

**CITY OF RICHMOND, CA  
HUMAN RESOURCES MANAGEMENT DEPT.**

PERSONNEL BOARD  
REGULAR MEETING

440 CIVIC CENTER PLAZA  
CITY COUNCIL CHAMBERS

**November 15, 2012  
MINUTES**

The Regular Meeting was called to order by Chairperson Sidwell at 5:00 p.m. Roll call was as follows:

Present: Joanne Sidwell, Chairperson  
Elaine Merriweather, Vice Chairperson  
David Brown, Board Member  
Yvonne Nair, Board Member  
Vicki Winston, Board Member

Absent: None

**1. APPROVAL OF MINUTES**  
A. Regular Meeting of September 27, 2012

The following corrections to the minutes were requested:

- Page 2, under Item 2.A., second paragraph, replace the last word in the paragraph from “employers” to “employees”;
- Correct spelling of names for those identified in attendance;
- Where appropriate, correct the name of the Human Rights and Human Relations Commission;

**MOTION:** Boardmember Brown made a motion to approve the September 27, 2012 Minutes, as amended; seconded by Board Member Sidwell.

The Chair noted there was public comment on both sets of minutes.

**Public Comments:** Jacqueline McBride stated that her comments were not represented correctly in the minutes and asked that the minutes not be approved until the public can access recordings of the actual meeting on-line.

Attorney Soublet responded that recordings are available of the meetings via cassette tape and no City-related minutes are transcribed word-for-word.

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Stacy Plummer reviewed materials included in the packet and she noted that the minutes do not reflect that ethics training was to be given. She also noted that last month Local 21 unanimously voted to support the establishment of a Richmond Ethics Commission and recited excerpts from the Brown Act.

Stan Fleury stated the Human Rights and Human Relations Commission minutes are available on the City's website as well as City Council meeting videos. He pointed out misstatements and omissions in the minutes of October 25, 2012.

Board Member Merriweather suggested that the minutes be deferred if comments are not accurately reflected. Attorney Soublet noted that the motion and second could be withdrawn and the Board could then decide what it would like to do.

Board Member Brown said he did not want to withdraw his motion, as minutes are cursory and limited. He believes the September 27<sup>th</sup> minutes are reflective of what occurred and called for the question.

Board Member Brown made a motion to approve the September 27, 2012 minutes, as amended; seconded by Board Member Sidwell; which failed by the following roll call vote: (2-2-1) AYES: Mr. Brown and Ms. Sidwell, NOES: Ms. Nair and Ms. Merriweather. ABSTAIN: Ms. Winston.

ACTION: Boardmember Merriweather made a motion that the September 27, 2012 Minutes be reviewed for misstatements and errors; Board Member Nair seconded the motion. Item was approved by the following roll call vote: (3-2) AYES: Ms. Nair, Ms. Merriweather and Ms. Winston. NOES: Mr. Brown, and Ms. Sidwell.

### B. Regular Meeting of October 25, 2012

The following corrections to the minutes were requested:

- Page 2, 2<sup>nd</sup> paragraph, "4<sup>th</sup> line; "it is her understanding that Human Resources is an extension";
- Page 2, Item 2A, Vice Chairperson Winston asked to change the 4<sup>th</sup> paragraph to "Board Member Winston confirmed her understanding that the room would require maintenance after meetings are held."
- Page 1, under "In Audience" to correct the spelling from "Vivien Fire" to "Vivian Feyer, Chair, Human Rights and Relations Commission".

Public Comments: Jacqueline McBride asked that her statements be put verbatim in the minutes when she read from the City's Charter, Article XIII, Section 1, which was important in conjunction with her statements about the Human Resources Department being broken and needing to be fixed or replaced. She also asked that the audio recording be available on-line.

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Stan Fleury agreed that minutes are a summation of what occurred at the meeting, but since other meeting recordings are available to the public on the City's website, he asked that the Board follow the same protocol and make the full video and audio recording on the website. He also questioned whether it was necessary to include who was in the audience at the meeting.

**ACTION:** Board Member Nair made a motion to include the entire public comment into the October 25, 2012 Minutes; Board Member Merriweather seconded the motion. Item was approved by the following vote: 4-1 AYES: Ms. Nair, Ms. Merriweather, Ms. Sidwell and Ms. Winston. NOES: Mr. Brown.

### 2. PUBLIC COMMENT

Ray Dryer, Vice President, SEIU, Local 1021, stated an item was pulled from the agenda and there are issues Local 21 has with it. First, the agenda item placed on the agenda is supposed to be the Board's and not someone else's. Once it is pulled, it seems like it is to the advantage of the person pulling it and an unfair advantage to the person who has been waiting to be heard and make a presentation on the item. There was also not proper notification to the union about it being pulled and he asked for clarification on the process. The matter relates to an employee's welfare and a desk audit and fairness to the employee as well as work being performed by the employee that is not being paid for equally.

Stacy Plummer referred to the Richmond Charter, starting on page 42 under Article XIII; information is outlined on creation of the Personnel Board. All other commissions were created by the Municipal Code. She read excerpts of the Section 1 of the Charter of the Personnel Administration which relates to fairness to employees and the taxpayer. She said in coming months, the Board will hear violations of these rules and asked that the Board be well versed on those rules.

Lochlein Sekona thanked the Board for taking its responsibility seriously. He attended the last three meetings and said his concern is the responsibility of the attorney. He asked to when he should and should not speak, as he thinks it is up to the Chair to direct him to clarify information. He is a member of the negotiating team for Local 1021 and the attorney is the negotiator for the City and he asked that it be made clear on the attorney's position in facilitating the Board. He also noted that the union will be watching every action being taken.

Chairperson Sidwell stated that over the last few meetings, she has asked Mr. Soublet questions and she duly noted Mr. Sekona's comments.

Jacqueline McBride said she is not at the meeting because she is disgruntled. She is here because she wants to see positive change for employees, noting that an employee spoke at the HRHR meeting on August 27<sup>th</sup> and spoke about issues not being resolved

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by the Personnel Board, punishment for speaking up, being victims of no promotion in 13 years, imposition of a 3-day then 30-day suspension and felt that when getting to the point where there is no fairness or impartiality on the Board, that volunteer should step down.

Diane Canepa said she understands the meeting is audio recorded and she asked if it is available for public review and if so, how the public would gain access to audio tapes. She noted that a great majority of communication is non-verbal so it would be very beneficial if meetings were video-taped and made available for the public to review. She also asked who reviews the meeting minutes for accuracy after they are completed by an outside transcriber and what is the procedure to have minutes corrected if there are errors or omissions. Lastly, she thanked the Board Members for their service after the long break in meeting schedule. She also asked why there is a lawyer in attendance now and why is she sitting with the Personnel Board and not out in the audience.

Pamela Hampton said she is concerned with the issue of her agenda item being pulled at the last minute by the Human Resources Department. She asked if it was ethical and within policy guidelines. She said it has been the past practice that if Human Resources missed the deadline, it would be "swept under the rug" but if an employee misses a deadline, their matters go unheard and are dismissed. She thinks it should be the case in this situation. If the City of Richmond is not prepared to go forward, they should be made to forfeit their opposition as employees are held to do. She has been waiting for 2-3 years to have the opportunity to have her case heard and some resolution to be made on the issue and instead her item has been taken off the agenda and she has been totally violated. No one from Human Resources has had the courtesy or respect to even notify her directly of any changes in the process. It has affected her livelihood, health, welfare, family, and placing her on pins and needles at all times totally against the MOU and the policy set forth established by the City. Therefore, she comes to the Board to honorably request that she be allowed to go forth with her agenda item, that the Board hears her case and said she came prepared today to present her issues and concerns of the subject matter. If this cannot be accommodated, she requests the Board utilizes its authority to grant her a special meeting next Tuesday, November 28<sup>th</sup> and thanked the Board for their attention to this passionate and sensitive matter.

James Walker thanked the Board for their time and service and hearing their issues. It is disturbing how the Board held no meeting for over one year, but yet employees have issues. He stated Human Resources is controlling the situation and covering up issues, which affects morale. Time is a killer for people and he thinks there is a time for people to at least be heard in a timely process and not two or three years later. Personally, he used to be very active in the City before he came to work for Richmond and when he was hired. Now he is being "beat up" all the time because of his activity as Chief Steward of the union and people are tired of being beaten up and

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he stopped volunteering. He does not understand how things could be covered up for so long and felt there are deep issues that need to be looked at and he asked that the Board listen to everybody.

Vivian Feyer, Chair of the Human Rights and Human Relations, thanked everybody for coming to the meeting and said she is present at the request of the Commission. Beyond the approval of the specific minutes for the month of September and October, she believes it is important for the Personnel Board to address the value of recording of comments in their entirety in writing and make it a Personnel Board policy. She is often told that if something is not recorded, it has not happened. She believes that the full and complete, word-for-word recording of public comments is an important part of keeping all of their Boards and Commissions powerful, respectful and responsive to both the employees and to the residents of Richmond. She asked the Board to please consider making this part of its regular policy.

Jackie Thompson, Chair of the Housing Advisory Commission and Commissioner on the Community Development Commission, stated some issues that have come up on boards and commissions have never really been expressed freely among members as a group. She took a special interest in the leadership of board and commissions early last year. She and Kathleen Sullivan who is on the Human Rights and Human Relations Commission got together and put a workshop together and with the City Clerk's help, sent letters to every Board and every Commission because some have not been meeting consistently. She heard that the Personnel Board has not met unless they have issues, and they found out that boards should be meeting anyway whether there are issues or not. They also found there needed to be leadership skills and training for members, as some do not know how to effectively lead boards and commissions. So, they came together to talk about their problems, but unfortunately things got busy but they did submit a letter to the Board. However, it is important that we come together even though commission issues are a little different. Also, they need to market their commissions and boards to the communities because residents are people who work in the City and representative of the City.

Chairperson Sidwell stated that the Board cannot address some of the issues brought up tonight. There was a concern about a hearing that did not take place and the Board cannot really handle these matters because they have not been properly agendaed.

Attorney Soublet stated he can provide the Board with the reasons for the cancellation. Chairperson Sidwell suggested Mr. Soublet also let others know of the reason. Ms. Knight agreed that she will talk with the employees and ensure information is sent out.

Attorney Soublet added that the attorney for the City, someone separate from him, asked that the grievance be continued because of a witness' unavailability. Just as this was continued from October at the request of the union, staff continued the matter. It was originally scheduled for last month's meeting. They received a request from the union to continue it. It was continued to this

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meeting and staff received a request because of a medical issue and the unavailability of one of their witnesses, they afforded the same courtesy. Ms. Knight added that the Human Resources Department did not make the decision on this.

Board Member Nair asked if an employee could ask for a special meeting even if the Board does not normally meet on that certain date. Ms. Knight said the item would have to be agendaized as a special meeting unless the Board waits until its December 20<sup>th</sup> regular meeting.

Ray Dryer interjected that that the Board allows staff to speak and state their facts that may not be correct, and employees do not have a chance to respond to that which he believes is unfair. He said the Board cannot just give staff the last word and employees not given a chance to address what they just said. Also, the issue is that a meeting cannot be canceled at the last second. Human Resources staff has had months to prepare for it and it is unfair to cancel it at the last minute and not contact the union or employee(s).

Chairperson Sidwell confirmed with Attorney Soublet that a special meeting can be called at the discretion of the Board.

### 3. COMMUNICATIONS

#### A. Revisions to Protocol

Chairperson Sidwell referred to the staff report and asked for questions or comments from Board Members.

Attorney Soublet stated in the packet is the staff report and a track/change version of the document so the Board can see exactly what is proposed to be amended based on comments at the last meeting. He clarified that once a motion and a second are made on the item, discussion and consideration can ensue.

Board Member Winston pointed out that the first page, item 3, speaks to items being placed on the agenda.

MOTION: Board Member Brown made a motion to approve the revisions to the Procedures and Protocols for Meetings of the Personnel Board; seconded by Board Member Winston.

#### Public Comments:

Sam Casas referred to page 1 and item 3, first paragraph, 3<sup>rd</sup> sentence: "To place an item on the agenda, a request must be provided in writing to the Secretary of the Personnel Board..." Not addressed is who decides and who approves or denies a request which he asked at the last meeting; whether it is from the Personnel Board, City Manager, or City Attorney. Also, he asked how one could know exactly when or if the item requested was

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within the proper timeframe of noticing purposes, for example, two weeks before the 5:00 p.m. Thursday deadline prior to the meeting. He also referred to page 4 of 4, first paragraph: "Unless otherwise permitted by three (3) members of the Personnel Board, once the discussion of the agenda item has commenced, no person shall be permitted to speak..." and he asked how someone would be able to speak. The last paragraph states, "Unless otherwise waived by three (3) members of the Personnel Board, any person addressing the Personnel Board on any item on the agenda shall be limited to a maximum of two (2) minutes." He said not addressed is how a speaker can request additional time to speak from the Board.

Ms. Knight explained that the way this is handled at the City Council level, the speaker would talk with staff and ask to speak and it would be brought up at conclusion of the other speakers on the item. The Board would be able to determine whether or not they want to allow the person to additionally speak. Regarding items approved to go on the agenda this is approved by the City Attorney. Regarding items submitted and timeliness of responses, requests can be made by email, regular mail and are documented as to when they come in. Often information is sent via email which documents the date and time sent/received.

Board Member Brown suggested adding this to the procedures so it is clear and restated his motion for approval.

Board Member Nair asked the Board if there is a way to see what has been pulled from the agenda. Attorney Soublet said the Board follows a procedure similar to the City Council and ordinarily it is not possible to see ahead of time what was removed.

Board Member Brown said he received a Board agenda in the mail about one week ago postmarked the 6<sup>th</sup> and he did not see anything on today's agenda that is different from what was on the agenda 8 or 9 days ago except that the agenda he received in the mail stated the "3<sup>rd</sup> Floor" instead of "1<sup>st</sup> Floor" which is corrected on the revised agenda. Therefore, he did not understand the concern about things being removed from the agenda.

Board Member Merriweather stated, however, that she remembers an item on October 25<sup>th</sup> being pulled and not discussed from the agenda during the Board meeting. Ms. Knight stated sometimes items are resolved which do not happen until the day of the meeting. Relating to the last meeting, they were notified that the Board no longer had to address the item and things like this can happen.

Chairperson Sidwell recognized an additional public speaker.

Lochlein Sekona voiced concerns with issues of transparency and integrity. While the original agenda may not have listed the item, the union was notified only two days ago that the item was removed.

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Board Member Winston reiterated that there is no way that the Board can do anything at this meeting other than ensuring that verbatim public comment is put into the record to show that the Board is listening and make intelligent and rational decisions. In her opinion, the protocol as proposed should work, and it is up to the Board to ask the right questions. She asked that the public respect what the Board is doing as well and suggested getting through the process. Ms. Knight explained that her understanding is that an email was sent to the business agent and the president of the union notifying them of removal of the item.

Mr. Soublet pointed out and referred to the October 25, 2012 Minutes which state that the Board took a vote and approved the procedures, subject to the modifications that were suggested and that the updated changes would be provided at the next meeting for reconsideration and approval.

Board Member Winston suggested that the appropriate action on the agenda be included in the future as to whether items will be actually voted on or simply reviewed and considered.

Chairperson Sidwell clarified that the Procedures and Protocols for Meetings of the Personnel Board were approved but amendments had not yet been clarified, and moved onto the next item.

### B. Council Liaison

Chairperson Sidwell clarified with Mr. Soublet that the item is a report regarding the desire expressed by the Board to have a member of the Council attend meetings and serve as a liaison between the Personnel Board and the City Council. He asked the Board to provide direction and/or authorize staff to request that the City Council assign a liaison.

Chairperson Sidwell confirmed there was no public comment on the matter.

<p><b>ACTION:</b> Board Member Brown made a motion to authorize staff to ask the City Council to designate a City Council liaison to the Personnel Board; Board Member Winston seconded the motion. The item was approved by the following vote (5-0): AYES: Ms. Merriweather, Mr. Brown, Ms. Sidwell, Ms. Nair, Ms. Winston. NOES: None.</p>
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### C. Open Forum Meeting

Chairperson Sidwell confirmed with Ms. Knight that the recommended action is for the Board to provide direction as to whether the Personnel Board would like staff to notice meetings of the Personnel Board even if there are not specific items of business to be heard and the only item would be Open Forum. Ms. Knight explained that Councilmember Beckles made this request, and historically, the Board has not conducted meetings when there is no specific business to be conducted.

Board Member Brown said there is a balancing that needs to take place here between running an efficient Personnel Board and meeting the needs of the public and the employees of the City. He

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think what occurred previously was that there was a long span of time in which there were no requests of the Board to take any action and, therefore, there was no meeting. In order to balance and make sure there is an opportunity for the public and employees to address the Board, he suggested that the Board adopt a policy to meet at a minimum of once a quarter irrespective if there are items that need to be addressed or not.

Board Member Winston said she has been on commissions for a long time and has never seen an item moved and seconded and then call for public comment. Board Member Nair said she has concern that matters are not able to be heard and suggested addressing any mistrust and misunderstanding.

Chairperson Sidwell asked whether the Board wished to hold meetings monthly or quarterly. Board Member Brown said his point was that if there is business, the meeting will take place, but if there are no action items, it seems like a balance is struck if the Board meets quarterly or every other month.

Boardmember Merriweather said she believes the issue is that the Board had not met for long periods of time. She thinks having an Open Forum is a good idea regardless if there are no items for action. She questioned if the Board should begin with meeting quarterly when there are no action items. Board Member Brown said he had no preference as to whether or not to meet monthly, every other month or quarterly, but he reiterated that if an item needs to be addressed, then the Board should hold a meeting. His desire is to strike a balance for the public to address the Board even when if there is no other business.

Chairperson Sidwell said she believes the Board concurs with this and restated the staff recommendation. Board Member Brown suggested that for the next few months, the Board should meet every month and provide that Open Forum, and if they get to a point where there has been opportunity to weigh in and there is no business, the Board may wish to cancel its regular meeting. He recommended therefore, that until further notice, the Board meet once monthly and at some point in the future, the Board may miss a month.

Board Member Merriweather noted that Councilmember Beckles requested the Personnel Board address this and she is the liaison for the Human Rights and Human Relations Commission.

**MOTION:** Board Member Brown made a motion that for the next three (3) months, the Personnel Board hold meetings monthly and then re-consider whether it needs to continue to hold meetings where the only topic is Open Forum;

Chairperson Sidwell noted that nothing precludes the Board from not holding monthly meetings or re-considering their schedule at any time.

**AMENDED MOTION:** Board Member Brown amended his motion to state that until further action by the Board, the Personnel Board will meet monthly; seconded by Board Member Narum.

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Public Comment: Sam Casas stated page 47 of the Charter, paragraph 4 states, "Members of this Board shall serve without pay and shall hold regular meetings monthly at such time and place designated by the Chairperson of the Board." He noted that an item may not have been approved by the City Attorney's Office to be on the agenda and employees may want to talk to the Board about it under Open Forum. He said he thinks it is very important that the Board meet monthly and this is consistent with the manner in which the City Council conducts its meetings. He asked that therefore, the Board meet monthly.

Vivian Feyer, Chair of the Human Rights and Human Relations (HRHR) Commission, stated this item came before the Board tonight through a request made by the HRHR Commission's Council liaison. This is the result of employees and residents coming to several different meetings of the HRHR Commission for personnel matters. They received many public comments regarding the Personnel Board not having met and how difficult it is to get items on the agenda. Their Human Rights and Human Relations Commission would like to see an active, powerful and responsive Personnel Board given what they heard from employees and the public. It is important for the Board to convey the message to employees and the public that it is important to follow the Charter and to have some discussion on meeting regularly.

**WITHDRAWAL OF MOTION:** Board Member Brown stated he would withdraw his motion in light of the Charter language which is clear that the Board is to meet monthly.

**MOTION:** Board Member Winston made a motion to direct the HR Department to notice monthly meetings per the Charter; seconded by Board Member Merriweather.

Chairperson Sidwell asked and confirmed that speakers still wished to speak under public comments.

Rosanne Rykin said she was one of the original speakers that asked the Board to move its meetings to another location with open access and said she is happy to see that the location has been changed. She stated the next paragraph of the Charter might be pertinent; that, "in addition it may hold special meetings as the Board may require." If someone asked for a special meeting, the Board is able to hold one and she further stated, "Three members constitute a quorum for the transaction of business provided all members shall have been officially notified under the rules established by said Board for such notification." She thinks the Board should have the Charter with them at every meeting, as she keeps it with her at every meeting. She thinks Board Member Brown should be

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honored to be on the Board as she is a Richmond resident and would not want to say I would like to meet a minimum of three months for something. She asked that the Board be present on time, listen with both ears and their heart because that is what all members are mandated to do.

Angela Cox said Open Forum is absolutely necessary to be held monthly. She asked that the Board look into and consider getting an explanation as to where the language exists and where something can be pulled off and when it involves the union and affects employees. She thinks these issues and concerns, if nothing else, need to be addressed in a public forum because people have been waiting.

**ACTION:** Board Member Winston made a motion to direct the HR Department to notice monthly meetings per the Charter; seconded by Board Member Merriweather. Item was approved by the following Vote (5-0): AYES: Ms. Merriweather, Ms. Nair, Mr. Brown, Ms. Winston, and Ms. Sidwell. NOES: None.

#### 4. **UNFINISHED BUSINESS:** None

Chairperson Sidwell referred back to Item A; Revisions to Protocol.

**ACTION:** Board Member Winston made a motion to approve the revisions to the Procedures and Protocols for Meetings of the Personnel Board; seconded by Board Member Merriweather. The item was approved by the following vote (4-0-1): AYES: Ms. Nair, Ms. Sidwell, Ms. Merriweather and Ms. Winston. NOES: None. ABSTAIN: Mr. Brown.

#### 5. **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m. to December 20, 2012 at 5:00 p.m.

Respectfully submitted,

Leslie T. Knight  
Assistant City Manager/Human Resources Management Director