

COUNTY OF VENTURA  
**civil service commission**

BOARD OF REVIEW AND APPEALS



**Commissioners**  
Don Becker  
Alyse M. Lazar  
Haywood Merricks III  
Patricia S. Parham  
James Vandenberg

**MINUTES**  
**REGULAR BUSINESS MEETING**  
**THURSDAY, May 24, 2018**  
**9:00 a.m.**  
**County of Ventura Government Center**  
**Hall of Administration**  
**LOWER PLAZA ASSEMBLY ROOM**

- I. CALL TO ORDER** – Chair Lazar called the meeting to order at 9:00 a.m.
- II. ROLL CALL** - Commissioners present: Chair Lazar, Commissioners Becker, Merricks and Parham. Staff present: Cheryl Shaw, Commission Assistant, Robert Orellana and Grant Burton, Law Advisors, and Mike Curnow (IR).
- III. PLEDGE OF ALLEGIANCE**
- IV. MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of April 26, 2018 were approved on motion by Commissioner Becker, seconded by Commissioner Merricks.
- V. PUBLIC COMMENTS** – None.
- VI. OLD BUSINESS** – None.
- VII. REQUEST FOR HEARING** – None.
- VIII. REQUEST FOR INVESTIGATION** – None.
- IX. NEW BUSINESS**
  - A.** Section 103 Review of Amendment to the 2015-2018 Memorandum of Agreement (MOA) between the Ventura County Fire Protection District and the Ventura County Professional Peace Firefighters Association.

MINUTES  
Civil Service Commission  
May 24, 2018

Mr. Curnow stated that the proposed amendments would help facilitate the agreement recently approved by the Board of Supervisors for annexation of the Santa Paula Fire District. As an example, the agreement would expand the classifications eligible for lateral transfer to the Ventura County Fire Protection District to include fire captain, fire engineer and fire specialist, in addition to the classification of firefighter. Other proposed amendments include promotional considerations to allow employees who laterally transfer to the District due to the annexation to be able to count experience gained while working for the Santa Paula Fire Department when being considered for a promotion. In addition, on a one-time basis, those employees would receive leave accrual credits of one year of service credit for every two years worked for the Santa Paula Fire Department.

Chair Lazar expressed concern that the proposed amendments may have a precedent setting affect and that those individuals desiring to laterally transfer under this agreement would have a promotional advantage over other individuals who desire to laterally transfer but are outside the City of Santa Paula's Fire Department which could lead to potential discriminatory practice claims. She inquired as to whether there should be stronger language included in the agreement which would foreclose any argument that its terms could have a discriminatory affect.

Matt Smith, Assistant County Counsel, responded by stating that the sole reason that City of Santa Paula employees would have any different status or receive enhanced benefits over other persons who desire to laterally transfer is because such terms were specifically negotiated with the City's union.

Chair Lazar questioned whether this would have a negative impact on other employees within the City who are not within the classifications addressed who desire to laterally transfer to County service. Mr. Smith stated that the agreement specifies that the terms only apply to classifications covered by the Ventura County Professional Firefighters Association.

Commissioner Becker stated that although the County may not have contemplated the exact situation that Chair Lazar pointed out it still appeared that the agreement addressed only specific classifications for lateral transfer. Mr. Smith stated it would be very rare for someone who, for example, was a fire specialist, to request to laterally transfer to a completely different classification. Commissioner Becker further noted that the statement in the County's May 15, 2018 letter to the Board of Supervisors which states that, "Any future lateral transfers will be subject to the current provisions of the MOA only" was somewhat ambiguous and if the actual agreement was more specific then he had no further comments.

**\*Please note:** The minutes are a summary of the Commission's business meeting. A copy of the complete audio tape of the meeting can be obtained from the Commission's office at (805) 662-6787 or by email to: [civil.servicecomm@ventura.org](mailto:civil.servicecomm@ventura.org)

Chair Lazar agreed with Commissioner Becker's comments that the language used in the agreement should be clear and specific and that there is a record that the negotiated provisions were agreed upon due to the exceptional circumstances relating to the annexation.

Upon motion made by Commissioner Becker and seconded by Commissioner Parham, the Commissioners present unanimously voted to direct the Chair to sign a letter to the Board of Supervisors stating that the Commission finds the proposed MOA will have no adverse impact on the County's Personnel Rules and Regulations. Staff was instructed to submit the letter to the Clerk of the Board of Supervisors.

**B. Consideration of Amendments to Legal Services Contracts of Conflict Law Advisors to Increase Their Hourly Rate of Compensation.**

Ms. Shaw stated that the last rate review for the outside law advisors was completed in February 2015, when the Commission considered and raised the hourly rate of compensation from \$160 per hour to \$190 per hour. Discussions at that time included a commitment that the Commission would periodically review the compensation rates to keep them commensurate with the hourly rates of County Counsel. She further stated that current hourly County Counsel rates for the Commission's law advisor is \$209 per hour.

Upon motion by Commissioner Becker, seconded by Commissioner Merricks, the Commission voted to increase the hourly rate of compensation for the outside law advisors to \$209 per hour.

**X. INFORMATIONAL**

**A. Final Report of Findings of Personnel Management Program Audit Conducted by CPS HR Consulting, Dated May 3, 2018.**

Deputy Executive Officer Matt Escobada stated that outside audits of the County's personnel system are completed every six years by a third-party consulting firm. Additionally, the County also does periodic in-house audits. With respect to the recent audit completed by CPS HR Consulting, he reported that the County was found in compliance with all six merit principles audited.

**\*Please note:** The minutes are a summary of the Commission's business meeting. A copy of the complete audio tape of the meeting can be obtained from the Commission's office at (805) 662-6787 or by email to: [civil.servicecomm@ventura.org](mailto:civil.servicecomm@ventura.org)

Chair Lazar noted that the Commission had been contacted earlier in the year by the audit firm expressing a desire that the Commission participate in a conference call to discuss the audit. Unable to participate in that manner due to the public meetings act she suggested that in the future the audit firm be invited to attend a business meeting of the Commission.

## **XI. COMMISSION/STAFF COMMENTS**

### **A. Review County Emergency Evacuation Procedures.**

Ms. Shaw briefly presented the Emergency Evacuation Procedures and requested each Commissioner complete an emergency response employee record.

### **B. Congratulations to Commissioner Merricks on His Reappointment to the Commission.**

All present congratulated Commissioner Merricks on his reappointment.

## **XII. CLOSED SESSION**

The Commission proceeded into Closed Session at 9:30 a.m. and reconvened in Open Session at 9:55 a.m. with no announcements.

### **A. Peace Officer Discipline or Dismissal – One Matter (approximately 10 minutes).**

### **B. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9, subd. (d)(1) – Name of Case: *County of Ventura v. Ventura County Civil Service Commission*; Ventura County Superior Court Case No. 56-2017-00502342-CU-WM-VTA).**

## **XIII. ADJOURNMENT – The meeting was adjourned at 9:55 a.m.**

**\*Please note:** The minutes are a summary of the Commission's business meeting. A copy of the complete audio tape of the meeting can be obtained from the Commission's office at (805) 662-6787 or by email to: [civil.servicecomm@ventura.org](mailto:civil.servicecomm@ventura.org)