

Civil Service Commission

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MEMBERS OF THE COMMISSION
Robert Bergman, President
Arthur Chapman, Vice President
Jeannie Nix
Jay Salter
Bill Tappan

The San Luis Obispo County Civil Service Commission Special Meeting Action¹ Minutes

Tuesday, August 15, 2006, 9:00 a.m.

County Government Center, 1055 Monterey Street, Suite D271, San Luis Obispo, CA

MINUTES

Present: Commissioner Arthur Chapman, Commissioner Jeannie Nix, Commissioner Jay Salter, Commissioner Bill Tappan and President Robert Bergman

Staff present: Commission Secretary Richard Greek and Clerk Susan Carvalho

Counsel: Commission Attorney Deputy County Counsel Ann Duggan

1. Call To Order:

President Bergman called the meeting to order at 9:04 a.m. and led the flag salute.

2. Public Comment Period:

President Bergman addressed the audience asking for anyone wishing to speak to the Commission during the Public Comment Period on any matter that is listed on today's agenda for this special meeting.

Kimm Daniels, General Manager, San Luis Obispo County Employees Association – Ms. Daniels asked to address agenda item #7. She commented she hoped the Civil Service Commission members had received a copy of the memo and supporting documents on the Board of Supervisors' item today, to vote on the formation of a 'planning for the next generation committee'. She added she is pleased that the Board expanded their proposed committee member size to include all bargaining units and encouraged the Civil Service Commission to accept the Board's request for 1 or 2 Commission members to participate.

Being no further public comment, President Bergman closed the Public Comment Period.

President Bergman asked that agenda item #7 be called out of order as to permit time for the Commission to consider this item prior to the Board of Supervisors' introduction of their 'committee' agenda item at today's BOS meeting.

3. (Agenda item 7) Open Session – Consideration of Response or Comments to Board of Supervisors regarding the creation of a committee to review the existing Civil Service Rules and prepare a report to the Board of Supervisors: *(Action)*

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Commissioner Jay Salter said he has written a public comment statement that he would like to read before the Board of Supervisors today and was interested in feedback from follow Commission members.

(A copy of this statement is on file in the Human Resources Department, Civil Service Commission records).

Commissioners Tappan, Nix, Chapman and President Bergman each provided comment and feedback to Mr. Salter. The overall consensus was their support of the statement prepared by Mr. Salter. The Commission accepts the Board's invitation to appoint two Civil Service Commission members to the 'planning for the next generation committee' and look forward to working closely with this committee and the Board of Supervisors on these issues. It was noted that the Civil Service Commission is the guardian of the Civil Service Rules by law and any proposed changes made by this committee will need to be considered by the Civil Service Commission and follow the meet and confer process before any change(s) the Rules can be made.

Commission Counsel Ann Duggan added that our Civil Service Commission is mandated by the California Code of Regulations to include certain provisions and merit principals in the Civil Service Rules, and there are boundaries set by state law on the ability to change such provisions. Also, in approximately the year of 2002 or 2003 new legislation was passed that the State Personnel Board has some jurisdiction on Rule changes in the context of bargaining and meet and confer matters. Following clarifying questions from President Bergman and Commissioner Art Chapman, Ann Duggan stated that the CSC has the exclusive authority over changes to the Rules as prescribed by the County Civil Service Ordinance. The ordinance was adopted pursuant to the State Code and the Civil Service Enabling Act. Any change to this ordinance would require an amendment and it's an issue whether or not the change(s) would require a vote of the people. The decision to bring the matter to the vote of the people would depend on the extensiveness and the amount of proposed changes and would have to be passed by a two-thirds vote.

One suggestion was made to add the following to the final paragraph of the statement, to read as: *"As it is now, Ms. Wilcox's recommendations, though certainly well intentioned, appear to put the cart way before the horse we do however, appreciate and wish to thank the Board for including Civil Service Commissioners on the committee."*

A motion was made by Commissioner Tappan and seconded by Commissioner Chapman to support the reading of the public comment statement to the Board of Supervisors as written by Commissioner Salter as amended. Motion passed. 5-0-0.

It was agreed that an item be placed on the August 23, 2006 regular session meeting agenda to include an open session to select Commission representatives to the Board of Supervisors' 'planning for the next generation committee.' President Bergman added that an agenda item be added to all regular session meeting agendas to include a *"report-out"* from these representatives on the progress and actions of the committee.

Commissioner Tappan stated, with a consensus from all Commissioners, that the CSC is in unison with the Board's plan to form a committee, which includes Civil Service Commissioners and all bargaining units as participants, and no one person or individual is driving this subject and that the Commission as a whole is united in bringing these issues to the table as a group.

4. **Commission Calendar Update:** Commission Secretary Richard Greek

Richard Greek confirmed that all pre-established dates determined by the Commission members for October and November 2006 special meeting dates are reserved and staff is working together to establish hearing dates for pending grievances and appeals.

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5. Findings and Decision – Open/Closed Session (Closed Session for Deliberations per Gov. Code, Section 54957): Appeal A06-72, dated April 26, 2006 (*Action*)

Prior to going into closed session, President Bergman announced that agenda item #5, **Findings and Decision – Open/Closed Session (Closed Session for Deliberations per Gov. Code, Section 54957)**: Appeal A06-65, dated February 8, 2006, will not be heard today. Commission Counsel Ann Duggan indicated that the findings will be ready for the August 23, 2006 meeting.

The Commission went into closed session for deliberations on the findings and decision of Appeal A06-72.

The Commission was back in session at 1:25 p.m. following deliberations and a lunch break and will await the final draft of the findings and decision on Appeal A06-72 from Counsel Ann Duggan's secretary.

6. Closed Session - (Closed Session per Gov. Code, section 54957.6 -- Conference with County Labor Negotiator): 2005 Civil Service Rule Changes (*Action*)

The Commission went into closed session for agenda item 6. President Bergman announced that the Commission will remain in closed session to discuss the 2005 Civil Service Rule Changes until the Commission Counsel's secretary arrives with the final copy of the findings of Appeal A06-72.

President Bergman called the meeting into open session for the ruling on the Appeal A06-72, dated April 26, 2006. For the record the three (3) Commissioners that did hear this case, Commissioner Salter, Commissioner Tappan and President Bergman, will be voting on this ruling. Commissioner Chapman and Commissioner Nix were not present for the hearing or present during the closed session for deliberations on this matter.

Motion made by Commissioner Tappan and seconded by Commissioner Salter to deny appeal A06-72. Motion passed. 3-0-2.

The Commission recessed for 10 minutes to make copies of the findings and decision on appeal A06-72 for distribution to appropriate individuals present.

President Bergman called the meeting back into closed session to continue conference with County Labor Negotiator regarding the 2005 Civil Service Rule Changes.

7. Closed Session – (Closed Session per Gov. Code, section 54956.9 – Conference with Legal Counsel, Pending Litigation): San Luis Obispo County Superior Court, State of California, Case No. CV 050945, County of San Luis Obispo, Department of Social Services (Petitioner) vs. County of San Luis Obispo, Civil Service Commission (Respondent), Cesar Bedroni (Real Party in Interest) (*Action*)

No report.

8. Adjournment

President Bergman called the meeting into open session and announced the Commission has concluded their closed session with the County Labor Negotiator regarding the 2005 CSC Rule Changes.

Being no further business the meeting was adjourned at 3:00 p.m.

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¹ *Note: These minutes reflect official action of the Civil Service Commission in open session. A taped record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*

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