

Attachment B

**CITY OF NEWPORT BEACH
CHARTER UPDATE COMMISSION STAFF REPORT**

Agenda Item No. 2
April 20, 2010

TO: HONORABLE MEMBERS OF THE CHARTER UPDATE COMMISSION

FROM: Human Resources
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**SUBJECT: CHARTER SECTIONS 710-711 – CIVIL SERVICE BOARD
CHARTER SECTIONS 800-803 – CIVIL SERVICE SYSTEM
ORDINANCE 866**


RECOMMENDATION:

Recommend to the City Council that Charter Sections 711 and 800-803 be amended to clarify and strengthen the scope of the Civil Service Board and System; repeal Ordinance 866 and replace with a new Ordinance to comply with current local, state and federal law and the best practices in personnel which would not require a vote of the electorate (Alternative 1).


DISCUSSION:

Attached is a "white paper" with relevant background information and suggested alternatives for the Commission to consider.

Submitted By:
Human Resources Department

By 
Terri L. Cassidy, HR Director

Submitted By:
City Manager's Office

By 
David A. Kiff, City Manager

Attachments: Charter Sections 710-711, 800-803, and Ordinance 866 White Paper

Civil Service Board & System

(Charter Sections 710-711, 800-803, and Ordinance 866)

STATEMENT OF THE ISSUE:

Should the City modify the Sections of the Charter and repeal Ordinance 866 to modernize the City's personnel system and conform to local, state and federal laws that have been enacted since 1942 (when Ordinance 511 established the Civil Service System), 1954 (Charter) or 1958 (Ordinance 866 discussing and outlining the roles/responsibilities of the Civil Service Board and System)?

RELEVANT BACKGROUND:

The proposal to amend Charter Sections 710-711 & 800-803 and repeal Ordinance 866, was thoroughly discussed at the following meetings:

Charter Update Commission
February 16, 2010
March 16, 2010

Civil Service Board
January 4, 2010
February 1, 2010
March 1, 2010
March 8, 2010
April 12, 2010

The discussions held at these meetings were effective in bringing about consensus and a well analyzed recommendation, including suggestions for language changes. The focus was primarily on the duties of the Civil Service Board, Charter Section 711 (a) – (d), which have been reiterated and strengthened. There are no recommended changes to Charter Section 710. The significant changes include the deletion of recruitment oversight, applicant/candidate appeals, and the addition of Assistant Chiefs to exempt positions. The changes will require a substantial rewrite of the Rules and Regulations and the creation of a new Ordinance to be completed in the future as a coordinated effort between the Civil Service Board and Staff.

As requested at the March 16th Charter Update Commission meeting, attached is a matrix that serves as a comprehensive analysis of all documents addressing the Civil Service Board, Civil Service System and City Manager's responsibilities. It also depicts where the protections previously afforded in Ordinance 866 will be preserved. Incorporated into this matrix are the recommendations for Charter amendments and Ordinance replacement from Staff, City Manager, and Civil Service Board. Prior to coming to this recommendation the exclusively recognized employee associations covered by Civil Service were afforded the opportunity to give feedback and they support the recommendations as of the date of this report.

The recommendation is as follows: amend the City Charter, specifically the language covering the Powers and Duties of the Civil Service Board (a draft is attached for your review and to clarify these issues), and repeal Ordinance 866 to be replaced with a new Ordinance to be reviewed by Civil Service Board and taken to City Council for approval.

Staff is available to answer any questions the Commission may have on the above.

ALTERNATIVES:

The commission has the following alternatives identified by staff. Alternative 1 is recommended by staff:

Alternative 1: Recommend to the City Council that Charter Sections 711 and 800-803 be amended to clarify and strengthen the scope of the Civil Service Board and System; repeal Ordinance 866 and replace with a new Ordinance to comply with current local, state and federal law and the best practices in personnel which would not require a vote of the electorate (Alternative 1).

Alternative 2: Recommend removal of the Civil Service Board and System (Charter Sections 710-711 and 800-803) and repeal Ordinance 866.

Alternative 3: Recommend no changes.

Attachments: Civil Service System Matrix
Draft of Charter Revision – Articles VII & VIII

Civil Service System

Ordinance 866 – Implemented Civil Service System in 1958

Section of Ordinance 866 (as codified in the Municipal Code)	Covered by FBOR/POBR	Covered by Skelly	Covered by CS Rules and Regulations	Covered by EPM/EERR*	Covered by MOUs/SOPs	Already in City Charter	Add/Revise City Charter	Add to Rules and Regulations	Add to EPM	Not Needed
Section 1 (NBMC 2.24.010) Definitions.			X Section III	X Section 2 of EPM						
Section 2 (NBMC 2.24.020) Inclusion in the System. All full-time, regular, and permanent positions and employment in the Police and Fire Departments are included in the system, except those positions excluded by Section 802, of the City Charter. The City Council, by ordinance, may include in the system positions in other departments.			X Section IV (401)			X Section 802	X ⁴ Section 802			
Section 3 (NBMC 2.24.030) Purpose of the System.			X Section IV (400)				X ⁵ Section 801			
Section 4 (NBMC 2.24.040) Board Established.			X Section V (500)			X Section 710				
Section 5 (NBMC 2.24.050) Responsibilities and Authority of Board.			X Section V (500)			X Section VII (704)				
A. Meetings. ... hold regular meetings at least once a month ...										
B. Rules and Regulations. ... rules and regulations to implement the provisions of this chapter... such rules and regulations shall have the force and effect of law.			X Section V (501.6)			X Section 704 & 711(a)	X ⁵ Section 711(a)			
C. Appeals. To receive and hear appeals ... relative to ...appointment, promotion, dismissal, demotion, suspension and other disciplinary actions...			X Section V (501.3.2)			X Section 711(c)	X ⁵ Section 711(c)			
D. Advisory Role. To act in an advisory capacity to the City Council on personnel administration in the City service.			X Section V (501.5)			X Section 711 (a, b)				

* EPM = Employee Policy Manual, EERR = Employee/Employer Relations Resolution

Section of Ordinance 866 (as codified in the Municipal Code)	Covered by FBOR/POBR	Covered by Skelly	Covered by CS Rules and Regulations	Covered by EPM/EERR*	Covered by MOUs/SOPs	Already in City Charter	Add/Revise City Charter	Add to Rules and Regulations	Add to EPM	Not Needed
E. Recruitment and Selection. ... to establish policies and approve procedure for ...recruitment and selection of ..personnel, including, .. the posting of ...notices, the preparation/scoring of exams, and the establishment and certification of employment lists.			X Section V (501.2)	X Section 5 of EPM	X SOPs					X
F. Investigations. To make any investigation concerning the administration of personnel in the City service ... when requested to do so ... examine witnesses under oath ... compel their attendance or the production of evidence before it by subpoenas power to administer oaths to witnesses.			X Section V (501.4)			X Section 704 & 711 (d)				
Section 6 (NBMC 2.24.060) Responsibilities and Authority of City Manager.			X Section VI (600)	X Section 4 of EPM, EERR		X Section 504				
Section 7 (NBMC 2.24.070 A) Appointments. A. General Policy. Appointments shall be based on merit and fitness ...				X Section 6 of EPM				X		
Section 7 (B) (NBMC 2.24.060 B). Employment Lists. ...with respect to reemployment lists and the selection of the Police and Fire Chiefs, ... highest three eligibles ... in the order which they appear ... appointment shall be limited to these eligibles.			X Section V (501.2.3.1 A-G)					X ⁶		
Section 7 (C – G) (NBMC 2.24.060 C-G). Acting Appointments, Temporary Positions, During Suspension, Transfers, Reinstatement.			X Section V (501.2.3.2)	X Section 6 of EPM	X MOUs					
Sections 8 – 13 (NBMC 2.24.080 to 2.24.130) – (CSB’s role in) Recruitment and Selection (generally), including selection of Police and Fire Chiefs.			X Section V (501.2.3.2) and Section VII (700-701)	X Section 5 of EPM & EERR						X
Section 14 (NBMC 2.24.140) Employee Appeals. (review) appeals of regular employees as follows: Any regular employee ...who has been suspended, demoted, or discharged may....(request a closed-door hearing before the CSB).	X ^{2, 3}	X ¹	X Section V (501.3)	X Section 13 of EPM	X SOPs			X ⁷		

* EPM = Employee Policy Manual, EERR = Employee/Employer Relations Resolution

Section of Ordinance 866 (as codified in the Municipal Code)	Covered by FBOR/POBR	Covered by Skelly	Covered by CS Rules and Regulations	Covered by EPM/EERR*	Covered by MOUs/SOPs	Already in City Charter	Add to City Charter	Add to Rules and Regulations	Add to EPM	Not Needed
Section 15 (NBMC 2.24.150) Grounds for Demotion, Suspension or Discharge. Employees in ... may be demoted, suspended, or discharged (due to): Incompetency; inefficiency; dishonesty; misconduct; insubordination; or failure to observe ...rules and regulations.			X Section V (501.3)	X Section 13 of EPM	SOPs					
Section 16 (NBMC 2.24.160) Board Hearings. A. In General. B. Right to Counsel. The employee may be represented by counsel and shall have the right to produce witnesses to testify in his behalf. The Board shall issue subpoenas and compel the attendance of all witnesses.	X ^{2, 3}	X ¹	X Section V (501.3.3)	X Section 13 of EPM						
Section 16 (NBMC 2.24.160 – C). Modification of Disciplinary Action. The Board may modify or revoke a disciplinary action only on the following grounds: 1. The facts do not justify the action taken. 2. Substantive violation or omission of procedure was made. 3. The action taken was unreasonable, capricious or arbitrary in view of the offense, the circumstances surrounding the offense, and the past record of the employee.			X Section V (501.3.3 C)	X Section 13 of EPM			X ⁵			
Section 16 (NBMC 2.24.160 – D). Reimbursement. An employee shall be reimbursed for a loss of pay arising from a disciplinary action ... to the extent that it is ...revoked or modified by the Board.			X Section V (501.3.3 D)							
Section 16 (NBMC 2.24.160 – E). Findings. The Board shall certify copies of its findings ...The Board’s decision shall be final.			X Section V (501.3.3 F)	X Section 13 of EPM			X ⁵	X ⁷		
Section 17 (NBMC 2.24.170). Political Activities.	X ^{2, 3}			X Section 3.3 of EPM						X
Section 18 (NBMC 2.24.180). Status of Prior (Present) Employees.										X

Section of Ordinance 866 (as codified in the Municipal Code)	Covered by FBOR/POBR	Covered by Skelly	Covered by CS Rules and Regulations	Covered by EPM/EERR*	Covered by MOUs/SOPs	Already in City Charter	Add to City Charter	Add to Rules and Regulations	Add to EPM	Not Needed
Section 19 – Severability			X Section IX							X
Section 20 (NBMC 2.24.190). Conflicting Legislation, Conflicts with City Charter.										X
Section 21 (NBMC 2.24.200). Codification Amendment; Codification Conditions—Amendments.										X
Section 22 (NBMC 2.24.210). Penalty for Violation.										X
Section 23 – Effective Date										X

¹ **What Skelly Says:** 1975 California Supreme Court decision – generally, *Skelly* requires that the employer provide a written pre-disciplinary notice to include:

- A statement regarding the charges;
- The effective date of the proposed discipline;
- The reasons for the disciplinary action;
- The specific policy or rule violated;
- A copy of the materials upon which the action is based;
- A statement of the employee’s right to be represented in a Skelly hearing;
- A statement of the employee’s right to respond to the authority imposing discipline (usually a manager above the level of the employee’s supervisor.)

The purpose of Skelly is to provide due process for employees

² **Firefighters Procedural Bill of Rights (FBOR).** AB 220 (Bass, 2007) generally says that fire fighters have the following rights (not an exhaustive list):

1 – Privacy Rights

- No forced disclosure of personal financial information unless required by law or a court order.
- No forced submission to a lie detector test, or discipline for refusing to submit to one.
- No locker or private space search without consent (except under certain circumstances).
- May participate in off-duty political activity.
- May serve on school or local agency board (other than employer).

2 – Investigative Procedures

- No physical or psychological intimidation, offensive language, threats or extortion during interrogation.
- Advance notice required of the nature of any investigation and who is doing the interrogation.

- Interrogations may be recorded, and employee must be provided copies of all recordings and transcripts.
- Interrogations must take place on-duty, at a reasonable time (or compensated, if it takes place off-duty).
- In possible criminal investigation, employee must be advised of constitutional rights.
- Employee is entitled to representation prior to being questioned on any potential case involving charges or a criminal probe.
- Testimony can't be compelled on potentially incriminating questions without a *written* offer of immunity from criminal prosecution.

3 – Due Process Requirements

- Employee can't be punished if investigation isn't finished within a year.
- Employee can only be reassigned to other normal departmental jobs.
- Fire Chief required to provide written notice of removal, including reasons and appropriate administrative appeal.
- Firefighter must have access to any adverse comment in personnel records before it is submitted.
- Adverse comments must be signed by firefighter before going into personnel record. Employee response must also go in record.
- Fire chief must provide opportunity for administrative appeal before removing an individual from their job.
- Appeals process must conform with protections contained in Administrative Procedures Act.

³ **Public Safety Officers Procedural Bill of Rights Act (POBR)** – Government Code §3300-3312 generally says that sworn peace officers have the following rights (not an exhaustive list):

- No forced submission to a lie detector test, or discipline for refusing to submit to one.
- No forced disclosure of personal financial information unless required by law or a court order.
- No locker or private space search without consent (except under certain circumstances).
- Employer cannot force a peace officer to take a photograph where the employer would use it for promotional or other reasons.
- Right to review personnel records, right to ask to correct personnel records
- Officer must have access to any adverse comment in personnel records before it is submitted.
- Adverse comments must be signed by officer before going into personnel record. Employee response must also go in record.
- May participate in off-duty political activity.
- May serve on school or local agency board (other than employer).
- No physical or psychological intimidation, offensive language, threats or extortion during interrogation.
- Advance notice required of the nature of any investigation and who is doing the interrogation.
- Interrogations may be recorded, and employee must be provided copies of all recordings and transcripts.
- Interrogations must take place on-duty, at a reasonable time (or compensated, if it takes place off-duty).
- In possible criminal investigation, employee must be advised of constitutional rights.
- Employee is entitled to representation prior to being questioned on any potential case involving charges or a criminal probe.
- Testimony can't be compelled on potentially incriminating questions without a written offer of immunity from criminal prosecution.
- Right to wear an American flag pin.

⁴ **Section 802 – Add Assistant Chief to list of Exempt Positions and remove the exclusion of Library personnel.**

⁵ **Incorporate Ordinance 866 language to Charter.**

- Special Note: When revising Section 711(c) – do not include the following language from Ordinance 866 (NBMC 2.24.050 C) “original appointment” in the new Charter language.

⁶ **Change language in Rules & Regs to clarify “highest three eligibles” so it may include the highest three scores rather than specific three names when there may be a tie.**

⁷ **Change language in Rules & Regs to be consistent with the Employee Policy Manual.**

Draft of Charter Revision – Articles VII & VIII

Newport Beach City Charter

Article VII

Appointive Boards and Commissions

Section 700. In General.

There shall be the following named boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 701. Appropriations.

The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 702. Appointment. Terms.

The members of each of such boards or commissions shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City Government. They shall be subject to removal by motion of the City Council adopted by at least four affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July first. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than three shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Section 703. Existing Boards.

The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Section 704. Meetings. Chairmen.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Section 705. Compensation. Vacancies.

The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council. In addition, the City Council may by resolution fix an amount as reimbursement of other expenditures incurred by the members of boards and commissions while in the performance of their official duties.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a registered elector of the City, his office shall become vacant and shall be so declared by the City Council.

Section 706. Planning Commission. Members.

There shall be a Planning Commission consisting of seven members.

Section 707. Planning Commission. Powers and Duties.

The Planning Commission shall have the power and be required to:

- (a) After a public hearing thereon, recommended to the City Council the adoption, amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City.
- (b) Exercise such control over land subdivisions as is granted to it by ordinance not inconsistent with the provisions of this Charter.
- (c) Make recommendations to the City Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.
- (d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance not inconsistent with the provisions this Charter.

Section 708. Board of Library Trustees. Powers and Duties.

There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.
- (b) Designate its own secretary.
- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Manager.
- (d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.
- (e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.
- (f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.
- (g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Section 709. Parks, Beaches and Recreation Commission. Powers and Duties.

There shall be a Parks, Beaches and Recreation Commission consisting of seven members.

The Parks, Beaches and Recreation Commission shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees.
- (b) Consider the annual budget for parks, beaches, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.
- (c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- (d) Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.
- (e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Section 710. Civil Service Board.

The Civil Service Board shall consist of five members, none of whom while a member of the board, or for a period of one year after he has ceased for any reason to be a member, shall occupy or be eligible for appointment to any salaried office or employment in the service of the City.

The members of the Civil Service Board shall be nominated and appointed in the following manner. Two members shall be appointed by the City Council from a list of five persons to be

nominated by vote of the employees in the Classified Service, two members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three persons nominated by a majority of the four thus appointed. The successor of any member of the board shall be nominated and appointed in the same manner as such member was nominated and appointed.

Section 711. Civil Service Board. Powers and Duties.

The Civil Service Board shall have the power and duty to:

- (a) Recommend to the City Council, after approval by the City Attorney and after a public hearing thereon, the adoption, amendment or repeal of ~~civil service~~ rules and regulations. After adoption by the City Council, the rules and regulations shall have the force and effect of law.
- (b) Act in an advisory capacity to the City Council on problems concerning personnel administration.
- (c) Receive and hear ~~Hear~~ appeals submitted by any person employed by the City relative to any appointment, promotion, suspension, demotion or dismissal and any disciplinary actions and to make determinations thereon. The Board's determination shall be final for persons included in the Civil Service System. ~~make findings and recommendations thereon.~~ The Board may modify or revoke a disciplinary action only on the following grounds:
 - 1. The facts do not justify the action taken, the action is unlawful or action is superseded by law, local, state or federal.
 - 2. Substantive violation or omission of procedure was made.
 - 3. The action taken was unreasonable, capricious or arbitrary in view of the offense, the circumstances surrounding the offense, and the past record of the employee.
- (d) Make any investigation concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager when requested to do so by the City Council, the City Manager or by any organized City Employees' association.
- (e) Perform such other duties as may be prescribed by ordinance.

Section 712. City Arts Commission.

There shall be a City Arts Commission with the number of members to be established by ordinance or resolution and it shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic and cultural aspects of the City.
- (b) Recommend to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community.
- (c) On behalf of the City, actively encourage programs for the cultural enrichment of the community.
- (d) Perform such other duties relating to the Arts as the City Council may require.

Article VIII Civil Service System

Section 800. ~~Continuance of Present System.~~

~~The civil service system existing at the time this Charter takes effect, to the extent that the same is not inconsistent with any of the provisions of this Charter, is hereby continued in existence subject to all of the terms and provisions of this Charter and subject to amendment by proper authority as in this Charter provided.~~

Section 801. ~~Civil Service System to Be Maintained.~~

There shall be a Civil Service System to establish an equitable and uniform procedure for dealing with personnel matters; to attract to the City service the most competent persons available, to assure that the appointment and promotion of employees will be based on merit and fitness, and to provide reasonable security for employees.

The City Council shall by ordinance continuously maintain ~~a civil service~~ this system for the ~~selection,~~ employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system shall comply with all other provisions of this Charter.

Section 80~~1~~2. Positions Included in the System.

The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire Department of the City and may, by ordinance, include any other appointive officers or positions in the service of the City except the following:

1. All elective officers.
2. City Manager, Assistant City Manager, if any, one ~~private secretary~~ executive assistant to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, Director of Finance, City Engineer, all Department Heads, and Assistant Chiefs in Police or Fire, ~~and all employees of the Library Department, including the Librarian.~~
3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year.
5. Persons employed to render professional, scientific, technical or expert service.
6. Persons who render part-time service without pay or who are paid on an hourly or per diem basis.

Section 80~~2~~3. Withdrawal From System.

After inclusion in the system, any departments or appointive officers or employees shall not be withdrawn therefrom, either by an outright repeal of the civil service ordinance or otherwise, unless such withdrawal has been submitted to the city electors at a special or regular municipal election and approved by a majority of two-thirds of those electors voting on the proposition.

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