

FTR Log Notes

Description			
Civil Service Commission Special Session OPEN Meeting			
Date	2 / 6 / 2012	Location	CSC Special Session Meeting
Time	Speaker	Note	
<u>9:01:44 AM</u>	Jeannie Nix	Item 1: Call to Order/Flag Salute/Roll Call 5-0-0	
<u>9:02:31 AM</u>	Jeannie Nix	Item 2: Public Comment Period	
<u>9:02:44 AM</u>	Kimm Daniels	SLOCEA Gen Mgr. 2012 65th anniversary of organization (SLOCEA) 1948 edition of County Blade - SLOCEA newsletter, brought copy for ea. Commissioners. Collected signatures for Nov 1948 ballot for CSC to be brought to SLO County. Ms. Daniels distributed copies of October 1948 ballot initiative and SLOCEA issue of the County Blade.	
<u>9:05:38 AM</u>	Kimm Daniels	Having the Commission present was and still is very important; pleased there has been respect or the Commission for the last 64 yrs.	
<u>9:06:07 AM</u>	Jeannie Nix	no further requests to speak @ public comment, President Nix closed PC.	
<u>9:06:20 AM</u>	Jeannie Nix	Item 3: Discuss complaints and hearing procedures	
<u>9:06:42 AM</u>	Jeannie Nix	For the record, confirmed that all Commissioners have read that document re: witness complaint	
<u>9:07:01 AM</u>	Jeannie Nix	Purpose of this meeting was to bring closure and resolution to issue that has been sensitive and difficult to discuss. Explained re: Brown Act, may feel hindered. That's the whole purpose of the Brown Act to bring out in public to resolve public issues. All prepared to discuss facts here	
<u>9:09:09 AM</u>	Jeannie Nix	explained Friday (Feb 3rd) there were RFP Interviews conducted. Afterwards, Jim Grant requested Bob Bergman and Jeannie to stay and speak re: his desire to ease tension re: the issues at hand.	
<u>9:10:07 AM</u>	Jeannie Nix	Jim Grant suggested that as an oppty to reduce level of tension on this matter, meet together again (BT, JN, TDD, JG) and asked if CSC as a whole would approve of this meeting.	
<u>9:11:33 AM</u>	Bill Tappan, Art, Bob	agreed.	
<u>9:11:53 AM</u>	Jay Salter	Commented: applauded Pres. Nix in taking extra steps to resolve issues. Had contact with majority of Supervisors - what needs to be done is making an effort. you are demonstrating a good faith effort.	
<u>9:13:29 AM</u>	Jay Salter	Asked President Nix if she would consider the motions that were presented at the last meeting that were removed from today's agenda.	
<u>9:13:54 AM</u>	Art Chapman	Good first step to come to a resolution. Second step, bring ideas from first meeting to Working Group to see if a resolution can be completed.	
<u>9:14:43 AM</u>	Tami Douglas-Schatz	Addressed the Commission; aware of conversation Jim Grant had with Mr. Bergman and Ms. Nix - supportive. I think that the four of us can take great first steps and decide where we go from there. Both full bodies could review whatever actions the 4 us decided were worthy of referring back.	
<u>9:15:43 AM</u>	Jeannie Nix	Mr. Grant felt, having a conversation with the HR Director and the 2 Commissioners to find common ground and then have something we can agree on. Then we can get back to our job as a Commission body and provide an unbiased body, we've been distracted from that. We want the Board of Supervisors to be involved, but I believe we would save their time in coming to them with some resolution.	
<u>9:18:17 AM</u>	Jay Salter	do not misunderstand, i am not withholding support of your efforts. I want it on the record that the motions I made last week are a template to help in working toward resolution to speed this process and resolve these issues. Take these motions under advisement when you enter discussion with Mr. Grant and Ms. Douglas-Schatz.	
<u>9:19:01 AM</u>	Jeannie Nix	Any other discussion on the topic of meeting? - ref to Rita Neal re: if motion still stands re: Bill and Jeannie being appointed to Working Group subcommittee.	
<u>9:19:30 AM</u>	Rita Neal	That motion still stands, no need since you are already appointed to the Working Group. If desire by CSC to provide broader or different direction, you could certainly take up another motion, but you are already are appt to WG. (JN: so we will go ahead based on prev vote, BT and JN will work with TDS and JG @ meeting.)	
<u>9:20:03 AM</u>	Jeannie Nix	Ref to Rita Neal re: guidance about opening topic	

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<u>9:20:48 AM</u>	Rita Neal	Further discussion will come back, but yes - take Public Comment on this item Discuss Complaints and Hearing Procedures as well as the discussion you have just had, which falls within that topic and clarified that President Nix would probably put reports back on a future agenda.
<u>9:21:17 AM</u>	Jeannie Nix	Asked motions to be stricken from the agenda because they were issues that were one commissioner's idea. so we will not be discussing the items in red, they have been removed -not up for discussion. Opened public comment. None. President Nix closed PC. Asked if any Commissioner had anything for discussion.
<u>9:22:38 AM</u>	Bill Tappan	Clarified that Tami will schedule the meeting with Jim Grant. Tami confirmed that yes she will.
<u>9:23:18 AM</u>	Art Chapman	There are 2 items on the agenda I would like to discuss Hearing Procedures. I think we should discuss before you go into discussion with others about this. Change to current hearing procedures - issue came up re: give counsel oppty to ask clarifying questions. Jay and Rob support it.
<u>9:24:50 AM</u>	Bill Tappan	torn - both ways, it seems like it gives them another bite at the apple, and we were criticized for lengthy hearings. They would be able to redress their concerns: how far are we going to go with this?
<u>9:25:43 AM</u>	Art Chapman	Perhaps a model we could look into with asst. from CoCo - re: court trial (a trial without a jury) judges ask clarifying questions. How does it work?
<u>9:26:32 AM</u>	Rita Neal	Normally, in a court trial, if the judge has any clarifying Q's about information that the parties have put on, then the judge will ask clarifying questions. Then, it goes back to the parties to follow up and then it stops. Unless, something comes up at that point that has to come back to the trier of fact.
<u>9:28:37 AM</u>	Art Chapman	Clarified the issues get narrowed as it goes on. (Rita further clarified that the process has a natural break - it does not go on and on.) Req Susan Hoffman. Kimm Daniels approach to speak to this issue.
<u>9:28:50 AM</u>	Jeannie Nix	Before we have them approach, needs to think about it - important to remember that part of the CSC mission/ duties are investigative duties, that is why CSC has power to call witnesses - our ultimate responsibility is to find facts and make sure we make a decision that has been thoroughly investigated as a Commission. One of the issues is budget (ref to stricken item re: budget) so we need to obtain
<u>9:31:18 AM</u>	Jay Salter	Made the observation re: when there is issue of fundamental fairness - which is the reason the CSC was created - equal and fair trmt of all ee's. When we have an issue as to whether or not we as judges are going on a fishing expedition or not without any accountability, that's a very serious issue that needs to be addressed. Fairness is what we are here for, above all else.
<u>9:32:21 AM</u>	Jeannie Nix	Agreed about fairness. The Issue: budget. Until a few months ago, none of us (CSC) had ever heard about the budget or had any idea that we were strenuously limited. That is not my issue that was brought up outside the Commission and the CSC was criticized about the length of hearings and about the budget. It would have to be negotiated with those who control the budget. Expressed commitment of CSC to go's end want to have a fair process.
<u>9:33:20 AM</u>	Bob Bergman	ref John Jenkins, CoCo - let as much evidence in as possible, whether win or lose, felt it was a fair hearing. To allow a few more Q's, right and fair so they can open some more or close loops in that area. At the end of the day I'd like everyone to feel they were heard. That stops the appeals process which is a cost saving mechanism to the County.
<u>9:35:46 AM</u>	Jeannie Nix	Don't disagree with that, just that the Commission has been challenged in that area.
<u>9:36:04 AM</u>	Bill Tappan	Not opposed, just really give it some thought as to the process. How are we going to do it?
<u>9:36:25 AM</u>	Jeannie Nix	Good discussion, invited Ms. Hoffman to address issue

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<u>9:36:44 AM</u>	Susan Hoffman	Addressed CSC - Thanked Comm Chapman re: bringing hearing procedures issue to public discussion. Supports allowing counsel to ask clarifying Q's - small group will not have counsel, so I appreciate the oppty. to speak to this issue as an advocate's point of view on hearing procedures since there is not representatives of counsel in that small group. Explained how court trials work and clarifying q's from the trier of fact are meant to narrow the focus and alert advocates if they are missing a critical point. It is concerning to me then when President Nix raises the idea of investigative authority and subpoenas and calling witnesses in an Appeals/ Grv hearing - that is different - it is taking the presentation of the case out of the hands of the advocates. that I don't see happening in court trials which would expand focus rather than narrow it. Further commented re: fairness issue, difficult balance in between opening it up and keeping a focus in an admin. hea.
<u>9:40:37 AM</u>	Kimm Daniels	SLOCEA. Reiterate what she said at last meeting that win or lose, she has never had a feeling that I was not heard. Expressed concern re: budgetary constraints. The Commission is good at asking clarifying questions. I think that budgetarily, the Commission has been kept out of the loop and there may be something to do better. Hearings are not a place to save money. This is the place it should be taken care of. If there is budget training, that's fine. We have no way of knowing the cost ahead of time. Eliminate in the face of due process
<u>9:43:53 AM</u>	Art Chapman	one other issue, it was brought up during our discussion just now - 2003 when I came on the Commission, I was at a loss as to how this process worked. Thank God, I happened to sit by Bob. Watched how he handled the hearing - yrs of experience. I understand when Judges get appointed, they go to boot camp and learn how to be a judge. I would like for you to discuss in your small group the idea that we as commissioners and advocates have oppty to go through training to we do less stumbling, more org & efficient - level ground for all of us - others will take our place someday. open brief dicussion abt that and
<u>9:46:30 AM</u>	Bill Tappan	Discussed this issue in length with Rita. Nothing wrong with training - on grand jury / set up training. It has improved the fr jury.
<u>9:47:17 AM</u>	Bob Bergman	Asked Ms. Neal if an admin law judge can do the training or someone neutral
<u>9:47:46 AM</u>	Rita Neal	We don't have to recreate the wheel. There are judges/ training programs out there re: administrative hearings training. I have done and will continue to do research on training done by retired judges, etc.
<u>9:48:44 AM</u>	Bob Bergman	Recommended retired Judge Hilton
<u>9:49:14 AM</u>	Rita Neal	all are concerned with due process and efficient hearings. I know how important is to all of you. Always room for improvement, pleased to hear the discussion.
<u>9:49:41 AM</u>	Jay Salter	Fully in favor of training.
<u>9:49:48 AM</u>	Jeannie Nix	By the time the case was made by the Commission, parties have been though a lot already. the more I can learn, the better.
<u>9:51:02 AM</u>	Art Chapman	Thanked President Nix
<u>9:51:13 AM</u>	Jeannie Nix	There on behalf of entire Commission. Anything else?
<u>9:51:28 AM</u>	Bob Bergman	Asked Ms. Neal about Brown Act letter dicussed at previous meeting.
<u>9:51:59 AM</u>	Rita Neal	Thanks Commissioner Bergman for brining that up. Hoped to meet with President Nix afterwards to discuss.
<u>9:52:18 AM</u>	Jeannie Nix	Asked Ms. Neal How does that process work?
<u>9:52:24 AM</u>	Rita Neal	Up to you. The legal opinion Atty/ Client privelage - once you all have that, you can make it public or individually meet with me about it.
<u>9:53:11 AM</u>	Bill Tappan	Mtg with Selection Committee for RFP.
<u>9:53:27 AM</u>	Jeannie Nix	Not on agenda, cannot talk about it today. Asked HR Director if she had anything to add.
<u>9:53:44 AM</u>	Tami Douglas-Schatz	Nothing further to add, looking forward to handling this as you have described.
<u>9:53:58 AM</u>	Jeannie Nix	Adjourned.