

2015 SEP -4 AM 10:24

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kenneth Doran 43-300 Elkhorn Tr. Apt. # G-18		FOR COURT USE ONLY
TELEPHONE NO.: 760-428-2241	FAX NO.:	
ATTORNEY FOR (Name):		CASE NUMBER: PSC 1504160
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: SUPERIOR COURT OF CALIFORNIA		
MAILING ADDRESS: 3255 E. TAHQUITZ CANYON WAY		
CITY AND ZIP CODE: PALM SPRINGS, CA 92262		JUDGE:
BRANCH NAME: PALM SPRINGS, CA 92262		DEPT:
CASE NAME: Doran vs. City of Palm Desert		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input checked="" type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): **1**

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **9/3/2015**

(TYPE OR PRINT NAME)

Kenneth Doran

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- BANNING 135 N. Alessandro Rd., Banning, CA 92220
- BLYTHE 285 N. Broadway, Blythe, CA 92225
- HEMET 880 N. State St., Hemet, CA 92543
- MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553

- MURRIETA 30755-D Auld Rd., Suite 1226, Murrieta, CA 92563
- PALM SPRINGS 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
- RIVERSIDE 4050 Main St., Riverside, CA 92501
- TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

RI-030

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)</p> <p>Kenneth Doran 42300 Eikhorn Tr. Apt. # G-13 Palm Desert, CA 92211 TELEPHONE NO: 760-408-2241 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE</p> <p>SEP - 3 2015</p> <p>M. Allen</p>
<p>PLAINTIFF/PETITIONER: Kenneth Doran</p> <p>DEFENDANT/RESPONDENT: City of Palm Desert</p>	<p>CASE NUMBER: PSC 1504160</p>
<p>CERTIFICATE OF COUNSEL</p>	

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- The action arose in the zip code of: ~~92210~~ 92260
- The action concerns real property located in the zip code of: _____
- The Defendant resides in the zip code of: 92260

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at www.riverside.courts.ca.gov.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 9/3/2015

Kenneth Doran
(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)


(SIGNATURE)

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):** *City of Palm Desert*

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):** *Kenneth Doran*

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP - 3 2015

M. Allen

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: **SUPERIOR COURT OF CALIFORNIA**
(El nombre y dirección de la corte es): **3255 E. TAHQUITZ CANYON WAY**
PALM SPRINGS, CA 92262

CASE NUMBER:
(Número del Caso): **PSC 1504160**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Kenneth Doran 43300 Elkhorn Tr. Apt. # G-18 Palm Desert, CA 92211
760-408-2241

DATE: **SEP - 3 2015** Clerk, by *[Signature]* Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify): *Municipal Government*
- by personal delivery on (date): *09/04/2015*

SHORT TITLE: Doran vs. City of Palm Desert	CASE NUMBER: PSC 1504160
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4. Plaintiff (name): **Kenneth Doran**
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name): **city of Palm Desert**

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

- (4) a public entity (describe):
Municipal Government
- (5) other (specify):

c. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

- (4) a public entity (describe):
- (5) other (specify):

b. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

- (4) a public entity (describe):
- (5) other (specify):

d. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

- (4) a public entity (describe):
- (5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. Doe defendants (specify Doe numbers): _____ were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. Doe defendants (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names): _____

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. has complied with applicable claims statutes, or
- b. is excused from complying because (specify):

SHORT TITLE: Doran vs. City of Palm Desert	CASE NUMBER: PSC 1504160
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

Fraud and corruption

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify):

Full and fair monetary damages to be proven at trial to compensate Plaintiff for the mental anguish, humiliation, pain and suffering and such other damages as resulted from the improper conduct of Defendant.

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

The Plaintiff is a resident of the County of Riverside, State of California, Defendant is a municipal government with the city hall and operations located in the County of Riverside, State of California,

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) according to proof
- (2) in the amount of: \$

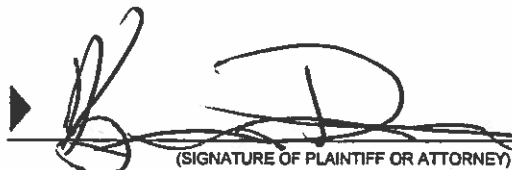
15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

7-10

Date: 09/03/20015

Kenneth Doran

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

1 Kenneth Doran
2 43-300 Elkhorn Trail Apt. #G-18
3 Palm Desert, CA 92211
4 (760) 408-2241

5 Plaintiff in Pro Per

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF RIVERSIDE
8

9 Kenneth Doran,,)

10 Plaintiff,)

11 vs.)

12 City of Palm Desert,)

13 Defendant,)

Case No.: **PSC 1504160**

Complaint for:

1) Breach of City Manager
Contract

2) Violation(s) of City of Palm
Desert Municipal Code Title II,
Chapter 2.52.205

14
15
16 1. Plaintiff Kenneth Doran (hereinafter "Plaintiff"), makes
17 the following allegations against Defendants City of Palm
18 Desert (hereinafter "Defendants").
19

20 **JURISDICTION AND VENUE**

21 2. The Court has jurisdiction over all causes of action
22 asserted herein:

23 A. Pursuant to the California Constitution, Article VI,
24 Section 10, because this is a case not given by statute
25 to other trial courts.
26

27 B. The Court has jurisdiction over all Defendants because
28 all Defendants are California residents.

Complaint for:

1) Breach of City Manager Contract

2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 1

1 C. Venue is proper because the cause of action stated herein
2 occurred in this judicial district.

3 D. Venue is further proper in this Court because:
4

5 1. The alleged violation(s) occurred in the County of
6 Riverside.

7 2. City of Palm Desert has its City Hall location and
8 conducts its operations in the County of Riverside.

9 3. Kenneth Doran resides in the City of Palm Desert and
10 the County of Riverside.
11

12 **PARTIES**

13 3. Kenneth Doran is an individual who resides in the County of
14 Riverside, State of California,

15 4. City of Palm Desert is a California Municipality with place
16 of business located in the County of Riverside, State of
17 California.
18

19 5. Plaintiff is ignorant of the true names and capacities of
20 Defendants sued herein as inclusive, and therefore sue
21 these Defendants by such fictitious names. Plaintiff will
22 amend this complaint to allege their true names and
23 capacities when ascertained.
24

25 6. Plaintiff is informed and believes and thereon alleges that
26 at all times herein mentioned, each of the Defendants sued
27 herein was the agent and employee of each of the remaining
28

Complaint for:

- 1) Breach of City Manager Contract
- 2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 2

1 Defendants and was at all times acting within the purpose
2 and scope of such agency and employment.

3 **FACTUAL ALLEGATIONS**

4
5 Plaintiff alleges the following actions:

6 7. On or about March 20, 2015, the Defendant, through council
7 action, renewed the city manager's contract even though the
8 city manager (John Wohlmuth) violated the terms and
9 conditions set forth in his current contract; specifically,
10 to obey all laws in the performance of his duties. The city
11 manager violated city of Palm Desert Municipal Code Title
12 II, Chapter 2.52.205 (herein after "Municipal Code")
13 governing the recruitment and selection of city employees
14 (Municipal Code attached hereto). On or about April 15,
15 2012, the city manager created the position of Tourism and
16 Marketing Manager with a top salary of \$120,000 per year.
17 The city manager ignored the process and procedures as
18 defined in the Municipal Code by giving the job to a
19 current employee (Donna Gomez) who does not hold a college
20 degree and had no experience in tourism or marketing;
21 thereby, violating his contract, Municipal Code and the
22 residents of the city of Palm Desert's public trust.
23 Plaintiff will present evidence demonstrating the position
24 in a similar local government agency would require a
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Complaint for:

- 1) Breach of City Manager Contract
- 2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 3

1 minimum of a bachelor's degree in a related field with an
2 advanced degree preferred with a minimum of five (5) years
3 of progressively responsible experience in tourism or
4 marketing. Plaintiff asserts the city council and Mr.
5 Wohlmuth knew or should have known this action would be a
6 violation of Municipal Code and an affront to Palm Desert
7 residents.
8

9
10 8. On or about February 10, 2009, the city council violated
11 Municipal Code when they failed to hold recruitment for the
12 position of city manager, instead giving the job to John
13 Wohlmuth. Mr. Wohlmuth was not currently working as an
14 employee of the city of Palm Desert, so holding an internal
15 recruitment would not be a valid reasoning for ignoring the
16 law. Plaintiff asserts the city council and Mr. Wohlmuth
17 knew or should have known this action would be a violation
18 of Municipal Code. Plaintiff retains a sealed and postmark
19 stamped envelope with a date of May 23, 2008, the letter
20 inside stating the city council would give the job of city
21 manager to Mr. Wohlmuth. Such evidence indicating six (6)
22 months prior to the announcement of Mr. Wohlmuth as the new
23 city manager would lend credence that the city council and
24 Mr. Wohlmuth never had any intention of following the
25 Municipal Code. A personal relationship between Mr.
26
27
28

Complaint for:

- 1) Breach of City Manager Contract
- 2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 4

1 Wohlmuth and former city councilman Richard Kelly were so
2 close that violations of the Municipal Code occurred when
3 Mr. Wohlmuth was promoted to the positions of Environmental
4 Services Manager, Assistant to the City Manager and
5 Assistant City Manager in his previous employment with the
6 city of Palm Desert.
7

8 9. On or about March 20, 1997, the city of Palm Desert created
9 and held recruitment, limited to current employees, for the
10 position of Business Assistant Specialist with two (2)
11 vacancies available. The city went through the application
12 and selection process; subsequently, announcing the two (2)
13 successful candidates: Frankie Riddle and Locke Witte.
14 Several weeks later and for speculative reasons, it was
15 announced there would be a second round of interviews. A
16 new interview panel was assembled with city councilman
17 Robert Speigel as a member. Upon conclusion of the
18 interview and consultation process, it was announced the
19 successful candidates for the position would be: Donna
20 Gomez and Locke Witte. As the city previously announced
21 Frankie Riddle as one (1) of the successful candidates, it
22 was necessary for the city to give Ms. Riddle another job.
23 Ms. Riddle was moved from Business Assistance Clerk to
24 Secretary to the Assistant City Manager. Plaintiff asserts
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Complaint for:

- 1) Breach of City Manager Contract
- 2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 5

1 there were multiple ethical and Municipal Code violations
2 in this recruitment. Plaintiff, through contract, was
3 working for the city of Palm Desert's Redevelopment Agency
4 assisting with their economic development department. After
5 completing two (2) years of service, Plaintiff had all
6 intention of applying for one of the positions being
7 recruited. However, by limiting the recruitment to current
8 city employees, Plaintiff was prohibited from participation
9 in the recruitment. Evidence will show the Plaintiff's
10 qualifications far exceeded the qualifications of the two
11 (2) successful candidates selected.

14 10. Plaintiff alleges that between July, 1, 1995 and March 20,
15 2015, there have been approximately 15 to 35 additional
16 violations of the city of Palm Desert Municipal Code Title
17 II, Chapter 2.52.205. The city council and staff violated
18 Municipal Code in their pursuit to fill the positions and,
19 in many cases, the qualifications of the person giving the
20 position is certainly suspect and not within industry
21 standards. Assistant City Manager and Visitor Center
22 Manager are some of the known positions that did not adhere
23 to the Municipal Code; through discovery, the names,
24 positions, exact dates and actions taken of those positions
25 and many other positions will be ascertained.

28
Complaint for:

- 1) Breach of City Manager Contract
- 2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 6

1 17. Such punitive damages as are determined by the enlightened
2 conscience of an impartial jury are warranted to deter
3 Defendant from future conduct of the type proven at trial;

4
5 18. Plaintiffs costs of this action including reasonable
6 attorney's fees.

7 Dated: September 2, 2015

Respectfully Submitted,

8 By:

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10 

11 Kenneth Doran

12 Plaintiff in Pro Persona

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Complaint for:

1) Breach of City Manager Contract

2) Violation(s) of City of Palm Desert Municipal Code Title II, Chapter 2.52.205 - 8

Title 2 ADMINISTRATION AND PERSONNEL
Chapter 2.52 PERSONNEL SYSTEM
II. RECRUITMENT AND SELECTION

2.52.205 Recruitment notices and application requirements.

The city of Palm Desert recruits to fill vacant positions in a manner which is fair, efficient, and results in a list of the most qualified candidates for departmental consideration. All recruitment and examination activities shall be designed to assess the job-related qualifications of each applicant and ensure that these activities are consistent with merit system principles.

The human resources department, in conjunction with the department head, shall determine whether a position is best filled through an open or promotional recruitment. When an open recruitment is conducted, notices shall be posted and/or distributed in a manner that is likely to provide for a qualified applicant pool. When a promotional or limited recruitment is conducted, notices shall be posted for a minimum of two weeks. All recruitment announcements shall describe the available position(s) and indicate steps a prospective applicant must take in order to be considered.

All recruitments for regular allocated positions shall be conducted by the human resources department and/or their designee. The human resources department, in conjunction with the department head and city manager, may determine that a position should remain unfilled or be filled at a lower level. If a position is determined to be filled at a lower level due to a lack of desirable candidates, a separate recruitment will be conducted.

A. **Recruitment Methods.** Department heads shall advise the human resources department in a timely manner of current and anticipated allocated position vacancies. The city manager must authorize the filling of vacancies. The human resources department, together with input from the affected department, shall determine the methods to be used to fill the vacancy. The human resources department may postpone, cancel, extend or otherwise modify recruitment efforts, as circumstances indicate. A recruitment need not reflect an immediate vacancy. It may be conducted to establish an eligible list for future vacancies.

B. **Job Announcement.** The human resources department shall publicize all recruitments and examinations for regular city positions by posting the job announcements on the city's website for the duration of the filing period. The recruitment shall be given other publicity as the human resources department deems warranted with concurrence of the affected department head, to attract a sufficient number of qualified candidates to compete in the selection process, keeping cost efficiency and effectiveness as a priority. The announcement must be made publicly available, whether electronically, bulletin board posting or other means.

Recruitment notices will specify the title and pay of the class, the nature of the work to be performed and the essential functions of the job, the qualifications necessary for performance of the work, the manner of applying, the type of exam(s) that will be administered, and other pertinent information. In addition to the general employment standards in the class specifications, the human resources department with concurrence of the department head, may establish additional requirements which shall be included in the job announcements and which must be met by each applicant before admission to examination or appointment.

Application forms shall require information covering training, experience and other pertinent information. Applicants for positions which are scientific, professional or technical, or the duties of which requires special qualifications shall be required to provide documentary evidence of a satisfactory degree of education, training, and/or experience.

Application Forms. Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of skill level, references and fingerprinting, if appropriate. Applications will be accepted electronically or on prescribed forms, the method and format of which may at any time or from time to time be

set forth by the city council through resolution.

Disqualifications. The human resources department may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or is not able to provide proof of their ability to work in the United States, except when this ability is not required by state or federal law. Applicants shall be rejected if the applicant is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation; is a current user of illegal drugs; has been convicted of a felony or misdemeanor that relates to the position duties that the applicant would perform; has made any false statement of any material fact or practiced fraud or deception in making the employment application; directly or indirectly obtained information regarding examinations; failed to submit the employment application correctly or within the prescribed time limits; has had his or her privilege to operate a motor vehicle in the state of California suspended or revoked if driving is job related; and for any material cause which in the judgment of the personnel officer or his/her designee would render the applicant unfit for the position, including a prior resignation from the city, dismissal from the city, or a significant disciplinary action.

Background checks will be conducted on all applicants and made part of the applicant's file. Applications shall be rejected, or employment terminated, if already hired, if the applicant has made any false statement or omission of any material fact, or given wrong or misleading information. (Ord. 1260 § 1, 2013; Ord. 1072, 2004)

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City of Palm Desert
Attn: City Attorney
71-760 Fred Waring Dr.
Palm Desert, CA 92062

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