

# CIVIL SERVICE BOARD MEETING MINUTES



DATE: September 9, 2009  
4:00 pm – 4:48 pm

BOARD: Doug Coulter, Chairperson  
Hugh Logan, Vice Chairperson  
Debra Allen, Board Member  
James “Mickey” Dunlap, Board Member  
Maiqual “Mike” Talbot, Board Member

STAFF: Terri L Cassidy, Human Resources Director and Secretary to the Board  
David Hunt, City Attorney  
Jyll C Ramirez, Administrative Assistant to the HR Director

GUESTS: Bob Luman, Police Chief  
Dave Mais, Fire Division Chief  
Paul Matheis, Fire Division Chief  
Bill Hartford, Police Lieutenant  
Lauren Farley, Risk Manager  
Rebecca Redyk, HR Supervisor  
Maggie Williams-Dalgart, HR Analyst  
David Syvock, Police Officer and PEA President

## **CALL TO ORDER - 4:00 PM**

Chairperson Coulter called the meeting to order at 4:00 p.m.

### **1. ROLL CALL**

All present.

### **2. FLAG SALUTE**

Led by Board Member Talbot.

### **3. APPROVAL OF AUGUST 3, 2009 MINUTES**

A Motion was made by Board Member Dunlap to approve the Minutes for August 3, 2009. Board Member Talbot seconded the Motion. It was approved 5 Ayes, 0 No.

#### 4. MONTHLY REPORT FROM THE SECRETARY TO THE BOARD

Ms. Cassidy informed the Board:

- Investigator James Blaylock's report of the PMA Investigation should be completed early October 2009, at which time a special meeting will be held for the Civil Service Board (CSB) Members and Mr. Blaylock to review and discuss the findings.
- After more than 10 years of service for Newport Beach, Homer Bludau's last day as the City Manager will be September 11, 2009. Assistant City Manager Dave Kiff will assume the City Manager role beginning Saturday, September 12, 2009.
- On Tuesday, September 8, City Manager Homer Bludau, Assistant City Manager Dave Kiff, Administrative Services Director Dennis Danner, Deputy Administrative Services Director Dick Kurth, Fiscal Officer Dan Matusiewicz, Human Resources Director Terri Cassidy and Negotiations Consultant Bill Avery presented information to a gathering of the City's employee associations and their professional representatives as well as members of the unrepresented Key & Management employee group. The "Summit" addressed the City's economic challenges and budget status in light of the downturn in the economy. The three main sources of general fund revenues – Transient Occupancy Tax, Sales Tax and Property Tax – have been adversely affected and will cause the City Council to make some difficult choices as we face the next fiscal year.
- The deadline to submit an application for the Administrative Services Director position is September 28.
- The City Manager is analyzing and strictly reviewing all recruitment requisitions to determine if the position is necessary to fill.

#### 5. UNSUCCESSFUL CANDIDATES FOR ORIGINAL EMPLOYMENT RIGHT TO APPEAL TO CSB (CONTINUED DISCUSSION)

In addition to the information provided by Assistant City Attorney Mynette Beauchamp at the previous CSB meeting, Mr. Hunt pointed out to the Board that, according to the ordinance, **applicants** are defined as those who have applied for a position, but have not gone through the testing process. They have their own separate set of review rights, and their appeal would go to the Human Resources Director. A **candidate** is defined as having applied for a position and completed the testing process. So, in this case, the candidate must also be applying for an original appointment into a position in the Civil Service System.

The City Attorney's Office created a multiple tier process. The first tier would be for the candidate to appeal to the HR Director, who would be provided the candidate's written appeal and the Department Director's Denial of Appointment Letter. If the matter cannot be resolved at this level, then the candidate could go before the Civil Service Board for an initial, abbreviated hearing based solely on the appellant's and Department Director's statement. If the Board feels that a more detailed hearing is necessary, then a full record hearing would be scheduled. The Board would need to decide if the appeal should be dismissed or if the Department Director abused his/her discretion by failing to follow the law or has made a decision that is not based upon substantial evidence.

Mr. Hunt presented to the Board an example of a candidate who was denied employment because he (in this case) was not able to perform the job according to the specification in the job flyer. Therefore, the Department Director made a decision that was within the law.

Board Member Dunlap suggested that this ordinance be changed in the near future and taken to City Council for approval, but in the meantime, Mr. Hunt's proposal is an acceptable solution.

Chairperson Coulter asked for clarification on the process to change the ordinance.

Mr. Hunt explained that to *amend* the ordinance, it would have to go to the vote of the people (all Newport Beach residents). However, rules may be adopted, with Council approval, to the ordinance for clarification without going to the voting ballot.

Board Member Allen noted that there has never been a candidate/applicant appeal to the Board since the adoption of the ordinance in 1958, and she suggested that the Board request to eliminate that ordinance at the appropriate time.

Board Member Allen made a Motion to recommend to the Council to include in the next ballot to eliminate a candidate's right to appeal for original appointment and to approve the City Attorney's suggested rules for ordinance clarification in the interim. Board Member Dunlap seconded the Motion. It was approved 5 Ayes, 0 No.

**6. LEGAL OPINION CLARIFYING TO EFFECTIVE DATE OF ELIGIBILITY LISTS**

City Attorney David Hunt wanted to clarify, on record, that the Civil Service Board rules acknowledge the start date of an eligibility list as the date the Civil Service Board approves the list, not the date that the list was created or any other date.

**7. FIRE DEPARTMENT STATUS REPORT**

Fire Deputy Chief Dave Mais informed the Board:

- Firefighter Geoffrey Cathey just completed the classroom phase of Paramedic School. He should be completing the Paramedic course and returning to the Fire Department in October 2009.
- The Fire Department has decreased the number of staff members supervising the beaches, since activity level has slowed down.
- Last week, Newport Beach sent two Strike Teams, which consists of two engines and six staff members, to the Oak Glen fires in Yucaipa; all returned safely and successfully completed their assignments.
- Public Safety Day will be October 11, 2009, at the Santa Barbara Drive Police and Fire Facility.
- The Firefighter/Lifeguard Appreciation Beach Barbecue will be October 15, 2009.

**8. REQUEST APPROVAL OF THE FIRE PARAMEDIC ELIGIBILITY LIST**

Board Member Allen made a Motion to approve the Fire Paramedic Eligibility List. It was seconded by Board Member Dunlap and passed 5 Ayes, 0 No.

**9. POLICE DEPARTMENT STATUS REPORT**

Support Services Lieutenant Bill Hartford reported to the Board:

- The Police Department held their Orientation meeting August 11, 2009 and over 150 people attended. Eight candidates made it through the various tests.
- Police Recruit Michael Whitmarsh is graduating from Golden West College's Police Academy on Friday, September 11, 2009.
- Five Police Recruits are currently attending Police Academies, they are: Christine Carroll, Adam Gilbert, William Hanson, Andrew Sarega and David Spenser.
- On September 7, 2009, Police Officer Zachary McCaleb voluntarily resigned from the Police Department to continue to expand his career.

- The Human Resources staff worked collaboratively with the Police Department to develop the Custody Officer position. HR Manager Gwendolyn Bouffard and HR Analyst Maggie Williams-Dalgart observed the NBPD Jail from midnight until 3 am to study the custodial function, which helped them review the accuracy of the job description with the Police Department.

**10. REQUEST APPROVAL OF THE POLICE DEPARTMENT ELIGIBILITY LISTS**

- a. Police Officer - Lateral
- b. Police Recruit – Not Academy Trained

Chairperson Coulter moved that both lists be combined to vote under one single Motion.

A Motion was made by Board Member Dunlap to approve the Lateral Police Officer and Police Recruit – Not Academy Trained eligibility lists. Board Member Talbot seconded the Motion. It was approved 5 Ayes, 0 No.

**11. REQUEST APPROVAL OF THE REVISED POLICE CUSTODY OFFICER JOB DESCRIPTION**

HR Director Cassidy informed the Board Members that the Police Department's job descriptions have not been reviewed for several years, and the HR Department would like to invest the time and effort into on-site visits to observe job functions so that there is effective collaboration with the Police Department in rewriting job specifications.

Chairperson Coulter requested to move Items 11 and 12 together.

A Motion was made by Board Member Dunlap to approve the revised Police Custody Officer job description with a couple grammatical corrections. It was seconded by Board Member Allen and approved 5 Ayes, 0 No.

**12. REQUEST APPROVAL TO OPEN THE POLICE CUSTODY OFFICER RECRUITMENT**

- \* Please refer to Chairperson Coulter's request under Item 11.

**13. REQUEST APPROVAL OF THE REVISED POLICE RESERVE OFFICER JOB DESCRIPTION**

Chairperson Coulter requested to move Items 13, 14 and 15 together. A Motion was made by Vice Chairperson Logan to approve the revised Police Reserve Officer and Police Dispatcher job descriptions and to open the recruitment for Police Dispatcher. It was seconded by Board Member Allen and approved 5 Ayes, 0 No.

**14. REQUEST APPROVAL OF THE REVISED POLICE DISPATCHER JOB DESCRIPTION**

\* Please refer to Chairperson Coulter's request under Item 13.

**15. REQUEST APPROVAL TO OPEN THE POLICE DISPATCHER RECRUITMENT**

\* Please refer to Chairperson Coulter's request under Item 13.

**16. BOARD MEMBER COMMENTS**

Chairperson Coulter wanted to recognize and thank the City employees who worked on the Police Promotional Committee: Police Captain Jim Kaminsky, Police Lieutenant Craig Fox, Police Sergeant Scott McKnight, Police Sergeant Jon Lewis, Police Sergeant Mark Hamilton, Police Officer David Syvock, Police Officer Damon Psaros, Human Resources Director Terri Cassidy and Human Resources Supervisor Rebecca Redyk.

**17. ITEMS FOR FUTURE AGENDA**

None

**18. PUBLIC COMMENTS**

None

**19. ADJOURNMENT**

The Civil Service Board meeting adjourned at 4:48 p.m.

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Terri L. Cassidy, J.D.  
Secretary to the Board  
Director of Human Resources