

FTR Log Notes

Description		
Civil Service Commission Regular Meeting		
Date	Location	
12/21/2011	1055 Monterey D-271 SLO	
Time	Speaker	Note
9:02:13 AM	Jeannie Nix	Item 1: Call to Order/Flag Salute/Roll Call 5-0-0
9:03:03 AM	Jeannie Nix	Item 2: Public Comment Period -
9:03:28 AM	Kimm Daniels	SLOCEA General Mgr - Thank each one for integrity and efforts. Best wishes in 2012.
9:04:08 AM	Jeannie Nix	Replied to Ms. Daniels her thanks for their efforts as well. no further req to speak. closed public comment.
9:04:46 AM	Jeannie Nix	Item 3: Approval of Minutes - Sept. 28, 2011 Reg Mtg. any additions or corrections? Tappan moved to approve; Bergman seconded; 5-0-0 carried - as written*
9:05:48 AM	Jeannie Nix	Item 3: Approval of Minutes - 10-19-11 special mtg. Bergman moved for approval. Jeannie had a couple of corrections: page 3B1 item 3 related to - suggested that we just clarify that it was a discussion: the discussion was related specifically to that closed session so we had a clear understanding and the roles of each clarified, the first sentence reflects that information.
9:08:51 AM	Tami Douglas Schatz	
9:09:53 AM	Jeannie Nix	THIS closed session instead of THE closed session;
9:10:36 AM	Jay Salter	in agreement that we have articulated in our rules that the HR director will provide us advice during closed sessions
9:11:08 AM	Rita Neal	should add Rita as Counsel, Bergman moved to approve; Chapman seconded. 5-0-0 - as corrected**
9:11:49 AM	Jeannie Nix	10-20-11 Special - Chapman moved to approve; Tappan seconded; 5-0-0 carried - as written*
9:12:19 AM	Jeannie Nix	10-26-11 Reg Session 3d(1-4) Bergman asked Tami, actual recordings are avail. Comm Chapman moved to approve; Bergman seconded:5-0-0 carried - as written **
9:13:22 AM	Jeannie Nix	Commissioner Tappan moved and Comm Bergman seconded closed hearing 4 sets: 10/27/2011, 11/1/2011, 11/8/2011, 11/9/2011 special minutes: 5-0-0 - as written**
9:14:29 AM	Jeannie Nix	Item 4a: Presdient report Commented that Michael Conger, agenda for discussion - written an official memo regarding 4Diii that we haven't gotten there yet on today's agenda. Attach to minutes (Link to public comment M. Conger letter)
9:16:59 AM	Rita neal	Advised: can respond to Mr. Conger but not take action.
9:17:17 AM	Jeannie Nix	Referred to Tami Douglas-Schatz re: Mr. Conger
9:17:33 AM	Tami Douglas-Schatz	Added this topic to list of report items; if we need to take action we will agendize for next time. - Mr. Conger is concerned that we are not keeping with enabling leg. substantially comply with enabling legislation; it was talked about at length; rule 4.05A addresses this pretty clearly; we will work with parties coop to reach mutual agreeable dates; then commission sets the date.
9:19:16 AM	Tami Douglas-Schatz	I don't know if we ever have a hearing within 20 days of appeal
9:19:41 AM	Jeannie Nix	when possible; withing 20 days.
9:20:04 AM	Bergman	Addressed Rita re how it was done to stay within the bounds of law; we don't have to have more than an appeal form in front of us.
9:20:50 AM	Rita neal	Will reasearch concerns addressed re: hearing dates period as it relates to appeal: will come back. put on next meeting agenda. **
9:21:19 AM	Jeannie Nix	Is there anyone from the public who wishes to address this item, appeals being heard within 20days
9:21:43 AM	Kimm Daniels	20 days is an inadequate amt of time to go through the processes that exist and prepare for the hearing; does not seem the best use of time to assemble everyone only to continue it, get dates as quickly as we want it; no diff in court. I would rather have the time to prep so we can move fwd smoothly when the hearings begin rather slow the process down than not having the oppty to resolved something before it comes fwd.

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<u>9:23:34 AM</u>	Jay Salter	Confirmed with Ms. Daniels that Mr. Conger is member of BY , but he has not raised his issue with SLOCEA.
<u>9:23:57 AM</u>	Jeannie Nix	Process in place, first find mutual resolution if possible. put on agenda as action item for next mtg** at that time direct HR Director to bring back issues along with Ms. Neal' draft a letter ** ready that describes the process and so on; csc can review recommendations from HR in order to provide a response to Mr. Conger.
<u>9:25:56 AM</u>	Tami Douglas-Schatz	yes, happy to.
<u>9:25:59 AM</u>	Bergman	asked if Conger has pending appeal.
<u>9:26:21 AM</u>	Rita Neal	Advised that is confidential info.
<u>9:26:30 AM</u>	Jeannie Nix	CSC timely due process; ms daniels brings up a good point; all parties has oppty to be prep to bring their case.
<u>9:26:58 AM</u>	Jeannie Nix	Comm Subcommittees: Mr. Tappan and Pres Nix have info to pass along re: CSC Working Group - there be things that were going on in the work group mtgs. clearly following the desires of this body.
<u>9:28:24 AM</u>	Jeannie Nix	specifically concerns: Bill and Jeannie felt caught off guard and also possible breach of brown act; nature of proposed discussions; subject to prosecution; if items were being discussed that should be discussed in public -
<u>9:30:14 AM</u>	Jeannie Nix	Recvd letter from 2 members of the BOS who are on the CSC WG; Bill and she consulted an atty re: CSC WG about the group not being less than a quorum.
<u>9:31:49 AM</u>	Jeannie Nix	main issues had already been addressed; believe moving fwd: CSC req legal advice of counsel, ask permission of HR; before that we were never aware of it: current outside counsel. process of understanding.
<u>9:32:46 AM</u>	Jeannie Nix	Also bring HR more close in advising on policy matters; not substantive re: complaints about the commission. will share with commission the letter that bill and jeannie sent; as well as the caution; present to Commsion. can't share the response with Commission though. it is not appropriate.
<u>9:34:18 AM</u>	Rita Neal	Important to recognize, any doc can be made public; as long as it does not contain confidential information.
<u>9:34:58 AM</u>	Bill Tappan	Concern: as members of the committee, we discussed confidentiality until proposals were drafted; we would not discuss with group until concrete recommendation. concerned to go against what the ad hoc committee recommended.
<u>9:35:45 AM</u>	Jeannie Nix	comfortable sharing w commission - helpful to see the info she recvd about less than a quorum committees.
<u>9:36:13 AM</u>	Bergman	was it addressed to the board members? asked JN
<u>9:36:25 AM</u>	Jeannie Nix	attorneys all have diff interpretation of law.
<u>9:37:06 AM</u>	Bill	agrees
<u>9:37:12 AM</u>	Jeannie Nix	before we went back to these committee mts, we needed a legal opinion in writing from coco; not recd yet; bergman said hold off on future mts until you know where we stand.
<u>9:37:45 AM</u>	Rita Neal	did answer that question at the last mtg. it was not asked. dont' want to give the impression it was asked and not responded to. not intentional to not provide the opion;
<u>9:38:29 AM</u>	Bergman	written letter is required
<u>9:38:37 AM</u>	Rita Neal	on the record that the CSC WG is not a vioalation of the brown act.
<u>9:38:55 AM</u>	Bergman	the committee cannot make committments of any kind; only majority (quorum) of the board. adv make no committments of any kind.
<u>9:39:30 AM</u>	Jeannie Nix	we did cover that; i dont' believe it is breaching any confidentiality; Sup. Hill said that the Board wanted to make chgs to the ord re the CSC; in that issue: uncomfortable talking about that.
<u>9:41:26 AM</u>	Bill Tappan	made it clear that jeannie and i can make no decision; agreed to not discuss whats in mtgs until we have formalized something to bring back to the groups.
<u>9:42:06 AM</u>	Jeannie Nix	did not get to look at making decisions; very concerned about the topics - feel we are not breaking the law by being in this committee; number of people in the mtg; coco, hr, bos, csc - does csc want letter? - yes.

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<u>9:43:15 AM</u>	Jeannie Nix	Jeannie handed out letter becomes public record. Tami and Rita were already sent a copy of the ltr (Link to Work Group Letter to BOS) (Link to Summary of Caution)
<u>9:43:46 AM</u>	Rita Neal	advised provide document to public as well
<u>9:49:28 AM</u>	Kimm Daniels	re: CSC WG - confused; grave concern; we rely on the Commission to be a legislative body.
<u>9:50:38 AM</u>	Jeannie Nix	Back to commission
<u>9:50:42 AM</u>	Jay Salter	This all began via the internet when he was in Canada; July until now. 5 mos. longer it goes on, the more mystifying it becomes; cloud of secrecy thrown up - penetrate the cloud of secrecy without breaching that; ref to Aug 24th minutes, pres nix stated...TDS Board is consistent with BOS. ask questions of members of the committee; Rita, Tami, Jeannie, Bill... is it still within the original.
<u>9:53:04 AM</u>	Rita Neal	the desire of Tappan and Nix to stop attending the work group will hinder the process as orig set forth at the direction of the BOS.
<u>9:54:21 AM</u>	Tappan	Discussed in Aug. CSC was criticized - that issue has been resolved re: budget and including HR in process; Brown Act Training - today. resolved.
<u>9:55:51 AM</u>	Tappan	3 times asked Ms. Neal for doc, asked to have group disbanded, they are moving fwd.
<u>9:56:32 AM</u>	Jeannie Nix	Most important issue the CSC wanted to know is the accusations against the commission. information has been thin. as I said in the letter, both Mr Tappan and I req that we would have info in advance; they would give the info in advance of the meetings and be included in prep. felt constantly being brought fwd ... second guessed; reviewed recent cases; being asked to agree to ord and rule chgs that we could not agree to as 2 indiv; accused of bias and mistmt of witness; after listening to tapes, there were pointed questions by the CSC; but nothing
<u>10:00:02 AM</u>	Jeannie Nix	the other issue: the desire for efficiency and cost eff re: budget. brought up the Oct 26 mtg regular re: comparison of outside atty prev and the current outside atty; huge diff in cost - 1/3 of what the pref atty charge. never gotten a clear idea of what we are being accused of. not feeling the meetings are productive.
<u>10:01:57 AM</u>	Bill Tappan	Defensive posture at mtgs. Req info re: BOS closed session re: lawsuit. never recvd the specifics. Req info before we attend mtg so we are ready for it: not doing what we were sent to do as reps of CSC.
<u>10:03:52 AM</u>	Jay Salter	ask Tami if this is accurate?
<u>10:04:04 AM</u>	Rita Neal	had a sheet in front of us re: sep ord and rules; had given to board members and were prepared to provide them with materials in advance: then recvd letter that they will no longer attend the ad hoc co.
<u>10:05:51 AM</u>	Rita Neal	informed commissioners prior to working group; CAO committed to continuous improvement; sorry that those lines of communication were not there: we made progress. lets keep working on that progress.
<u>10:07:09 AM</u>	Jay Salter	is there a separate agenda going on about changes rules and ord?
<u>10:07:39 AM</u>	Rita Neal	no. reviewed ordinance - the process generally is very long. discussion re amendments ord, rules to make sure its working btn hr dept and CSC. never really got to a conclusion.
<u>10:09:36 AM</u>	Tappan	responded: the mere discussion at first mtg was out of the scope of what that mtg was set up for. it was to discuss the issues. caught off guard every time. Rita you did say we would be provided with info on 17th wrote letter on the 14th. didn't see that the changes were coming as requested.
<u>10:11:36 AM</u>	Tami Douglas-Schatz	Commented: clearly you are unhappy and felt very defensive in the mtg; we only had 2 mtgs; did not have an oppty to set a norm as to how that mtg would work.
<u>10:12:25 AM</u>	Tami Douglas-Schatz	Aug 3 re: roles and resp - broad topic. secret mtgs leaves the wrong impression; how HR and CSC interact as well as witness complaints. these topics were not outside the scope.

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<u>10:14:14 AM</u>	Jeannie Nix	Ms. Neal rep CoCo and BOS not rep CSC; issues addressed before, asst CoCo rep Commission, theres that legal issue of conflict of interest. in committee mtg, Ms Neal has good intentions; it was clear at mtgs she rep BOS and CoCco, none of issues re commissions issues supported. that is why so defensive. no one was saying, that's a good point, maybe we should think about it. "can't serve two masters" not the first priority.
<u>10:16:26 AM</u>	Rita Neal	clarified: prof responsibility as lawyer, take pride in professionalism; I understand my role, the Working Group Mtgs were not to be adversarial; not advocating on behalf of anybody; part of my job is to assist in solving problems, it isn't my job to make sure that my clients always like my advice, I have an obligation to give advice; there was acknowledgement, CSC WG mtg quasi indep body. No one was questioning that independence.
<u>10:18:10 AM</u>	Rita Neal	difficult to respond, makes it diff to respond when philosophy of open communication - have obligation now that I have a client that is not happy with my advice, I will report back to CoCo - apologize and desire to resolve the issues. I encourage you to come back to the working group. make myself available.
<u>10:19:56 AM</u>	Jeannie Nix	Not accusing you of lack of professionalism. It is difficult to serve two clients. That is not the issue I am bringing up
<u>10:20:31 AM</u>	Bergman	re: Mr. Salter's question re: another agenda in place.
<u>10:20:52 AM</u>	Jeannie Nix	What does the commission want them to do.
<u>10:21:02 AM</u>	Bergman	re: Allegations
<u>10:21:26 AM</u>	Chapman	issue is raised, all approached and the accusations are still there. it needs to be resolved forthwith. If there are other issues that need to be raised in a subcommittee then take those up at a later time. 4 specific issues. address then move fwd.
<u>10:22:32 AM</u>	Bergman	Ref Summary of Caution, Ms. Neal can go thgouh it point by point without having to contact
<u>10:23:08 AM</u>	Tami Douglas-Schatz	there's a question that did not get answered?
<u>10:23:26 AM</u>	Jay Salter	Specific allegations
<u>10:25:11 AM</u>	Tami Douglas-Schatz	absolutely disagree that there's some underhanded secret issue underway; there's every effort to address all of the issues that were brought by your Supervisors. Only two meetings; 3 hours of work. more talking on the sly here instead of at the table. If you are not satisfied with the County Counsel's def that the mtgs are not legal. addressed the Commission
<u>10:27:22 AM</u>	Rita Neal	
<u>10:28:06 AM</u>	Jeannie Nix	The whole point is if we go back to the mtgs...
<u>10:28:24 AM</u>	Art Chapman	the indiv issues that were orig brought up be discussed and resolved forthwith. put behind us so we can get to the work of the commission.
<u>10:29:05 AM</u>	Jeannie Nix	Thanked the commission.
<u>10:29:12 AM</u>	Jeannie Nix	Item 4 - Reports: counsel, none, secty
<u>10:29:30 AM</u>	Tami Douglas-Schatz	Commission Calendar, 2012 for Regular Mo. Mtgs, as corrected ** 2011-2012.
<u>10:30:24 AM</u>	Jeannie Nix	Accept as presented, correct year. no vote.
<u>10:30:57 AM</u>	Tami Douglas-Schatz	Ref calendar, current hearing. then "W" hearing. one other req re: appeal and the prehearing has not yet occurred, the appellant in this matter has outside counsel; prehearing is set for jan 20th. committed to appellant, feb 22nd and shceduling 2 days would be adequate. first week of feb 6-7. witnesses. Feb 6th and 8th. A10-011 "C" hearing.
<u>10:34:21 AM</u>	Chapman	Presumes Comm Counsel available at that time.
<u>10:34:32 AM</u>	Rita Neal	Commented re: CSC Counsel
<u>10:35:14 AM</u>	Tami Douglas-Schatz	RFP update: Dec 23rd is final date. We've gotten 2 more responses; we will be able to close it and start coordinate calendars. Commissioner Bergman and Commissioner Nix are set to serve on that panel.
<u>10:36:39 AM</u>	Tami Douglas-Schatz	draft of the annual report. last yr we made significant changes; Mark McKibben, Pers Analyst - thanked him and staff
<u>10:37:11 AM</u>	Mark McKibben	Pers Analyst HR - addressed the Commission. Highlights re: meet & confer process. also had updated info re: census data in this report. if CSC approves today, we would send to BOS for consent agenda in January.

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<u>10:38:51 AM</u>	Art Chapman	brief editorial questions: re: first page of the report, this is a fiscal yr report, july 201 - june 2011. We change offices in the commission on a January - Dec calendar. do we use the president at the beginning or end of the year?
<u>10:40:47 AM</u>	Mark McKibben	Will clarify designations of each Commissioner.
<u>10:41:21 AM</u>	Art Chapman	Shannon, Shane, Rita were respective Atty's Jayne Williams, this fy
<u>10:41:51 AM</u>	Art	pg 6 - delete the S after position. *
<u>10:42:12 AM</u>	Mark McKibben	thanked the commision and commented that Jayne Williams was included in there and it was not correct; being influenced by the large amt of activity and those will show up on the next FY report. this report just the meet & confer portion.
<u>10:43:18 AM</u>	Art Chapman	read mission stmt, all of the services HR provides to the departments is not mentioned: those are really important.
<u>10:44:01 AM</u>	Tami Douglas-Schatz	each division has it's own mission stmt, the one here is a generic, global stmt
<u>10:44:23 AM</u>	Art Chapman	maybe useful in the third line to talk about cost effective...
<u>10:44:48 AM</u>	Jeannie Nix	Agrees in the mission stmt that HR may be short changing themselves...maybe a better place would be under accomplishments.
<u>10:45:23 AM</u>	Tami Douglas-Schatz	Clarified that this is not an HR report, it is a Commission report.
<u>10:45:39 AM</u>	Tami Douglas-Schatz	We are splitting it up, individual reports, and annual summary - labor program is so robust we are doing a seperate report to the BOS for that: annual basis.
<u>10:46:17 AM</u>	Tami Douglas-Schatz	page 2 under csc rule update "led" instead of lead and page 4d5 under list of csc mtgs sb 6-28-10 not 6-2-2010.
<u>10:46:55 AM</u>	Bergman	page 10 question re: demographics, all applicants for that FY. has it changed since the economy has taken a downturn?
<u>10:47:28 AM</u>	Mark McKibben	recruitment activity took off after the FY
<u>10:47:56 AM</u>	Bergman	is that age bracket the highest? - Mr. McKibben confirmed that yes it is.
<u>10:48:15 AM</u>	Salter	asked Mr. McKibben if he has gotten diff requests from the BOS.
<u>10:48:39 AM</u>	ALL CSC	pleased with the report (Tappan: Better and better; Chapman: Readable; Nix: Like format, more readable like last yr, gets better. appreciate that.)
<u>10:49:12 AM</u>	Mark	asked Rita, when we presented report, vote?
<u>10:49:23 AM</u>	Jeannie Nix	Approved as ammeded Bergman, seconded salter. accept and fwd to BOS as corr 5-0-0
<u>10:49:46 AM</u>	Art Chapman	commented re: statistic, hard work that HR does behind the scenes to resolve appeals before they become hearings; serves well both the county and the ee. it is important, as a lot of time, dollars, and effort goes into that.
<u>10:51:23 AM</u>	Jeannie Nix	Job well done. apprec all you do for CSC as well as all ee's. Mr. McKibben dismissed, concludes reprot.
<u>10:51:52 AM</u>	Jeannie Nix	break until 11:10
<u>11:09:31 AM</u>	Jeannie Nix	Handing it over to Rita Neal, CSC Counsel re: Brown Act Ttraining handout* re: Brown Act / Power Point
<u>11:11:36 AM</u>	Rita Neal	(Link to Brown Act handout RLN)
<u>11:26:32 AM</u>	Maricela Havard	advise to also post it outside where the BOS agenda is posted.
<u>11:27:57 AM</u>	Rita Neal	Cont'd presentation: (Link to handout RLN_RLM)
<u>11:48:40 AM</u>	Rita Neal	recommened OPEN IN PUBLIC book. re page 8 point - areas of caution. Gave examples.
<u>11:55:12 AM</u>	Rita Neal	Avoiding Violations - seek help, ask Q's of support staff.
<u>11:55:32 AM</u>	Bill Tappan	Q Rita - FPPC ref opinions. located online
<u>11:56:05 AM</u>	Bob Bergman	Comment: standing committees / ask member to sit in audience to listen only. cannot speak. If conflict of interest, leave the room entirely. Rita confirmed.

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<u>11:57:02 AM</u>	Rita Neal	Can do training on conflict of interest. typically in smaller communities. Tappan - presumption is a mine field.
11:57:53 AM	Jeannie Nix	Thanked Ms. Neal,
11:57:59 AM	Jeannie Nix	Item 6: Adjournment