

Wednesday, March 21, 2001

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular adjourned session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisors Peg Pinard, Michael P. Ryan

SUM

AGN

1 A-1 Discussion pursuant to Government Code Section 54957 Regarding "Complaints or Charges" against Chief Probation Officer John Lum.

Chairperson Achadjian: opens the floor to public comment on this item and the Closed Session.

Ms. Linda Hall: feels this may be the opportunity for Mr. Lum to expand on his knowledge and put something together that will reach people with kindness rather than force.

Mr. Eric Greening: states he has no inside knowledge of the Probation Department; understands Mr. Lum was hired with the expectation to change things in the Department; hopes this procedure is looking for a solution to the problem and not a "scapegoat."

Mr. Jim Grant: Administration, introduces the item; states a hearing was held on March 6, 2001 in open public session regarding the "Complaints or Charges" against the Chief Probation Officer; indicates this was heard as an open public session and not a closed session at the request of Mr. Lum; describes the hearing on March 6, 2001, indicating Mr. Lum failed to appear; indicates there was an investigation in 1996 regarding: a) questionable activities with wards of the Juvenile Court; and b) failure to meet performance standards; results of the investigation: the County Administrative Officer (CAO) ordering certain corrective actions be taken by Mr. Lum and the Performance Evaluation indicated improvement needed in policy development, relationships with people and supervision & leadership; in 1999 an investigation to review activities and evaluate youth living at his residence; results of the investigation: exercised very poor judgment, lack of professionalism and supervision & leadership issues; another investigation was launched based on a grievance filed by 17 Probation employees and an anonymous report - the grievance alleged that Mr. Lum's personal and professional conduct have adverse effects on the administration of the Probation Department and its employees; states at the March 6, 2001 hearing he described the problem areas of Mr. Lum's conduct as the Chief Probation Officer which included: a) dishonesty, including travel & timecard violations; b) absence from work/neglect of duty; c) inability to establish and maintain effective working relationship and to control his anger; d) incompetent and inefficient management by the Probation Department including improper physical practices, creation of financial liability for the County and improper personnel practices; e) and, improper conduct regarding criminal offenders; states following his presentation and in Mr. Lum's absence at the March 6, 2001 hearing Mr. William Rapoport, Mr. Lum's attorney presented Mr. Lum's response; states the Board then retired to Closed Session and decided the action to be taken; the Board's decision resulted in a written notice and order that were delivered to Mr. Lum on March 7, 2001 that informed him he had the right to respond orally and in writing to the Board's decision and to present his response in either a public session or a closed session and on March 12, 2001 Mr. Lum communicated that he wanted to present his response to the Board in public session; Mr. Lum was also noticed and ordered that if the Board did not change their decision it would become effective at 5:00 p.m. on March 23, 2001.

Mr. William Rapoport: presents Mr. Lum's response to the allegations; states Mr. Lum did not fail to appear rather he chose not to appear at the March 6, 2001 hearing; indicates these hearings are held so the Board can evaluate both sides and make a decision; feels on March 6, 2001 the Board heard Mr. Grants presentation and Mr. Lum was allowed 45 minutes; the Board retired and within 45 minutes there was a letter dated March 6, 2001 that was 30 pages long terminating Mr. Lum; this was a preconceived termination; states the decision to terminate Mr. Lum is wrong and it is now time to reconsider that decision;

states he wants to incorporate into his presentation: a) the transcript of his remarks from the March 6, 2001 hearing; b) the 640 page transcript of Mr. Lum's interrogation; c) every document that was presented in the course of that interrogation, including diaries and time sheets; addresses the 1996 investigation resulting in a memo from Mr. Hendrix; states Mr. Lum filed a grievance on that memo and the County never responded to the grievance; feels the inclusion of this investigation violates the County Rules and Regulation, Peace Officers' Bill of Rights, and the Civil Service Rules; addresses the 1999 investigation; states it appears Mr. Edge considered a meeting with Mr. Lum as oral counseling; indicates under the Civil Service Rules counseling is not discipline and therefore cannot be used as a basis for any action by this Board; states there has been no progressive discipline and in fact Mr. Lum was never given an unsatisfactory evaluation; indicates Mr. Lum's last evaluation was given on July 20, 2000 and now three month later he is being terminated; states Civil Service Rule #4 reads in part that every effort is to be made by all who participate in the process; questions what happened between July and October; believes the issue is disgruntled employees; states the 30 page report is based on hearsay and misinformation; hands the Board a letter from 15-16 employees of the Probation Department describing grievance issues, DPO duties, allegations, and misinformation; states Mr. Lum is doing what the Board hired him to do; indicate the issues raised by Mr. Grant never came up before; states the allegations are improper and inaccurate; feels there are holes in the 30 page document; urges the Board to reconsider and return Mr. Lum to his position of Chief of Probation.

Chairperson Achadjian: indicates the Board will now retire to Closed Session to consider what decision should be made regarding Mr. Lum. **No action taken.**

2 CS The Board announces it will be going into Closed Session regarding:

I. PERSONNEL (Gov. Code, § 54957). It is the intention of the Board to meet in closed Session to: *1) Consider Public Employee complaints or Charges.*

Thereafter, pursuant to the requirements of the Brown Act, county Counsel reports out on the items discussed during Closed Session as follows: the Board discussed the matter of the "complaints or charges" against John Lum, and upheld their original decision and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Wednesday 21, 2001, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 03/29/2001
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