

AGENDA

Wednesday, February 15, 2012

City of Huntington Beach PERSONNEL COMMISSION

5:30 PM - Meeting Room B-8
Civic Center - 2000 Main Street
Huntington Beach CA 92648

1. CALL TO ORDER

Commissioners: Barton, Bush, Clemens, Elford, Garner, Inglee, Rivera

Staff Liaison: Paul Emery, Deputy City Administrator

Also present:

Michele Warren, Secretary to the Personnel Commission/Director of Human Resources

Jennifer McGrath, City Attorney

JoAnn Diaz, Principal Human Resources Analyst

Sandy Henderson, Administrative Aide

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

The Personnel Commission welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the Personnel Commission. Negative comments directed at individuals are not acceptable.

Three (3) minutes per person. Time may not be donated to others. No action can be taken by the Personnel Commission on this date unless agendaized. This is the time to address the Personnel Commission regarding items of interest or on agenda items other than public hearings.

4. APPROVAL OF MINUTES

- Meeting of January 18, 2012

5. PRESENTATION BY CITY ATTORNEY JENNIFER MCGRATH

- Comparison between Roberts Rules of Order and Rosenberg Rules of Order

For questions, please contact Sandy Henderson at (714) 960-8828

6. PERSONNEL COMMISSION MEETING COMPENSATION

- Discussion regarding current \$15.00 compensation per meeting attendance

Recommended Action:

- a) Waive \$15.00 per meeting compensation until resolution is amended to abolish such compensation

Alternative Actions:

- b) Suspend \$15.00 per meeting compensation for a duration certain
- c) Retain \$15.00 per meeting compensation

7. COMMISSION GOALS FOR THE COMING YEAR

- Personnel Commission Bylaws discussion and adoption

Recommended Action:

Approve and Adopt Personnel Commission Bylaws

8. SECRETARY'S REPORT

- Power Point Presentation Regarding Personnel Commission Orientation

9. COMMENTS FROM COMMISSIONERS

Announcements, brief report regarding Commissioner activities, ask questions for clarification, request information from Staff, direction to Staff regarding a future agenda item or for the provision of information for a future meeting.

10. ADJOURNMENT

Meeting adjourned to the next regularly posted meeting of March 15, 2012

ITEM # 4

MINUTES

Wednesday, January 18, 2012

City of Huntington Beach PERSONNEL COMMISSION

5:30 PM - Meeting Room B-8
Civic Center - 2000 Main Street
Huntington Beach CA 92648

Pending approval by Personnel Commission at the meeting on 2/15/12
(These minutes are not verbatim. A recording of the meeting is available in the Human Resources Division, lower level of City Hall, for one year following meeting date.)

CALL TO ORDER

Vice-Chairperson Clemens called the Commission meeting to order at 5:30 PM.

ROLL CALL

Commissioners present: Bush, Clemens, Barton ~~Garner~~, Inglee, and Rivera

Commissioners absent: Garner ~~Barton~~, Elford

Others Present:

Michele Carr, Secretary to the Personnel Commission/Director of Human Resources

Mike Vigliotta, Deputy City Attorney III

JoAnn Diaz, Principal Human Resources Analyst

Sandy Henderson, Administrative Aide

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

A motion was made by Commissioner Bush and seconded by Commissioner Barton to approve the minutes for the November 10, 2011 meeting as presented.

VOTE: The motion was carried
AYES: 4
NOES: 0
ABSTAIN: 1 (Rivera)
ABSENT: 2

A motion was made by Commissioner Inglee and seconded by Commissioner Bush to approve the minutes for the November 16, 2011 meeting as presented.

VOTE: The motion was carried
AYES: 3
NOES: 0
ABSTAIN: 2 (Barton, Rivera)
ABSENT: 2

PUBLIC HEARING

- a. Approve the job specification revisions of the position of **Community Recreation Supervisor** in the Community Services Department amending the City's Classification Plan.

The word "assumed" was changed to "assigned" under Distinguishing Characteristics.

A motion was made by Commissioner Barton and second by Commissioner Inglee to approve the revised job specification as amended.

VOTE: The motion was carried
AYES: 5
NOES: 0
ABSENT: 2

- b. Approve the job specification revisions of the position of **Librarian** in the Library Services Department amending the City's Classification Plan.

The word "assumed" was removed under Distinguishing Characteristics.

A motion was made by Commissioner Barton and second by Commissioner Inglee to approve the revised job specification as amended.

VOTE: The motion was carried
AYES: 5
NOES: 0
ABSENT: 2

COMMISSION GOALS FOR THE COMING YEAR

Discussion ensued regarding the 4th draft Personnel Commission Bylaws. Modifications were reviewed and agreed upon with some minor language adjustments. The Commissioners requested staff agendize the Bylaws for review and adoption at the next meeting.

LABOR RELATIONS UPDATE

Michele Warren, Director of Human Resources stated there are no active negotiations; however, we hope to calendar planning meetings with the Management Employees' Organization in the next 60 – 90 days.

SECRETARY'S REPORT

Ms. Warren reported that Resolution 3254 which establishes payments to Planning, Personnel and Community Services Commissions and the Library Board will need to be updated due to recent decisions to waive compensation by some of these boards and commissions. She informed the Commissioners that this topic will be agendized at the next meeting for Commission recommendations to continue to receive or to waive the Personnel Commission compensation.

COMMENTS FROM COMMISSIONERS

Commissioner Barton inquired about the status of the Grievance Report. Ms. Warren replied that it is in process of being updated.

Commissioner Clemens welcomed Commissioner Rivera and wished everyone a Happy New Year.

ADJOURNMENT

The meeting adjourned at 6:15 PM to the next regularly scheduled meeting of February 15, 2012.

ITEM # 7

BYLAWS

[Effective July 1, 2012]

PERSONNEL COMMISSION

of the

CITY OF HUNTINGTON BEACH

Section 1. TITLE AND MEMBERSHIP. The official title of this Commission shall be “Personnel Commission of the City of Huntington Beach”, which may also be referred to as the “Huntington Beach Personnel Commission”, “City Personnel Commission” or “Personnel Commission.” The Personnel Commission shall consist of five (5) members, each appointed by the City Council. The members shall serve for terms of two (2) years. Terms shall expire on June 30 of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term. No person shall serve more than two (2) consecutive terms on the Commission.

Section 2. DUTIES OF COMMISSION. The duties of the Personnel Commission shall be as provided in the City Charter, as provided by ordinance of the City of Huntington Beach, as provided in the Municipal Code and as may be delegated to it by the City Council.

Section 3. OFFICERS. The officers of the Personnel Commission shall be a Chair and a Vice-Chair who shall be elected by majority vote of the Commission. Outgoing officers’ term expires upon election of new officers. Officer nominations will be submitted annually in June. An election of officers shall be held as soon as practical following the first day of July of every year. The Chair and Vice-Chair shall be elected based on seniority, as follows:

- a. The Commissioner with the most seniority who has not served as Chair, or the Commissioner who served as Chair longest ago if all Commissioners have served as Chair, shall be elected Chair.
- b. The Commissioner with the most seniority who has not served as Vice-Chair, or the Commissioner who served as Vice-Chair longest ago if all Commissioners have served as Vice-Chair, shall be elected Vice-Chair.

- c. Seniority between Commissioners shall be determined by the chronological order of the uninterrupted service date of first attendance of each as a sworn Commissioner at a Personnel Commission meeting. If seniority between two or more Commissioners is equal based on the first determination, then seniority between the subject Commissioners shall be based on the highest or higher vote counts of the Commissioners' appointing City Council Members.
- d. Any Commissioner may decline nomination as Chair or Vice-Chair. Such declination shall not alter the selection process for Chair or Vice-Chair among the remaining Commissioners.

The elected Chair and Vice-Chair shall assume office immediately following said election. In the event of a vacancy of the Chair, the Vice-Chair shall serve the balance of the unexpired term of the Chair. In the event of a vacancy of the Vice-Chair, a member of the Commission shall be elected, in accordance with the aforementioned seniority determination, to serve the balance of the unexpired term of the Vice-Chair. No person shall occupy the office of Chair or Vice-Chair for more than two consecutive terms. The Director of Human Resources of the City shall serve as Secretary of the Commission.

Section 4. DUTIES OF CHAIR AND VICE-CHAIR. The Chair shall preside at the meetings of the Commission and in case of his/her absence or inability to act, the Vice-Chair shall act, and in the absence of both the Chair and Vice-Chair, the Commission shall appoint a Chair pro tempore who shall have all the powers and duties of the Chair and shall serve only until such time as the Chair or Vice-Chair returns and is able to act. The Chair shall have the power to make or second any motion, to present and discuss any matters, and vote, notwithstanding the fact that they are the presiding officer of the Commission.

The Chair, or his/her designee shall be available to meet with the City Council Liaisons to the Personnel Commission, the Mayor, or his/her designee whenever requested to discuss issues common to the City Council and Personnel Commission.

When a Personnel Commission item has been appealed to the City Council, or when a Personnel Commission decision on an item before the City Council differs from staff's recommendation, the Chair or his/her designee shall attend City Council meetings and present the majority position of the Personnel Commission on the pertinent item. When the Chair is not a member of the voting majority on the item before the Council, the Chair shall appoint a member of such Commission majority as the Commission's representative.

Section 5. DUTIES OF THE SECRETARY. It shall be the duty of the Secretary to keep accurate and permanent records of the acts and proceedings of the Commission, and such records shall be retained and have the same status as other records of the city; to schedule matters for hearing and consideration by the Commission; to provide timely notice of meetings, agenda and actions as required by code, ordinance, statute or the Commission; and to perform such other duties required by code, ordinance, statute or the Commission. In case of absence of the Secretary, an Acting Secretary, appointed by the Secretary, shall act, and in the absence of both Secretary and Acting Secretary, the Chair shall appoint a Secretary pro tempore who for such period shall have all the powers and duties of the Secretary and serve only until such time as the Secretary or Acting Secretary returns and is able to act.

Section 6. ADVISORS. The Chair, or a majority of the Commission, may request the attendance at Personnel Commission meetings of any officer or employee of the City to assist the Commission in its deliberations in an advisory capacity.

Section 7. MEETINGS.

(a) Open Meetings. All meetings of the Commission shall be *governed by the Ralph M. Brown Act [Government Code Section 54950]* ~~open and public.~~

(b) Regular Meetings. Regular meetings shall be held on the third Wednesday of each month at the Huntington Beach Civic Center commencing at 5:30 PM or as soon thereafter as the meeting may be called to order. Public Notice and an agenda of meeting shall be given as required by law. In the event the date for a regular meeting falls on a legal holiday, such meeting date shall be deemed to be the day following such holiday. In the event the date of a regular meeting follows the date of a regular City Council meeting and such Council meeting falls on a legal holiday, thereby requiring such Council meeting to be postponed to the following day, the date of the regular Commission meeting shall be deemed to be the day after the postponed Council meeting is held.

(c) Special Meeting. A special meeting may be called at any time by the Chair, or by a majority of the members, with public notice and an agenda of meeting as required by law.

(d) Public Hearings. The Commission shall not begin any public hearing item after 11:00 PM unless the Commission, by majority vote, so agrees.

(e) Adjournment. Any meeting may be adjourned to a date certain which may be specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within the twenty-four (24) hours after the time of the adjournment.

Section 8. ATTENDANCE. Regular attendance at meetings of the Personnel Commission is required of all members to enable the Commission to discharge the duties conferred thereupon . In the event a member is absent from two or more consecutive regular meetings, without securing the consent of the Chair, such consent not to be unreasonably withheld, and upon majority vote, the Commission shall request the City Council appointing member to remove the Commissioner and appoint a new member to fill the unexpired term. In the event a member is absent from 50% or more of the regular meetings held in a calendar year, (with or without consent of the Chair), the Commission may request the City Council appointing member to remove the Commissioner and appoint a new member to fill the unexpired term.

Section 9. QUORUM. At any meeting of the Personnel Commission, a majority of said Commission shall constitute a quorum for the transaction of business. In the event there is no quorum at a Commission meeting, the Secretary shall adjourn such meeting or shall adjourn to a date certain.

Section 10. ORDER OF BUSINESS. The order of business for a regular or special meeting shall be:

- (a) Call to order by the Chair.
- (b) Consideration of matters on the agenda.
- (c) Any other business which may properly come before the Commission.

Section 11. PARLIAMENTARY PROCEDURE. The parliamentary rules contained in the current revision of Rosenberg's Rules of Order, except as otherwise noted in these bylaws, shall, in general, govern the proceedings of this Commission. The Chair shall decide all questions of order, subject to appeal by the Commission, and all appeals shall be decided by a majority vote of the members present. The Chair shall vote on all matters coming before the Commission whether there is a tie vote or not. No member may vote at a meeting by proxy, or by any method other than being personally present and casting his/her vote. Every member

present shall vote on all questions. The result of any vote shall be audibly announced by the Secretary and recorded in the minutes as the vote of the Commission. Any member present who disqualifies himself/herself for any reason from voting upon any question shall state his/her reasons for so doing. If a member disqualifies himself/herself or abstains, they shall so state the reason(s) for disqualification or abstention. The Secretary shall enter any disqualification and the grounds therefore in the minutes of the meeting. A member who has disqualified himself/herself shall not be required to vote upon the question on which they have disqualified himself/herself, and his/her failure to vote shall be recorded as an abstention. An affirmative vote of a majority of the members present and voting shall be required for the passage of any matter before the Commission, except as otherwise noted in these bylaws.

Section 12. CHANGES IN BYLAWS. An affirmative vote of ~~four~~ **three (43)** members of the Personnel Commission shall be required to amend these bylaws. Copies of a proposed amendment shall be given to each member at a regular meeting, and shall be mailed to each member at least five (5) days prior to a meeting, and may then be voted upon at the next regular meeting.

Section 13. ADOPTION. APPROVED AND ADOPTED ON THE _____ , as the Bylaws of the Personnel Commission of the City of Huntington Beach, adopted _____, by a (unanimous) vote of _____ .

ATTEST:

Michele Warren
Secretary to the Personnel
Commission

Jan Garner
Personnel Commission Chair

ITEM # 8

City of Huntington Beach

Personnel Commission Orientation

Background – HB Personnel Commission

- Established July 18, 1979
- Governed by Municipal Code – Chapter 2.72
- Seven (7) members
 - 5 members effective 7/1/12
- Appointed by City Council
- Terms – Four (4) years
 - Two (2) years effective 8/1/11
- Term Limits – Two (2) consecutive terms

Scope of Authority

- Conduct investigations upon request of the City Council concerning the administration of the personnel system and report its findings to the City Council and City Manager
- Hear appeals on grievance matters for final decision except for such matters as may be submitted to final and binding arbitration
- Hear appeals from decisions of the City Manager or his/her designee made pursuant to the employer-employee relations resolution

Scope of Authority (Continued)

- Determine hearing procedures and select hearing officers and advisory arbitrators for hearings*
- Review impasse matters as provided in the employer-employee relations resolution
- Perform such other functions as may be prescribed by ordinance or resolution

*Subject to provisions of the MOU

Scope of Authority (Continued)

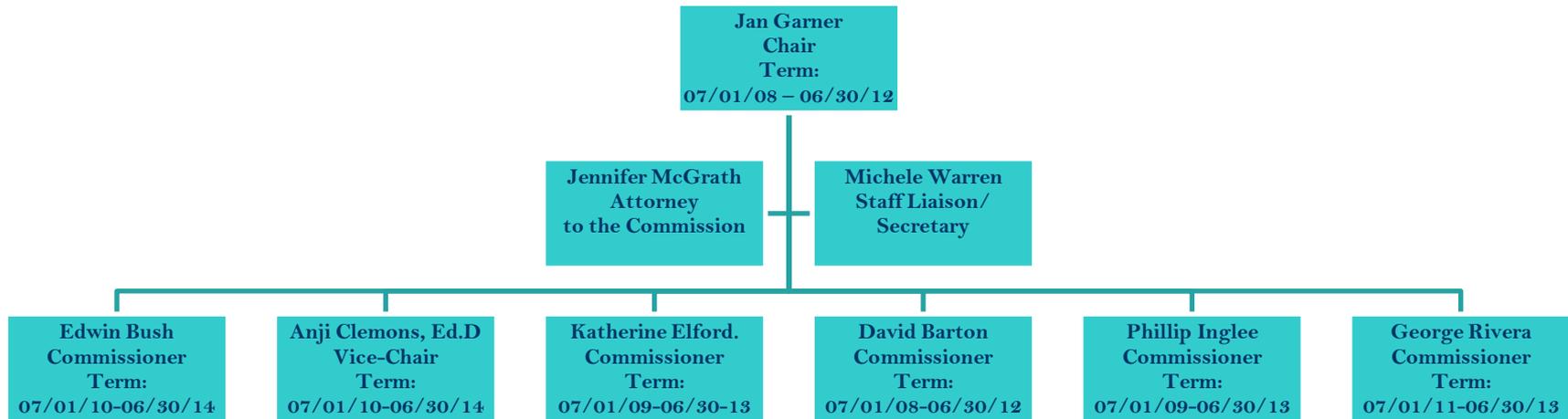
- Review class specifications
- Conduct public hearings regarding class specifications and reclassifications for positions within the competitive service
- Conduct public hearings regarding Unit Modification motions/requests

Scope of Authority (Continued)

- Conduct appeal hearings regarding administrative decisions involving*:
 - Recognition of employee organizations
 - Appropriateness of units
 - De-certification
 - Modification of units

* As set forth in Section 6 and Section 7 of the Employer-Employee Relations Resolution

Current Commission



Affiliated Roles

- City Manager – has power and duty to appoint, promote, demote, suspend, or remove department heads, officers and employees of the City, subject to approval of the City Council*
- City Attorney –legal counsel to the Personnel Commission. Provides status reports regarding grievance processing.
- Secretary to the Personnel Commission – the City’s Human Resources Director provides staff support in carrying out the activities of the commission, preparation of the agenda, staff reports and related material, preparation of meeting minutes and acts as custodian of records for all Commission files. The Secretary also fields questions and responds to requests for information. Acts as liaison between the Commission, City Manager, legal counsel and other staff.

*Except elected officers.

Principles of Ethics

- Uphold the Constitution of the United States and the State of California
- Uphold the City Charter of the City of Huntington Beach
- Carry out impartially the laws of the nation, state and municipality
- Comply with all provisions of state law regarding California Political Reform Act
- Not engage in activities which results in use of time, facilities, equipment, supplies, or other city resources for private advantage or gain for oneself or another
- Not use official information that is not available to the general public for private advantage or gain for oneself or another
- Not use the authority of position to discourage, restrain or interfere with any person who chooses to report potential violations of law or regulation

Principles of Ethics (Continued)

- Officials shall not give special treatment or consideration to any individual or group beyond that available to any other individual
- Officials shall not discriminate against or harass a citizen or co-worker on the basis of any protected category such as ancestry, color, gender, marital status, national origin, physical or mental disability, race or sexual orientation; harassment may include verbal, physical and sexual harassment
- All officials shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.

Brown Act

- The Personnel Commission is subject to the provisions of the Ralph M. Brown Act which generally states:
 - *“ All meetings of the legislative body of a local agency shall be open and public and all persons shall be permitted to attend any meeting of the legislative body of a local agency...”*

Council Liaisons

- Keith Bohr – City Council Member
- Joe Carchio – City Council Member

Commission Meeting Times/Dates

- The Personnel Commission regularly meets on the third (3rd) Wednesday of each month.
- Personnel Commission meetings are held at 5:30 p.m. in Room B-8 of City Hall

Questions?

