Commissioners
Don Becker
Alyse M. Lazar
J. William Little
Haywood Merricks II
James Vandenberg

MINUTES
REGULAR BUSINESS MEETING
THURSDAY, AUGUST 26, 2010
9:30 a.m.
ATLANTIC CONFERENCE ROOM 253,
HALL OF ADMINISTRATION

I.   **CALL TO ORDER** - Chair Vandenberg called the meeting to order at 9:35 a.m.

II. **ROLL CALL** - Commissioners present: Chair Vandenberg, Vice-Chair Merricks and Commissioners Becker, Little and Lazar. Staff present: Cheryl Shaw, Commission Assistant, Robert Orellana and Robert Boehm, Law Advisors, and Jim Dembowski (IR).

III. **PLEDGE OF ALLEGIANCE**

IV. **MINUTES FOR APPROVAL** – The minutes of the Special Meeting of August 4, 2010, were approved on motion by Commissioner Little, seconded by Vice Chair Merricks.

V.   **PUBLIC COMMENTS** – None.

VI. **OLD BUSINESS** – None.

VII. **NEW BUSINESS** – None.

VIII. **REQUEST FOR HEARING**

      A. William Markov – Ventura County Public Defender, Case #10-221-13-01
         Reduction in Pay

Present for the Petitioner was attorney Mary Kocsis of Silver, Hadden and Silver. Assistant County Counsel Matthew Smith represented the agency with conflict attorney Bob Boehm acting as law advisor for the Commission.

The request for hearing had been contested, in writing, by the employing agency as being untimely submitted with the petitioner having submitted a written response to that objection. Oral argument commenced regarding the agency's request for dismissal.

Ms. Kocsis addressed the Commission regarding the alleged lack of any final notice having been given to the Petitioner of the agency's action, as arguably required under section 2102 of the Personnel Rules and Regulations. Ms. Kocsis argued that the agency's performance evaluations did not constitute said final notice. She also summarized the proceedings before the Superior Court relating to Mr. Markov's earlier filing of a petition for writ of mandate in which the Court dismissed the petition without prejudice following a hearing on the agency's demurrer to same. Mr. Smith responded to the Petitioner's arguments and reiterated the agency's argument that Mr. Markov failed to timely seek review before the Commission of the agency's decision to remove Mr. Markov's senior attorney designation and attendant pay reduction.

Each counsel responded to questions from the Commission. Law advisor, Bob Boehm, then provided his analysis of the issues and arguments of counsel, and also responded to questions from the Commission.

After some deliberation, Chair Vandenberg called for a vote as to whether or not the petitioner was entitled to a hearing in view of the 10-day deadline for petitions set forth in the Personnel Rules and Regulations. The Commission voted 3-2 to deny the petitioner's request for a hearing before the Commission as being untimely.

IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS

Cheryl Shaw, Commission Assistant, notified the Commissioners that she had been contacted by the Grand Jury regarding briefing the Grand Jury on the Commission's activities. Chair Vandenberg recommended sending a copy of the Commission's quarterly reports to the Board of Supervisors to the Grand Jury and also inviting Grand Jury members to attend the Commission's business meetings. Commissioner Little indicated that a delegation may be needed to fully respond to the Grand Jury's request. Cheryl Shaw was asked to obtain more information on what is needed and to notify the Chair, Law Advisor, and others as necessary.

Ms. Shaw informed the Commission that she is also working with CEO's office to obtain a new scanner/printer/copier/fax machine for the office due to the recent termination of access to a Public Works Agency photocopier as requested by the Public Works Agency.

XII. ADJOURNMENT –The meeting was adjourned at 11:00 a.m.