

**CITY OF SANTA BARBARA
CIVIL SERVICE COMMISSION**

MINUTES

REGULAR MEETING

Monday, March 8, 2021

4:15 p.m.

Via GoToMeeting

ORDER OF BUSINESS:

1. *Call to order & roll call.* The meeting was called to order by Chair Donna Lewis. Present: Commissioners Alan Kasehagen, and Lindsey Charles. Staff members Graciela Reynoso, Megan Wilson, Wendy Levy, and Erik Uchida were present.
2. *Public comment.* Nobody wished to make a public comment.
3. *Approval of the minutes from the Civil Service Commission Meeting on November 9, 2020.* A motion to approve the minutes from the Civil Service Commission meeting on January 11, 2021 was made and seconded. The motion was approved by all Commissioners.
4. *City Verification that the hearing for Christopher Martinez was unequivocally withdrawn at the request of the counsel for the employee.* Ms. Levy explained that the City reached out to the hearing officer, Stephen Underwood, who stated that, in his opinion, Mr. Martinez' counsel unequivocally withdrew the appeal. Ms. Lewis questioned why the City reached out to the hearing officer as opposed to Mr. Martinez' counsel. Ms. Lewis asked City staff to instead reach out to Mr. Martinez' counsel, Jennifer Krikorian, to determine whether the CSC appeal was unequivocally withdrawn. City Attorney Calonne confirmed that this should be determined. City Staff agreed to write to Ms. Krikorian asking whether Mr. Martinez has unequivocally withdrawn his request for an appeal hearing.
5. *City Attorney, Ariel Calonne, to provide review of the mediation language proposed by Commissioner Lewis for the Civil Service Hearing Procedures.* Mr. Calonne explained that the City Charter stated that the Commission has the power to make any investigation concerning the administration of personnel and report the findings to the City Council and City Administrator. Mr. Calonne further explained that the City's Municipal Code would need to be amended to allow the Commission to add mediation to the Civil Service hearing procedures. Ms. Lewis questioned how the Commission would begin investigations. Ms. Levy stated that it would be important to approach the unions to discuss the matter before bringing it to the City Council for their review. Mr. Calonne said that the Commission would need to get permission from the City Council before approaching the unions. Mr. Calonne suggested that the Commission create a memo to present to the Council regarding the matter. Mr. Calonne also suggested that mediation may be more effective earlier in the process than right before a matter goes to a hearing. The Commissioners discussed at what point

mediation would be most effective in the process. Mr. Kasehagen questioned whether it would be okay to bring the proposal to Council before conferring with the unions. Mr. Calonne stated that he felt that it would be okay to go to Council first because it would be more effective to get Council's initial support. Ms. Lewis suggested that mediation not be included in the next meeting in order to have time to work on a proposal. At the next meeting, the commission would discuss whether to include to the matter in the following meeting.

6. *City Attorney, Ariel Calonne, to address how to resolve an even number of Commissioners reaching a tie vote in a Civil Service Appeal Hearing.* Mr. Calonne explained that the consequence of a tie vote is that department has failed to prove its case and that the Commission cannot make the findings to affect the disciplinary action. Ms. Lewis asked the other commissioners whether they felt the current rules for the composition of the hearing board were sufficient or if they felt changes should be made. Mr. Kasehagen stated that he is okay with the current rule, but suggested that it would be beneficial, if there was an even number of Commissioners, to allow the additional Commissioner to sit-in on the hearing.
7. *Discussion of upcoming hearings.* No hearings are currently scheduled.
8. *Topics for next meeting.* The Commission would like to resume the discussion regarding the cancellation of the Civil Service Hearing for Christopher Martinez. The Commission would also like to decide whether to add the topic of adding mediation to the hearing procedures to the following meeting.
9. *Adjournment of Meeting.* A motion to adjourn the meeting was made, seconded, and approved.

Materials related to an item on this agenda submitted to the Civil Service Commission after distribution of the agenda packet are available for public inspection in the Human Resources Office located at City Hall, 735 Anacapa Street, Santa Barbara during normal business hours.

In compliance with the Americans with Disability Act (ADA), if you need special assistance to participate in this meeting, please contact Wendy Levy at 564-5316. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.