

FTR Log Notes

Description	Regular Civil Service Commission Meeting - D271Jeannie Nix		
Date	1 /19/2012	Location	CSC Regular Meeting
Time	Speaker	Note	
<u>9:00:33 AM</u>	Jeannie Nix	Item 1: Call to Order/Flag Salute/Roll Call 5-0-0 (RLM Clerk; TDS Sect'y' RLN Counsel)	
<u>9:01:34 AM</u>	Jeannie Nix	Item 2: Election of Officers	
<u>9:01:43 AM</u>	Arthur Chapman	Moved to nominate Bill Tappan for CSC President	
<u>9:01:54 AM</u>	Bill Tappan	Declined nomination and made a motion to nominate Jeannie Nix as Pres and Jay Salter as VP as not to interfere with rotation of CSC guidelines.	
<u>9:02:40 AM</u>	Bob Bergman	Seconded Motion to nominate JN as Pres and JS as VP	
<u>9:02:48 AM</u>	Jay Salter	Commented that established protocol in order to move in a set sort of way, so as Bill relinquished his position as president, it seems I should move into that position. Jeannie has done a wonderful job; appropriate to change horses here.	
<u>9:03:39 AM</u>	Bob Bergman	Follow up with what Bill said; other issue not resolved, keep continuity. Stand behind second to nominate JN as Pres and JS as VP.	
<u>9:04:10 AM</u>	Arthur Chapman	Expressed his respect for Ms. Nix; based upon current guidelines; next in line is Mr. Salter as keeping with the guidelines; in conflict because I think both of you could do a splendid job. I prefer the current tenor of the guidelines.	
<u>9:05:22 AM</u>	Bill Tappan	Referred to Guidelines - operative word is "may" I was not happy with the decision at the time the guidelines were written/ not personal; keeping guidelines somewhat in proportion.	
<u>9:06:14 AM</u>	Bob Bergman	call for a vote	
<u>9:07:00 AM</u>	Jeannie Nix	Opened to public comment before voting	
<u>9:07:05 AM</u>	Ken Tasseff	Personnel Analyst Ken Tasseff approached the CSC; ref guidelines. order set in rules is clearly stated; vp and pres should each hold office for one year. arbitrary to decide otherwise. This CSC is charged with upholding these rules; as a Pers Analyst rely on rules; I don't understand how you can arbitrarily decide to go outside of the rules; simply say we have decided to disregard it...as someone who upholds the rules; I strongly recommend that you not take this action; follow the intent and set forth in our own guidelines.	
<u>9:09:59 AM</u>	Bob Bergman	Countered public comment.	
<u>9:10:12 AM</u>	Mark McKibben	Pers Analyst - echoed much of what Mr. Tasseff has said; work with rules on daily basis; the guidelines should be followed: maintain a succession as indicated here in the guidelines.	
<u>9:11:15 AM</u>	Arthur Chapman	Commented: agree with staff's reading of the guidelines, also - when we set the guidelines up, we did not develop an alternative in the rules or set forth a process that provides for that possibility specifically. I have expressed my pers opinion, recall that we did not attend to that issue when we pass this change.	
<u>9:12:39 AM</u>	Bob Bergman	not a policy; a guideline.	
<u>9:12:48 AM</u>	Art Chapman	Is also a policy in my mind; a policy it is going to follow. comfortable with either person being president. I am comfortable with either Salter or Nix as president and I am sorry that we did not - at the time we made this change - explicitly explain a way to handle this situation.	
<u>9:14:01 AM</u>	Bill Tappan	Says "may" not "shall"; we left that in there to give CSC an oppty to override this because there may be a time when the CSC does not have the confidence in the person - not now. Made a motion.	
<u>9:14:51 AM</u>	John Schwind	Public Comment; policy, guidelines, laws - reason for rotation shows intent that an officer shall serve for one year only. Despite oppty to change guideline. did not do so because intent was clear in guideline.	
<u>9:16:12 AM</u>	Rob Reid	Chief, Sheriff Dept. How will the CSC treat other rules? ref to succession guideline, to not do that makes me wonder how the CSC will interpret other rules.	

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<u>9:16:58 AM</u>	Arthur Chapman	Responded to Chief Reid: they are guidelines, the ones used most often deal with hearings; they are written to be malleable and to give the CSC discretion during procedures of the hearing/ it is very important that we be absolutely fair on all sides; ecen in this process, I think it is paramount that I as a Commissioner am fair as to what the intent to this was; unfortunately, we did not set a specific procedure to handle this eventuality.
<u>9:18:52 AM</u>	Jeannie Nix	Any other comment from the public. None. Back to CSC.
<u>9:18:59 AM</u>	Jay Salter	Recalled in the past, having made the observation that we are not like the Supervisors, we are all sitting around the same table: like families do around the kitchen table. We have diff of opinion re: the diff problem that has arisen over the past year: Bill's decision to not act as leader here is complicating matters by allowing Jeannie to carry on instead of invoking me as Pres.
<u>9:20:38 AM</u>	Jay Salter	cont'd: it may have to do with the diff with BOS; concerns have arisen re: how the CSC has been conducted. Ref to WG - understand Tappan and nix do not want to continue to attempt to resolve the dispute; as a result of making that decision; they are in a position to not have the trust of the CSC - I think we need to have the WG continue to work and that's where.
<u>9:22:14 AM</u>	Jay Salter	...If I am elected as Pres, I want to go back to the table and attempt to resolve this matter between us. That is the real issue that has not yet been addressed here. Open up so we can get a clear picture.
<u>9:23:11 AM</u>	Bill Tappan	replied to Mr. Salter: You have given a mis characterization of what my involvement in this has been. The Q is the legality of how the Committee was formed, the direction it has taken until I am convinced it has been done so far.
<u>9:23:57 AM</u>	Jeannie Nix	added that the characterization that Bill and I do not want to continue to resolve the issue is a mis characterization. It does not mean we have not worked toward resolution; also felt it is important to bring things back to the Commission. We were appointed to serve on WG and will continue - I do not believe that is afoot here; it is an issue, how do we have succession whether we have problems or not.
<u>9:25:40 AM</u>	Jay Salter	Don't you agree that the issue of leadership here is an issue we should address? In view of the fact that according to this document before me, both you and Bill have agreed to do away with this Working Group and recommended it be disbanded.
<u>9:25:57 AM</u>	Jeannie Nix	Addressed Jay's question and explained her concerns about the CSC WG not following the Brown Act. I wonder if that is what we should be discussing. Roll Call Vote: Tappan - Y; Chapman - Y; Bergman - Y, Salter - No; Nix - Y - motion carried 4-1-0.
<u>9:28:55 AM</u>	Jeannie Nix	Item 3: Public Comment Period opened
<u>9:29:07 AM</u>	Ken Tasseff	HR Analyst Commented on last vote, this comment is not directed to the characterization to the reasons behind the change; I am disappointed, it is clear what should have happened there, that this CSC did not listen to the comments, but it is pretty clear what the intent was with the guidelines. each would do a great job; my impression with how the CSC conducts business and I do not understand why the CSC would choose to go ahead.
<u>9:31:02 AM</u>	Jeannie Nix	Any other PC - none. Closed PC, back to the Commission.
<u>9:31:08 AM</u>	Jeannie Nix	Item 4: Approval of Minutes - Dec 12, 13 moved to approved a written made by Art Chapman. 2nd Bill Tappan; motioned carried 5-0-0.
<u>9:32:08 AM</u>	Jeannie Nix	Item 5: Reports - (a) Commission Pres *back on agenda for next regular meeting to discuss issue.
<u>9:33:03 AM</u>	Jeannie Nix	Ref Brown Act Training at Dec 21, 2011; whenever more that two commissioners seen together, there could be a perception, pointed out CSC goes to lunch together **draft something - on next agenda, long standing practice (over 12 yrs) to go to lunch during a long day. Give public notice re: lunch - craft something so public is on notice and can participate as they wish. We are concerned that we follow the Brown Act.
<u>9:35:25 AM</u>	Rita Neal	Is this request from the entire Commission; Advise it is clearly not a good idea as I recommend by all since it an issue of perception as well. Long standing practices do not override what the law requires. (JN: we appreciate that)

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<u>9:36:44 AM</u>	Jeannie Nix	Item 5: reports (b) subcommittees / reviewed confidential report authored by Tami. Bill and Jeannie read written complaints which were verbal and the interviews were not avail to access; entire Commission should be able to view it so the entire commission can access; Ms. Neal advised that the CSC cannot go into closed session and was made to BOS and did not come to our attn until months later.
<u>9:38:26 AM</u>	Jeannie Nix	Each of the CSC members go into Rita's office to review the report that Tami authored and after all have reviewed written resp to complaints, that the CSC should address action as a group, determine what merit we place on those complaints as well. Any corrective action. Before we can do that, everyone needs to know what the facts are. Asked for public comment.
<u>9:39:59 AM</u>	Rita Neal	Advised - Pres Report and Subcommittee Report.
<u>9:40:20 AM</u>	Jeannie Nix	Non public comment req/ back to CSC
<u>9:40:26 AM</u>	Bob Bergman	Q: re scheduling time to review.
<u>9:40:47 AM</u>	Jay Salter	I have seen the report
<u>9:40:54 AM</u>	Art Chapman	Not aware of it until today, will make appt.
<u>9:41:05 AM</u>	Jeannie Nix	Leave it to the Commission whether you all think this can wait until feb regular or special.
<u>9:41:21 AM</u>	Jay Salter	incumbent upon us to move swiftly - serious issues that need to be address
<u>9:41:39 AM</u>	Jeannie Nix	agreed all CSC needs to be made aware. do we need special mtg.
<u>9:41:56 AM</u>	Jay Salter	yes, set for nx week.
<u>9:42:23 AM</u>	Jeannie Nix	(Rita said she is avail nx week) asked CSC if avail to meet January 25th for special.*
<u>9:43:22 AM</u>	Jeannie Nix	Caution to CSC: When we talk about this, we must be careful not to make any comment to identify individuals involved. 9:00 AM Jan 25th to meet on this matter: Complaints
<u>9:44:34 AM</u>	Rita Neal	Item 5: COUnsel Reports - did meet with Nix, Tappan, talked about report, invited all CSC to her office re: concerns, review report. Am working on written opinion re: Brown Act
<u>9:45:13 AM</u>	Bill Tappan	Good listener/ JN - yes, productive meeting
<u>9:45:26 AM</u>	Jeannie Nix	complimented Rita re: she spent a lot of time going through it step by step and giving feedback. thanked her for taking the time; made progress.
<u>9:46:16 AM</u>	Jay Salter	asked if there is another subcommittee issue to discuss.
<u>9:46:35 AM</u>	Jeannie Nix	RFP process. This afternoon at 4pm there will be a meeting at HR in Room 4. WJ, JG, JN, BB, TDS
<u>9:48:00 AM</u>	Jeannie Nix	Ready to move on to Comm Secty
<u>9:48:10 AM</u>	Tami	item 5: secty report. calendar 25th that has been settled. Feb 6,8 next hearing scheduled.
<u>9:49:21 AM</u>	Jeannie Nix	Break
<u>10:05:24 AM</u>	Jeannie Nix	Back on the record after a break, item 5 reports secty re: Mr. Conger's letter. everyone who brought a copy of that letter, please redact. We have all had a chance to look at this; Gov Code section is not in new book.
<u>10:06:52 AM</u>	Art Chapman	page 3 of blue copy of rules
<u>10:07:01 AM</u>	Jeannie Nix	31108 reads item 3 within 20 days from the filing of an appeal...
<u>10:07:24 AM</u>	Rita Neal	The beginning of ordinance, includes how that fits in as we go through this letter.
<u>10:07:50 AM</u>	Jeannie Nix	rely on Rita's expertise as we go through letter, referred to gov code in letter.
<u>10:09:27 AM</u>	Tami Douglas-Schatz	ee brought forth a letter requesting 20 day period; letter that comment is appreciated and timeliness is a goal for HR and CSC; talk about how enabling law then ordinance softened and then CSC Rules being more practical knows we need to coordinate schedules; rules recog needs of all parties. then confirms commitment.
<u>10:11:40 AM</u>	Bob Bergman	10 days response time a long time ago; saw the need that it was too hard to get everyone together.
<u>10:12:05 AM</u>	Bill Tappan	Good explanation
<u>10:12:16 AM</u>	Arthur Chapman	commented
<u>10:12:53 AM</u>	Robert Bergman	"whenever possible"

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<u>10:13:15 AM</u>	Rita Neal	Rule talks about appeals procedure in CSC Rules. The filing of the appeal grants jurisdiction to this body (CSC) "substantially" means to come close but not nec exactly. Hearing in 20 days whenever possible allows for what is practical.
<u>10:15:37 AM</u>	Jeannie Nix	4.05 extension that talks about the 20 days.
<u>10:15:56 AM</u>	Rita Neal	work cooperatively to schedule among parties
<u>10:17:30 AM</u>	Jeannie Nix	add 4.04(c) to the letter; back up to co. ord 2.40.120(4) and 4.05(a)* and asked if there is a capacity to address extenuating circumstances that last longer than 20 days
<u>10:19:57 AM</u>	Bob Bergman	Any person who gets to the point of filing an appeal is wanting to be heard as soon as possible. Not inviting response.
<u>10:21:10 AM</u>	Jeannie Nix	Commission always wants to hear appeals and grievances as soon as possible.
<u>10:21:52 AM</u>	Arthur Chapman	Becomes a policy stmt, in essence it becomes a stmt of our policy as to how we are going to proceed, it is an interpretation of our rules and expresses our intent; take consideration of the reality of the process, neither quick nor easy. can't see how we can really improve it; expresses our intent and takes into consideration the behind the scenes realities.
<u>10:23:18 AM</u>	Bill Tappan	likes the way it is written and explains it very well.
<u>10:23:31 AM</u>	Jay Salter	will sign as modified
<u>10:23:38 AM</u>	Jeannie Nix	suggested modifications; HR did a great job.
<u>10:26:05 AM</u>	Jeannie Nix	Commissioner Chapman moved to approve the letter responding to Mr. Conger's Public Comment as amended and instruct President Nix to sign; Bob Bergman 2nd motion carried 5-0-0. (Link to Conger Revised Redacted Response Letter 1-19-2012.)
<u>10:26:42 AM</u>	Tami Douglas-Schatz	turn in copies and copy with minutes will be redacted and available online after approval.
<u>10:27:14 AM</u>	Tami Douglas-Schatz	he did present his letter personally, posted identity just not his address. - address redacted from public record*
<u>10:27:30 AM</u>	Tami Douglas-Schatz	At the last mtg (12-21-2011), the Commission placed on the record, the letter from the WG, the letter Tappan and President Nix signed. Comm decided not to place BOS response on the record. I will be doing that today. TDS distributed response per BOS direction. (Link to 1-19-2012 BOS Reply to Jeannie Nix and William Tappan)
<u>10:28:45 AM</u>	Jeannie Nix	We will be writing a letter back to the BOS re: mis- characterization.
<u>10:29:02 AM</u>	Bob Bergman	The BOS did send it to the CSC; greatly appreciated.
<u>10:29:23 AM</u>	Bill Tappan	Is it possible to get the gov't code sections printed with the ordinance?
<u>10:30:09 AM</u>	Tami Douglas-Schatz	Yes, we'll print new ones including the Enabling Legislation Section.
<u>10:30:19 AM</u>	Jeannie Nix	Item 6: Closed Session. Delib A10-010