

Civil Service Commission

The San Luis Obispo County Civil Service Commission
Regular Session Meeting
Wednesday October 26, 2011 @ 9:00 A.M.
1055 Monterey Street, Suite D-271, San Luis Obispo, CA



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

MINUTES

Present: President Jeannie Nix, Vice President Bill Tappan, Commissioner Art Chapman, Commissioner Robert Bergman, Commissioner Jay Salter

Staff: Commission Secretary Tami Douglas-Schatz; Commission Clerk Robin Mason
Acting Commission Secretary Emily Dabner-Rutter; Acting Commission Clerk Duane English during Closed Session only

Counsel: Rita Neal, Commission Counsel; Jayne Williams, Commission Counsel

1. Call to Order/ Flag Salute/ Roll Call

President Nix called the meeting to order at 8:59 A.M. and led the flag salute.

2. Public Comment Period

Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual. Being none, President Nix closed the public comment period.

3. Minutes

President Nix clarified with the Commission that the three sets of minutes will be taken one by one.

The August 3, 2011 Special Session Minutes were reviewed by the Commission; Art Chapman moved to approve the August 3, 2011 Minutes as submitted; Bob Bergman seconded; the motion carried 4-0-1; (Jay Salter abstained since he was absent for that meeting).

The August 24, 2011 Regular Session Minutes were reviewed and Commissioner Tappan stated that in the 6th paragraph on page 2 of 4, the word, "the" should be removed from the sentence. Tami Douglas-Schatz added information for the record regarding page 3, third paragraph which referred to a document entitled "Performance Evaluation of the Personnel Director." The record states that "... the Commission discussed the document and agreed that they would reserve the question if it is a public document and would distribute the document to the HR Director, County Counsel, the CAO and the Board of Supervisors." Ms. Douglas-Schatz reported that she and counsel had reviewed the document and it has been identified as a confidential personnel record and is not a public document. She confirmed that this record clarification does not change the minutes. Commissioner Tappan moved to approve the August 24, 2011 minutes as corrected; Commissioner Chapman seconded; the motion carried 5-0-0.

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The August 29, 2011 Regular Session Meeting Minutes were reviewed by the Commission and Commissioner Bergman moved to approve the August 29, 2011 Minutes as submitted; Commissioner Tappan seconded; motion carried 5-0-0.

4. Reports

Commission President

President Nix presented her report following the Secretary's Report, the Commission Counsel Report and Commission Subcommittees Report. President Nix requested that outside Commission Counsel be authorized to perform research on the Brown Act. She stated that although general training has been completed by the Commissioners the information sought is beyond that scope.

Tami Douglas-Schatz stated that County Counsel's Brown Act training would likely answer additional questions without specific research by outside counsel. Rita Neal, County Counsel, described her experience training boards and commissions on the Brown Act. President Nix addressed Ms. Neal regarding her concerns as it relates to the Brown Act. Ms. Neal addressed President Nix's concerns and the discussion was opened to the Commission.

Commissioner Jay Salter commented on the current situation with the CSC Working Group not being able to report out. Ms. Neal explained that all members of CSC Working Group agreed to delay reporting back to the full Board and full Commission until some clear recommendations had been formed. Ms. Neal further explained the Brown Act as it relates to the CSC and her willingness to be a resource.

Commissioner Salter suggested a closed session meeting regarding the CSC Working Group. Ms. Neal replied that it would not be an appropriate topic for closed session according to the law. Commissioner Tappan expressed his concern with the creation of the CSC Working Group. Ms. Neal replied that the ad hoc committee was appropriately created.

President Nix commented that the CSC appointed Commissioner Tappan and herself to the subcommittee, but have no authority on decision making. Ms. Neal stated that the purpose of the Working Group was to develop recommendations to take back to the full Board of Supervisors and Civil Service Commission, not to make final decisions.

Commissioner Tappan referred to item 3b(2) of the packet regarding the formation of the CSC Working Group and purpose; he further stated he believes it has gone beyond the original scope. Ms. Douglas-Schatz referred the Commission to the minutes of the August 3, 2011 meeting where the Working Group scope was described in detail. This scope is consistent with the actual work of the Working Group.

Commissioner Bergman expressed concern about it being a Brown Act violation by going beyond the scope of the purpose and suggested it needs to be corrected. He further inquired about the closed session meetings of the Board of Supervisors. Ms. Neal responded that the Board of Supervisors and the Working Group is in compliance with the Brown Act.

Commissioner Bergman requested clarification on County Counsel's position on a member of management providing legal advice to the Commission, rather than a deputy county counsel. Ms. Neal described County Counsel's approach to her role as General Counsel for the Commission and how the change evolved. Outside Commission Counsel, Jayne Williams, clarified her role as Counsel to the Civil Service Commission. Commissioner Tappan asked Ms. Neal why outside counsel is needed if they can

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have discussions with County Counsel as General Counsel. Ms. Neal explained that she advises on general matters and not on any particular case.

President Nix opened the discussion for Public Comment. Kimm Daniels, General Manager of SLOCEA, addressed the Commission and asked Rita Neal to explain the difference between the Working Group coming to a consensus versus a decision, as well as Ms. Neal's role in the process. Ms. Neal addressed her question and explained that any consensus of the Working Group would be brought back to Commission or Board of Supervisors by their representatives for any decisions. Ms. Neal further explained that the purpose of the Working Group is to open up the lines of communication.

Rita Neal addressed Ms. Daniels' second question by describing her duty as General Counsel for the Commission and that she will not provide advice on a specific case but that she will be a resource for outside counsel to utilize as needed.

President Nix addressed the group and suggested scheduling in depth Brown Act training in order to move to the next item. It was agreed to set a training time after a Commission Meeting on a non-hearing day.

President Nix addressed the group regarding item 4(a)ii on the agenda: CSC Budget. She clarified that her concern was not specific to Ms. Williams' services to the Commission, as she is highly qualified to do the job, but she questioned the cost of providing outside counsel to the Commission instead of utilizing County Counsel. President Nix referenced memos from the HR Director regarding budget issues, explained her perspective and asked for clarity on her cost concern. She noted that current outside counsel costs are more per hour than past outside counsel and opened the discussion to the Commissioners.

Ms. Douglas-Schatz reminded the Commission that Ms. Williams is serving as interim outside counsel pending the completion of an RFP process for Commission Counsel. She also assured the Commission that they are only responsible for the budget matters that they can control, such as operating efficiently as possible and obtaining authorization before requesting work from outside counsel beyond findings and decisions.

Commission Subcommittees

Commissioner Tappan reported that the next meeting for the ad-hoc committee, "CSC Working Group" will be held on November 17, 2011.

Commission Counsel

None.

Commission Secretary

Commission Calendar

Ms. Douglas-Schatz stated that the Appellant's Counsel for the "W" case in the General Services Agency has requested to move the hearing date to November 21 and 22. The Commission was not available on those alternate dates and agreed to schedule the matter via email in order to expedite the process. President Nix clarified that November 1, 8, and 9 would be held in order to accommodate additional dates needed for the upcoming appeal hearings.

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President Nix asked Ms. Douglas-Schatz for an update on the RFP process. She reported that the RFP for Commission Counsel was re-opened and will close on November 18, 2011. President Nix clarified with Ms. Douglas-Schatz that the interested parties would have approximately one month to respond to the RFP.

5. Closed Session (per Government Code Section 54957) Continued hearing and deliberations regarding Appeal #A10-010

President Nix called the closed session hearing to order at 11:03 A.M. The hearing lasted all day but was not completed, resulting in a continuance to the next special meeting on Thursday October 27, 2011 at 9:00 a.m.

6. Adjournment

The meeting was adjourned by President Nix at 5:00 P.M.

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