

CITY OF NEWPORT BEACH CIVIL SERVICE BOARD MINUTES

**Council Chambers
100 Civic Center Drive
Monday, March 4, 2019
Regular Meeting
5:00 p.m.**

I. CALL MEETING TO ORDER

Chair Grant called the meeting to order at 5:00 p.m.

II. ROLL CALL

Civil Service Board Members:

Robyn Grant, Chair
Jane Della Grotta, Vice Chair
Roberta Fesler, Board Member (absent)
Howard Herzog, Board Member
Sharon Wood, Board Member

Staff Members:

Barbara J. Salvini, Secretary to the Board/HR Director
Aaron Harp, City Attorney
Anita Lakhani, Deputy City Attorney
Traci Mackinen, Administrative Assistant to the HR Director

III. FLAG SALUTE – Board Member Wood

IV. PUBLIC COMMENTS

None

V. CONSENT CALENDAR

A. APPROVAL OF CIVIL SERVICE BOARD MEETING MINUTES

1. APPROVAL OF MINUTES FOR THE FEBRUARY 4, 2019, REGULAR MEETING

Waive reading of the subject Minutes, approve as written and order filed.

Motion made by Board Member Wood, seconded by Vice Chair Della Grotta, to approve the minutes for the February 4, 2019 regular meeting as presented. Motion carried 3-0-1-1.

AYES: Grant, Della Grotta, Wood
NOES: None
ABSTAIN: Herzog
ABSENT: Fesler

VI. CURRENT BUSINESS

A. CIVIL SERVICE BOARD ROLES AND RESPONSIBILITIES

1. Discussion and presentation: The fundamental purpose of the Civil Service Board is to hear employee appeals and act in an advisory capacity to the City Council on personnel administration. This report is designed to summarize responsibilities of the Board and discuss other issues that may arise at public meetings that are outside the Board's purview.

Deputy City Attorney Lakhani reported the Civil Service Board (Board) is comprised of five members appointed by the City Council. The Board makes recommendations to the City Council regarding changes to the Civil Service System rules and regulations and advises the City Council regarding personnel administration. The Board receives and hears appeals related to appointments, promotions, suspensions, demotions, and dismissals. The City Council, City Manager, or a collective bargaining unit may ask the Board to investigate matters concerning the administration of personnel, and the Board would provide its findings to the City Council or City Manager after any investigation.

The Brown Act provides the public with an opportunity to participate in government decision-making. During meetings, all Board Member discussions are primarily limited to items listed on the agenda. The Board may briefly respond or direct staff to respond to a question posed by a member of the public during public comment. The Board may determine whether a topic is within the Board's purview and whether the topic should be placed on an agenda for a future discussion. The Board's purview is City personnel administration and matters under the Civil Service System. Along with the Board's formal roles, the Board attends ceremonial and promotional events hosted by the City.

In response to questions from Board Members, City Attorney Harp explained that the Brown Act prohibits a majority of the Board from communicating via email unless the communication is strictly limited to setting a future meeting date and time. . The Board's primary roles are an appellate function, advisory on personnel administration, and attendance at promotional and ceremonial events. At times, topics within the purview of the Board should be scheduled for a future discussion so that staff can provide the Board with some guidance on the topic. The City's legal counsel or HR Director will assist the Board in determining whether specific issues are within the Board's purview.

Board Member Wood remarked that the Board's standing agenda items serve to inform the Board of employee activities, workload, and morale. The Board may follow up on topics related to personnel administration. In reply to Board Member Herzog's query regarding the purpose of the reports from City staff, Board Member Wood was unsure of staff's rationale for providing the Board with the amount of information they provide. The information may be interesting, but it may not fall within the Board's purview for action or advice.

Chair Grant suggested a distinction between informational topics and operational topics could be helpful to Board Members. Being aware of informational topics and participating in personnel activities facilitates the Board's ability to act in an advisory capacity. The Board is not empowered to act or advise on operational topics.

Board Member Herzog wanted to refer the staff report to the City Council for the Council's opinion on the matter.

City Attorney Harp appreciated Board Member Wood's summary of the issues. Much of the information provided to the Board is informational, and staff is not seeking advice regarding the information but trying to keep the Board generally informed of activities in the City. In regards to a suggestion that clarification from the City Council on the Board's purview would be helpful, City Attorney Harp offered to meet with Board Member Herzog outside of a Board meeting to discuss the Board's purview in greater detail.

Board Member Wood preferred not to refer the staff report to the City Council.

Board Member Herzog clarified that a Council Member had asked him a question, but he was happy with allowing the Mayor, who has expressed interest in the scope of Board activities, to handle the matter.

Chair Grant concurred with not referring the matter to the City Council, but all Board Members should feel comfortable with the Board's purview as described. She proposed the Board not refer the matter to the City Council; however, Board Members may meet with the City Attorney privately for further discussion and clarification of legal issues related to the Board's purview. The City Attorney may present an item to the Board if further inquiry is needed. Board Members concurred.

In reply to Board Member Herzog's inquiry, City Attorney Harp indicated Mr. Mosher's written comments became part of the record when he submitted them. Board Members may pose questions raised by Mr. Mosher's comments, but no action regarding the comments is necessary.

Chair Grant read Mr. Mosher's first comment. City Attorney Harp explained that the Board fulfills an appeal function for all City employees.

In answer to Board Member Wood's queries, City Attorney Harp advised that a public safety employee can appeal a disciplinary action to the Board, and the Board decides the matter as the final deciding body. Non-public-safety employees can appeal certain levels of disciplinary actions to the Board, and the Board makes a recommendation to the City Manager, who makes the final decision. By ordinance, the Council can move non-public-safety employees into the Civil Service System, but the Council has not chosen to do so. The City Charter excludes specific employees from participating in the Civil Service System.

Chair Grant read Mr. Mosher's second comment to ensure it was part of the record.

B. ORAL REPORTS

2. CITY-WIDE AND HUMAN RESOURCES MATTERS – Barbara J. Salvini, Human Resources (HR) Director

HR Director Salvini reported:

- The HR Department has hired Jennifer Velazquez as Student Aide.
- The HR Department has one vacant position remaining.

- The City Council adopted an agreement with the Police Management Association on February 12, 2019.
- The City Employees Association and the Professional and Technical Employees Association have reached tentative agreements with the City, and the agreements will be presented to the Council for adoption on March 12.
- At the Board's April meeting, staff will present key updates to recently adopted agreements with the Fire Association, the Newport Beach Employees League, the Police Management Association, the City Employees Association, and the Professional and Technical Employees Association.
- HR Analyst Marissa Sur, Associate Planner Chelsey Crager, Administrative Analyst Lucie Delorme, and Utilities Crew Chief Matt Bullman have been selected to attend the Cal State Fullerton Leadership Development Program.
- On March 21, trainings entitled "Nuts & Bolts: Navigating Common Legal Risks for the Front Line Supervisors" and "Workplace Bullying: A Growing Concern" will be offered countywide, but the City is allocated only 15 seats for each training.
- On March 23, Lifeguard Trainees and additional staff will attend Harassment Prevention training.
- Full-time recruitments are underway for Civil Engineer-Plan Check, Human Resources Specialist I/II, Life Safety Specialist II/III, Revenue Auditor, and Utilities SCADA Coordinator. Part-time recruitments are underway for Police Cadet, Public Works Technical Aide, and Recreation Leader.
- Recruitments will open this week for Lifeguard Battalion Chief, Police Dispatcher, and Senior Recreation Leader (part-time).

Chair Grant remarked that the bullying and harassment trainings will hopefully prevent future personnel issues.

3. FIRE DEPARTMENT MATTERS – Jeff Boyles, Assistant Fire Chief

Assistant Fire Chief Boyles reported:

- Interviews for Fire Paramedic concluded the prior week. Four candidates have passed the examination.
- Captain Charlie Dall coordinated a training symposium in Anaheim, and registration fees were donated to the family of deceased Costa Mesa Fire Captain Mike Kreza.
- Later in the evening at the Central Library, Community Emergency Response Team (CERT) volunteer Richard Eimers will share his experiences assisting with recovery efforts in Butte County.

- The spring 2019 CERT program has begun with Thursday and Saturday classes. Drill-the-Skills is scheduled for March 23.
- Mandatory CERT recertification classes will be held during the year for 540 active Newport Beach CERT volunteers.
- Fire personnel recently recertified 130 Emergency Medical Technicians (EMT).
- The Department has a new Emergency Medical Services (EMS) educator, Caroline Jack.
- The Department's new rehabilitation trailer should arrive soon.
- Approximately 40 people attended a recent Significant Other Survival (SOS) class.
- The Department responded to 4,970 EMS-related calls in 2017 and 5,122 calls in 2018. The Department logged 1,854 hours on Strike Team deployments in 2016, 10,898 hours in 2017, and 8,804 hours in 2018.
- On February 10, Lifeguards held open Ocean Lifeguard tryouts. Seventy-one of 107 applicants attended the tryouts, and 49 passed to interviews and 43 to background checks.
- The Junior Lifeguard swim test was held on March 3, and 722 participants passed the test.

Assistant Fire Chief Boyles commented that the command staff always considers the Board when they are making determinations on discipline.

Board Member Herzog felt the rehabilitation trailer is good for personnel and the City because personnel work more effectively when they are treated properly.

4. POLICE DEPARTMENT MATTERS – Jonathan Stafford, Deputy Director of Support Services

Deputy Director Stafford reported:

- The Police Appreciation Breakfast is scheduled for March 29, and Board Members and staff are invited to attend.
- The Department made an arrest in the 1973 murder of Linda O'Keefe through the use of DNA technology.
- A triple murder occurred at 36 Palazzo on February 13, and the Department has made an arrest.
- An arrest was made on February 21 in the Citibank robbery.
- Six Recruits are attending Academy class 235, and two more Recruits are attending Academy class 236. A ninth Recruit was injured while attending the pre-Academy.

- Seven new Recruits and three Laterals are attending the Field Training Officer (FTO) program.
- February 2019 Computer Automated Dispatch (CAD) events totaled 6,909. This is a decrease over 7,100 CAD events in February 2018.
- Part 1 crime increased by 31 crimes in February. Year-to-date, Part 1 crime has increased 24 crimes. Typically, Part 1 crime increases from November through February.

Chair Grant commended the Newport Beach Police Department for solving the cold case. Attending Police and Fire promotion and swearing-in ceremonies is always gratifying and impressive. She is attending the current CERT class, and Police and Fire personnel are demonstrating their expertise.

VII. CIVIL SERVICE BOARD ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

None

VIII. ADJOURNMENT

There being no further business to come before the Civil Service Board, the meeting was adjourned at 5:51 p.m.

The agenda for the Regular Meeting was posted on February 28, 2019, before 5:00 p.m., on the City's website, public counter in the Human Resources Department (Bay A2) and in the Meeting Agenda Binder located in the entrance of the City Council Chambers at 100 Civic Center Drive.

Prepared by:

Traci Mackinen, Administrative Assistant to the HR Director
City of Newport Beach

Approved by:

Robyn Grant, Chair
Civil Service Board 2018/2019