AGENDA

CITY OF NATIONAL CITY
CIVIL SERVICE COMMISSION

REGULAR MEETING

5:30 P.M., Thursday, MARCH 13, 2014
Civic Center, Large Conference Room, 2nd Floor
1243 National City Blvd.
National City, California 91950

UPON REQUEST, THIS AGENDA CAN BE PROVIDED IN ALTERNATIVE FORMAT TO ACCOMMODATE ANY INDIVIDUAL NEEDS. PLEASE CONTACT THE HUMAN RESOURCES DEPARTMENT AT (619) 336-4300 OR BY E-MAIL AT hr@nationalcityca.gov TO REQUEST ACCOMMODATION, INCLUDING ANY AUXILIARY AIDS OR SERVICES.

1. **CALL TO ORDER AND ROLL CALL**

- ❑ Chairperson Courtney
- ❑ Vice Chairperson Coyote
- ❑ Commissioner Graham
- ❑ Commissioner Puhn
- ❑ Commissioner Sendt

2. **SALUTE TO THE FLAG**

3. **PUBLIC COMMUNICATIONS**

4. **APPROVAL OF MINUTES**

   A. Regular Meeting of January 23, 2014

5. **REPORTS FOR FILE**

   A. Personnel Report
   B. Report of Vacancies

6. **UNFINISHED BUSINESS**

   A. Staff Report: Proposed Revision of Bylaws to Incorporate Reference to Hearing Procedures

      1. Civil Service Commission Bylaws – Draft Revision
      2. Civil Service Commission Bylaws – Draft Revision (Track Changes)

7. **NEW BUSINESS**

8. **ELECTION OF OFFICERS**

9. **STAFF COMMENTS**

10. **COMMISSIONER COMMENTS**

11. **ADJOURNMENT**

CITY OF NATIONAL CITY
MEMORANDUM

DATE: March 13, 2014

TO: City of National City Civil Service Commission

FROM: Stacey Stevenson, Director of Administrative Services

SUBJECT: Proposed Revision of Bylaws to Incorporate Reference to Hearing Procedures

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At the January 23, 2014 meeting of the City of National City Civil Service Commission, the Commission voted unanimously to adopt procedures to facilitate the conduct of hearings. During the course of Commission discussion of said item, staff was asked if reference to said procedures should be incorporated into the Commission's bylaws.

In response to the above, having reviewed the bylaws, staff recommends that a general provision be added to the bylaws that acknowledges and allows for the adoption of procedures. The following language is recommended for inclusion under Article VII – Order of Precedence:

"The Commission may adopt procedures to facilitate the performance of the duties and responsibilities of the Commission as outlined in the Bylaws and Municipal Code Chapter 16.02. All such procedures must be approved by an affirmative vote of a quorum of voting members of the Commission. Adopted procedures will be recorded as an appendix to the bylaws."

Consistent with said recommended language, if adopted, an appendix to the bylaws would contain a specific reference to the hearing procedures.

Recommendation:

Staff recommends adopting an amendment to the bylaws of the Civil Service Commission to include additional language under Article VII as presented by staff. Should the Commission desire to include reference to the hearing procedures in the bylaws, staff recommends the inclusion of an appendix to record all adopted procedures.

Stacey Stevenson

Attachments: Civil Service Commission Bylaws – Draft Revision
Civil Service Commission Bylaws – Draft Revision (Track Changes)

CITY OF NATIONAL CITY
CIVIL SERVICE COMMISSION
BYLAWS

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

The Commission shall act in the capacity of the "Civil Service Commission" and shall hereinafter be referred to as the "Commission".

Section 2. Mission Statement

That the following shall be the Mission Statement of the Commission:

The Commission shall oversee and uphold the merits of the Civil Service System, providing impartial and consistent oversight to the City on employment matters related to applicants and employees.

The Commission shall perform the following functions in accordance with and the City's Municipal Code Chapter 16.02:

1. Act in an advisory capacity to the City Council and the director of human resources on personnel matters in the city service, and when requested by the City Council or the director of human resources, hold hearings and make recommendations on any matter of personnel administration.

2. Hear appeals submitted by persons in the competitive service, or candidates for a position in the competitive service, relative to any alleged infringement upon their rights and privileges granted by this title or the Civil Service Rules, and certify its findings and recommendations.

3. In any investigation or hearing conducted by the Commission, have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police or his/her designee to cause all such subpoenas to be served, and refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council. Each member of the Civil Service Commission shall have the power to administer oaths to witnesses.

4. Publish and post notices of the examinations for positions in the competitive service, receive applications therefore, conduct and score examinations, and certify to the appointing power a list of all persons eligible for appointment in the appropriate class in the competitive service. The Civil Service Commission shall cause the duties imposed upon it by this paragraph to be performed by the director of human resources.

5. Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.

In the performance of its duties, the Commission may from time to time direct staff to provide copies of or make a report to the Commission on any Commission duties delegated to staff.

Additionally, the Civil Service Commission shall hear requests on the establishment and revision of Civil Service Rules governing employment with the City of National City. Commission decisions to establish or revise Civil Service rules or any part thereof shall be forwarded to the City Council as a recommendation for final adoption.

Section 3. Membership

A. Composition

The Commission shall be comprised of five (5) individuals appointed by, and to serve at the pleasure of the City Council.

B. Residency Requirement-Compensation

The members of the Civil Service Commission shall be residents, but need not be electors, of the city. Commission members shall serve without compensation, except that the City Council may from time to time pay such expenses of Commission members that are incurred during the conduct of commission business as the Council deems appropriate.

C. Terms of Membership

The terms of the members shall be for five (5) years, subject to reappointment by the City Council. No two terms shall expire in the same year. At the expiration of each of the terms so provided for, a successor shall be appointed by the Council for a term of five (5) years.

D. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

1. The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or

2. The member shall have been absent from the number of Commission meetings specified in these bylaws.

E. Removal of Members

A member may be removed by a majority vote of the City Council.

F. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

G. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled by the majority of the City Council, with new members so appointed having to meet the qualifications set forth in Article I, Section 3(B). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission and shall submit such agenda recommendations and information at such meetings that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all approved minutes, and other legal documents of the Commission (if any).

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

Section 4. Staff

The Commission shall be served by a full-time professional staff within the Human Resources Department which shall include a secretary who will prepare an agenda for each regular or adjourned meeting. The agenda and supporting documentation shall be provided to the Commission at least three (3) calendar days prior to the date of the meeting at which such agenda is to be considered. The meeting shall be recorded and minutes prepared for approval by the Commission at the next regularly held meeting. The agendas and minutes shall be available to the public and retained at the City.

Section 5. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 6. Election

The Chairperson and Vice Chairperson shall annually be elected by a majority of the members of the Commission from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be one year. The election of officers shall be scheduled for the first regular meeting of each new calendar year.

Section 7. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1. Regular Meetings

The Commission shall hold at least one regular meeting bimonthly, beginning with January of each calendar year, and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Commission.

The Commission shall conduct meetings on the second Thursday of the month for which a meeting has been called by the Chairperson at 5:30 p.m. in the large conference room of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at City Hall and on the City's website at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act.

If there are no items scheduled for the Commission's consideration, the staff may advise the Chairperson there are no items for consideration and suggest cancellation of the meeting. Said cancellation of a meeting shall be posted by City staff at City Hall and on the City's website. Staff shall announce that the regularly scheduled meeting of the Commission has been adjourned to the next regularly scheduled meeting.

All meetings shall be held and conducted in accordance with the provisions of the "Ralph M. Brown Act" (Section 54590 et seq., of the Government Code of the State of California). All meetings of the Commission are open to the general public.

Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson, or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

City staff shall be responsible for the posting of the agenda of the special meeting at City Hall and on the City's website at least 24 hours prior to the time specified in the notice for the meeting. At such special meeting, no business other than that designated on the approved agenda shall be considered.

Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs at the regularly scheduled meeting after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the secretary to the Commission of the adjourned meeting.

Section 4. All Meetings to be Open and Public

All meetings of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing contained in these bylaws shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions.

Section 5. Quorum

The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

Section 6. Absences

Membership in the Commission shall terminate if a member has:

a. three (3) consecutive unexcused absences from meetings, whether regular or special; or

b. three (3) absences from regular meetings in a calendar year, whether excused or unexcused; or

c. one unexcused absence from a meeting held for the purpose of conducting a disciplinary hearing; or

d. absences from two disciplinary hearings, in their entirety, in a calendar year, whether excused or unexcused.

A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the secretary to the Commission of intent to be absent and the reasons therefore. At each meeting, after the roll has been called, the secretary shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason of such absence. The Commission shall approve or disapprove such reasons for excused absences.

The secretary to the Commission shall notify of the City Council via the City Clerk of the termination of any Commissioner resulting from the application of this provision.

Section 7. Order of Business

The following shall be the order of business at regular meetings of the Commission:

1. Roll call
2. Salute to the Flag
3. Public Comment
4. Approval of Minutes of previous meeting
5. Reports for File
6. Unfinished Business
7. New Business
8. Staff Comments
9. Commission Comments
10. Adjournment

Section 8. Public Comment

Public Comment shall be limited to three minutes per individual or 10 minutes for group presentations. All individuals requesting to speak under public comment shall be required to complete a speaker's slip in advance of speaking. The Chairperson shall call upon speakers from the submitted speaker slips. The secretary of the Commission shall retain speakers' slips

as a part of the Commission record in accordance with the established records retention schedule.

Section 9. Minutes

Minutes of the Commission shall be in writing. Copies of the minutes of each Commission meeting shall be made available to each member of the Commission. Minutes shall be made available to the public. Approved minutes shall be published on the City's website and maintained on file in the Human Resources Department consistent with the department's most recently adopted retention schedule.

Section10. Rules of Order

Except as provided in these bylaws, all business and matters before the Commission shall be transacted in conformance with the rules of order adopted by the City Council of the City of National City.

Section 11. Committee Reports

Oral and/or written reports of the Commission shall include reports of any findings and/or recommended action on matters brought forth before the Commission in the form of a hearing or investigation; and any findings and recommended actions on matters for which a Subcommittee was established.

ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the Commission specifically so designated by the Commission pursuant to the Brown Act.

ARTICLE V – SUBCOMMITTEES

Section 1. Establishment

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Article I, Section 2 of these Bylaws.

Section 2. Membership

Each subcommittee shall be composed of at least one (1), but not more than two (2) members of the Commission.

Section 3. Appointment of Members

Members on a subcommittee shall be appointed by the Chairperson of the Commission with the approval of the Commission.

Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall establish the date, time and place for meetings to conduct the subcommittee's business. In the event that any subcommittee meets on more than two (2) occasions, then all further meetings of the subcommittee shall comply with the meeting requirements set forth in Article III.

Section 5. Subcommittee Reports

From time to time, the subcommittee shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

ARTICLE VI – AMENDMENTS

Section 1. Adoption of these Bylaws. and any Subsequent Amendment

The bylaws of the Commission may be amended upon the affirmative vote of a quorum of voting members of the Commission, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE VII- ORDER OF PRECEDENCE

Section1. Conduct of Affairs

The Commission may adopt procedures to facilitate the performance of the duties and responsibilities of the Commission as outlined in the Bylaws and Municipal Code Chapter 16.02. All such procedures must be approved by an affirmative vote of a quorum of voting members of the Commission. Adopted procedures will be recorded as an appendix to the bylaws.

The Commission will observe all applicable requirements of state and local law, including the following, which have been summarized as follows:

1. The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter "the Brown Act" or "the Act").

2. If any provision of these bylaws conflicts with Municipal Code Chapter 16.02, the Municipal Code Chapter shall prevail.

Appendix – Adopted Procedures

Procedure	Adoption Date	Revision Date
Procedural Rules for Hearings		

Draft Revision

CITY OF NATIONAL CITY
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3. In any investigation or hearing conducted by the Commission, have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police or his/her designee to cause all such subpoenas to be served, and refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council. Each member of the Civil Service Commission shall have the power to administer oaths to witnesses.

4. Publish and post notices of the examinations for positions in the competitive service, receive applications therefore, conduct and score examinations, and certify to the appointing power a list of all persons eligible for appointment in the appropriate class in the competitive service. The Civil Service Commission shall cause the duties imposed upon it by this paragraph to be performed by the director of human resources.

5. Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.

In the performance of its duties, the Commission may from time to time direct staff to provide copies of or make a report to the Commission on any Commission duties delegated to staff.

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City staff shall be responsible for the posting of the agenda of the special meeting at City Hall and on the City's website at least 24 hours prior to the time specified in the notice for the meeting. At such special meeting, no business other than that designated on the approved agenda shall be considered.

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Section 5. Quorum

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as a part of the Commission record in accordance with the established records retention schedule.

Draft Revision

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Oral and/or written reports of the Commission shall include reports of any findings and/or recommended action on matters brought forth before the Commission in the form of a hearing or investigation; and any findings and recommended actions on matters for which a Subcommittee was established.

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Section 3. Appointment of Members

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Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall establish the date, time and place for meetings to conduct the subcommittee's business. In the event that any subcommittee meets on more than two (2) occasions, then all further meetings of the subcommittee shall comply with the meeting requirements set forth in Article III.

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From time to time, the subcommittee shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

ARTICLE VI – AMENDMENTS

Section 1. Adoption of these Bylaws. and any Subsequent Amendment

The bylaws of the Commission may be amended upon the affirmative vote of a quorum of voting members of the Commission, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE VII- ORDER OF PRECEDENCE

Section1. Conduct of Affairs

The Commission may adopt procedures to facilitate the performance of the duties and responsibilities of the Commission as outlined in the Bylaws and Municipal Code Chapter 16.02. All such procedures must be approved by an affirmative vote of a quorum of voting members of the Commission. Adopted procedures will be recorded as an appendix to the bylaws.

The Commission will observe all applicable requirements of state and local law, including the following, which have been summarized as follows:

1. The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter "the Brown Act" or "the Act").

2. If any provision of these bylaws conflicts with Municipal Code Chapter 16.02, the Municipal Code Chapter shall prevail.

Appendix – Adopted Procedures

Procedure	Adoption Date	Revision Date
Procedural Rules for Hearings		

Draft Revision