

COUNTY OF VENTURA
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, MAY 28, 2015
9:30 a.m.

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

- I. **CALL TO ORDER** – Chair Merricks called the meeting to order at 9:30 a.m.
- II. **ROLL CALL** - Commissioners present: Chair Merricks, Vice-Chair Becker, Commissioners Vandenberg, Lazar and Taylor. Staff present: Cheryl Shaw, Commission Assistant, Roberto Orellana, Law Advisor to the Commission, and Jim Dembowski and Mike Curnow (IR).
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – The minutes of the Special Business Meeting of April 23, 2015, were approved on motion by Commissioner Vandenberg and seconded by Vice-Chair Becker.
- V. **PUBLIC COMMENTS** – None.
- VI. **OLD BUSINESS** – None.
- VII. **NEW BUSINESS**
 - A. Introduction of tablet computers and new format for receipt and review of Commission documents and correspondence.

Steve Long from IT Services discussed the use of the new tablets and answered questions from the Commissioners.
 - B. Discussion regarding recommendations to the Board of Supervisors pertaining to language for CEO staff to utilize when recommending waivers of the second public hearings required by Personnel Rules and Regulations Section 2006(B).

MINUTES
Civil Service Commission
May 28, 2015

Commissioner Lazar stated that, despite having raised the issue at the Commission's last business meeting, she now thinks it may be difficult to predict when a recommendation regarding waiver of second public hearings would be appropriate and, therefore, would not advise proposing any language to modify the Personnel Rules at this time. She noted that the Commission has already implemented a streamlined process with respect to Section 103 reviews and it would not necessarily be in the public's or County's best interest to recommend rules with respect to automatic waivers of second public hearings. Chair Merricks agreed and stated that the Commission's review of the memoranda of agreements and amendments which come before the Commission provides a legitimate service and that second reading waivers are, therefore, unwarranted.

Mr. Dembowski agreed and stated that making recommendations regarding the waiver of second hearings is unnecessary. There have been few instances where requests for waivers have been made and in those instances the affected union had no issue with the request. However, in view of the need for heightened public transparency, the office of Industrial Relations has determined that requests for waiver should not be repeated in the future. Industrial Relations is committed to adhering to the Personnel Rules as currently stated. He also thanked the Commission for being proactive in streamlining its Section 103 review process.

In response to a question from Vice-Chair Becker, Mr. Orellana stated that, for the benefit of the public, Rule 2006(B) requires two public hearings, however, it is a Board and union created rule so the Board of Supervisors can waive it if the unions do not object and, absent some prejudice, there is no remedy for the general public. The issue, therefore, is who else would be injured and what would that injury be if the Board choose to waive a second reading. Mr. Orellana acknowledged that the public may not be aware of the contents of a proposed memorandum of agreement until after the first hearing and opined that the purpose of the second public hearing is to allow time for members of the public to learn about and have a meaningful opportunity to express concerns at the second hearing. However, the Board of Supervisors is still permitted to waive any of its rules absent an objection from the unions or a party suffering an actual injury due to a waiver. Mr. Orellana concluded that, given the representation that Industrial Relations was going to adhere to Rule 2006(B) in the future, the issue with respect to waivers of second public hearings has become moot.

Commissioner Vandenberg concurred that there was no need to generate a recommendation letter to the Board of Supervisors and the Commission took no action.

VIII. REQUEST FOR HEARING – None.

IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS

- A. Presentation of Quarterly Report to the Board of Supervisors regarding third fiscal quarter activities of the Commission.

Upon motion by Commissioner Vandenberg, seconded by Commissioner Lazar, the Commission voted unanimously to direct the Chair to sign the quarterly report letter to the Board of Supervisors for its next business meeting.

- B. *Peter Monsivaiz v. Civil Service Commission of the County of Los Angeles* – Second Appellate District decision regarding jurisdiction of Civil Service Commission upon death of petitioner.

Mr. Orellana stated that the court's opinion focused on the limitations as to the jurisdiction of the Los Angeles Civil Service Commission and that here, in Ventura County, the Civil Service Ordinance and the Personnel Rules and Regulations sets forth the jurisdictional boundaries for the Commission. The two cases relied on by the court in the *Monsivaiz* case dealt with retirement issues, however, the court's opinion is still important due to its discussion regarding the limitations of any commission's jurisdiction. The Commission is not a tribunal for all employee disputes. In some cases, petitioners may have to direct their complaints to the courts.

- C. Budget presentation for fiscal year 2015-2016.

Commissioner Lazar questioned the Commission's overall total budget figure as the preliminary budget appears to have decreased. Ms. Shaw stated that she would contact the fiscal department to clarify the issue as her understanding was that the Commission's overall budget would remain the same as the prior fiscal year.

Ms. Shaw extended congratulations to Commissioners Vandenberg and Lazar who were both recently reappointed to the Commission. Commissioner Lazar also congratulated Commissioner Vandenberg on his upcoming wedding.

The Commissioners welcomed Mike Curnow from Industrial Relations who will be taking over for Mr. Dembowski to handle matters that come before the Commission.

XII. ADJOURNMENT- The meeting was adjourned at 10:15 a.m.