



HUMAN RESOURCES MANAGEMENT DEPARTMENT

PERSONNEL BOARD

REGULAR MEETING Thursday, November 15th, 2012

5:00 p.m.

@ 450 Civic Center Drive
Council Chambers



3rd Floor

AGENDA

Joanne Sidwell, Chair

Elaine Merriweather, Vice Chair

Personnel Board Members

David A. Brown
Vicki Winston
Yvonne Nair

1. **APPROVAL OF MINUTES**
 - a. Regular Meeting September 27th, 2012
 - b. Regular Meeting October 25th, 2012
2. **PUBLIC COMMENT**
3. **COMMUNICATIONS**
 - a. Revisions to Protocol
 - b. Council Liaison
 - c. Open Forum Meeting
4. **UNFINISHED BUSINESS: NONE**

COMMUNICATION ACCESS INFORMATION This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soulet, ADA Coordinator at (510) 620-6509 at least three business days before the meeting date.

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

PERSONNEL BOARD
REGULAR MEETING

WILDCAT CANYON CONFERENCE ROOM
450 CIVIC CENTER DRIVE

**September 27, 2012
MINUTES**

The following transcript is from the Regular Personnel Board Meeting of Thursday, September 27, 2012. Please note that this is not the formal minutes, but notes being provided to you as an FYI.

The Regular Meeting was called to order by Chairperson West at 4:42 p.m. Roll call was as follows:

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

Absent: Vicki Winston, Board Member

In Audience: Leslie Knight, Assistant City Manager/Human Resources Director and Secretary to the Board
Diane Canepa, Executive Secretary II, Fire Department
Donna Newton, Sr. Human Resources Administrator
Maria Blue, Sr. Personnel Analyst
Jessica Collins, Personnel Analyst II
Dee Karnes, Equipment Superintendent for Public Works
Bruce Soublet, Associate City Attorney
Kathleen Sullivan, Human Resources
Angela Cox, Reference Librarian
Sam Casas, Paratransit Coordinator
Jacqueline McBride, Steward, SEIU, IT Department
Millie Cleveland, Steward, SEIU
Kymberlyn Thrower, SEIU President, Recreation Department
David C. Rogers, Steward, Local 1021, Parks Department
Ray Dryer, Vice President, Local 1021, Streets Department
Gary Ru, Streets Department
Frank Hethcock, Building Maintenance
Graham ___ Building Maintenance
Jeff Shoji, Community Advocate, Office of the Mayor
Vivien Fire, Chair, Human Relations Commission,
James Walker, Equipment Services Mechanic

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Stefen Cincera, Equipment Services Mechanic
Lochlein Sekona, Steward, SEIU, Streets Department
Lavidus Walton, Executive Secretary II, Human Resources

Leslie Knight asked for introductions of the Board, staff and attendees. She explained that meetings were scheduled in the past when there was business but she acknowledges this is a concern for which she apologized and said they will move forward in addressing the City's and employees' concerns.

1. **APPROVAL OF MINUTES**
 - A. Regular Meeting of October 27, 2011

The Associate City Attorney Soublet recommended Boardmembers review the minutes, as they were from 2011 when some members were not on the Board, so they can be approved at the next meeting.

2. **COMMUNICATIONS**
 - A. Personnel Board Training

Cepideh Roufougar, Attorney, gave an overview of her labor relations and Personnel Board experience and said she would provide an overview of what the City's Personnel Board Charter provides, the structure of the Personnel Board meetings, the Ralph M. Brown Act, protocols when the Board makes its decisions, and said the Board will receive additional training in the future, such as AB 1234 Ethics Training.

She presented the role of the Personnel Board and said the Board was established by the Charter, which was enacted by the residents of the City of Richmond. The Board is an advisory body to the Human Resources Department and City Manager. Three members of the Board were appointed by the City Council and two members are selected from lists created after an election by the employee's. The Board acts as a single entity and no one member has any more power or authority than another member.

The Board will be asked later to elect a Chairperson, whose role is to lead the meetings and sign various documents, but other than that, all members act collectively. The Board meets every fourth Thursday of the month, except for November which is a holiday and at times in the month of August which is when the Council and most of the City's boards and committees are in recess. A quorum of 3 members is needed to hold a meeting, and in the event members do not attend meetings for 3 or more unexcused absences, they must resign as a board member.

Board agendas are distributed to members of the Board one week in advance of the meeting per the Personnel Rules and it will be posted 72 hours in advance per the Brown Act. Staff reports will be submitted with the agenda to members and individuals requesting to be placed on the agenda packet mailer, they should contact Human Resources staff. Agenda items are also in a set order, per the Personnel Rules which consists of Minutes, Communications (topics to be

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discussed except for hearings and grievances), Unfinished Business, Grievance Appeal Hearings (closed to the public), and Public Comment (complies with the Brown Act), and Adjournment.

Ms. Roufougar then discussed the Ralph M. Brown Act and said the Board falls into the definition of a legislative body for purposes of the Brown Act such that meetings are conducted openly. There are personnel matters discussed in closed session, and the Brown Act is contained California Government Code starting at Section 54950. The Brown Act applies to meetings of a majority of the Board to discuss actual or potential business. It lays out rules for how meetings can be schedules, requirements for agenda items, and provides for various types of meetings, such as regular, special, and emergency. She cautioned the Board holding serial meetings, which involves board members engaging in discussions, emails, phone calls, text messages, in person meetings that is transferred onto board members. Board members also cannot ask staff or a friend to serve as an intermediary between members of the Board and she provided examples of serial meetings. The Board can also not discuss individual personnel matters due to privacy and due process concerns.

Ms. Roufougar then discussed closed sessions, stating the Personnel Board will hold closed sessions for employee discipline, dismissal, or complaints involving employees. There are rules relating to confidentiality that relate to closed session which she briefly outlined. Regarding public comment, Ms. Roufougar said there are two opportunities for public comment during a meeting; for subjects not on the agenda which is for general public comment, and for subjects specifically on the agenda. When a matter is not on the agenda, the Board is limited in its ability to discuss the matter because there was no public notice given on the item. However, the Board can do certain things like responding to questions; however, board members should not express an opinion on something not on the agenda. However, the board member can ask staff to look into the matter.

The public also has a right to inspect records, such as documents in open session. If employees want to present documents at the meeting it will be considered as public and staff will need to make copies of the document for it to be publicly available. Documents provided in closed session are confidential. She noted board members can be charged with misdemeanors for violations of the Brown Act which she outlined.

Ms. Roufougar then discussed items from the Charter the Board is most likely to see, which can include proposed changes to job descriptions, proposed changes to personnel rules, new rules, proposed changes to the City's classification plan, disciplinary appeals and grievances, which she expanded on. There are timelines associated with grievances and she discussed legal protocols during grievance hearings such as opening arguments, rebuttals, and closing arguments, burden of proof for grievances and disciplinary hearings, penalties, ex parte communications, and decisions of the Board. Lastly, she urged the Board to take advantage of the Human Resources Department.

Public Comments:

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Millie Cleveland, SEIU Representative, said the Brown Act explanation was directed more toward the conduct of meetings. Her understanding is there is no requirement to sign in for public meetings and she asked that this be clarified. She also noted there are restrictions on where the meeting can be held and she requested meetings be held in the City Council Chambers, given the conference room's small size and lack of access to members of the public after 5:30 p.m. Mr. Soublet said they try to accommodate whatever room is available. If the Council Chambers are available and more room is needed, they can attempt to hold meetings there. Board member Sidwell agreed and said often times the Council Chambers was not available, but they used to hold their meetings there. Ms. Knight noted that the guard is aware that the meeting is being held and is instructed to allow people to come into the conference room. Ms. Cleveland asked that the meetings be held in the Council Chambers regardless of the number of people who attend, and Ms. Knight will provide follow-up at the next meeting.

Angela Cox, Reference Librarian, asked for more advanced information provided to board members that concern people's livelihood, the quality of services and resources that citizens receive. She also asked for clarification on the fact that no meetings are held unless there is an issue.

Mr. Soublet said the purpose of the board is to conduct business related to personnel issues. If there is no business to conduct, there is no purpose to hold a meeting. The board deals with grievances, personnel classifications, and if there is no quorum, meetings will also be canceled. Ms. Cox said that holding an election would likely require a meeting, and Ms. Knight explained that she was guided by someone who has done this for 22 years and relied on past practice which was a mistake. They will rectify it and wants to work cooperatively with the Board and employees to ensure they have a healthy, functioning Personnel Board.

Ms. Cleveland referred to minutes and changes in classifications and said only the union that is directly affected is notified. She asked why this is because there may be a dispute between unions over what bargaining unit the employee should fall into. She asked the City not to unilaterally assume which union is directly affected. Mr. Soublet suggested staff not respond to this comment, as it was not included in the training and not agendaized. He asked that it be placed on the agenda for a future meeting so it is noticed and employees from any bargaining units can attend and offer their opinions.

The Board thanked Ms. Roufougar for her presentation and training of the Board.

Break

Vice Chair Sidwell called for a brief break, and thereafter, reconvened the regular meeting.

Associate City Attorney Soublet announced that Item 4; the Grievance Appeal Hearing by RPOA will not go forward tonight. He announced that it was resolved between the RPOA and staff this morning.

B. APPROVAL TO ESTABLISH THE NEW CLASSIFICATION SPECIFICATION

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OF EQUIPMENT PARTS STOREKEEPER-(EQUIPMENT SERVICES DIVISION-PUBLIC WORKS DEPARTMENT

Marie Blue, Sr. Personnel Analyst, provided a brief overview and background of the proposed item regarding the request to establish the new classification of Equipment Parts Storekeeper in the Equipment Services Division, the Public Works Department. Dee Karnes, Equipment Superintendent is present to answer questions of the Board. She clarified that the equipment mechanics are in favor of the request.

Ms. Knight verified there were no public speakers for the item.

Board Member Brown made a motion to approve to establish the new classification of Equipment Parts Storekeeper (Equipment Services Division of the Public Works Department); seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

C. APPROVAL TO REVISE/RETITLE THE EXISTING CLASSIFICATION OF ASSISTANT/ASSOCIATE PLANNER TO PLANNER I/II (PLANNING AND BUILDING REGULATIONS DEPARTMENT)

Jessica Collins, Personnel Analyst II, provided a brief overview and background of the proposed item regarding the request to revise/retitle the existing classification of Assistant/Associate Planner to Planner I/II in the Planning and Building Regulations Department.

Ms. Knight verified there were no public speakers for the item.

Board Member Brown made a motion to approve to revise/retitle the existing classification of Assistant/Associate Planner to Planner I/II (Planning and Building Regulations Department); seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

D. Election of 2012 Board Members

Board Member Brown nominated Joanne Sidwell as Chair, given her experience and knowledge. Board member Nair nominated Elaine Merriweather as Vice Chair.

Because there were not all 5 members present, Board Members discussed consideration of holding the item over to Unfinished Business at the next meeting so that all members are present. After discussion, the Board agreed to take a vote.

Board Member Brown made a motion to elect Joanne Sidwell as Chair through 2012; seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

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Board Member Brown made a motion to elect Elaine Merriweather as Vice Chair through 2012; seconded by Board Member Nair. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

3. **UNFINISHED BUSINESS:** NONE

4. **GRIEVANCE APPEAL HEARING, RPOA – CLOSED TO THE PUBLIC –**
Canceled due to resolution of the matter.

5. **PUBLIC COMMENT:**

Angela Cox asked to have meetings moved to the City Council Chambers and she asked the Board to get clarification back so that at what point issues and grievances by City employees can be brought to the Board because there are issues involving employees not being reclassified who are not happy.

Kathleen Sullivan, Human Rights and Human Relations Commission, reiterated that the Board have clear communication on their role and function. She said employees have voiced their belief that human rights violations were occurring, and she encouraged the Human Resources Department to continue to move forward in having a forum for employees to be able to address and resolve issues.

Jacqueline McBride said she is a 24 year employee and encouraged each Board Member to remember they are public servants and answer to their supervisors or department managers who do things their own way. She asked that the Board keep an open mind when looking into various matters and identify things that look too good and see through things.

Millie Cleveland asked the Board to consider at its next meeting not holding meetings when there are no agenda topics, because they do have a public comment period and citizens should be able to come to the Board. She asked when classification changes come, she would appreciate if the Board to always ask the staff whether they have met and conferred with the affected unions.

James Walker, Steward, Local 1021, requested meetings be held in the City Council Chambers for accessibility to the public, asked to begin meetings at 5:00 p.m. for employees and the public who work, asked that meetings be advertised on the website, and to move Public Comments to the beginning of the agenda.

Vivian Fire, Chair, HR/HR Commission, voiced concerns regarding inactivity of Personnel Board meetings, asked to be able to understand the process of placing items on the agenda and that their two commissions could stay in touch with each other.

Daisy Wilburn, resident, spoke of the grievance that will be brought against the Library Director. The Library has two branches and neither is staffed with a full-time Librarian. Both positions have been cut completely from the budget. The only permanent staff at both branches is a

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Library Assistant and a part-time Library Aide. There is one Librarian that shares her time going between two branches. In order to fill the void of two permanent full-time Librarians, the Library is staffing those branches with on-call librarians which are temporary, on-call and non-benefitted. The job description clearly states that they are only to be used as on-call in emergencies, for an unplanned vacancy or illness or a planned vacancy. It is not intended to be long-term and ongoing. She attempted to discuss this with the Municipal Resources Group and prepared a schedule using existing full time staff which was dismissed. This is a violation of the job classification to be using on-call Librarians in a permanent capacity. It is a violation to have a 25 hour Library Aide in charge of the branch.

Ms. Riken, resident, asked the Board to hold meetings as more convenient location, that they be held after 5:00 p.m. so that the public can attend, and that there be a clear level of understanding between the public and the City of Richmond.

6. **ADJOURNMENT**

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

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

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

**PERSONNEL BOARD
REGULAR MEETING**

**WILDCAT CANYON CONFERENCE ROOM
450 CIVIC CENTER DRIVE**

**October 25, 2012
MINUTES**

The Regular Meeting was called to order by Chairperson West at 4:30 p.m. Roll call was as follows:

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

Absent: David Brown, Board Member

In Audience: Leslie Knight, Assistant City Manager/Human Resources Director and Secretary to the Board
Cepideh Roufougar, Attorney
Jessica Collins, Personnel Analyst II
Bruce Soublet, Associate City Attorney
Sam Casas, Paratransit Coordinator
Angela Cox, Librarian
Stan Fleury, Local 21 Steward, IT
Jacqueline McBride, Executive Assistant, IT
Kieron Slaughter, Planning and Building Regulations Division
Lavidus Walton, Executive Secretary II, Human Resources

1. **APPROVAL OF MINUTES**

A. Regular Meeting of September 27, 2012

Chairperson Sidwell requested clarification on page 2, paragraph 2 regarding selection of officers, and asked that more detail be put into the minutes.

Public Comments:

Stan Fleury, Local 21 Steward, referred to the minutes under Communications Item on page 2, it states, "The Board is an advisory body to the Human Resources Department and City Manager." He said this is not reflected in Article VIII, Section 1A. He then referred to page 3, second

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paragraph which states, "The Brown Act applies to meetings of a majority of the Board to discuss actual or potential business" and at the end of the paragraph, it states, "Lastly, she urged the Board to take advantage of the Human Resources Department." He felt this was not what the Charter specifies and said the board was created to be independent and fair and he asked that this be revised.

Board Member Winston noted that under the Brown Act, if an item is not agendaized it cannot be discussed by the Board. She also asked about the statement that the Board is advisory to the Human Resources Department. She stated that it is her understanding that Human Resources is an extension of the City Manager's office. It was clarified that the Human Resources Department is advisory to the City Manager. Leslie Knight provided an example involving the creation of new classifications. She stated that they will work hand-in-hand with the Board.

Cepideh Roufougar, Attorney, provided clarification that the statement referred to using the Human Resources department to obtain information on procedure and that the Charter identifies the Director of the Human Resources Department as the Secretary of the Board. The Human Resources Department is available to provide assistance and support to the Personnel Board.

2. COMMUNICATIONS

A. Place, Time, Date of Meetings & Order of Business

Bruce Soublet, Assistant City Attorney, presented the agenda report and gave an overview of the procedures and protocols of the Personnel Board, which included 1) time at which regular meetings begin; 2) the frequency and scheduling of meetings; 3) the location of regular meetings, and 4) the order in which items of business are discussed. The recommended action was to review and approve the procedures and protocols and provide any direction to staff.

Vice Chairperson Merriweather questioned whether the Council Chambers is available for special meetings of the Board other than the regular third Thursday. Mr. Soublet indicated the Council Chambers room is available when Council is not using it for meetings; however, there may be an expense associated with using it.

Ms. Knight explained that there are times when meetings fall on holidays, and the Board is typically polled as to their availability for special meetings. She discussed length of meetings when the Board goes into Closed Session and various reasons for added expenses having to do with use of the Council Chambers.

Vice Chairperson Winston spoke regarding use of the conference room and confirmed that the room would require maintenance after meetings are held.

Board Member Nair suggested testing it out when meetings might be rescheduled and to monitor the added expenses and availability of the Council Chambers room.

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Public Comments:

Sam Casas, Local 21 President, voiced support for the change of the meeting time to 5:00 p.m. which is positive for employee attendance, but said he was not clear as to the reasons for costs to utilize the room. He questioned the protocol for approving items on the agenda, asked that Open Forum be agendized after Approval of the Minutes, and noted that there is a procedure for speakers having public comments but he did not see a procedure for public speakers on agenda items. He also asked for specific locations for agendas to be posted such as the website and on social media/Facebook. On page 10, he asked for an item that reflects how the Board goes into Closed Sessions.

The Board discussed revisions which Ms. Knight summarized as follows: 1) to move Open Forum after Approval of Minutes; 2) to direct staff to post the agendas on the City's website but not on social media; 3) to bring back more information about a Council liaison and how they operate for the next meeting agenda; 4) there will be two minutes of public comment allowed for regular agenda items and a procedure added in the protocols; and 5) information on how the Board goes into Closed Sessions.

In response to Vice Chairperson Merriweather, Mr. Soublet agreed to email Personnel Board Members contact information. He noted that the updated changes to the Procedures and Protocols will be provided at the next meeting for re-consideration and approval.

Board Member Winston made a motion to approve the Procedures and Protocols for Personnel Board Meetings, as amended; seconded by Vice Chairperson Merriweather. Item was approved by the following vote: AYES: Ms. Winston, Ms. Nair, Ms. Merriweather, Ms. Sidwell. NOES: None. ABSENT: Mr. Brown.

Chairperson Sidwell requested moving up Item 4; Public Comment, and hearing Item B afterwards.

4. PUBLIC COMMENT:

Angela Cox, Librarian, stated that items that are approved before coming to the Board are placed on an agenda and employees are concerned if the item discussed at the meeting is denied.

Stan Fleury, Local 21 Steward, IT, said the Personnel Board is the most important Board in the City. The City Charter, Section 13, states how items are placed on the agenda and also discusses negligence and costs incurred by police officers. He asked the City to adjust the schedules of KCRT so costs are not a significant factor and said that no employees should be denied the opportunity to bring issues to the Personnel Board.

Jacqueline McBride, IT Assistant, said she is a 24 year employee and was not promoted. She thinks the Human Resources Department is broken, asked the Board to implement changes and fix it.

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Kieron Slaughter, Planning and Building Regulations Division, said he was not notified of proposed position changes and asked that staff be notified when these go before the Personnel Board.

B. APPROVAL TO REVISE THE EXISTING CLASSIFICATION TO SENIOR PLANNER (PLANNING AND BUILDING REGULATIONS DEPARTMENT)

Jessica Collins, Personnel Analyst II, provided a brief overview and background of the proposed item regarding the request to revise the existing classification to Senior Planner in the Planning and Building Regulations Department. She reviewed the position's current responsibilities and said an updated job description is required to improve organizational efficiency and provide a proper allocation of duties that reflect the current activities of the division. The re-titled classification will remain in IFPTE Local 21 who concurs with the proposed action.

Ms. Knight provided clarification on the job description and the comparison of positions within the division, stating the department does not notify other employees within the division who are under different union representation. If that union wishes to notify the employee, they can choose to do so. She also noted that to contact union members directly is prohibited.

Ms. Knight verified there were no public speakers for the item.

Board Member Winston made a motion to approve to revise the existing classification to Senior Planner (Planning and Building Regulations Department); seconded by Board Member Nair. Item was approved by the following vote: AYES: Ms. Winston, Ms. Nair, Ms. Merriweather, Ms. Sidwell. NOES: None. ABSENT: Mr. Brown.

3. **UNFINISHED BUSINESS:** None

5. **CONSIDERATION OF PROBLEMS & REPORTS**
GRIEVANCE APPEAL HEARING-SEIU Local 1021

This item was canceled and moved to the next Personnel Board Meeting.

6. **ADJOURNMENT**

The meeting was adjourned at 5:51 p.m. The next regular meeting will be Thursday, November 15th, 2012.

Respectfully submitted,

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



CITY ATTORNEY'S OFFICE

AGENDA REPORT

DATE: November 15, 2012
TO: Personnel Board
FROM: Bruce Soublet, Assistant City Attorney *BS*
SUBJECT: Personnel Board Procedures and Protocols

STATEMENT OF THE ISSUE:

On October 25, 2012, the Personnel Board discussed and approved procedures and protocols for the conduct of Board meetings, subject to revisions requested by Board Members during the course of the meeting. The attached revised procedures and protocols contains the changes requested.

RECOMMENDED ACTION:

Approve the attached revisions to the Procedures and Protocols for Meetings of the Personnel Board.

DISCUSSION:

On October 25, 2012, the Personnel Board discussed procedures and protocols for the conduct of Personnel Board meetings. During the discussion, the Personnel Board asked staff to revise the procedures and protocols to address four items. Attached are revised Procedures and Protocols which incorporate the revisions requested by the Personnel Board.

First, the Personnel Board asked that the procedures include additional information regarding the locations at which Personnel Board agendas staff are posted. Additional information regarding posting locations has been added to Section 3.

Second, the Personnel Board asked that the order of business be revised to have open forum take place after the reading of the minutes. This change is reflected in Section 4.

Third, the Personnel Board asked a statement be included regarding the hearing of matters in closed session. A reference to the Brown Act has been incorporated into Section 10 of the procedures, as the Brown Act will govern the Personnel Board's ability to hear a matter in closed session.

Finally, the procedures were silent on the issue of time limits for addressing the Board on matters on the Board's agenda. To ensure consistency with the procedures and protocols utilized by the City Council and other City Boards and Commissions, staff proposes the addition of a new section, Section 11. The proposed language regarding time limits and procedures for extending those limits is the same as the language contained in the City Council's meeting procedures and protocols.

DOCUMENT(S) ATTACHED:

Attachment 1- Procedures and Protocols for Personnel Board Meetings (Revised 11-15-12)

Attachment 1

Procedures and Protocols for Personnel Board Meetings

1. Regular Meetings

- a. Regular meetings of the Personnel Board of the City of Richmond shall be held on the fourth Thursday of the month provided that, if the fourth Thursday falls on a legal holiday or a non-business day, the meeting shall be held third Thursday of the month. Any future regular meeting may be canceled at any time by the Chair of the Personnel Board at the Chair's discretion, or by the vote of a majority of the members of the Personnel Board during a regular meeting.
- b. Regular meetings of the Personnel Board shall begin at 5:00 p.m. and shall adjourn by 10:00 p.m. unless the time of adjournment is extended by the consent of a majority of the Board.
- c. A Personnel Board member who has three unexcused absences from regularly scheduled meetings during a 12-month period shall be deemed to have automatically resigned from appointment to the Personnel Board.
- d. No regular meeting shall be held or Personnel Board business transacted at a regular meeting unless a quorum of the Personnel Board is present.

2. Special Meetings

- a. Special meetings may be called by the Chair of the Personnel Board or by any two members of the Personnel Board.
- b. No special meeting shall be held or Personnel Board business transacted at a special meeting unless a quorum of the Personnel Board is present.

3. Placement of Agenda Items on Regular and Special Meeting Agenda

The Placement of any item on any regular or special meeting agenda shall be limited to the following: (1) any member of the Personnel Board; (2) the City Manager; (3) the City Attorney; and (4) the Secretary of the Personnel Board. To place an item on the agenda, a request must be provided in writing to the Secretary of the Personnel Board no later than 5:00 p.m. on the Thursday two weeks before the Thursday regular meeting. At least 72 hours before a regular meeting of the Personnel Board and 24 hours before a special meeting, the meeting agenda will be posted on the City's website and at such other public locations where the City currently posts agendas for meetings of the City Council and other City boards and commissions.

4. Order of Business

The business of the Personnel Board at its regular meetings shall be taken up for consideration and disposition in the order set forth below and as published by the Secretary of the Personnel Board, except that with the concurrence of a majority of the members of the Personnel Board, matters may be taken up out of order:

- a. Roll call
- b. Statement of Conflicts of Interest
- c. Reading of Minutes of Previous Meeting
- d. Open forum for public comments
- ~~d. Communications, including any new business, followed by unfinished business~~
- e. ~~Open forum for public comments~~
- f. Consideration of Problems and Reports (grievance and disciplinary hearings)
- g. Adjournment

Any item not on the agenda shall not be considered unless the item can be considered by the Personnel Board pursuant to the Ralph M. Brown Act, Government Code sections 54950 *et seq.*

5. Roll Call.

Before proceeding with the business of the Personnel Board, the Secretary of the Personnel Board shall call the roll of the members of the Personnel Board and the names of those present and absent shall be entered in the minutes.

6. Reading of Minutes.

Unless the reading of the minutes of the Personnel Board is requested by four (4) members of the Personnel Board, such minutes may be approved without reading if the Secretary of the Personnel Board has previously furnished each member of the Personnel Board with a copy thereof.

7. Statement of Conflict of Interest.

The Chair and any member of the Personnel Board shall disclose for the record any conflict of interest that he or she may have regarding any matter of business before the Personnel Board. The failure on the part of the Chair or any member of the Personnel Board to disclose such conflict of interest under this agenda item shall not preclude that person from making such disclosure when the particular agenda item is considered by the Personnel Board.

8. Communications, including new and unfinished business.

The order of proceeding where there is a communication or item of new or unfinished business before the Personnel Board shall be as follows:

- (a) Staff Report

- (b) Public speakers
- (c) Personnel Board questions and answers
- (d) Personnel Board discussion and vote.

9. Open forum for public comments

Individuals who would like to address the Personnel Board on matters not listed on the agenda and clearly within the subject matter jurisdiction of the Personnel Board may do so under Open Forum. The Chair and Members of the Personnel Board shall not offer any opinion or engage in any discussion of matters not listed on the agenda which are presented during Open Forum. All speakers must complete and file a speaker's card with the Secretary of the Personnel Board prior to the commencement of Open Forum. The amount of time allotted to individual speakers shall be based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16-24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

10. Consideration of Problems and Reports (grievance and disciplinary hearings)

To the extent that the State law allows for a matter to be heard in closed session, the matter will be identified as a matter that is not open to the public. Regardless of whether the matter is heard in closed session or is open to the public, when Where-consideration of a problem and report involves an appeal of an item to the Personnel Board, the order of proceeding shall be as follows:

- (a) Introduction of item by Board
- (b) Appellant's opening statement
- (c) Respondent's opening statement
- (d) Presentation of evidence by Appellant
- (e) Presentation of evidence by Respondent
- (f) Presentation of rebuttal evidence, if applicable
- (g) Presentation of surrebuttal evidence, if applicable
- (h) Appellant's closing statement
- (i) Respondent's closing statement
- (j) Personnel Board discussion and vote

11. Manner of Addressing the Personnel Board – Time Limit

Anyone who desires to address the Personnel Board on items appearing on the agenda must complete and file a speaker's card with the Secretary of the Personnel Board prior to the Personnel Board's consideration of the item. Once the item has been announced and discussion has commenced, no person shall be permitted to speak on the item other than persons who have submitted their names to the Secretary of the Personnel Board. Speakers will be called when the item is announced for discussion. Each speaker will be allowed two (2) minutes to address the Personnel Board on items listed on the agenda.

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 on the item other than those persons who have submitted their names to the Secretary of the Personnel Board.

When a speaker's name is called by the Secretary of the Personnel Board, the person shall approach the microphone, state his/her name and city of residence in an audible tone of voice for the records. All remarks shall be addressed to the Personnel Board as a body and not to any member thereof.

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.

Adopted: October 25, 2012

Revised: November 15, 2012

4822-0487-7841, v. 14827-4202-7793, v. 1

Attachment 1

Procedures and Protocols for Personnel Board Meetings

1. Regular Meetings

- a. Regular meetings of the Personnel Board of the City of Richmond shall be held on the fourth Thursday of the month provided that, if the fourth Thursday falls on a legal holiday or a non-business day, the meeting shall be held third Thursday of the month. Any future regular meeting may be canceled at any time by the Chair of the Personnel Board at the Chair's discretion, or by the vote of a majority of the members of the Personnel Board during a regular meeting.
- b. Regular meetings of the Personnel Board shall begin at 5:00 p.m. and shall adjourn by 10:00 p.m. unless the time of adjournment is extended by the consent of a majority of the Board.
- c. A Personnel Board member who has three unexcused absences from regularly scheduled meetings during a 12-month period shall be deemed to have automatically resigned from appointment to the Personnel Board.
- d. No regular meeting shall be held or Personnel Board business transacted at a regular meeting unless a quorum of the Personnel Board is present.

2. Special Meetings

- a. Special meetings may be called by the Chair of the Personnel Board or by any two members of the Personnel Board.
- b. No special meeting shall be held or Personnel Board business transacted at a special meeting unless a quorum of the Personnel Board is present.

3. Placement of Agenda Items on Regular and Special Meeting Agenda

The Placement of any item on any regular or special meeting agenda shall be limited to the following: (1) any member of the Personnel Board; (2) the City Manager; (3) the City Attorney; and (4) the Secretary of the Personnel Board. To place an item on the agenda, a request must be provided in writing to the Secretary of the Personnel Board no later than 5:00 p.m. on the Thursday two weeks before the Thursday regular meeting. At least 72 hours before a regular meeting of the Personnel Board and 24 hours before a special meeting, the meeting agenda will be posted on the City's website and at such other public locations where the City currently posts agendas for meetings of the City Council and other City boards and commissions.

4. Order of Business

The business of the Personnel Board at its regular meetings shall be taken up for consideration and disposition in the order set forth below and as published by the Secretary of the Personnel Board, except that with the concurrence of a majority of the members of the Personnel Board, matters may be taken up out of order:

- a. Roll call
- b. Statement of Conflicts of Interest
- c. Reading of Minutes of Previous Meeting
- d. Open forum for public comments
- e. Communications, including any new business, followed by unfinished business
- f. Consideration of Problems and Reports (grievance and disciplinary hearings)
- g. Adjournment

Any item not on the agenda shall not be considered unless the item can be considered by the Personnel Board pursuant to the Ralph M. Brown Act, Government Code sections 54950 *et seq.*

5. Roll Call.

Before proceeding with the business of the Personnel Board, the Secretary of the Personnel Board shall call the roll of the members of the Personnel Board and the names of those present and absent shall be entered in the minutes.

6. Reading of Minutes.

Unless the reading of the minutes of the Personnel Board is requested by four (4) members of the Personnel Board, such minutes may be approved without reading if the Secretary of the Personnel Board has previously furnished each member of the Personnel Board with a copy thereof.

7. Statement of Conflict of Interest.

The Chair and any member of the Personnel Board shall disclose for the record any conflict of interest that he or she may have regarding any matter of business before the Personnel Board. The failure on the part of the Chair or any member of the Personnel Board to disclose such conflict of interest under this agenda item shall not preclude that person from making such disclosure when the particular agenda item is considered by the Personnel Board.

8. Communications, including new and unfinished business.

The order of proceeding where there is a communication or item of new or unfinished business before the Personnel Board shall be as follows:

- (a) Staff Report
- (b) Public speakers

- (c) Personnel Board questions and answers
- (d) Personnel Board discussion and vote.

9. Open forum for public comments

Individuals who would like to address the Personnel Board on matters not listed on the agenda and clearly within the subject matter jurisdiction of the Personnel Board may do so under Open Forum. The Chair and Members of the Personnel Board shall not offer any opinion or engage in any discussion of matters not listed on the agenda which are presented during Open Forum. All speakers must complete and file a speaker's card with the Secretary of the Personnel Board prior to the commencement of Open Forum. The amount of time allotted to individual speakers shall be based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16-24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

10. Consideration of Problems and Reports (grievance and disciplinary hearings)

To the extent that the State law allows for a matter to be heard in closed session, the matter will be identified as a matter that is not open to the public. Regardless of whether the matter is heard in closed session or is open to the public, when consideration of a problem and report involves an appeal of an item to the Personnel Board, the order of proceeding shall be as follows:

- (a) Introduction of item by Board
- (b) Appellant's opening statement
- (c) Respondent's opening statement
- (d) Presentation of evidence by Appellant
- (e) Presentation of evidence by Respondent
- (f) Presentation of rebuttal evidence, if applicable
- (g) Presentation of surrebuttal evidence, if applicable
- (h) Appellant's closing statement
- (i) Respondent's closing statement
- (j) Personnel Board discussion and vote

11. Manner of Addressing the Personnel Board – Time Limit

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When a speaker's name is called by the Secretary of the Personnel Board, the person shall approach the microphone, state his/her name and city of residence in an audible tone of voice for the records. All remarks shall be addressed to the Personnel Board as a body and not to any member thereof.

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.

Adopted: October 25, 2012
Revised: November 15, 2012

4827-4202-7793, v. 1



CITY ATTORNEY'S OFFICE

AGENDA REPORT

DATE: November 15, 2012
TO: Personnel Board
FROM: Bruce Soublet, Assistant City Attorney *BAS*
SUBJECT: Council Liaison

STATEMENT OF THE ISSUE:

The Personnel Board has expressed a desire to have a member of the Council attend meetings and serve as a liaison between the Personnel Board and the City Council.

RECOMMENDED ACTION:

Authorize staff to request that the City Council assign a liaison to the Personnel Board in accordance with the City Council's normal procedures.

DISCUSSION:

The Personnel Board has inquired about having a member of the City Council serve as a liaison between the City Council and the Personnel Board. The Council member would not serve as an active member of the Personnel Board and would not have any authority to cast a vote with regard to any matter before the Personnel Board. The Council member would be excluded from closed session matters and may be asked to recuse him or herself from any matter that may be reviewed by the City Council to ensure that all members of the City Council receive the same information on matters that may be heard by them.

Historically, a City Council member has not been assigned as a liaison to the Personnel Board. However, staff can ask that the City Council consider appointing a member to serve as a liaison to the Personnel Board.



HUMAN RESOURCES MANAGEMENT DEPARTMENT
PERSONNEL BOARD

DATE: November 15, 2012
TO: Personnel Board
FROM: Leslie Knight, Assistant City Manager/Human Resources Management Director
SUBJECT: Open Forum Only Meetings

STATEMENT OF THE ISSUE:

The Personnel Board has expressed a desire to discuss the issue of whether to hold meetings when there are no items of regular business to be heard by the Board and the only issue would be open forum for public comment.

RECOMMENDED ACTION:

Provide staff with 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.

DISCUSSION:

The Human Resources Department received a request from Councilmember Jovanka Beckles to ask the Personnel Board to consider holding meetings even if there is no specific business to be heard by the Personnel Board. Historically, the Personnel Board has not conducted meetings when there is no specific business to be conducted. This is consistent with the manner in which the City Council conducts its meetings.