

COUNTY OF VENTURA  
**civil service commission**  
BOARD OF REVIEW AND APPEALS

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MINUTES  
REGULAR BUSINESS MEETING  
THURSDAY MARCH 25, 2010  
9:30 a.m.  
LOWER PLAZA ASSEMBLY ROOM

- I. **CALL TO ORDER** - The meeting was called to order at 9:38.
- II. **ROLL CALL** - Commissioners present: Chair Vandenberg, Vice-Chair Merricks and Commissioners Becker, Little and Lazar. Staff present: Cheryl Shaw, Commission Assistant, Law Advisor Robert Orellana, Law Advisor Bob Boehm, and Jim Dembowski (IR).
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of February 25, 2010, were approved on motion of Commissioner Little, seconded by Commissioner Becker. The minutes of the Special Meeting of February 25, 2010, were approved on motion of Commissioner Becker, seconded by Commissioner Merricks.
- V. **PUBLIC COMMENTS** – Mr. Dembowski distributed copies of correspondence to the Board dated March 9 and March 16, 2010, relating to the Adoption of the 2010 Memorandum of Agreement with the Service Employees International Union Local 721. He apologized for not having brought the matter before the Commission for review under Section 103 of the Personnel Rules and Regulations which is something that has been done as a matter of course for the past few years. He further represented that the Memorandum of Agreement had no impact on the Personnel Rules and Regulations and that the contracted negotiations pertaining to the new Memorandum were very limited in scope. The Memorandum runs through September 30, 2010. The Memorandum will be made available to the all the Commissioners for their reference.
- VI. **OLD BUSINESS** – None.

**VII. NEW BUSINESS –**

- A. Recommendations to Board of Supervisors for changes/amendments to the Ventura County Personnel Rules and Regulations. Memorandum dated March 22, 2010, which was received from Bob Boehm concerning recommendations to the Board for changes to section 1352-4 of the Ventura County Ordinance Code and Section 2305 of the County's Personnel Rules and Regulations that address the duties of the law advisor was discussed.

Chair Vandenberg commented that the memorandum was forwarded to Mr. Millich for review but he has not had time to provide his comments. Mr. Boehm outlined the recommendations included modifying the rules to permit the law advisor to be present during the Commission hearing panel's deliberations and also to allow them to work with County Counsel to suggest appropriate changes to the Personnel Rules and Regulations to address confusing and/or out of date provisions. Mr. Boehm expressed that the presence of law advisor during deliberations would allow the drafting of a more complete opinion.

With regard to recommended changes Mr. Orellana indicated that any issues brought before the Board may require bargaining with the various collective bargaining units. He also indicated that the issue of the law advisor not being present in deliberations pre-dates the Brown Act and is unsure as to the exact origin of the ordinance in that regard. If the Commission were to make recommendations, other changes could also be suggested such as changing the time for appeal of a Commission's decision to match that currently in the Code of Civil Procedure.

Commission Lazar commented that the Commission should be cautious when reviewing wording of the existing ordinances and recommending changes to avoid creating possible new rights which were unintended. Changes regarding wording could for instance use words such as "allowable" rather than "shall." She also recommended that more gender neutral language be used if recommended changes were to be made to the Board.

Commission Becker commented that he believes that the exclusion of the law advisor during deliberations is most probably due to the issue of undue influence rather than concerns of conflicts of interest.

Commissioner Little indicated that the discussion should be about efficiency and financial impact. He commented that the process has worked fairly well with regarding to deliberations and getting the written decision completed. He suggested that the Commission conduct a study session to review the rules and regulations to come up with suggested recommendations for amendment.

Vice-Chair Merricks stated he was comfortable with having the law advisor present during deliberations but supported that the wording of the ordinance, if changed, should be carefully drafted.

Chair Vandenberg indicated that there would be a financial cost to have the law advisor present during deliberations and is undecided on whether he feels it is now necessary or not.

Mr. Orellana recommended that the Commissions all review the Rules and Regulations then forward to staff each of their recommended changes that could be reviewed and incorporated into a public document for discussion at a future meeting.

Mr. Dembowski expressed that the unions most likely would request bargaining on recommended changes to the Rules. He further indicated that the County was currently in concession bargaining with about 6000 of the 8000 County employees and urged the Commission not to introduce recommended changes at this time.

After further discussion it was concluded that the matter would be tabled for a period of 6 months.

- B. Consideration of Merit Increase for Commission Assistant based upon Performance Review(s) completed on February 25, 2010. The Commission voted unanimously, with Commission Lazar abstaining, on motion by Commissioner Vandenberg, seconded by Commissioner Becker, to approve a 5% merit increase for the Commission Assistant, Cheryl Shaw, effective upon completion of the 1040 probationary hours requirement.

**VIII. REQUEST FOR HEARING** – None.

**IX. REQUEST FOR INVESTIGATION** – None.

**X. INFORMATIONAL** – [Items not intended for Commission action, however, discussion regarding these items might evolve into action. Those parties having an interest in these items should attend the meeting as these matters may not be revisited.] – None.

**XI. COMMISSION/STAFF COMMENTS**

Cheryl Shaw, Commission Assistant, reminded the Commission that she would be on vacation April 2 through April 6.

Commissioner Little indicated that he would like to be more involved in the Commission's budget process perhaps by having more frequent budget reports. Cheryl

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Shaw indicated that she was currently working in conjunction with the fiscal manager and analyst to revise the Commission's budget and that the fiscal analyst could be available to answer questions concerning the budget at any future meeting. The Commission voted unanimously to agendaize for the April regular business meeting a discussion regarding the Commission's budget.

**XII. ADJOURNMENT** – The meeting was adjourned at 10:35 a.m.