

**Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

**(RECESSED FROM MONDAY, NOVEMBER 18, 2002)**

Wednesday, November 20, 2002  
6:45 P.M. - Room B-8  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**Call to Order**

Mayor Pro Tem Boardman called the Meetings of the City Council (recessed from Monday, November 18, 2002 and which this evening met jointly with the Personnel Commission) of the City of Huntington Beach to order at 6:45p.m. in Room B8.

**City Council Roll Call**

Present: Green, Dettloff, Boardman, Houchen, Winchell, Bauer (Green arrived 6:47 p.m.)  
Absent: Cook

**Personnel Commission Roll Call**

Present: Morrison, Taylor, Deight, Gooch, Hunt, Zeleznikar  
Absent: None

**(City Council) Joint City Council/Personnel Commission Meeting Held to Discuss Commission and Staff Roles and Responsibilities (700.10)**

City Administrator Ray Silver announced that the purpose of the joint City Council and Personnel Commission workshop is to review and discuss:

1. Personnel Commission's role and responsibilities;
2. Overview of significant legal developments;
3. Staff roles;
4. Protocols and procedures; and
5. Communication improvements.

The complete Personnel Commission Agenda for Wednesday, November 20, 2002 was included in the Monday, November 18, 2002 agenda packet.

City Administrator Silver introduced Legal Counsel Michael Miller, who spoke at length regarding the following Late Communications collectively titled *Reference Materials*. The Late Communications relate to the topics presented on the Personnel Commission agenda, which was submitted by the Administrative Services Department for inclusion in the City Council agenda packet.

1. October 16, 2002 Personnel Commission Minutes;
2. Commission Communication Memo from Michael H. Miller, Legal Counsel dated November 20, 2002 and titled *Commission's Role and Responsibilities*;
3. Commission Communication Memo from Michael H. Miller, Legal Counsel dated November 20, 2002 and titled *Legal Developments and Trends – Employment & Labor Law*;
4. Commission Communication Memo from Michael H. Miller, Legal Counsel dated November 20, 2002 and titled *Role of Commission Legal Counsel*; and
5. Commission Communication Memo from Michael H. Miller, Legal Counsel dated November 20, 2002 and titled *Commission's Agendas, Meetings, and the Brown Act*.

Legal Counsel Miller presented the sections headed "Employer-Employee Relations Resolution" and "Memorandum of Understanding (MOU)" found on pages 5 and 6 of the Late Communication titled *Commission's Role and Responsibilities*.

Mr. Miller spoke regarding the primary limitations of the Personnel Commission and the Personnel Commission's authority to hear appeals on grievance matters.

Legal Counsel Miller reviewed Chapter 2.72.070 of the Municipal Code relative to the State Public Employees Relations Board.

In reference to pages 8 and 9 of said Late Communication titled *Commission's Role and Responsibilities*, Mr. Miller elaborated on three categories he stated over which the Commission does not have jurisdiction.

Legal Counsel Miller covered Rules 12, 14-6, 19, and 20 from the item, "Personnel Rules (adopted by Resolution)" on pages 4 and 5 of the above-referenced Late Communication.

Mr. Miller next reviewed Rule 19: Grievance Procedure – Non-disciplinary and Rule 20: Disciplinary Matters.

Mr. Miller made further references to the sections headed "Employer-Employee Relations Resolution" and "Memorandum of Understanding," from pages 5 and 6 of said Late Communication. He highlighted bullet points, including the items concerning Section 7.3 on unit modification and voluntary reduction in lieu of layoff.

In the area of significant legal developments, Mr. Miller summarized changes in the Meyers-Millias-Brown Act (MMBA), which he stated could affect the Commission. He informed Council of the potential impact of State Law on cities as it pertains to Senate Bills 739 and 402.

Discussion ensued regarding the delegation of power and issue of binding arbitration by police and fire units.

Mr. Miller concluded by summarizing on the current jurisdiction and authority of the Personnel Commission, as set forth on pages 7 through 9 of the Late Communication.

City Administrator Silver spoke next on the roles of the 1.) City Administrator; 2.) Legal Counsel; 3.) Secretary to the Personnel Commission; and 4.) City Attorney.

With respect to the City Administrator's powers and duties, Mr. Silver referred to Sections 400 and 401 of the City Charter, a copy of which was included in the Late Communication packet.

Councilmember Bauer requested a description of the mechanism by which the legal counsel to the Personnel Commission is appointed.

Mr. Miller responded, stating that he was hired by the city on contract, and provided his background credentials as a both a former Deputy and Assistant City Attorney.

Commissioner Morrison commended Assistant City Attorney Scott Field, for his caliber of work serving as the Legal Counsel prior to Mr. Miller's appointment.

City Administrator Silver informed Council that Administrative Services Director Clay Martin currently holds the lead position of Secretary to the Personnel Commission previously held by William Osness.

Administrative Services Director Martin introduced members of his staff and briefly summarized their primary duties in support of the Personnel Commission: Human Resources Manager Irma Youssefieh; Principal Administrative Analyst Sharon Hennegen and Personnel Analysts Vicky Berg and Brigitte Charles.

Councilmember Bauer stated his observations regarding grievances within Memoranda of Understanding (MOU) reflected in past practices. He spoke relative to MOU side letters.

Discussion was held with respect to Legal Counsel's role in grievance procedural matters that are referred to the Personnel Commission, such as supplemental hearings and "meet and confer" issues.

Staff informed Council of the Office of the City Attorney's function to provide management support; that City Attorney Field and Deputy City Attorney Lee Burke advise department heads regarding personnel issues, for instance evaluations and temporary suspensions. This was presented as the reason for hiring separate Legal Counsel to handle Personnel Commission matters.

The Personnel Commission requested staff to provide an abbreviated status report every 30 to 60 days on all grievances filed.

Administrative Services Director Martin responded that in order to address the concerns of the Commission, staff has future plans of providing a running chronology from their inception of grievances filed. Commissioner Morrison concurred that this should prove helpful to the process.

City Administrator Silver responded with plans for a series of workshops to be scheduled on a quarterly basis.

Legal Counsel Miller referred to the Late Communication packet materials relative to the Brown Act and agendas and minutes.

Human Resources Manager Youssefieh reported on the protocols and procedures for amendments to the City's Classification Plan.

Director Martin provided additional detailed information; i.e., job codes, unit representation (bargaining), and instances when a position is exempt from competitive services.

Commissioner Taylor stated his observation that the city has too many classifications. He expressed his belief that this results in less flexibility in the ability to assign and increase workloads and responsibilities within classifications.

Director Martin concurred, and Assistant City Administrator William Workman explained how the process to implement change requires lengthy "meet and confer" labor negotiations.

Councilmember Bauer initiated discussion on the rules of the Fair Labor Standards Act (FLSA).

City Administrator Silver informed Council that 41 positions have currently been eliminated from the Classification Plan.

**City Council Adjournment** to Monday, December 2, 2002 at 6:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California. This meeting which normally meets at 5:00 p.m. will be adjourned to 6:00 p.m. by the City Clerk due to an anticipated lack of quorum.

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City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

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City Clerk-Clerk

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Mayor-Chairman