

**MINUTES**  
**AGENDA FOR A SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION**  
**TO BE HELD AT 5:00 P.M., WEDNESDAY, January 3, 2007**  
**CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2<sup>ND</sup> FLOOR**  
**CITY HALL, EL PASO, TEXAS 79901**

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MEMBERS PRESENT:     Boureslan, Ali – Chair  
                              Brannon, Edith  
                              Gezelius, Ken  
                              Graham, Elijah  
                              Mosher, Fran  
                              Ruck, Lance  
                              Reynolds, Thurman  
                              Schwartz, Elma  
                              Scott, Valerie

MEMBERS ABSENT:     None

**REVISED AGENDA**

The meeting convened at 5:04 p.m. with all commissioners present and Chair Boureslan presiding. Chair Boureslan began the meeting by asking if there were any changes to the agenda.

Linda Thomas stated that Elaine Hengen had a PowerPoint presentation for Item #2

MOTION TO APPROVE AGENDA MADE BY COMMISSIONER SCHWARTZ AND SECOND BY COMMISSIONER MOSHER, AND UNANIMOUSLY PASSED.

1.     Discussion of CSC appointment to the proposed charter amendment ad hoc committee (*for discussion only – no action required*)

**Chair Boureslan** stated that he brought forth this item due to some confusion. I felt that some clarification was required regarding this item and the actions we took in our last meeting. He directed the Commission back to the Charter 3.7B relating to Boards and Commissions. Appointments are made by the Council. Council is responsible to make sure appointments are distributed uniformly among commissioners. Then referencing Civil Service Commission Rule 6.1-5B.... we have no authority to appoint any members to any committee. I feel the City Attorney should have objected at that time, although regardless if she did

or didn't, we have no authority to appoint, which is solely the job of the elected officials... the Mayor and the City Council. We will allow not more than 10 minutes for discussion if any of the Commissioners would like to have a say.

**Commissioner Ruck** questioned that if everybody already received the document he added tonight, then he has already addressed this issue. The only issue I want to address and reiterate is the Mayor's memo, in the second paragraph, stating the wording of "advisory members". The Charter doesn't mention anything about "advisory", so I don't know why the Major has stated that this committee is only advisory.

**Elaine Hengen** referenced section 4.1B of the Charter which gives the Major the authority to appoint, with the consent of the council, the members of citizen advisory boards and commissions. I believe that is the section of the Charter that the Major was referring to in his memo.

**Chair Boureslan** added that he does not believe the Major's memo is relating to the Commission but rather as the adhoc committee as a whole. I believe the Mayor understands that we are not an advisory commission, but a commission that has the authority to promulgate rules for the betterment of the Civil Service and employees of the City of El Paso.

**Commissioner Ruck** requested a legal opinion/explanation of the term advisory. The panel that is going to review all of this and make recommendations.... That's all they are going to do is make recommendations. In other words, they are going to make recommendations of things they want to see changed and then it will be up to the City Council whether they agree with them or whether they just accept everything as proposed and don't change anything. Is that correct?

Attorney Batoon answered yes, that is correct. They have no independent authority to make any changes.

## 2. Discussion and Action on Proposed Charter Amendments

Elaine Hengen gave power point presentation and submitted a hand-out version as well. Her presentation included points regarding

- Election Timetable
- Charter Revision Process (series of LRC/Ad hoc meetings) (two meetings scheduled with City employees 1/10 and 1/12/07).
- Overview of the Charter Amendment Proposal
- Civil Service Commission (Clarify purpose and responsibilities & Clarify language)
- Unclassified Personnel
- Classification, Compensation, Selection and Appointment
- Continue the Civil Service System Framework
- Move Some Administrative Functions to City Manager

- Retain Current Structure for Disciplinary Action
- Elimination of Unnecessary Provisions

**Commissioner Ruck** questioned action under 5.21 is strictly administrative. I don't see the word administrative in here. Are you telling me that your legal opinion, is that grievances, appeals and discipline are not employee actions?

**Elaine Hengen** replied.... They are, but that relates to the taking of the personnel action. There is nothing in this language that would allow the City Manager or any person to overturn a decision of the Commission.

At this time it was determined that Elaine Hengen had a revised copy of the Proposed Charter Amendments that the commissioners did not have. She stated that she had previously sent this revised version to HR. (*but it did not get to the Commission Recorder.*)

**Commissioner Brannon** inquired if the employees had received a revised copy to review for this meeting. **Chair Boureslan** read from the recent employee newsletter that had the proposed charter amendments as an attachment.

**Commission Ruck** commented that he believed the Commission Recorder was going to get an e-mail out to all employees, and that she should not have waited until the day before this meeting. He stated that he would like to ask the Commission Recorder why she waited so long. In the CSC Recorder's absence, Linda Thompson added that the meeting was posted in December, and the e-mail that Commissioner Boureslan is reading from was sent out yesterday to all the City employees by Mrs. Wilson. This was confirmed upon the return of the CSC Recorder.

**Chair Boureslan** called for public comment advising that comment should be limited due to the possible length of tonight's meeting.

Employee Lilia Fierro, from the El Paso Museum, employee of 19 years, expressed concerns regarding possible changes..... believing they may lead to excessive control by the City Manager. She further stated that the proposed changes would limit the employee input and take away power of CSC.

**Commission Graham** reminded those present that the CSC was not only here to assist employees, but to monitor the entire process... Management's side, the hearing officers, everything as a whole. Chair Boureslan commented that the CSC is not going away, and is here to oversee the fairness of the civil service process. We are going to go through these changes line by line, item by item.

Museum employee and past Civil Service Recorder, Rosy Buenning commented that Ms. Wilson did send out the employee newsletter and it did have a link to the charter amendments, however she believed an e-mail from the Commission

referencing charter changes..... that would have really got everyone's attention. The word "appropriate" is used when referencing appeals. But who will determine what appropriate means? The reference of deleting the Commission Recorder would be a problem. When I served as recorder,... many times employees would come to me with openness regarding their questions because I worked for the Commission. Employees feel that the commission will listen to their concerns, while HR will not. The expression "just cause" is used. What is the description of just cause? Just Cause appears to be vague and perhaps could be more clear. Employees are concerned that there be proper checks and balances.

Mr. William Ellis, former Commissioner and current Hearing Officer commented outlining his 26 years worth of continuous exposure to the Commission and its processes. I have worked as an advocate and Commission Chair for this system and am now coming full circle to have the opportunity of becoming a hearing officer. He stated his concern that changes be made to a system that has worked for so long and so well. He expressed concern that this process would not "fine-tune" thing but rather rip them apart. He believed this would upset the checks and balances of the system. He did not believe the reasons stated for the necessary changes were valid. He continued that having a City Manager did not mandate these changes. He commented 6.1-1 is where the "assault" on the system begins. He did not believe that the purpose of the language was to clarify anything. He questioned whether this would make the Commission ineffective. The word "ensuring" has been stricken in several places... and this word gives the Commission their inherent authority. The new language of "supporting a fair and efficient system" is ambiguous. The Mission Statement of the Commission is being rendered meaningless. Referencing section 6.1-8 and 6.1-9. the importance of independent legal council for this Commission can not be overstated. These changes would isolate the Commission from any independent legal input or access to the courts. Another alarming point is that in 6.1-6, there will not be anything such as civil service rules. We are told there will be ... but there really isn't. It will be the City Council's rules for the Civil Service Commission. The authority of the commission to even make their own rules is being taken away from it and being given to the City Council. The Commission will be rendered impotent. In reference to streamlining the removal of commissioners, 6.1-13..... This provision basically states that members of the Commission may not be removed except for cause, as determined by a majority vote of the city council. What is "cause", and what is wrong with what was there before? If this passes, the Commission will serve at the pleasure of City Council. The Commission will also lose the authority you have over the Commission Recorder. Again, we should not tamper with something that is not broken. Mr. Ellis stated that he would volunteer is time to any of the Commission that he may be able to assist. He urged that the commission proceed cautiously.

**Chair Boureslan** agreed that any commission without teeth is not worth having in the charter at all. Our system of checks and balances must be maintained.

Joyce Wilson thanked the Commission for being able to present the administration's initial operational review of the City Charter. She commented that the issue really is what should, and should not be in the Charter. Many things in the Charter are procedural issues. It has never been our intent to eliminate the Civil Service System or delegate it to an advisory body. As the Charter stands now it can really impede us in our ability to recruit in an expidious way, and there are other things that because they are in the Charter, they are very difficult to change. This was our focus on an operational perspective. We will respect whatever recommendations you bring forward as a body to the LRC and the citizen panel in that process.

**Commissioner Ruck** brought up his concern for clarification..... the issue that Mr. Ellis brought up about changing a 4/5 vote to a majority vote. If we pass this in it's current form, we need to think about the worse case scenario that can result. This is what we need to understand.

**Chair Boureslan** interjected that we will be going though the document line by line, section by section, and vote on it like we did the Rules. We will address each concern as we come to it.

(Discussion on review procedure)

**MOTION TO PROCEED WITH REVIEW OF DOCUMENT MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.**

*Article 6 Civil Service Section 6.1-1*

*(Discussion) Commissioner Mosher preferred the Dallas language. Chair Boureslan felt the original wording resembled a mission statement that he favored. Commissioner Ruck preferred to stay with section as originally written. Commissioner Mosher felt it was important that the role of the Commission be clearly outlined in this section. Chair Boureslan felt that the main role of the Commission was to hear grievances. Commissioner Reynolds voiced concern of taking out the term "overseeing", which he felt was the function of the commission. He added that our purpose is to oversee the Civil Service System. Commissioner Brannon felt the Dallas language was strong and effective. Joyce Wilson added that the Commission may want to change the order of items so as to move the "Functions and Duties" section to 6.1-2.*

**MOTION TO APPROVE AS ORIGINALLY WRITTEN STRIKING THE WORDS "THE OPERATION OF" MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED**

*Section 6.1-1 GENERAL*

*The Civil Service Commission of El Paso exists for the purposes of overseeing the City's Civil Service System, of ensuring its fairness, economy and efficiency and of hearing grievances by or against classified employees. The Commission shall establish its own procedures within the framework of this Charter to carry out these functions.*

**Commissioner Brannon** , **Commissioner Schwartz** and **Chair Boureslan** discussed merits of keeping rules within the Rules and not in the Charter. Commissioner Schwartz commented that what we are dealing with is more Rules than Charter

**Commissioner Ruck** expressed concerns regarding word "appropriate" . We adopt the rules..... there are going to be new rules. Put 2 back in and take out appropriate.

(Discussion of rules adoption)

**MOTION MADE BY COMMISSIONER GEZELIUS TO APPROVE 6.1-2 AS AMENDED, SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

#### *6.1-2 Functions & Duties*

*The Commission shall hold regular meetings as may be prescribed by Commission procedures. Special meetings shall e held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to:*

- A. Recommend to the Council*
  - 1. adoption of Rules for the administration of the Civil Service provisions of this Charter, and*
  - 2. Thereafter, appropriate amendments.*
- B. Investigate matters concerning the enforcement and effect of the Civil Service provisions of this Charter.*
- C. Hear and determine appeals or complaints as may be further prescribed in the rules.*
- D. Oversee the Civil Service provisions of this Charter.*
- E. Appoint hearing officers.*

(Discussion: Commissioners discussed possible term limits)

**MOTION TO APPROVE BY ADDING WORD "FULL" AND INCLUDING LIFETIME TERM LIMIT OF TEN YEARS MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.**

#### *6.1-3 Appointment*

*The Commission shall consist of nine persons appointed by the Council. All members serving on the Commission when this amendment takes effect will continue to serve until their terms of office expire. Appointments shall be for three-year terms. Commissioners serving consecutive terms shall be limited to two full successive three-year terms, regardless of the date of their original appointments. No person may serve as a member on the Commission for more than a total of ten years throughout their lifetime and no person may be appointed as a member on the Commission if, serving out the full length of the term to which they would be appointed would result in the person having more than a total of ten years of lifetime service.*

(Discussion regarding residency qualification)

(Discussion regarding balance of professional and non professional appointments to the Commission)

**MOTION TO APPROVE 6.1-4 AS REVISED MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND PASSED WITH ONE OPPOSITION FROM COMMISSIONER GRAHAM.**

#### *6.1-4 Qualifications*

*Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. No Commissioner may hold any salaried public office or other employment compensated by the City, and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. At least two Commissioners must hold or have retired from positions other than managerial or professional. No more than three commissioners may be former city employees, and any such commissioners are not eligible for appointment until two years following separation from the City. Any Commissioner may be either actively employed or retired.*

**MOTION MADE BY COMMISSIONER GEZELIUS TO APPROVE AND SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

#### *6.1-5 Compensation*

*Members of the Commission shall serve without salary.*

**MOTION MADE BY COMMISSIONER RUCK FOR A TEN-MINUTE RECESS AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

**R E C E S S**

**MOTION TO CONVENE REGULAR MEETING AT 8:18 P.M. MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

Chair Boureslan suggested time table to finish approval process tomorrow. Recessing the session would allow us to come back tomorrow.

(Discussion)

~~**MOTION MADE BY COMMISSIONER RUCK TO ADOPT 6.1-6 WITH THE REVISION REINSTATING "B" TO INCLUDE 2/3 MAJORITY, AND REINSTATING "D". SECOND BY COMMISSIONER GRAHAM, AND UNANIMOUSLY PASSED.**~~

(Discussion)

City Manager, Joyce Wilson urged the Commission to consider changing to 2/3 majority vote to approve, amend or reject. **Commissioner Brannon** agreed that this compromise of 2/3 was reasonable. **Commissioner Ruck** amended his motion to support the 2/3 majority of the council. (6 of 9 council persons).

Commissioner Graham wants to see this in writing prior to agreeing to any changes. Commissioner Ruck would also like to see final wording.

**Commissioner Ruck agreed to table previous motion until later in the evening when wording is revised. Move on to 6.1-7 and return later.... Second by Commissioner Gezelius and unanimously passed.**

#### *6.1-6 Rules*

*A. The Rules shall be consistent with the principles and practices of the civil service system incorporated in this Article. They shall be adopted by the Council by ordinance, after considering recommendations of the Commission.*

*B. Procedures for Adoption. The Human Resources Director shall submit to the Commission proposed Rules for its review and recommendation to Council. Failure by the Commission to recommend approval, modification or disapproval of the proposed Rules within sixty days after receipt shall constitute authority for the Council to proceed without a recommendation from the Commission.*

*C. Changes, Additions or Deletions. Proposed changes, additions or deletions to the Rules shall be processed through the Commission to the Council in the same manner and subject to the same standards as for the basic Rules as set forth in A and B above.*

*D. Council Action. Failure by Council to approve or deny the Commission's changes within sixty days after Council's receipt shall result in their automatic*

*adoption. In the event of disagreement, the Council may deny the Commission's changes only by a 2/3 majority of the Council.*

#### *6.1-7 Power to Subpoena Witness*

*The Commission shall have the power to subpoena witnesses, require the production of evidence and administer oaths. The Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey a subpoena or to produce evidence, and shall have the power to punish any of these acts of contempt in the manner provided in the ordinance. Costs incident to actions under this section shall be borne by the party requesting the subpoena.*

(Discussion regarding costs)

**MOTION MADE BY COMMISSIONER GRAHAM TO APPROVE 6.1-7 AS WRITTEN, AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

#### ~~6.1-8 Civil Suits~~

Suggested this section be eliminated..... Elaine Hengen explained that this language was eliminated because the City Attorney does not believe it is necessary because if Commission was sued in the course and scope of performing its duties, the City by law is obligated to defend the Commission because the Commission is the City. The Commission is not an independent entity that can be sued, or has a jural existence to sue or be sued. **Chair Boureslan** expressed concern that this was not written anywhere as a reference. **Commissioner Ruck** is concerned about the first part of the section relating to "if the Commission needs to sue the city". And he commented, ...we have actually been down that line. Elaine Hengen commented that she did not believe the Commission would have the legal authority to bring a law suit. **Commissioner Ruck** responded that we certainly would not have the authority if the language is taken out of this Charter. Mr. Batoon explained that whether or not this provision is in doesn't legally impact on the Commission's right to sue as a Commission or not. You either have standing or you don't. This can't confer it nor take it away from you. **Commissioner Ruck** accepted Mr. Batoon's explanation.

**MOTION MADE BY COMMISSIONER RUCK TO ACCEPT DELETION OF SECTION 6.1-8 AND SECOND BY COMMISSIONER GEZELIUS AND PASSED WITH ONE OPPOSITON BY COMMISSIONER GRAHAM.**

#### ~~6.1-9 Legal Counsel~~

Suggested this section be eliminated.....

**MOTION MADE BY COMMISSIONER RUCK TO ACCEPT DELETION OF SECTION 6.1-9 AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

*6.1-8 Jurisdiction*

*The Commission will have jurisdiction over all employees in the classified service.*

**Commissioner Ruck** recommended the addition of a second sentence “regarding grievances, and appeals shall be final and binding upon the city” Joyce Wilson said she was unsure of the legal ramifications of that language, but she will be happy to look it up and come back. She commented, I understand that you want it clear that you are an adjudicating body and that some point the Council can’t come back and make it advisory or change that. . . . So we will figure out how to do that and put the language appropriately whether it is jurisdiction, or somewhere in the duties or go back to 6.1-2 and make sure it is clarified.

**COMMISSIONER GRAHAM MADE MOTION TO REVISIT THIS SECTION AND SECOND BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.**

*6.1-9 Organization*

*The Commission shall elect from its members a Chairman and a Vice-Chairman, each for a term of one year. The Chairman may not be re-elected for one year successive terms.*

*6.1-10 Meetings*

*Meetings of the Commission shall be conducted as permitted by the Texas Open Meetings Act.*

*6.1-11 Reports*

*The Commission may file with the Council an annual report on:*

- A. Recommendations for promoting efficiency in the public sector.*
- B. Details of expenditures made; and*
- C. A summary of the work of the Commission*

*The Council may at any time require from the Commission a report regarding any matter within the scope of its jurisdiction and duties.*

*6.1-12 Records*

*Records of the Commission will be administered as permitted by the Texas Public Information Act.*

**COMMISSIONER MOSHER MADE THE MOTION TO ACCEPT THE RECOMMENDATIONS OF 6.1-9 THROUGH 6.1-12 INCLUSIVE AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED**

*6.1-13 Removal*

*Members of the Commission will not be removed from office except for incompetence or nonfeasance, misfeasance or malfeasance in office, such as neglect of duty or refusal to perform the duties imposed by this Charter. Action may be initiated in writing by any member of the Council or Commission. Any removal will require an affirmative vote of 2/3 of the Council present and voting.*

Commissioner Ruck suggests that this now states "cause" and that is too vague. Joyce Wilson commented that she believed they were just trying to make this consistent with the way we remove other boards and commissioners.

**MOTION MADE BY COMMISSIONER MOSHER TO APPROVE SECTION 6.1-13 AS PROPOSED WITH THE AMENDMENT OF THE 4/5 TO THE 2/3. SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

(Note: this is original language, but amend to the 2/3.)

*6.1-14 Non Discrimination*

*All personnel action must be free of discrimination as is prohibited by law.*

**MOTION TO APPROVE 6.1-14 BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.1-15 Hearing Officers*

*The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing Officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.*

*The hearing officers will serve at the Commission's pleasure, and will not be classified. Reasonable compensation shall be paid by the City.*

**Commissioner Mosher** asked why we are using the term "salaried" Joyce Wilson said that simply means "they're paid"

**MOTION MADE TO APPROVE 6.1-15 MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER REYNOLDS AND UNANIMOUSLY PASSED**

*6.2 Division of the City Service*

*6.2-1 Division*

*All offices and positions of trust or employment in the service of the City are hereby divided into the unclassified and classified services.*

*6.2-2 Unclassified Services*

*The unclassified services shall include only the following positions:*

- A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;*
- B. The Mayor's Executive Secretary(s) and Executive Assistant(s);*
- C. The District Representative's staff;*
- D. Hearing Officer(s) and the Commission Recorder;*
- E. All elected officials;*
- F. Employees hired under Section 6.6-4;*
- G. The City Manager;*
- H. All Department Heads or Directors, Deputy City Managers, and executive staff or salaried professional employees reporting directly to the City Manager; and*
- I. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.*

Joyce Wilson asked if we wanted to include the City Council staff. They are not necessarily civil service, but if a civil service employee happens to go with them, they would be in an unclassified position for that term and when it was over, we would bump them back somewhere in the organization.

**Chair Boureslan** commented on his reservation regarding Department Heads being on this list. I believe they should have classified protection. Ms. Wilson answered that they are executive level professionals who works under... as part of the executive staff. When people go into these positions, they know they serve at the pleasure,... that you don't have civil service protections... it's a higher reward, but higher risk position. To clarify.... These are positions that report directly to the City Manager.

(Discussion)

**MOTION TO APPROVE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS, AND UNANIMOUSLY PASSED.**

**6.2-3 Appointment and Removal of Unclassified Personnel**

- A. *Except as otherwise provided in this Charter, appointments to the unclassified services shall be made solely on the basis of education and experience in the accepted competencies and practices of their field.*
- B. *Except as otherwise provided by law or in this Charter, unclassified personnel may be removed by the City Manager, who may establish written procedures for removal, except for hearing officers and the Commission Recorder, who may be removed only by a majority vote of the commissioners, present and voting, based on a quorum of five.*

**Commissioner Ruck** requested that Commission Recorder be stricken from section.

**MOTION MADE BY COMMISSIONER RUCK TO APPROVE 6.2-3 WITH THE CHANGE OF KEEPING THE COMMISSION RECORDER AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY APPROVED.**

#### *6.2-4 Classified Services*

*The classified services include all positions not listed in Section 6.2-2 of this Article.*

**MOTION TO APPROVE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

#### *6.3 Reserved*

**MOTION TO APPROVE AS RESERVED BY COMMISSIONER REYNOLDS AND SECOND BY COMMISSIONER GEZELIUS.**

*6.3-1 Entire section eliminated*

*6.3-2 Entire section eliminated*

*6.3-3 Entire section eliminated*

**MOTION TO APPROVE THE REMOVAL OF 6.3-1, 6.3-2 AND 6.3-3 BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED**

#### *6.4 Classification and Compensation*

##### *6.4-1 Classification Plans*

*The Human Resources Director shall update as necessary the classification and compensation plans of the City for the classified services. The Director shall present such plans, and the recommendation of the Civil Service Commission, to the City Council for acceptance and approval.*

**MOTION TO APPROVE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.4-2 Appointment of City Employees*

*Appointment of City employees to classified positions shall be made at pay rates within the appropriate grade and in accordance with the Rules.*

**MOTION TO APPROVE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER MOSHER, AND UNANIMOUSLY PASSED.**

*6.4-3 Compensation Reduction*

*The pay of any City employee or group of employees may not be reduced except when such reduction is necessary to equalize the pay according to the provisions of the classification and compensation plans for reasons of economy, or as otherwise provided in this Charter. If a pay reduction is for reasons of economy or pay equalization, it must be uniform throughout the classified service on a proportionate basis.*

**MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

*6.4-4 Salary Standardization*

*Grades for classes of positions having substantially similar requirements as to duties, authority, responsibility, training and experience must be uniform for all Civil Service positions. Payment of different rates within grades must be based only on factors of longevity, merit increases, step increases, shift differentials and hazardous duty, as defined under the Rules. Provided that, the commission shall provide in the rules and Regulations an exception to salary standardization in cases when downgrading has occurred as a result of reclassification.*

**MOTION TO APPROVE MADE BY COMMISSIONER REYNOLDS AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.5 Certification and Selection of Candidates*

*6.5-1 Certification Process*

- A. *The Human Resource Director shall certify candidates eligible for hire or promotion based solely on their qualifications in accordance with established departmental policies and procedures or by Rule, which may allow a preference for the hiring and promotion of former employees separated without fault or delinquency, or for other just and reasonable*

*cause in conformity with the charter and consistent with the principles of the civil service system and established policies.*

- B. When needed, the Human Resource Director will compile lists of eligible candidates for job classifications and consolidate, revise and maintain them as necessary and appropriate, in accordance with established policies and procedures or by Rule.*
- C. When an employee is eligible for appointment to a position, but there is no vacancy in that position, the employee may be certified to an appropriate lower grade position. If a vacancy occurs in the higher graded position, while the employee is in good standing on the eligible list, the employee may be appointed to that position in accordance with the procedures established for the order of certification.*
- D. The Human Resource Director will permit persons on eligible lists to waive certification, reinstatement, or appointment two times, after which the person's name may be removed from such list in accordance with procedures established by Rule.*

Elaine Hengen explained that such major change to this section helped to better create and maintain eligible lists. A lot of the changes came about by eliminating the provisions in 6.5-3. Very specific rules were struck out and will be moved to the Rules. Joyce Wilson explained that this is at the heart of what should be in the Rules and not in the Charter.

**MOTION TO APPROVE MADE TO APPROVE SECTION 6.5-1, 6.5-2, 6.5-3 BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER BRANNON AND PASSED WITH ONE OPPOSITION BY COMMISSIONER GRAHAM.**

#### *6.5-2 Rule of Five*

*As necessary, the Human Resource Director shall certify the five highest names on the proper eligible list for one vacancy, and one additional name (the next highest) for each additional vacancy, except as may be provided by appropriate policies and procedures or by Rule, in cases where a certification for incapacity or a reinstatement from layoff is being made, where there are fewer than five names on the proper eligible list, and in situations where eligible persons are serving in the department in which the vacancy exists.*

*6.5-3 Entire section eliminated.*

#### *6.6 Appointments*

##### *6.6-1 Regular Appointment*

*Upon receipt of a certification list from the Human Resource Director, the City Manager will appoint any person or persons certified to be with the applicable*

*number of highest names from the list to fill the applicable vacancies to which the list applies. Regular appointments may be either full-time or part-time.*

#### *6.6-2 Provisional Appointment*

*In the absence of an appropriate certification list, a provisional appointment may be made by the City Manager as provided by appropriate policies and procedures or by Rule. Any person so appointed must meet the minimum qualifications established for the position. A provisional appointment will be effective only until a regular appointment is made from a certification list. In no case shall a provisional appointment extend beyond twelve months from the date of the original appointment.*

**Commissioner Graham** inquired if Ms. Wilson ever delegated the authority of provisional appointments to her deputies or anyone else. She responded that the Department has flexibility to manage their own appointments as long as they abide by the rules, and that is managed through HR. Everything is handled through HR.

(Discussion)

#### *6.6-3 Temporary Appointment*

*When services to be rendered are of a temporary character, a temporary appointment may be made by the City Manager from one of the first three persons on a certification list who is willing to accept the appointment or as may be provided by appropriate policies and procedures or by Rule. The person appointed will retain all rights to certification for permanent appointment as though no temporary appointment had been made. The duration of a temporary appointment may not exceed one year.*

**MOTION MADE BY COMMISSIONER GEZELIUS TO APPROVE SECTIONS 6.6-1, 6.6-2, 6.6-3 AS REVISED AND SECOND BY COMMISSIONER BRANNON, AND UNANIMOUSLY PASSED**

#### *6.6-4 Contractors*

*The City Manager shall have the authority to contract for professional services and personal services for reasons such as economy, efficiency, immediate or temporary need, when such contracts are in the best interest of the City and not contrary to the principles and practices of the civil service system incorporated in this Article. Such contracts shall be subject to the limitations and requirements for Council approval as set forth by ordinance.*

(Discussion)

**Commissioner Graham** voiced concern regarding perception of this issue. He wanted to make sure local talent is supported. The perception is that you could possibly take care of a friend. Joyce Wilson replied that due to the rules, there is plenty of opportunity of scrutiny. And secondly, you can not legally preclude people that are external to the city being considered for positions if they are qualified.

(Discussion)

**MOTION TO APPROVE 6.6-4 MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.**

#### *6.7 Original Entrance Examinations*

##### ~~6.7-1 Residence Requirements~~

**MOTION TO APPROVE ELIMINATION OF 6.7-1 MADE BY COMMISSIONER SCHWARTZ AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

#### *6.7-1 Examination Standards*

*The Human Resource Director shall establish appropriate policies and procedures for the advertising of vacancies and the operation of the competitive process for selection including the administration of and standards for original entrance and related examinations such as oral examinations, practical tests, medical and physical examinations, and police investigations.*

Joyce Wilson stated that they would just trying to clarify the language in this section and take out a lot of the detail.

**MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

#### *6.7-2 Penalty for Deceit in Examination*

*An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER SCHWARTZ AND SECOND BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.**

*6.7-4, 6.7-5, 6.7-6, 6.7-7, 6.7-8, 6.7-9 All Eliminated.*

**MOTION MADE BY COMMISISONER RUCK TO APPROVE THE ELIMINATION OF SECTIONS 6.7-4 THROUGH 6.7-9, AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.8 Promotion*

*6.8-1 Examination*

*Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.*

At this time Chair Boureslan called for a motion to continue or recess for tomorrow. Joyce Wilson commented that the Commission was moving pretty fast and we should be able to finish this tonight if we could all do just another hour. Commissioner Brannon suggested we "go for it".

**MOTION TO ACCEPT 6.8-1 BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER SCHWARTZ, AND UNANIMOUSLY PASSED.**

(Discussion)

*6.8-2 Eligibility*

*A person will be eligible for promotion following successful completion of the initial probationary period and after meeting any criteria established in the Rules.*

**MOTION TO APPROVE MADE BY COMMISISONER GEZELIUS AND SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

~~*6.8-3 Rating of Seniority eliminated*~~

~~*6.8-4 Rating of Efficiency eliminated*~~

**MOTION TO APPROVE DELETION OF 6.8-3 AND 6.8-4 MADE BY COMMISSIONER SCHWARTZ AND SECOND BY COMMISSIONER GEZLIUS AND UNANIMOUSLY PASSED.**

*6.9 Special Provisions*

*6.9-1 Probation Period*

*Probationary periods shall be established by Rule. Such Rule shall prescribe the procedures and consequences applicable to employees who fail to successful*

*complete probationary periods, and provide criteria for the extension of probationary periods.*

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

*6.9-2 Impact of Staff Reductions*

*Human Resources Director is authorized and directed, subject to approval by the Council, to establish systems for reducing the impact on the Civil Service of staff reductions and layoffs caused by operating economies.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.9-3 Nepotism Prohibited*

*Except in the case in which the City Manager or other person making the appointment, appoints the highest scoring individual certified from a promotional or original entrance eligible list, or from a reinstatement list involving the appointment of a former incumbent, no person may be appointed to or reinstated in any classified position who, at the time of appointment or reinstatement, is related in the manner described in Article III, Section 3.3.B, to any member of the Council, the City Manager or other person making the appointment, the Human Resources Director, or the direct superior of the position being considered.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.9-4 Special Credit for War Veterans*

*Veterans of any of the wars or other armed conflicts of the United States who are otherwise qualified, who have obtained a passing score on an original entrance examination, and who present an honorable discharge from military service, will have their ratings in the examination advance five points. Veterans who are suffering from disability traceable directly or indirectly to war service will have their original entrance examination rating advance another five points.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

*6.9-5 Delegation*

*The City Manager may delegate to appropriate individuals the execution of the functions, duties and responsibilities set forth in this Article as he deems appropriate.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER MOSHER, AND UNANIMOUSLY PASSED.**

*6.10 Lay-Off; Leave of Absence; Vacations; Resignation and Reinstatement*

*6.10-1 Conditions of Layoff*

*Whenever it becomes necessary through lack of work or funds, or through the abolishment of a position or class, or for any other reason not involving delinquency on the part of the employee, to reduce the number of employees in any class, the appointing authority may order a layoff. The reduction will be made in accordance with the procedures set forth in the Rules.*

**Commissioner Graham** questions the layoff procedure. Joyce Wilson added that all they are doing is taking out the detail of how you downsize because that is taken care of in the Rules. **Chair Boureslan** commented that we are not relinquishing any power by approving this item. Eliminating A and B does not affect the Rules. **Commissioner Brannon** restated that the Rule does not need to be a part of the Charter.

(Discussion)

**MOTION MADE TO APPROVE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER SCHWARTZ AND PASSED WITH ONE OPPOSITION BY COMMISSIONER GRAHAM.**

*6.10-2 Job Rights*

*Employees who are removed from their positions as the result of abolishment or a layoff (to include subsequent displacement action) will have the right to be appointed to any vacant position for which qualified, in accordance with the procedures established in the Rules.*

**MOTION TO APPROVE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

*6.10-3 Leave of Absence*

*Permanent employees maybe granted a leave of absence by the City Manager under conditions set forth in the Rules. Provisions regarding the reinstatement of an employee upon the expiration of a leave of absence and the separation from the service of an employee who fails to report at the expiration of a leave of absence will be set forth in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

*6.10-5 AND 6.10-6 Eliminated due to redundancy.*

**MOTION TO APPROVE MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.10-4 Sick Leave*

*Classified employees are entitled to an annual sick leave, in accordance with the provisions set forth in the Rules. The City Manager may grant the same sick leave benefits to provisional appointees.*

**MOTION TO APPROVE MADE BY COMMISSIONER REYNOLDS AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.10-5 Vacations*

*Classified employees who have held a city position for a period of six months, and who have successfully completed their respective probationary periods, will be entitled to take accrued vacation with pay as specified in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.10-6 Resignation*

*The resignation of a classified employee will be filed and accepted on behalf of the City in accordance with the provisions set forth in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.10-7 Reinstatement Following Resignation.*

*Any person who has held a classified position and has resigned from the service in good standing and without fault or delinquency may seek reinstatement in accordance with the provision set forth in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.10-11 Removal from Reinstatement List – Eliminated*

**MOTION TO APPROVE MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

## 6.11 Transfer and Reduction

### 6.11-1 When Transfer is Permissible

*Transfers may be made from a position in one department to a similar position, of the same class and grade, in another department in accordance with the procedures set forth in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER SCHWARTZ AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

### 6.11-2 When Transfer Not Permissible – Eliminated

### 6.11-3 Reorganization - Eliminated

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER REYNOLDS AND UNANIMOUSLY PASSED.**

### 6.11-2 Reduction for Physical Incapacity

*An employee may be reduced from a higher to a lower class when physically unable to perform the duties of the higher position, in accordance with the provisions set forth in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

## 6.12 Standards of Efficiency

*The City Manager shall establish by written policy appropriate standards of efficiency for all positions in each class and grade in the classified positions.*

(Discussion)

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS PASSED WITH ONE OPPOSITION BY COMMISSIONER GRAHAM.**

### 6.12-2 Open Records – Eliminated.

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

## 6.13 Discharge, Appeal, Hearing

#### *6.13-1 Discharge During Probation*

*A new employee may be discharged at any time during the probation period for any reason.*

**MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

#### *6.13-2 Disciplinary Action*

*A permanent employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.*

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

#### *6.13-3 Causes of Suspension, Reduction or Discharge*

*The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of permanent employees:*

- A. Conviction of a felony or of a misdemeanor involving moral turpitude;*
- B. Brutality to a City prisoner;*
- C. Being under the influence of intoxicants or drugs or the use thereof while on duty;*
- D. Being physically or mentally unfit for City service;*
- F. Performance of duty consistently below established minimum standards;*
- G. Negligence in care or misuse of City property;*
- H. Unexcused absence from duty for a period of three or more successive days;*
- I. Exerting improper use of political influence;*
- J. Inducing or assisting another to commit an unlawful act;*
- K. Exerting improper influence on behalf of a relative;*
- L. Engaging in improper political activity;*
- M. Violates the City's Ethics Ordinance;*
- N. Refusal to follow the lawful order of a superior or supervisor; and*
- O. For just cause.*

**Commissioner Graham** inquired about "just cause". Attorney John Batoon explained that Just Cause is a legal term and well established in case law to mean you can only be fired for a cause that is related to the employment. You can not be fired or disciplined for something that is unrelated to your employment.

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

#### 6.13-4 Appeals

*Any permanent classified employee may appeal to the Commission any order which is believed to violate the rights granted employees by this Charter. This appeal must be filed with the Commission within thirty days from the date of the alleged violation and may be in any form clearly directing the attention of the Commission to the order complained of and the rights of provisions violated. Decisions of the Commission shall be final and may be appealed to the District Court only as permitted by and in accordance with the law.*

#### **MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

**Commissioner Ruck** stated that he is making the assumption that all of the rules that we previously had, and are taking out of this Charter are still in the Rules and are appealable. In other words, just because we are taking the rules out of the Charter does not mean that they do not still exist and are appealable. Elaine Hengen answered that Mr. Ruck is correct

(Discussion)

#### **MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

#### 6.13-5 Hearing Options

*Upon receiving notice of appeal, the Commission may in its discretion hear the appeal directly or refer it to a Hearing Officer.*

#### **MOTION TO APPROVE MADE BY COMMISSIONER REYNOLDS AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

#### 6.13-6 Action by Commission

*A. If the Commission hears the appeal in a disciplinary case it will, by majority vote of its members present and voting, determine whether the evidence sustains the charges. If the Commission determines that the charges are sustained, in whole or in part, it will at once determine whether the good of the service requires that the appealed action be upheld or reduced. If the Commission determines that the charges are not sustained, the accused will be reinstated immediately and without prejudice, and will not be deprived of any salary for any period of suspension preceding the hearing.*

*B. In cases involving a denial of promotion, the Commission shall review all facts in the cases and direct appropriate corrective steps, if necessary.*

*C. In conducting any hearing, the Commission must in all cases, afford full and free opportunity to all parties to present evidence relevant to the issue or issues involved. The burden of proving an alleged offense and of establishing just ground of discharge, suspension or reduction rests upon the City Manager. A preponderance of the evidence is required to substantiate any change.*

**Commission Ruck** inquired if we were removing the last sentence, preponderance..... Elaine Hengen recommended that it be placed back in to avoid any confusion.

**MOTION TO APPROVE AS AMENDED MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*6.13-7 Hearing Officer*

*A. The Hearing Officer shall have the power to establish appropriate procedures for the conduct of the hearing, issue subpoenas to compel the attendance of witnesses, make appropriate findings during the course of a hearing, prepare written recommendations to the Commission, and such other powers and duties as set forth in the Rules.*

*B. The principles established in Section 6.13-6 will apply equally to hearing officers.*

**MOTION TO APPROVE MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER SCHWARTZ AND PASSED WITH ONE OPPOSITION BY COMMISSIONER GRAHAM.**

*6.13-8 Subsequent Action*

*Upon receipt of the Hearing Officer's opinion and recommendations where applicable, the Commission will review the written record of the hearing, review any written briefs or oral arguments which the parties are permitted by the Commission to submit in accordance with the Rules, and take one of the following actions:*

*A. Accept or modify the Hearing Officer's recommendations; or*

*B. Remand the matter to the Hearing Officer for development of such additional facts and findings as the Commission deems necessary. Consistent with the remand, the Hearing Officer must conduct an additional hearing and render a further opinion or recommendations for its further action pursuant to this provision.*

**MOTION TO APPROVE MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

~~6.13-9 Referral of Charges by Citizens – Eliminated~~

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

*6.13-9 Constitutional Rights*

*Nothing in this Charter shall be construed as denying or abridging any constitutional right of appeal.*

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

At this time Joyce Wilson announced that the Commission was basically done. **Chair Boureslan** questioned 6.14-1 Definitions and why we had to take them out of the Charter. Elaine Hengen explained that she studied each definition and found that some of these terms were not even used in the Charter. We replaced some terms with "the City Manager", and the rest of them define the obvious. These terms can be better addressed in the Rules.

(Discussion)

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

Chair Boureslan reminded that we still need to rule on 16.15-2. Now revised to 16.15.

*16.15 Existing Laws and Constitutionality*

*All Civil Service Charter Amendments, including those of 1917, 1935, 1943, 1968, 1977, and 1981, respectively, and all existing Charter provisions pertaining to Civil Service are hereby repealed, and all ordinances, or parts thereof, in anywise conflicting or inconsistent with this Charter or any of the provisions hereof are hereby expressly repealed. However, the adoption of this Charter will in no wise affect the rights of person whose appeals are pending before the Commission or in the courts at the time of its adoption. Such appeals and other pending matters may be decided by the Commission or other appropriate tribunal in the light of the provisions of the previous Civil Service amendment or amendments.*

**Commission Ruck** reminded that we still have 6.1-6 that we are waiting for management to re-word. Joyce Wilson added that some wording has already been revised for 6.1-6D. Failure by Council..... which was the one we took out that you wanted left in. Chair Boureslan requested Ms. Wilson read back 6.1-6D. Ms. Wilson read "Failure by Council to approve, amend or deny the Commission's changes within 60 days after Council receipt, shall result in their automatic adoption. In the event of disagreement, the Council may amend or deny the Commissions changes only by a 2/3 majority of the Council. Commissioner Ruck

stated that he kept hearing the word "amend" in there and it does not belong. They do not have the right to amend. They can reject it or accept it. Ms. Wilson agreed to take the "amend" out in both instances and this will be the new "D" under Council Action.

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.**

Now going back to section 6.1-8 Jurisdiction. Joyce commented that Elaine needed more time to consider legal consequences. We will take everything that we did tonight, the changes.... And will send you electronically as quickly as possible a revised copy and we will talk to Charlie about how we can add the language in so that you will have it in time to review and react to before we post it for the meeting next week. We will have it out by the close of business on Friday.

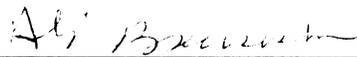
**Chair Boureslan** requested that Ms. Wilson just e-mail the proposed language of the item still missing so we can approve it on the next meeting on the 14<sup>th</sup>..... on the binding issue. Elaine Hengen announced that she would have the whole thing ready by Friday. Joyce Wilson also stated that she would send an e-mail to all employees letting them know that we met until 11 o'clock and reaches consensus on revisions and that we will have a clean document posted on Monday.

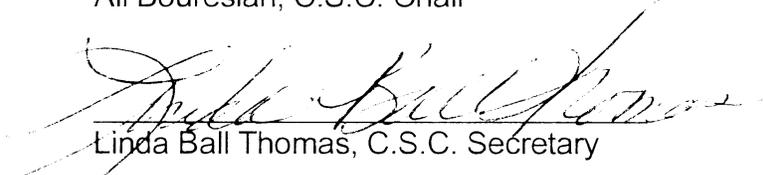
The Civil Service Commission may retire into Executive Session pursuant to Civil Service Commission Rule 1, Section 11(a) and the Texas Government Code, Section 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Commission may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.). The Commission will return to open session to take any final action

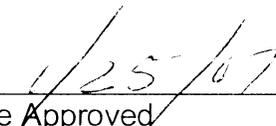
Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.074 PERSONNEL MATTERS

**MOTION TO ADJOURN MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

Meeting Adjourned at 11:13 p.m.

  
\_\_\_\_\_  
Ali Boureslan, C.S.C. Chair

  
\_\_\_\_\_  
Linda Ball Thomas, C.S.C. Secretary

  
\_\_\_\_\_  
Date Approved