

COUNTY OF VENTURA
civil service commission
BOARD OF REVIEW AND APPEALS



**MINUTES
SPECIAL MEETING
MONDAY, MARCH 21, 2016
12:00 p.m.
VENTURA COUNTY GOVERNMENT CENTER
LOWER PLAZA ASSEMBLY ROOM**

Chair Becker called the meeting to order at 12:00 p.m.

Commissioners present: Chair Becker, Vice-Chair Lazar, Commissioners Vandenberg and Merricks. Staff present: Cheryl Shaw, Commission Assistant and Roberto Orellana, Law Advisor to the Commission and Mike Curnow (IR).

- A. Discuss request from the Human Resources Director and County Executive Officer that the Ventura County Board of Supervisors adopt an ordinance to amend the Ventura County Ordinance Code, Division 1, Chapter 3, Article 4, Civil Service System, Regarding Appointment by Transfer, Including Transfer to the County from a Public Agency other than the County and take action related thereto if appropriate. (Board of Supervisors meeting agenda item #41, March 22, 2016)

Shawn Atin, Director of Human Resources, addressed the Commission stating that the proposed amendment to the Civil Service Ordinance had been presented to the Board of Supervisors last week and that the Board had requested additional revised language. The current proposed amendment now includes wording to further clarify that transfers into the County service without examination are permitted if an individual had gone through a merit based system in another public agency.

Christina Vanarelli, appearing on behalf of the Criminal Justice Attorneys' Association of Ventura County (CJAAVC), urged the Commission to again recommend to the Board of Supervisors that the Board defer any decision with respect to the amendment of the ordinance until the Commission has had an opportunity to conduct its investigation.

In response to Commissioner Vandenberg's question, Ms. Vanarelli stated the current trial date is March 28, 2016, however, the matter could trail for three weeks depending upon courtroom availability. Commissioner Vandenberg stated that the Commission has already gone on record that it would take no position with respect to the issues until conclusion of the superior court lawsuit. Ms. Vanarelli stated that the lawsuit was filed as the County would not comply with

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subpoenas in connection with the investigation. CJAAVC argued that for the Board to adopt the amendment would be, in essence, its declaring what the legislative intent was when the ordinance was initially adopted, which would be incorrect.

Chair Becker inquired if the County were to agree to request the Board of Supervisors to send the issue back to the Commission to conduct its investigation, would the parties be willing to postpone the civil case so that the Commission could have an opportunity to do so. Mr. Atin indicated he would be interested in hearing CJAAVC's response regarding a continuation of the civil case. Chair Becker asked the parties to step into the hallway and meet and confer, while the Commission proceeded with the remaining items on the agenda.

After returning to the room, Ms. Vanarelli stated that prior to CJAAVC coming before the Commission with its request for investigation, she was advised by the District Attorney that it made no difference what the Commission did as it would not be binding on the District Attorney's office with respect to a past hiring decision. Ms. Vanarelli stated her client thinks that the only meaningful progress made thus far has been through the civil case and, at this point, it is important to CJAAVC to proceed in the superior court and have the judge make a ruling.

Assistant County Counsel Smith then addressed the Commission and stated that the County did not respond to the subpoenas issued by CJAAVC because subpoenas are not legally authorized for Civil Service Commission investigations. He stated that the County thinks the real issue in this matter is the District Attorney Office's hiring of a specific individual, Kelly Keenan. The County is amenable to staying the civil action so that the Commission can conduct its investigation but if the civil case goes forward, the County will continue to defend itself.

Mr. Atin stated that the County was asking the Board of Supervisors for clarification of the ordinance's language now because clarification is needed so that the court understands the Board's intent.

Vice-Chair Vandenberg stated that the Commission has already written to the Board of Supervisors and made the Commission's position clear that it was requesting the Board to postpone any decision on the amendment until the Commission's investigation was complete. He said he would prefer the Commission take no further action on this matter until the civil action is complete.

Vice-Chair Lazar agreed with Commissioner Vandenberg's comments and inquired if one of the Commissioners could address the Board of Supervisors as to the Commission's position. Mr. Orellana stated that the Commission could authorize the Chair, or one of the members, to appear before the Board, that staff should not make that presentation, and that any official position taken by the Commission must be approved by the Commission.

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Commissioner Merricks expressed concern about the process for transfers and whether or not the incoming candidates were subjected to the same rigorous requirements as those going through the County recruitment process.

Chair Becker stated that he had concerns about the proposed language but thinks the Commission should go on record either supporting or opposing it at this time. However, given that the proposed amendment is a new agenda item being brought to the Board of Supervisors for consideration, the question is whether or not the Commission should generate another letter to the Board of Supervisors again requesting the Board to defer any action.

Commissioner Merricks stated he felt that a letter to the Board of Supervisors re-emphasizing the Commission's position would be appropriate. Vice-Chair Lazar agreed as she felt that doing nothing would appear to be an acquiescence by the Commission to the newly proposed language.

Upon motion made by Commissioner Vandenberg, seconded by Vice-Chair Lazar, the Commission voted unanimously to direct staff to draft a letter to the Board of Supervisors reiterating the Commission's position with respect to the proposed amendment to the Ordinance, i.e., that it remains unchanged from the prior letter submitted to the Board on March 14, 2016, and to authorize the Chair to sign said.

- B. Section 103 Review of Proposed Amended MOA and Letter to the Board of Supervisors of the County of Ventura Re: Adoption of an Amendment to the 2014-2017 Memorandum of Agreement between the County of Ventura and the California Nurses Association - Regular Unit (Proposed Salary/Benefit Increases).**

Mr. Curnow introduced Craig Leedham, the County's new Labor Relations manager. Mr. Leedham represented to the Commission that the proposed amendment to California Nurses Association MOA, Regular Unit, will have no adverse impact on the Personnel Rules and Regulations.

Upon motion by Commissioner Vandenberg, seconded by Commissioner Merricks, the Commission unanimously voted to direct the Chair to sign a letter to the Board of Supervisors stating that the Commission finds that the proposed MOA amendment will have no adverse impact on the County's Personnel Rules and Regulations. Staff was instructed submit the letter to the Clerk of the Board of Supervisors for placement on its next meeting agenda.

- C. Section 103 Review of Proposed Amended MOA and Letter to the Board of Supervisors of the County of Ventura Re: Adoption of an Amendment to the 2015-2016 Memorandum of Agreement between the County of Ventura and the California Nurses Association – Per Diem Unit Unit (Proposed Salary/Benefit Increases).**

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Mr. Leedham again represented that the proposed amendment to California Nurses Association MOA, Per-Diem unit, will have no adverse impact on the Personnel Rules and Regulations.

Upon motion by Commissioner Vandenberg, seconded by Vice-Chair Lazar, the Commission unanimously voted to direct the Chair to sign a letter to the Board of Supervisors stating that the Commission finds that the proposed MOA amendment will have no adverse impact on the County's Personnel Rules and Regulations. Staff was instructed submit the letter to the Clerk of the Board of Supervisors for placement on its next meeting agenda.

D. Approval of Minutes of the Regular Business Meeting of February 25, 2016 and the Special Business Meeting of March 14, 2016.

The minutes of the Regular Business Meeting of February 25, 2016, were approved on motion by Commissioner Vandenberg, seconded by Commissioner Merricks. The minutes of the Special Business Meeting of March 14, 2016, were approved on motion by Commissioner Vandenberg, seconded by Commissioner Merricks.

The meeting was adjourned at 12:50 p.m.