

# civil service commission

## BOARD OF REVIEW AND APPEALS



### Commissioners

Don Becker  
Alyse M. Lazar  
J. William Little  
Haywood Merricks III  
James Vandenberg

**MINUTES  
REGULAR BUSINESS MEETING  
THURSDAY, SEPTEMBER 23, 2010  
9:30 a.m.  
LOWER PLAZA ASSEMBLY ROOM**

- I. **CALL TO ORDER** – Chair Vandenberg called the meeting to order at 9:32 a.m.
- II. **ROLL CALL** - Commissioners present: Chair Vandenberg, Vice-Chair Merricks and Commissioners Becker, Little and Lazar. Staff present: Cheryl Shaw, Commission Assistant, Robert Orellana, Law Advisor, and Jim Dembowski (IR).
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of August 26, 2010, were approved on motion by Commissioner Little, seconded by Vice Chair Merricks.
- V. **PUBLIC COMMENTS** – None.
- VI. **OLD BUSINESS**
  - A. Recommendations to Board of Supervisors for changes/amendments to the Ventura County Personnel Rules and Regulations regarding changes to Section 1352-4 of the Ventura County Ordinance Code and Section 2305 of the County's Personnel Rules and Regulations which address the duties of the law advisor. (Tabled from meeting of March 25, 2010).

Chair Vandenberg reminded the Commission that this issue first arose based on a memorandum dated March 20, 2010, drafted by Robert Boehm, one of two outside law advisors to the Commission. The memo outlined recommendations to permit the law advisor to be present during a hearing panel's deliberations. Chair Vandenberg indicated that Stephen Millich, the other outside law advisor to the Commission, expressed he was comfortable with either alternative, but expressed that the reason for the ordinance was to prevent undue influence by the law advisor upon the hearing panel members.

Commissioner Little indicated he was reluctant to change the deliberation process as the decision that the hearing panel renders is that of the panel members alone. Vice-Chair Merricks also agreed that a change to the process was not a necessity. Commissioner Lazar concurred with keeping the law advisor out of the deliberation process. In response to Commissioner Becker's inquiry, it was confirmed that if a legal question arises during deliberations, the hearing panel is able to consult with the legal advisor.

Mr. Orellana reminded the Commission that to change the current process would require amending Ordinance Section 1352.5 which outlines the duties of the law advisor, and may also be required to be submitted to the bargaining process. He concurred that the law advisor can be asked questions during deliberations regarding legal questions.

Upon motion of Chair Vandenberg, seconded by Commissioner Lazar, the Commission voted unanimously to decline to make any recommendations regarding an amendment to the Ordinance and to continue having the law advisor act as outlined in the current Ordinance.

## **VII. NEW BUSINESS**

- A. In-Chambers Briefing to Ventura County Grand Jury on Tuesday, September 28, 2010, per letter from Grand Jury dated August 30, 2010.**

Discussion ensued regarding the report to the Grand Jury. Chair Vandenberg gave a brief background of the Grand Jury's role, the location of their offices, and outlined how agency briefings are typically handled by the Grand Jury. He expressed it would be appropriate for himself and Vice-Chair Merricks, along with the Commission Assistant and Law Advisor to attend the briefing.

Commissioner Little stressed the importance of this briefing and requested that as many Commissioners as possible to be present at the briefing. Vice Chair Merricks concurred with the recommendation of Commissioner Little. Commissioner Lazar expressed that even if all attended, the Chair and Vice-Chair should be the spokespersons. Commissioners Lazar and Becker indicated that their scheduled may not permit them to attend on September 28<sup>th</sup>.

After further discussion, Ms. Shaw made further edits and additions to the draft of the report to the Grand Jury reflecting the Commissioners' comments. The Commission concurred that the report would be dated September 23<sup>rd</sup>, with a copy e-mailed to the Grand Jury's protocol coordinator and hard copies of the report and attachments brought to the meeting on September 28<sup>th</sup>.

Upon motion of Chair Vandenberg, seconded by Vice-Chair Merricks, the Commission unanimously voted to authorize Chair Vandenberg to sign the final draft of the report to the Grand Jury, dated September 23, 2010.

**VIII. REQUEST FOR HEARING** - None.

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

**X. INFORMATIONAL** – Commissioner Becker expressed a preference that when the Commission discusses having the Chair do something that it is not to “authorize” the chair to do such act but to instead “direct” the Chair to do so. Mr. Orellana agreed that by using the word “direct” the vote of the Commission to do so would cover instances in which the Chair disagreed with the action. Chair Vandenberg thanked Commissioner Becker for pointing out the distinction in reference to making and carrying motions regarding same.

**XI. COMMISSION/STAFF COMMENTS** – None.

**XII. ADJOURNMENT** – The meeting was adjourned at 10:28 a.m.