

**CIVIL SERVICE BOARD  
MEETING MINUTES**



**DATE:** January 4, 2010  
5:00 pm – 6:01 pm

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

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

**1. FLAG SALUTE**

The Pledge of Allegiance was led by Board Member Dunlap.

**2. ROLL CALL**

All Board Members were present.

Chairperson Coulter recognized and welcomed former CSB Members Paula Godfrey and Bert Carson. He also announced that Ms. Godfrey is the Chairperson of Speak Up Newport. *"Speak Up Newport is a non-partisan city-wide residents group organized to promote the common good and general welfare of the Newport Beach community ([www.speakupnewport.org](http://www.speakupnewport.org))."*

**3. APPROVAL OF THE DECEMBER 7, 2009 MINUTES**

A Motion was made by Board Member Dunlap to approve the Minutes. Vice Chairperson Logan seconded the Motion. It was approved 5 Ayes, 0 No.

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

HR Director Terri Cassidy wished the Board a Happy New Year and continued her report by addressing the following items:

- The City Hall Campus participated in a holiday closure from December 24, 2009 through January 1, 2010, as one of the approved measures to address the City's fiscal climate.

- To address the City's late performance evaluations, HR has organized a committee consisting of a representative in each department to gather feedback and problems associated with the online Employee Performance Evaluation system. City Manager Dave Kiff has requested that HR consider shortening or simplify the form and addressing the technology challenges.
- In the month of December, thirty-one (31) employees chose to participate in the Early Retirement Incentive Program (ERIP). Tammie Frederickson, Executive Assistant to the City Manager, and Jyll Ramirez, Administrative Assistant to the HR Director, organized a time-saving, single retirement celebration for all 31 employees which was attended by staff members, Executive Management and City Council Members. By the end of this month, twenty (20) more staff members plan to retire under the ERIP. In addition to the cost savings of this program, the City Manager is also using this opportunity to evaluate and administer a City-wide restructure and reorganization plan.
- With the conclusion of the ERIP, Human Resources will now begin multiple and various recruitments to help achieve the restructuring goals and maintain public services.
- The Human Resources Department will lose two staff members after Friday, January 29, 2010. After 30+ years of public service (seven with the City of Newport Beach), HR Manager Gwen Bouffard chose to retire by participating in the ERIP and the Recruitment Division's Department Assistant, Mai Tajima, is going back to school to pursue her Master's Degree.

Chairperson Coulter recognized that the City Attorney's Office, City Clerk's Office and Recreation and Senior Services have no late employee performance evaluations. Therefore, in his opinion, the success of these departments validate that the online system is not flawed and nullifies the claim given by many departments that the online system is to blame for the late evaluations.

#### **5. REPORT FROM CITY ATTORNEY ON ATTORNEY BRUCE PRAET'S COMPREHENSIVE RULES REVIEW AND RECOMMENDATION**

Mr. Hunt informed the Board:

- No action is needed by the CSB tonight on this item.
- This report is for information only.
- Through the PMA Investigation inconsistencies in the City's various governing documents became apparent.

- The Council authorized and instructed the City Attorney's Office to hire a specialist to do a comprehensive review, including the Civil Service System and the rules related to it.
- The City Attorney's Office hired Bruce Praet, Ferguson, Praet, & Sherman and founder of Lexipol, to conduct the comprehensive rules review.

Mr. Praet addressed the Board:

- Lexipol is a firm that he founded a few years ago, and it is the Country's leading provider of risk management resources for public safety organizations including production of policy manuals. Ninety-four (94) percent of California cities use the Lexipol system.
- Newport Beach Police Department is now a part of the Lexipol system which resolves many of their conflicting policy issues.
- Current City Charter, Municipal Code, CSB Rules, Ordinances, Policies, MOUs provide too many avenues of reference for people, provides conflicting information and requires too much cross referencing.
- His primary recommendation is to consolidate all of the various documents into one system.
- The secondary recommendation is to adjust the CSB's role and function, so that it is not representing a conflict of interest. A conflict could arise because the current role of the CSB is multi-faceted and includes the selection, investigation and discipline of employees. If the function was to address just one of these tasks, such as operating as an appeal board, it would not impart controversy.
- Several City agencies have chosen to use an outside, single hearing officer that does not require City staff as an advisory role. Since the hearing officer operates individually, it does not involve coordinating multiple calendars and schedules, and therefore may be heard and resolved more quickly.

Board Member Allen supports consolidating the various governing documents into one source to streamline the process; however, she has some serious concerns regarding some of the recommended CSB systemic changes. She requested input from the Police and Fire Associations regarding the recommendation to desolve the investigative function of the CSB.

Vice Chairperson Logan requested comments from the public.

The public had no comment.

Vice Chairperson Logan also supports the consolidation of the different Policy and Rule sources into one.

Mr. Hunt explained to the Board that their recommendation will go to Council in March, and if the City Council wants to go forward with any changes, it would go to the ballot to be voted on by the community.

Vice Chairperson Logan commented that he is uncomfortable with the CSB losing their appellant role.

Board Member Dunlap said that the Police Management Association spent nearly two years trying to resolve their issues, and it was not until the CSB approved the investigation that it was resolved.

Board Member Talbot admitted that he does not have a thorough enough understanding of the rules and ordinances to know what the best options were for the Board within the City's infrastructure. It is his understanding that it would be Council's function to determine what the Board should govern.

#### **6. CHARTER UPDATE COMMISSION – SCOPE OF WORK AND TIMELINE**

Mr. Hunt assured the Board that he will get as much information to them as quickly as possible. The issue will be brought to the City Council in March 2010.

#### **7. FIRE DEPARTMENT STATUS REPORT**

Fire Support Services Manager Terry Ulaszewski addressed the Board:

- On Christmas Eve, there was a fatal traffic collision on Pacific Coast Highway.
- December 28, there was a residential fire on Paper Lane. The roof of the house collapsed just as the firefighters got out.
- In December 2009, Lifeguard Battalion Chief Mareen "Reenie" Boyer retired after 25 years of service.
- Testing will be held next week for Fire Engineer recruitment at Station 7.

#### **8. POLICE DEPARTMENT STATUS REPORT**

Captain Gazsi addressed the Board:

- Recruitments and orientations have been placed on hold temporarily.
- On November 30, Beau Rains started at the Orange County Police Academy and is expected to graduate in March 2010.
- Lieutenant Craig Frizzell and Sergeant Joe Thrasher retired in December 2009, and both had 30 years of public service.

- Police Officer Dave Moon is expected to retire in April 2010.
- The Police Department is working with Human Resources to open the recruitment for a Senior Animal Control Officer position.
- There is currently no eligibility lists for Dispatcher, Community Services Officer, or Police Cadets, but these recruitments will be considered in the near future.
- Currently in the background process and on hold are four Police Laterals, four Police Recruits and one, part-time MIS Technician.
- On behalf of the Police Department, he thanked HR Manager Gwen Bouffard and Department Assistant Mai Tajima for their hard work and dedication to the City.

#### **9. HR DIRECTOR/CHIEF OF POLICE COMMENTS REGARDING RECENT POLICE PROMOTIONAL EXAM PROCESS**

Chief Luman commented on a few things regarding the recent Police Promotional Exam Process.

- He did not receive ANY negative feedback regarding the process or the raters and only received positive comments from the candidates.
- The process with relevant and pertinent to Newport Beach and rank of the position (Sergeant or Lieutenant) for which was being tested.
- He was pleased with Donnoe and Associates who administered the tests under the supervision of the Human Resources Department.
- The individual raters gave of their time during the holiday season, and the Police Department expressed their gratitude.
- The candidates listed on the Lieutenant and Sergeant eligibility lists will provide the Police Department with quality personnel who are ready and suitable for promotion.
- He thanked HR Director Terri Cassidy, HR Supervisor Rebecca Redyk and HR staff for their contribution towards a professional and significant process, City Attorney David Hunt and staff for assisting with the ancillary work associated with the process and the CSB for wisdom, insight and guidance.

Ms. Cassidy informed the CSB the process was a resounding success. From a HR perspective, the measure of a good examination process is whether or not it mirrors the actual job. The goal was to make sure the Chief obtained a viable list based on the demonstrated performance of the candidates. In addition to being a test, it was also a training tool. HR will provide feedback to all candidates whether they were successful or not. Even the unsuccessful candidates took the time to comment and tell her that they believed the process was fair, challenging, non-discriminatory and had integrity. As a result of the Police Promotional

Committee, the Blaylock Report, PMA Investigation and the guidance of the CSB, the candidates had the full experience of a comprehensive examination process. This process will be a positive experience for candidates and make a stronger Police Department with more individuals who are prepared and ready for promotion.

Ms. Cassidy thanked HR Supervisor Rebecca Redyk, HR Analyst Sarah Rodriguez, Police Chief Luman, Captain Dale Johnson and all of the subject-matter experts who gave input making this test more relevant.

Vice Chairperson Logan commended Ms. Cassidy and Chief Luman for a successful Promotional Process and asked how they determined if the process was relevant and pertinent.

Chief Luman answered that the process was relevant and pertinent because the candidates were tested on situations that they are likely to encounter in Newport Beach and at the rank for which they were testing.

#### **10. REQUEST APPROVAL OF THE POLICE SERGEANT ELIGIBILITY LIST**

A Motion was made by Board Member Dunlap to approve the Police Sergeant Eligibility List. Board Member Talbot seconded the Motion. It was approved 5 Ayes, 0 No.

#### **11. REQUEST APPROVAL OF THE POLICE LIEUTENANT ELIGIBILITY LIST**

A Motion was made by Board Member Dunlap to approve the Police Lieutenant Eligibility List. Vice Chairperson Logan seconded the Motion. It was approved 5 Ayes, 0 No.

#### **12. BOARD MEMBER COMMENTS**

Board Member Dunlap commented that he will miss HR Manager Gwen Bouffard's bright smile and that he has enjoyed working with her. The Board Members shared their appreciation for Gwen's hard work.

#### **13. ITEMS FOR FUTURE AGENDAS**

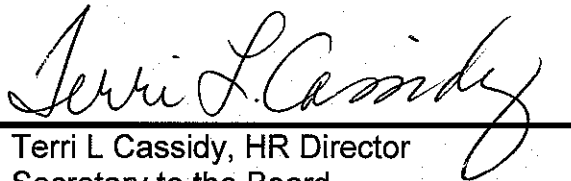
None

#### 14. PUBLIC COMMENTS

PEA Representative and candidate of the Promotional Process, David Syvock, told the Board that the testing processes gave the perception of fairness and he thanked Ms. Redyk and Ms. Rodriguez for doing a great job in administering the tests.

#### 15. ADJOURNMENT

The Civil Service Board meeting adjourned at 6:01 PM.

A handwritten signature in cursive script, reading "Terri L. Cassidy". The signature is written in black ink and is positioned above a horizontal line.

Terri L Cassidy, HR Director  
Secretary to the Board