

civil service commission

BOARD OF REVIEW AND APPEALS



Commissioners

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

**MINUTES
REGULAR BUSINESS MEETING
THURSDAY, DECEMBER 8, 2011
9:30 a.m.
LOWER PLAZA ASSEMBLY ROOM**

- I. **CALL TO ORDER** - Chair Vandenberg called the meeting to order at 9:30 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, Law Advisor and Jim Dembowski (IR).
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** - The minutes of the Regular Business Meeting of October 27, 2011, were approved on motion by Commissioner Little, seconded by Vice-Chair Merricks.
- V. **PUBLIC COMMENTS** - None.
- VI. **OLD BUSINESS** - None.
- VII. **NEW BUSINESS** - Evaluation of outside legal advisors, Robert Boehm and Stephen Millich.

Commissioner Little questioned the Commissions ability to adequately evaluate the law advisors given that he has not sat on a hearing panel in the past year in which either advisor participated. Commissioner Lazar suggested completing a single evaluation for each advisor with input from all the Commissioners. Chair Vandenberg expressed that he felt each Commissioner should complete an appraisal of each advisor indicating on the form if there had been little or no experience with that law advisor in the past year.

In response to Commissioner Lazar, Cheryl Shaw stated what interaction she had with each of the law advisors. Vice-Chair Merricks stated that despite not having recent experience with one of the law advisors, the Commission did have past experience with them both. Commissioner Lazar stated that the evaluation was to cover only the past year.

Commissioner Becker expressed that if the County needed additional information about the evaluations, they could so inquire. Ms. Shaw confirmed that the evaluation forms were kept in the office and available to anyone who may inquire about them. Robert Orellana stated that the evaluations could be done in closed session despite the advisors being independent contractors. Additionally, regarding Mr. Boehm, who has had limited interaction with the Commission this past year, he indicated that the evaluation could be based on Mr. Boehm's interaction with staff and his assistance with appeal case settlements this past year.

Commissioner Becker reiterated that if the evaluations were to include staff input then the suggestion of filling out a single form had merit but the Commissioners should still be able to write down what their individual experience has been with each law advisor, if any. Chair Vandenberg expressed that limited or no interaction with a particular law advisor could be so noted by each Commissioner as appropriate.

Ms. Shaw suggested that in the future, the law advisor reviews should more closely coincide with the renewal of their contracts and suggested that the reviews take place annually starting in April, 2013. The Commission agreed with the suggestion and instructed staff to calendar the annual appraisals in April.

VIII. REQUEST FOR HEARING - None.

IX. REQUEST FOR INVESTIGATION - None.

X. INFORMATIONAL - None.

XI. COMMISSION/STAFF COMMENTS – Commissioner Little inquired if there was any outstanding business the Commission needed to address based on past discussions at meetings pertaining to modification of rules and procedures. Following the suggestion of Mr. Orellana, the Chair directed staff to review the old minutes for any discussions relating to modification to various rules and procedures and any other potential outstanding business of the Commission, and to agendize same for the January meeting.

Cheryl Shaw reported that on October 27, 2011, she met with the Merits System Services auditors regarding the personnel audit which Kelly Shirk briefed the Commission on in October. Ms. Shaw answered a few brief questions from the auditors regarding the type of matters which have come before the Commission in recent years and provided them with copies of the Commission's quarterly and annual reports.

Chair Vandenberg noted that the Commission had two appeal hearings scheduled for January and March. Cheryl Shaw confirmed the hearing panel members for each of those hearings.

XII. ADJOURNMENT - The meeting was adjourned at 10:00 a.m.