

CITY OF NEWPORT BEACH CIVIL SERVICE BOARD MINUTES

Corona Del Mar Conference Room

Bay E, First Floor

Wednesday, September 8, 2021

Regular Meeting

5:00 p.m.

I. CALL MEETING TO ORDER

Chair Herzog called the meeting to order at 5:01 p.m.

II. ROLL CALL

Civil Service Board Members:

Howard Herzog, Chair
Robyn Grant, Vice Chair
Paul Meyer, Board Member
Mike Talbot, Board Member
Sharon Wood, Board Member

Staff Members:

Barbara J. Salvini, Human Resources
Aaron Harp, City Attorney
Traci Mackinen, Administrative Assistant to the HR Director

III. FLAG SALUTE –Chair Herzog

IV. PUBLIC COMMENTS

Jim Mosher questioned whether public comments are accepted during specific agenda items or only during public comments at the beginning of the meeting.

In response to Mr. Mosher's inquiry, City Attorney Aaron Harp stated allowing public comments during the public comments agenda item at the beginning of the meeting is in accordance with the Brown Act.

Mr. Mosher recognized that commenting only during public comment on the agenda may be in accordance with the Brown Act but it is difficult for the public to comment on an agenda item before it has been heard.

V. CONSENT CALENDAR

1. APPROVAL OF CIVIL SERVICE BOARD MEETING MINUTES

A. APPROVAL OF MINUTES FOR THE JULY 7, 2021, REGULAR MEETING

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

Chair Herzog indicated the motion to approve the minutes shall include two previously mentioned amendments suggested by Mr. Mosher and Board Member Wood.

Motion made by Board Member Meyer, seconded by Board Member Wood, to approve the Minutes for the July 7, 2021, regular meeting as amended. Motion carried 5-0-0-0.

AYES: Herzog, Grant, Meyer, Talbot, Wood
NOES: None
ABSTAIN: None
ABSENT: None

VI. CURRENT BUSINESS

2. CIVIL SERVICE BOARD: ROLES AND RESPONSIBILITIES

A. 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.

City Attorney Aaron Harp shared a PowerPoint presentation on the overview and duties of the Newport Beach Civil Service Board and general guidance on running public meetings. He stated that the Newport Beach Civil Service Board is designed to ensure fairness and equitable procedure in handling personnel matters. There are five members on the Civil Service Board who are appointed by the City Council, and those members fulfill two primary functions: advisory function and function at an appellant capacity. The items within the purview of the Civil Service Board include personnel matters, appointment and promotion of city employees, retention of city employees, and procedures for implementing the civil service system. Per the Brown Act, discussion at public meetings must be limited to the items on the agenda and public meetings are required to offer the public an opportunity to comment on the agenda items before the Board considers them.

In answer to Board Member Wood's inquiry, City Attorney Harp explained that some city employees are excluded from the Civil Service Board's jurisdiction, for example, the appointed positions of the city attorney, city manager, city clerk fire chief, or police chief.

In response to Board Member Talbot's comment, City Attorney Harp agreed that the decision made by the Civil Service Board on an appeal regarding disciplinary actions for fire or police is final; however, other city employee appellant decisions may only allow the Board to make a recommendation to the City Manager.

In reply to Board Member Wood's question, City Attorney Harp stated there are some specific positions that are outside of the Civil Service Board's jurisdiction, including department heads, police chief, fire chief, assistant chiefs, council appointees and independent contractors.

In answer to Vice Chair Grant's question, City Attorney Harp explained that changing Charter language is very difficult. He indicated that the Civil Service Board primarily takes guidance from the City Council on advisory issues.

In reply to Board Member Wood's question, City Attorney Harp suggested presenting amendments of rules and regulations to the City Council to ensure all parties have a similar understanding on a particular issue.

Mr. Mosher shared that the Charter states that the Civil Service Board has the power and duty to hear appeals submitted by any person employed by the city regarding their appointment, promotion, suspension, demotion, dismissal, or disciplinary action. There are no exemptions listed and the City Council cannot override with what the Charter states.

In response to Mr. Mosher's comment, Chair Herzog indicated that the Civil Service Board has the final decision on civil service employees, but the Board can only refer its recommendation to the City Council on non-civil service employees.

City Attorney Harp noted that he understands Mr. Mosher's opinion on the Board's jurisdiction, but he disagrees with his interpretation of the Charter.

3. ORAL REPORTS

A. CITY-WIDE AND HUMAN RESOURCES MATTERS – Barbara J. Salvini, Human Resources Director

HR Director Salvini reported:

- Open Enrollment will begin Monday, September 20, 2021, and will run through Friday, October 15, 2021.
- A virtual Annual Health Fair will be held on Wednesday, September 29, 2021, and free lunch and flu shots will be offered to all employees.
- Healthy Eating Active Lifestyle (HEAL) Committee will be entering a team into the Orange County Half Marathon/5K race. The 5K race will be held on Saturday, November 6, 2021, and the Half Marathon will be held Sunday, November 7, 2021.
- The 2021 Employee Service Awards and Luncheon will be held in person on Thursday, October 14, 2021.
- COVID-19 statistics
 - There have been a total of 147 employee COVID cases.
 - 33 Fire Fighters
 - 25 Lifeguards
 - 4 Fire - Non-Sworn
 - 27 Police -Sworn
 - 16 Police - Non-Sworn
 - 42 Other Departments
 - 467 employees have quarantined due to exposure, testing positive, or experiencing COVID-like symptoms.
- Recruiting
 - Open Full-Time positions: Deputy City Attorney, Civil Engineer/Senior Civil Engineer - Plan Check, Facilities Manager Crew Chief, Maintenance

Worker I/II, Police Officer Recruit and Academy Graduate/Academy Enrolled, Police Officer Lateral, Public Works Supervisor - Facilities Maintenance.

- Open Part-Time positions: Building Inspector II, Lead Harbor Services Worker/Harbor Services Worker, GIS Technician Aide, Maintenance Aide (Public Works-MOD), Marine Naturalist Interpreter, Police Cadet, Pool Swim Instructor Trainee, Public Works Intern, Public Works Technical Aide, Recreation leader, Senior Recreation Leader, Senior Services Shuttle Driver

In reply to Chair Herzog's question, HR Director Salvini stated there are approximately 726 full-time and approximately 400 part-time city employees. The 147 positive COVID cases include both full-time and part-time employees.

B. FIRE DEPARTMENT MATTERS – Justin Carr, Assistant Fire Chief

Assistant Fire Chief Carr reported:

- Wild Fires
 - Newport Beach Fire Department sent two four-person engine companies and two battalion chiefs to the Dixie Fire and Caldor Fire.
 - Each crew was there for a total of 14 days/nights.
 - The Dixie Fire has become the largest fire in California history burning over 777,000 acres.
 - Five single-person resources have been sent as overhead to multiple fires throughout the state to assist with communication, safety, and field observation
 - Fire season is still active and NBFD anticipates sending more help as needed until the end of 2021.
- Recruitment
 - Recruitment for firefighter and firefighter paramedic has opened. The firefighter closed in two hours with a maximum of 250 applicants, and 105 applicants for paramedic.
 - Candidates took a written exam and those who pass will move on to the swim test and interviews.
 - Competition between local departments is fierce for hiring paramedics, as the demand is greater than the supply.
- In August, Captain Dennis Edwards and Engineer John Testa retired. Both were hired in 1992 and served over 29 years with the NBFD.
- NBFD recently re-classified the CERT Coordinator position and hired Natalie May as the new Fire Services Coordinator – Community Preparedness.
- In July, NBFD had a changing of the guard when Phil Puhek was assigned as the new Training Battalion Chief. Battalion Chief Nic Lucas returned to the floor on C shift after two-and-a-half years in the admin position.

- EMS Division Chief Kristin Thompson was appointed by the Governor to represent the California Fire Chiefs Association on the Emergency Medical Services Commission.
- Thursday, September 9, 2021, will be the annual Fire & Lifeguard Appreciation Dinner hosted by the Chamber of Commerce. We will honor both 2020 and 2021 recipients for Seasonal Lifeguard of the year, Lifeguard Supervisor of the year, Civilian of the year, and Firefighter of the year.
- Saturday, September 11, 2021, marks the 20-year anniversary of 9/11. Crews will participate in a short ceremony in front of each station at 9:00 a.m. to remember those that were lost.
- Lifeguards had their last day of “summer” and have begun scaling back seasonal staffing in preparation for the winter season.

Assistant Fire Chief Carr thanked the Newport Beach Human Resources Department for continuously keeping employees healthy and happy, in particular, HR Manager Marissa Sur for her outstanding performance and long hours during the COVID pandemic.

C. POLICE DEPARTMENT MATTERS – Jonathan Stafford, Deputy Director of Police Services

Deputy Director Stafford reported:

- Renovations
 - Newly renovated locker rooms will be open Thursday, September 9, 2021, at 6:00 a.m.
 - Design efforts began four years ago.
 - Demolition/construction began in the last week of March 2021.
 - The last renovation was in 1997 and facilities were in bad shape.
 - An extra shower, toilet, and two urinals were gained in the men’s area.
 - All lockers have lower drawers now, about a 40% increase in space.
 - In the women’s, we gained five new lockers and widened six lockers.
- Testing phase of the Sergeant’s promotional process is underway
 - Process will continue next week.
 - Anticipate four openings for promotions.
- Hiring/Training Update since the last CSB Meeting:
 - Academy Recruits/Laterals:
 - Four Recruits recently graduated.
 - Two graduate next week.
 - Three are continuing in the Academy.
 - Two Recruits candidates have conditional job offers and are awaiting final processing, including a current CSO.
 - One Lateral from out-of-state received a job offer this week and is moving forward with psych and medical exams.
 - Had some excellent Lateral interviews last week and we are interviewing Recruit candidates this week.
 - FTO Program:

- Five academy graduates are in various stages of field training.
- Three Laterals have recently finished training and are working on their own.
- A new CSI (Lateral) began work in August and a P/T CSO will start next week.
- A Dispatcher has a Chief's interview next week and another is in the final stages of the background process.
- A current CSO from the records division has been in the police recruit process and did get a conditional job offer.
- Call For Service
 - In July 2021, Computer Automated Dispatch (CAD) events totaled 10,440, an increase from 10,134 CAD events in July 2020.
 - In August 2021, CAD events totaled 8,541, a decrease from 9,664 CAD events in August 2020.
- Part 1 Crime
 - Reported Crime is down 172 crimes
 - Driven largely by a strong reduction in thefts and auto burglaries.
 - Theft/Larceny is down 122 crimes
 - Auto Burglary is down 81 crimes
 - Violent Crime is down by one crime YTD
 - Total Part 1 Crime is down 173 crimes

Deputy Director Jonathan Stafford thanked Human Resources and Marissa Sur for their patience and guidance in the handling of very complicated COVID-related issues.

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 Thursday, September 2, 2021 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:

Howard Herzog, Chair
Civil Service Board 2021/2022

Draft