

civil service commission

BOARD OF REVIEW AND APPEALS



Commissioners
Don Becker
Alyse M. Lazar
Haywood Merricks III
Joyce A. Taylor
James Vandenberg

**MINUTES
REGULAR BUSINESS MEETING
THURSDAY, MARCH 27, 2014
9:30 a.m.**

**County of Ventura Government Center
Hall of Administration
LOWER PLAZA ASSEMBLY ROOM**

- I. **CALL TO ORDER** - The meeting was called to order by Chair Merricks at 9:35 a.m.
- II. **ROLL CALL** - Commissioners present: Chair Merricks, Vice-Chair Becker and Commissioners Vandenberg, Lazar and Taylor. Staff present: Cheryl Shaw, Commission Assistant, and Robert Orellana, Law Advisor.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – The Minutes of the Regular Business of February 27, 2014, were approved on motion by Commissioner Becker, seconded by Commissioner Lazar. The Minutes of the Special Meeting of March 12, 2014, were approved on motion by Commissioner Becker, seconded by Commissioner Lazar.
- V. **PUBLIC COMMENTS** – None.
- VI. **OLD BUSINESS** – None.
- VII. **NEW BUSINESS** –
 - A. Request from Jeffery S. Burgh, Assistant Auditor Controller, pursuant to Section 1703 of the County’s Personnel Rules and Regulations (PRR), to be exempted from PRR Section 1702’s requirement that employees running for County office take a leave of absence of thirty (30) days prior to the date of the election.

Jeff Burgh, Assistant Auditor Controller and acting Director of the Auditor Controller’s office was present. He reiterated that he was currently running unopposed for the vacated office of Auditor Controller in the upcoming June election.

In response to Commissioner Becker's question, Mr. Burgh stated he was unsure how the required leave would affect his compensation but felt that he would likely be required to use leave banks to back fill the time away from his job.

Mr. Burgh further stated that, due to his position and responsibilities with the Auditor Controller's office, being required to take the 30 day leave of absence would be more disruptive to the County service than if an exception to the leave requirements of Section 1702 was granted. He currently is acting Auditor Controller for the County and is responsible for accounts payable and the payroll system for the entire County. He also stated that, up to this point in time, he has been campaigning for office on his own time and has not identified any issues or inefficiencies such campaigning is causing, and that he has been able to continue to handle his professional responsibilities with the County.

In response to Commissioner Lazar's inquiry about who would run the office if he were required to take the 30-day leave of absence, Mr. Burgh stated the next highest ranking employee would take over his duties; however, that would require certain changes, such as a delegation of his signatory authority so that this person could approve expenditures and sign checks in his absence.

Upon motion by Commissioner Becker, seconded by Commissioner Vandenberg, the Commission unanimously found, pursuant to Section 1703 of the Personnel Rules and Regulations, that there was an absence of any facts indicating a disruptive effect on the efficiency and integrity of the County service and that Mr. Burgh's request for an exception to Section 1702 was therefore granted.

B. Review of Law Advisors Stephen Millich and Lee Cooper.

Ms. Shaw collected the annual review forms for the law advisors completed by the Commissioners. The forms will be kept in the Commission's office and available for inspection upon request.

VIII. REQUEST FOR HEARING – Edward Ho, Fire Department (Disciplinary Reduction in Salary) Case #14-243-08-04.

Howard Liberman of Silver, Hadden and Silver was present with his client, Edward Ho. Emily Gates, Assistant County Counsel, appeared for the Ventura County Fire Protection District. Ms. Gates stated that the agency had no opposition to Mr. Ho's request for a hearing before the Commission. The hearing was scheduled to last two days, beginning May 22, 2014. The panel will consist of Chair Merricks and Commissioners Lazar and Taylor with Stephen Millich acting as the Commission's law advisor. Ms. Shaw stated that the parties would receive written confirmation of the hearing date and that Mr. Millich would be contacting each of them regarding the briefing schedule.

IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS

Ms. Shaw indicated that pursuant to the comments received at the February meeting, she and Mr. Orellana would be working to present proposed language to amend the Commission's By-Laws with respect to how to conduct Section 103 reviews of proposed Memoranda of Agreement in the future. Mr. Orellana stated that the amendment language could not be adopted until the matter was agendized over two Commission business meetings. The Chair directed Staff to agendize the proposed language for consideration by the full Commission during the April regular business meeting.

Commissioner Becker stated that he would be unable to attend the May 21 meeting.

XII. ADJOURNMENT – The meeting was adjourned at 10:00 a.m.