

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
SPECIAL MEETING**

**CITY HALL – LUNCH ROOM
450 CIVIC CENTER PLAZA
RICHMOND, CA 94804**

**DECEMBER 9, 2013
RETREAT MINUTES**

1. ROLL CALL:

Present: Elaine Merriweather, Chairperson
Yvonne Nair, Board Member
McKinley Williams, Board Member
Vicki Winston, Board Member

Absent: David Brown, Vice Chairperson

2. DISCUSSION:

- a. Brown Act, Conflict of Interest, and Rosenberg’s Rules of Order training (Deputy City Attorney Shannon Moore, and Assistant City Attorney Carlos Privat)**

Presenters: Deputy City Attorney Shannon Moore, Assistant City Attorney James Atencio

SPEAKER:

Jacqueline McBride: expressed her hopefulness that the following training will include SB1732 – giving the Board the right to speak with employees.

- b. Review of City Charter and Personnel Rules Provisions that Detail the Duties of the Personnel Board, including the Personnel Board’s Procedures and Protocols (Cepideh Roufougar)**

Presenters: Jackson Lewis Attorneys Todd Simonson and Cepideh Roufougar

SPEAKERS:

Jacqueline McBride: spoke on the Personnel Boards function by reading from the City Charter on page 48 Section 7, b.

Stan Fleury: stated the Brown Act is not that difficult and there are six attorneys present that are paid by the City of Richmond and two are contracted from an outside firm. These attorneys should be able to answer questions if they are not able to do so, the Charter allows the Board to

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hire their own attorney.

Kathleen Sullivan: expressed her concern that the Personnel Board is not receiving the answers to their questions on the Brown Act. The City Attorney should have taken the time to be here to answer the Boards questions.

c. Review of Grievance and Hearing Procedures (Todd Simonson, Cepideh Roufougar, and Lisa Stephenson)

SPEAKERS:

Jacqueline McBride: expressed her desire to have “the majority of the entire board” clarified in reference to the grievance process.

Kathleen Sullivan: stated that it is very confusing to have public comment before the item is discussed versus after the item has been framed and discussed giving the public a chance to question the item. Ms. Sullivan agrees that the Board should have independent legal counsel. Ms. Sullivan questions whether the Board is limited to systemic investigations or not.

Stan Fleury: stated that the Board has been told what can be brought to the Personnel Board as being outlined in the MOUs but violations of Municipal Codes, General Orders, and Code of Ethics may also come before the Board. The release of employees for cause - there is just-cause that has seven steps that must be met. The Board should understand these disciplinary actions and not to be misled by generalities. When referring to the laws and rules it should be pointed out exactly where these laws and rules can be found.

Sam Casas: stated that it was eluded that the unions and the Personnel Board do not work together. Mr. Casas read from Section 7, d. Grievances will come before the Board that are disciplines based on the Personnel Rules. It is also important that the Board be aware and knowledgeable on the AP Manual, Administrative Procedures Manual and General Orders since disciplinary actions are based on violations contained within said documents.

3. PUBLIC COMMENT:

SPEAKERS:

Jacqueline McBride: expressed her dissatisfaction with answers given and the lack of written documentation given to the Board to substantiate these additional comments such as the subpoena process. Majority vote of the entire Board is written and it is clear but has been misconstrued to benefit legal counsel.

Stacie Plummer: addressed the question of mistrust and how the hearing was in open session but deliberation was done in close session. Perhaps more open session of deliberation and talks would eliminate employee’s mistrust. Ms. Plummer acknowledges much was said about the MOU trumping the Charter, the Brown Act is the guiding force behind the MOU. Local 21 doesn’t have the same type of thing as was discussed today. There is an employee who was told she wasn’t in the classification system and unable to come before the Board. This is untrue and a

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violation. These are types of violations that the Board should look into. Also, a grievant is able to approach the Board requesting issuance of subpoenas. These items should be discussed.

Kathleen Sullivan: stated that the trust – the Board is a neutral entity. In the interest of trust, when talking about neutral then it should apply to legal counsel. When counsel receives pay from the same body as those who are rendering the disciplinary decisions then it is not neutral. If the Personnel Board is only advising to the City Manager then moves to the City Council, what can be done effectively by the Personnel Board?

Sam Casas: Rosenberg rules training did not take place today. What the Personnel Board needs is a lawyer sought and contracted by the Board who is paid by the City. The Board needs its own legal counsel who is a Brown Act expert. On the entire Board making decisions, reading from City Charter Chapter VI page 46 the last sentence - all members are to serve until a replacement is found. There should never have been an empty seat on the Board. This has been a great hearing. He thanks the Board for their volunteering.

Angela Cox: thanked each Board Member for their service and stated it is unfortunate that many things the Board wished to have addressed, was not done during this retreat. Ms. Stephenson is the secretary but many times she dictates what goes on here. Grievance hearings and the majority of the Board vote yet someone was terminated with a split vote. The facts have not been addressed. This is the most serious and powerful Board in the City. Ms. Cox noted that if she found herself before the Board the issue would not be misinterpreted, ruled inappropriately, and that there would not be several well paid attorneys representing Executive Management instead of the citizens interest.

Roseanne Ryken: stated that the Board is on a path to take the Board beyond past practices. She voiced her approval of the Board being a questioning Board. Stated the Board should reject a decision previously made without the Boards authority. On page 53 of 1021 MOU – a grievant can go to both the Board and arbitration. The Board is here to provide informal hearings that are fair and neutral. She stated she has never seen five lawyers at an informal hearing. She cautioned the Board to remain neutral.

Lalo Herrera: stated that the Board should remain neutral and the Board should have their own counsel. The Board can request legal help. All these lawyers are paid by the City and partial to the City.

Stan Fleury: stated that the lawyers are well paid. Each attorney represents whoever pays them. The Board should do what you believe what is right within the rules of the Brown Act because the Charter gives the Board power.

4. REPORTS OF BOARD MEMBERS:

5. ADJOURNMENT

Meeting adjourned at 6:55 p.m.

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