be spent shall not exceed the amounts proposed in the estimates;

Whereas A.R.S. §42-17106 places limitations on expenditures and limits expenditures to budgeted purposes;

Whereas the City has experienced expenditures in several departments which are either exceeding estimates or are likely to exceed estimates before the end of the fiscal year, particularly in expenditures for overtime;

Whereas in order to provide for the most efficient delivery of service to the citizens of the City of San Luis, and to maintain sound financial structure for the city in its finances and operations; it has been determined that certain changes to the operations of the City of San Luis and a restructuring of the delivery of services has become immediately necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS:

Section 1: The City Manager is hereby directed and authorized to prepare and implement guidelines and a plan pursuant to Section 8.03 of the City of San Luis Personnel Policies, dated July 1, 2008, to layoff positions of up to fifteen (15) full time positions within the Classification and Salary Plan of the City of San Luis and to convert up to five (5) full time positions to part time positions, with the understanding that the total of laid off or converted positions shall not exceed a total of twenty (20) positions. The Classification and Salary Plan is hereby amended to conform to said plan. The positions that will be subject to layoff and conversion are not being eliminated nor is this action to be considered an action of discipline, but rather this action is being taken solely as a budget measure in order to ensure that shortfalls in expected revenues for fiscal year 2010/2011 do not jeopardize the financial condition of the city. The period of layoff and conversion shall begin at such time as the plan is implemented by the City Manager and will last until further decision of the City Council. City Council, by this resolution, specifically reserves the right to make further decisions with respect to these positions as part of planning for fiscal year 2011/2012.

Section 2: The City Manager is hereby authorized and directed to take such steps as may be needed or necessary to reduce, suspend, or eliminate the accrual of overtime in all city departments, with the exception of overtime as actually paid by federal or state grants. It is the legislative intent of the City Council to specifically disallow regular paid overtime until July 1, 2011.

Section 3: The City Manager is hereby authorized and directed to implement a plan for eight (8) hours a month unpaid furlough time for all employees, other than certified fire personnel, in the Classified service of the City beginning March 1, 2011 and ending June 30, 2011. For certified fire personnel the City Manager is hereby authorized and directed to implement a plan for ten and six-tenths (10.6) hours a month unpaid furlough time beginning March 1, 2011 and ending June 30, 2011. The Classification and Salary Plan of the City of San Luis is hereby amended accordingly to conform to such plan or plans. By this resolution the City Manager is hereby directed to seek, prepare, and execute appropriate contract amendments from all employees who are either not in Classified service or who otherwise have employment contracts with the

City so that they will incur eight (8) hours a month unpaid furlough time beginning March 1, 2011 and ending June 30, 2011. With respect to the contract with the City Manager, the Mayor is authorized to execute such an amendment.

Section 4: The City Manager is hereby directed to take such acts or actions as may be needed or necessary with respect to reduce or eliminate all non-critical non-emergency expenditures of the city, including travel expenses, to ensure that expenditures do not exceed available funds for fiscal year 2010-2011.

Section 5: The City Manager is hereby authorized and directed to take such acts and actions as may be needed or necessary to establish and implement a plan to enforce and collect any and all unpaid fines due the San Luis Municipal Court, utilizing any and all available legal remedies in either civil or criminal law, including, but not limited to, the issuance and serving of warrants of arrest. The City Manager is authorized and directed to make such staffing reassignments as may be needed or necessary to implement and execute said plan. The Classification and Salary Plan of the City of San Luis is hereby amended to conform to said plan.

Section 6: The City Manager is authorized and directed to counsel with employees who may wish to seek early retirement or otherwise leave the city service and negotiate such severance or other agreements that he deems appropriate for the consideration of City Council.

Section 7: In the event of a conflict between the provisions of this resolution and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby provisionally amended, superseded, and replaced, and the provisions of this resolution shall govern. In making this provision it is the specific legislative intent of the City Council that the Personnel Policies of the City of San Luis, the Classification plan of the City of San Luis, the salary plan of the City of San Luis, and the salary administration regulations and policies of the City of San Luis are hereby amended, superseded and/or replaced by this resolution such that actions and plans authorized hereunder shall govern and supersede any and all existing policies, regulations, or plans so that the actions and plans authorized hereunder may be implemented, and that this is a non-appealable final legislative decision and action of the City Council of the City of San Luis.

Section 8: If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

Section 9: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that municipal services to the citizens of the City of San Luis may be provided in the most efficient manner possible without interruption in service, as well as the financial consideration of

the immediate need to ensure that expenditures do not exceed available funds for fiscal year 2010/2011, and that the best interests of the City require the provisions of this resolution to go into immediate effect, an emergency is hereby declared to exist, and this resolution shall become immediately operative and in force and effect from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 10th day of February, 2011.



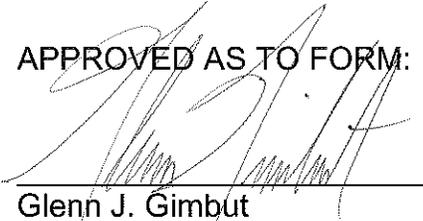
Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut
City Attorney