

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, JULY 26, 2012
9:30 a.m.
LOWER PLAZA ASSEMBLY ROOM**

- I. **CALL TO ORDER** – Chair Vandenberg called the meeting to order at 9:30 a.m.
- II. **ROLL CALL** - Commissioners present: Chair Vandenberg, Vice-Chair Merricks and Commissioners Little and Becker. Staff present: Cheryl Shaw, Commission Assistant, Robert Orellana, Law Advisor, Bob Boehm, Law Advisor, and Stephen Millich, Law Advisor.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – The minutes of the Special Meeting of June 13, 2012, were approved on motion by Commissioner Becker, seconded by Commissioner Little. The minutes of the Special Meeting of July 16, 2012, were approved on motion by Commissioner Becker, seconded by Commissioner Little, with Vice-Chair Merricks abstaining.
- V. **PUBLIC COMMENTS** – None.
- VI. **OLD BUSINESS** – Request received from William Markov (Case Number 10-221-13-01) dated July 18, 2012, requesting reconsideration of decision rendered by the Civil Service Commission on July 16, 2012.

No appearance was made by the Petitioner or the County. Vice-Chair Merricks abstained from participating in this matter as he was not present at the meeting of July 16, 2012.

Chair Vandenberg stated that the Petitioner had filed a request for reconsideration which was being opposed by the County. However, due to the unavailability of Commissioner Lazar, the Commission continued the Petitioner's request to Wednesday, August 22, 2012, at 9:30 a.m. Chair Vandenberg further stated that the Commission's signed Order of July 16, 2012, would be served on the parties within the next few days.

VII. NEW BUSINESS – Election of Chair and Vice-Chair of the Commission pursuant to Article III, Section 1 of the Commission’s Bylaws.

Chair Vandenberg requested that the elections be continued so that all Commissioners could be present. Upon motion made by Commissioner Little, seconded by Commissioner Becker, the election of Chair and Vice-Chair of the Commission were continued to the August meeting.

VIII. REQUEST FOR HEARING – Derek Van Camp, Fire Protection District (Case Number 12-192-22-01); Appeal from Termination.

Tom Temple was present for the Ventura County Fire Protection District as was Tabin Cosio of Industrial Relations. William Hadden appeared as counsel for the Petitioner, Mr. Van Camp, who was also present. Chair Vandenberg acknowledged receipt of both the Petitioner’s request and amended request, and the County’s objection regarding the lack of specificity of the request, and the submission of this matter to an administrative law judge.

Mr. Hadden then requested the matter be closed due to the personal nature of the charges. There being no objection by the County, the Chair ordered the matter closed.

Following the closed session and a brief recess, the Commission reconvened at 10:28 a.m.

IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

Chair Vandenberg inquired of Mr. Orellana about an article he read in the paper regarding the Governor discussing possible modification of the provisions of the Brown Act provisions. Mr. Orellana stated he would research the issue and report back at the next meeting.

In response to a further question by Chair Vandenberg, Mr. Orellana stated that the Commission can only go into a closed session, other than for deliberations relating to a litigated matter, if there is an exception under the Brown Act.

In response to the Chair’s inquiry concerning the law advisor contracts, Mr. Orellana stated that when appeals are filed, there is no requirement that any work be done by any particular law advisor, but when a law advisor is assigned to a matter, the parties should be notified of that person’s identity when they are notified of the hearing panel. Mr. Orellana also opined that Article 3 of the Commission’s Bylaws arguably can be read to provide the Chair with the authority to direct the commission assistant with regard to

MINUTES

Civil Service Commission

| July 26, 2012

assignment of law advisors to matters. Chair Vandenberg then directed Ms. Shaw that, except for the cases already assigned to each of the Commission's two current conflict law advisors, future cases are to be assigned solely to Mr. Millich until further notice. Commissioner Little asked that the Commission agendaize the matter for a future meeting to discuss the necessity of having a second or alternative law advisors available to serve the Commission. Commissioner Becker also requested that as part of the agenda, the procedure for hiring outside law advisors be presented as well.

XI. COMMISSION/STAFF COMMENTS – Presentation of report to the Board of Supervisors of the Commission's activity for fourth fiscal quarter and year end summary.

Following a brief discussion regarding the manner in which the Commission wanted preparation hours and time for conducting hearings reported in the future, Ms. Shaw indicated that she would re-word the current draft report based on the input given by Commissioners to clarify the time spent by them on all matters and that she would provide a draft document for review at the next business meeting.

XII. ADJOURNMENT - The meeting was adjourned at 10:53 a.m.