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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, JUNE 9, 2005  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

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MEMBERS PRESENT:           Boureslan, Ali  
  Ellis, William - Chair  
  Graham, Elijah  
  Martinez, Ramy  
  Peña, Andrew  
  Ruck, Lance  
  Schwartz, Elma  
  Scott, Valerie

MEMBER ABSENT:            Gezelius, Ken

**ALSO PRESENT:**

Bond, Terry – CSC Secretary/HR Director  
Buening, Rosy – CSC Recorder  
Cole, Daryl – Street Dept.  
Cross, Paul – Police Dept.  
Cuellar, Lupe – Asst. City Attorney  
Gilyard, Roy – Metropolitan Planning Organization  
Hengen, Elaine – Asst. City Attorney  
Scott, Terry Lee – Mass Transit  
Thomas, Linda – HR Asst. Director  
Wilson, Joyce – City Manager

The meeting convened at 6:04 p.m. with a quorum of 8 Commissioners present and Chair Ellis presiding.

**CONSENT AGENDA**

Ms. Bond advised of a revision to Item 2A, the contract should read Assistant to the Transportation Planning & Programs Manager and it is for the Metropolitan Planning Organization rather than the Mayor's Office. In Item 2B, the ending date should be "through the term of the representative" instead of through June 13, 2007.

Commissioner Ellis requested that Item 2B be moved to the Regular Agenda.

Chair Ellis requested that Items 1, 2A and 5A be moved to the Regular Agenda.

**MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.**

1.       Discussion and Action on Approval of Minutes:

May 12, 2005 (Tabled 05/26/05)

*This item was addressed at the beginning of the Regular Agenda.*

Chair Ellis said he wasn't able to read the minutes before the meeting.

**MOTION TO TABLE ITEM 1 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

2.       Discussion and Action on Approval of Contracts:

- A.       Personal Services Contract with Salvador Gonzalez-Ayala to perform the duties of Transportation Planning & Programs Manager from July 1, 2005 through June 30, 2007, for the Mayor's Office.

*This item was addressed at the beginning of the Regular Agenda.*

Chair Ellis asked if the City was the only entity remunerating Mr. Gonzalez-Ayala.

Roy Gilyard, Executive Director of the MPO, stated that Mr. Gonzalez was paid with 100% federal funds and he was not getting paid through any other organization.

MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

- B. Personal Services Contract with Irma Mendoza to perform the duties of Executive Secretary/Aide from June 14, 2005 through June 13, 2007, for Mayor's Office.

*This item was addressed at the beginning of the Regular Agenda.*

Commissioner Ruck asked if a certificate was available for Ms. Mendoza's education as stated on her resume as far as the International Business College.

Ms. Bond said she didn't have her file but was aware that she was qualified as an Administrative Assistant which was equivalent to the proposed job for Ms. Mendoza.

Commissioner Ruck said he had compared the two job specifications and they were very different. The provision in the contract that bothered him the most was the one that reads "Employee will retain all benefits of Civil Service status, and will be eligible for all increases afforded to the classified services." He said that this was a Secretary I who was being made an Executive Assistant/Aide, and it seemed that this contract was going to give Ms. Mendoza a two or four year leave of absence in violation of the CSC Leave of Absence rule. He said he knew of no contract that would allow this and asked how this was fair to the other Secretary I's in the City. He also wondered what provision allowed council members to appoint whoever they wanted. He knew that the Mayor had that right through the Charter but couldn't find where council members could do that also. It was his understanding the budget allowed each representative one Secretary III and one Secretary I and suggested Ms. Mendoza be transferred to the 10<sup>th</sup> floor as a Secretary I then work her out of class at a higher grade.

Ms. Bond said that she couldn't be transferred as a Secretary I because she would be performing at a higher level.

Joyce Wilson, City Manager, stated that this incumbent was the former Executive Secretary to the Mayor several administrations ago and when the new administration came in she was demoted into an available position which happened to be a Secretary I, thus she lost standing. She said that a precedent was set during the last Mayor and City Council where they didn't necessarily have to have Civil Service secretaries that had been on the 10<sup>th</sup> floor for sometime, they were allowed to bring in new people through contract. She said she encouraged the new administration to use experienced classified employees.

Elaine Hengen, Asst. City Attorney, stated that an extension of a Leave of Absence was specifically contemplated in Rule 13, Section 1, "A leave of absence may be requested because of acceptance of a position in the exempt class of the City service." The rule contemplates the leave of absence for this specific type of reason.

Chair Ellis asked what "exempt class of the city service" meant.

Assistant City Attorney Lupe Cuellar said that was referring to Unclassified positions, Section 6.6-5.

Discussion.

Assistant City Attorney Lupe Cuellar told the Commission that questioning the minimum qualifications of incumbents is within the Commission's purview but what a City Representative needs for his district is not inside the purview. She suggested they keep their questions reference the specific contract. She also

agreed that the provision in the contract "Employee will retain all benefits of Civil Service status, and will be eligible for all increases afforded to the classified services," should not be there.

Ms. Hengen said the last draft of the contract does not have this stipulation. She said that the copies of the revised contract given to the Commission right before the meeting was not the last draft.

Discussion.

Ms. Bond assured the Commission that Ms. Mendoza was qualified because she reviewed her qualifications personally.

Chair Ellis requested they retire into executive session for legal advice.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

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 The Commission retired into Executive Session at 6:40 p.m. to discuss Item 2B, and reconvened for Open Session at 6:57 p.m.  
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MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

Chair Ellis stated that they had resolved that as far as the operation of Rule 13, Section 1, enables what is sought to be accomplished by the item before them.

Discussion.

MOTION TO APPROVE ITEM 2B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ BUT FAILED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Peña, Martinez, Schwartz

Nays: Commissioners Graham, Boureslan, Scott, Ruck

3. Discussion and Action on Approval of Applications for Outside Employment:

- A. Candelaria - Jose - Police
- B. Collazo - Diana - Purchasing
- C. Henderson - Sylvias - Museum
- D. Hernandez - Laura - Police
- E. Jordan - Rick - Police
- F. Messer - Erik - Police
- G. Ramirez - Justin - Fire

4. Notice of Promulgation of Eligible Lists:

- A. Police Sergeant = Promulgated 05/11/05 (Corrected P-25)
- B. Library Information Specialist I = Promulgated 05/19/05 (P-13)(CR-1)(O-16)
- C. Sprinkler System Installer/Repairer = Promulgated 05/09/05 (P-7)
- D. Budget Specialist = Promulgated 05/23/05 (P-8)(CR-1)(O-5)
- E. Business and Financial Manager = Promulgated 05/23/05 (O-1)
- F. Fire Battalion Chief = Promulgated 05/23/05 (Corrected P-14)
- G. Laboratory Analyst = Promulgated 05/23/05 (O-4)
- H. Safety Technician = Promulgated 05/23/05 (P-3)(O-2)
- I. Traffic Controls Planning Supervisor = Promulgated 05/23/05 (P-1)
- J. Water Utilities Engineer Associate = Promulgated 05/23/05 (P-1)(O-1)
- K. Water Utilities Engineer = Promulgated 05/23/05 (P-1)(O-1)

L. Land & Contract Representative = Promulgated 05/31/05 (P-1)(O-4)

5. Discussion and Action on Approval of Classification Actions:

New Job Class/Revised Job Class/Revised Job Class & Grade/Revised Job Class, Title & Grade

	<u>Title</u>		<u>Code</u>	<u>Grade</u>
A. Official:	Civil Engineer III	5813.....	PM 80	
Proposed:	Same .....		Same .....	Same (Tabled 05/26/05)

*This item was addressed at the beginning of the Regular Agenda.*

Chair Ellis asked if this was related to the contract that was approved for six months so that someone could perform a job that is going to be covered by the Civil Engineer III revised job specification.

Ms. Bond advised that a contract was approved for someone to supervise some construction programs. She reminded the Commission that as she had explained at the last meeting they are talking apples and oranges. This change to the job specification is to include some duties that would be covered by that individual as well but it is not the same job. The contract is separate from this revision in the specification.

Daryl Cole, Street Director, stated that the contract approved last time was for the paving of unpaved alleys and overseeing some unpaved right of ways which were approved as part of the bond election. This current revision is totally separate from that previous contract.

Commissioner Boureslan raised a question last week because a non-engineer does not have the expertise to do engineer duties.

Mr. Cole said that the contract approved was for a specific job for a specific time. He detailed the work for the contract employee and detailed the work for this job specification and said they were totally separate.

Discussion.

MOTION TO APPROVE ITEM 5A MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

B. Official:	Art Museum Registrar .....	9351 .....	PM 70
Proposed:	Art Museum Registrar .....	5117 .....	PM 73

5.5. Discussion and Action on Approval of placement of incumbents into reclassified positions:

	<b>Title</b>	<b>Code</b>	<b>Grade</b>
Official:	Museum Preparator.....	5119.....	PM 73
Proposed:	Art Museum Registrar .....	5117 .....	PM 73
	Ryden, Michelle D.		

6. Discussion and Action on request to have name placed on Reinstatement List:

Bailon, Alfredo – Auto Technician II – Fleet Services

7. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:

- A. Mayor & Council – Magaña, Connie – Administrative Assistant
- B. Mayor & Council – Quintana, Aurora – Administrative Assistant

8. Discussion and Action on Request for Temporary Promotion:

- A. Kaprosy, Michael – Police Dept.  
From: Police Sergeant  
To: Police Lieutenant

- B. Parra, Antonio – Street Dept.  
From: Parking Meter Service Worker  
To: Parking Meter Service Supervisor
9. Discussion and Action on Approval of Hearing Officer's Invoice:
- A. Palafox, Patricia – Dated 06/01/05 – May 2005 .  
B. Cross, Roberta B. – May 2005
10. Discussion and Action on Request for Extension of Eligible Lists for an additional six months: .
- A. Auto Service Worker I – Extended through 12/16/05  
B. Trades Helper – Extended through 12/27/05

#### REGULAR AGENDA

11. Discussion and Action on Civil Service Commission policy regarding transfer of cases between Hearing Officers.

Commissioner Ellis said that occasionally the need arises for a case assigned to a Hearing Officer to be heard by another Hearing Officer. There have also been times when several employees from the same department have been disciplined for the same incident and those cases have been assigned to the same Hearing Officer to economize on time, money and resources. He believed the Hearing Officers should have the authority to transfer cases amongst themselves without having to come before the Commission so long as the Hearing Officers are in agreement.

Assistant City Attorney Lupe Martinez said there was currently one individual with two disciplines assigned to different Hearing Officers, the first a suspension and the second a termination. The individual has expressed a desire to have one Hearing Officer hear both cases. She agreed that if the Hearing Officers had the authority to transfer cases amongst themselves without having to come back to the Commission it would be more efficient.

Commissioner Ruck believed they should follow the procedure previously established by the Commission which was for those requests to come back to the Commission. He said it wouldn't delay the cases for more than two or three weeks.

Discussion.

Chair Ellis told Ms. Martinez that if an appellant wanted to merge two cases then the item would have to be brought before the Commission for approval.

Ms. Martinez said she would make sure the pending case appeared on the next agenda.

**MOTION TO DELETE ITEM 11 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.**

12. Discussion and Action on the employment of outside legal counsel for the Commission.

Elaine Hengen, Assistant City Attorney told the Commission that the City Attorney's Office agreed that there was a conflict of interest in their office representing the Commission while also representing the City. She said that in a moment of over zeal to help the Commission Ms Elizondo sent out a letter to attorneys in the community, but this was only done to help the Commission.

Chair Ellis said that the Commission should be able to recruit for its own attorney because including the City Attorney's office in this search carries the conflict of interest even further. He also asked Ms. Cuellar if she had been keeping tabs of her time as to how much time she dedicates to Commission. He asked if she could give an estimate of how much time she spends on Commission matters.

Assistant City Attorney Lupe Cuellar said they have a timekeeping system where they log the time they spend on their work but she couldn't say how much time she spent on Commission matters. She believed the City Attorney would be reviewing how much time she has spent on Commission matters for the past couple of years.

Chair Ellis said that maybe the Commission should review her hours since they are the ones that needed the outside counsel. He also believed there shouldn't be a cap on the amount of time the outside counsel could work.

Elaine Hengen, Assistant City Attorney, advised that when the City uses outside counsel they do ask for a government rate which is usually considerably less than they would charge on the open market. She also added that contracts do have caps and if the need arises to go over the cap they address the situation at that point, which is what would be done for the Commission also.

Joyce Wilson, City Manager, said that the City Attorney became anxious primarily because of the conflict over the policy that recently was approved by before City Council. She said there was no urgency if the Commission was satisfied with their current situation, the City Attorney only felt that she had a responsibility to at least present this to the Commission as an alternative.

Commissioner Boureslan believed that a conflict of interest should occur between the Commission, the City Attorney's Office and management. They all needed to keep track they all worked for the same City and he believed Ms. Cuellar has done an excellent job of separating herself when she is representing the Commission. He said the Commission per the Charter was charged with being fair, not pro-management, not pro-employee, just fair. He believes that the Commission is the conscience of the City and hoped that everybody kept that in mind.

Ms. Wilson concurred 100%.

Chair Ellis said that for those whose institutional history goes back far enough, there have been a couple of instances where the City has actually filed suit against this Commission so sometimes things can happen that nobody anticipates. He said he had advised the Commission Recorder to place this item on the agenda at every meeting until further notice in case this discussion was needed since it couldn't be discussed if it wasn't posted.

Commissioner Ruck said he agreed with Ms. Wilson in that there was no urgency in most instances, however, this may not be one of those instances. He believed that they should interview candidates and at least formulate a list in case the Commission's attorney is suddenly removed from them, that way the Commission will be prepared to move forward.

Discussion.

**MOTION TO DELETE ITEM 12 MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER RUCK (the motion failed, no Ayes).**

Chair Ellis advised that several people contacted him and told him that they had been contacted by the City Attorney's office. He said he had spoken to the following people who said they would be interested; Daniel Gonzalez, Stewart Forbes, Chris Borunda, Tom Spieczny, John Batoon and Cori Harbour. He said he also contact Enrique Moreno who said he did not want to be considered.

**MOTION THAT THE SIX NAMED ATTORNEYS BE INCLUDED ON AN INITIAL LIST AND THAT THE CHAIR PROVIDE THE LANGUAGE FOR A LETTER TO SEND TO THESE INDIVIDUALS ASKING IF THEY WOULD BE INTERESTED AND IF THEY WOULD LIKE TO INTERVIEW, MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED WITH 1 ABSTENTION.**

Abstain: Commissioner Ali Boureslan

Chair Ellis said the he agreed with part of the information that went out from the City Attorney's Office. They had suggested \$150 per hour, which he believed, was reasonable. He said that if the Commission

did hire an attorney it wouldn't mean that the attorney would be at the meetings all the time, it would just mean that the attorney would be available in case Ms. Cuellar was "conflicted out" for some reason and couldn't perform as the Commission's attorney.

Discussion on whether a committee should be appointed and it was decided that the Commission as a whole conduct these interviews at a special meeting before a regular meeting, possibly around 4 p.m., the Commission authorized the Chair to send a letter out.

Assistant City Attorney Lupe Cuellar suggested to the Commission that they also have the candidates send in their resumes beforehand so the Commission could review them before the actual interviews.

MOTION TO TABLE ITEM 12 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

13. Discussion and Action on Civil Service Commission Recorder desk audit and duties that should be assigned to the position.

Chair Ellis told Ms. Wilson that the Commission had read her report reference the audit.

Joyce Wilson, City Manager, said this report was generated subsequent to the special meeting that focused on a number of issues including a policy coming forward whereby the Commission required that any discipline for the Recorder be approved by 2/3 of the Commission. While management objected to having Commission approval of any City employee, the result was a concern of hers not knowing whether or not the position was even a full-time position and whether or not the Recorder could be doing other duties outside of the Commission duties. The outcome of that audit was that the position was no more than ¾ of a full time position. Ms. Wilson elaborated on the report and said she really didn't intend to do anything with the report since it was an informational report, except to come back to the Commission and look at opportunities to maybe change some of the policies and procedures that might reduce some of the paperwork and reporting requirements that the recorder processes such as Outside Employment Applications and Merit paperwork.

Discussion.

Chair Ellis said that as far as the minutes are concerned, a couple of years ago the Commission decided it was important to have detailed minutes for several reasons. City employees have no way of knowing what is going on if they can't attend the meeting unless they have access to the minutes. If the minutes are reduced to basically an agenda with votes, nobody really knows what happened at the meeting or what the reasoning processes were. More significantly, the Commission won't know what happened at a meeting if they don't have detailed minutes. He pointed to the backup for Item 11 of tonight's agenda, saying that those detailed minutes gave the Commissioners insight as to when and why the Commission did what it did in 1999 and 2004. Without that kind of detail they wouldn't have that information. He said that in real time nobody has the time to sit down and listen to a meeting to try to figure out where a particular item is. He believed it would be unwise for them to take a leap backwards and go to some other form of minutes. He pointed out that the last CSC meeting video stream was not even available. Chair Ellis reviewed and asked questions reference some of the figures presented in the report by Ms. Wilson.

Ms. Bond explained that the figures cited for processing appeals entailed HR staff time to process the appeal (i.e., meeting with the appellant numerous times, might involved numerous conversations, the backup has gotten larger and larger through the years since the backup provided. She said she was looking at best practice and her research comes from other cities that have Civil Service Commissions and those that don't and appeals of this type stop at either the department or the City Manager and do not come forward to a Commission.

Commissioner Boureslan commented that saving money is good. However, if the employees didn't have the avenue of coming to the Commission, the cost might far exceed the current costs if these items went to court instead. He said that efficient government didn't mean that everything had to stop at the management level. He reiterated his earlier comment that the Commission was the conscience of the City being that they were "non-partisan" in that they weren't pro-management or pro-employee. This is

why each individual issue was looked at on its own merits and decided accordingly by the Commission. He believed the Commission was saving the City tons of money in the long run. He said that they can try to cut everything to the bare necessities but they would not progress as a City. Commissioner Boureslan agreed with Ms. Wilson that they can revisit rules and policies that need amending.

Assistant City Attorney Lupe Cuellar said that this audit was good in the sense that there are rules and policies and processes that have been in existence for many years. The Commission can take a look at these to see if they need revising or updating. She said that they could look at merits and outside employment applications being handled another way so long as an appeal process is available to the applicants.

Ms. Wilson said it would never be her intent to deny any due process or appeal to employees. She advised that there was actually a work group comprised of employees and managers that will be looking at some of these older rules and policies and plans to bring their recommendations on possible changes to these older rules to the Commission for their consideration. She said this was not intended to be critical, it was just an analysis.

Discussion.

Deputy Chief Cross, Police Department, stated that the quarterly reports are compiled by a secretary in their office who gets all the data from the officers.

Ms. Wilson said they were losing the point, she believed they should just have a general policy where people who have outside employment just declare they do outside work and that it is not in violation or conflict with their duties.

Chair Ellis said when this rule was being discussed there were no objections or dissenting comments.

Ms. Bond said there was dissent at the meeting because it came from her. She believed these quarterly reports for outside employment were onerous and unnecessary. She said it was her opinion that since this is a CSC requirement the employees could not be required to do this on their off time, they would have to do this on paid time.

Discussion.

Ms. Wilson said they could just be silent on it and have a general ethics policy that says that you can't do anything that brings harm or dishonor or conflict to your position and if you do you're subject to termination.

Commissioner Boureslan suggested to Ms. Wilson to present that proposal to the Commission by placing it on the agenda.

Ms. Wilson said she would really like that.

Commissioner Graham told Ms. Wilson that he sat on the Rule 29 committee and said that every aspect of that rule was covered by management, employees, Ms. Bond and anybody else that wanted to have input in drafting it and making it come to its present form that it has now. He said any objections that Ms. Bond had were addressed and then she agreed to it like everyone else that sat in that room. He said they made a decision and now they needed to make it work.

Ms. Wilson stated it was a bad rule.

Deputy Chief Cross said that the system in place now was quite laborious.

Commissioner Ruck suggested that if management wanted the Commission to be an advisory board only that they place the item for the voters to decide.

**MOTION TO DELETE ITEM 13 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

14. Discussion and Action to remove Terry Bond as Secretary of the Civil Service Commission and to appoint a successor. (Tabled 05/26/05)

MOTION TO TABLE ITEM 13 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Peña, Graham, Martinez, Scott, Ruck

Nays: Commissioner Boureslan, Schwartz

15. Discussion and Action on Report from Committee regarding Performance Evaluation of:

Garcia, Victor H. – Coach Operator – Mass Transit

Commissioner Ruck read the recommendation as follows: "It is therefore the committee's recommendation that the appeal of Victor H. Garcia's performance evaluation for the reporting period ending 02/24/05 be denied."

MOTION TO APPROVE ITEM 15 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

16. Discussion and Action on General Services Employee Performance Evaluation Manual reference Section II, C.2.

Commissioner Ruck stated that while on the committee for the performance evaluation appeal they were referring to the General Services Employee Manual. He pointed out that the manual Section II.C.2. still has performance evaluations being done every six months although the rules say performance evaluations will be done annually. Also, the last time the manual was updated was in 1996. Additionally, the issue of a new beginning date on evaluations for employees who have been absent for a considerable length of time needs to be addressed, he believed employees who have been absent for long periods of time need to have their seniority dates readjusted. He believed the manual needed to be updated so there would be no confusion.

Ms. Bond advised that presently there are two Performance Evaluation manuals, one for General Services employees and one for Professional/Managerial employees which is also used for the Executive staff. She said the manuals were almost identical therefore they wanted to combine them into one. There are other revisions that need to be made addressing the City Manager, the Director of Public Works, etc. She said they wanted to make these revisions and bring them back before the Commission for review.

MOTION TO DELETE ITEM 16 MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

17. Discussion and Action on grievance filed by:

Olvera, Martha – Inadequate Safety Inspections of Sun Metro Units and Failure to Release Public Information

Ms. Olvera was present and showed the Commission a video of the broken driver's seat she was talking about on her grievance.

Assistant City Attorney Lupe Cuellar reminded the Commission that a grievance must contain a statement from the grievant which says which rule is being broken or which right is being violated, she didn't believe this grievance contained that information and suggested the Commission ask the Ms. Olvera for it.

Ms. Olvera stated that she was given a fraudulent inspection of the unit when she injured herself on 07/24/04 therefore being required to work under unsafe conditions.

Assistant City Attorney Lupe Cuellar believed that Mass Transit had a policy where employees could voice their concerns and go through a process concerning bus drivers reporting defects that they find on the buses. Also, Ms. Olvera believes someone might have violated the Open Records act by failing to turn over documents. This is not within the Commission's purview; she needs to contact the Attorney General about this issue.

Terry Lee Scott, Director of Mass Transit, stated that it was brought to their attention that the seat was down. The qualify control manager checked the vehicle and the seat and stated that the seat was okay on July 29, 2004. Mr. Scott advised that these buses are checked annually and they also have maintenance inspections. He said the drivers are responsible for checking the buses before they leave the yard and are subject to discipline if they leave in an unsafe bus. If there is a problem with the bus during a route the maintenance guys go out and repair them.

Chair Ellis asked if the bus was working safely today.

Mr. Scott said it was checked today and it was working.

Commissioner Ruck asked if other drivers had complained about this seat.

Mr. Scott said there were three and he responded to all of them.

The Chair believed this grievance was moot since the problem was fixed.

Ms. Olvera stated that the seat was working properly now but advised that it had barely been repaired last month.

**MOTION TO DENY ITEM 17 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.**

18. Discussion and Action on promulgating an eligible list for Civil Service Commission Recorder.

Chair Ellis believed that late last year when dealing with the contract for the Commission Recorder there was some discussion about promulgating an eligible list. He asked if there was currently a process to promulgate an eligible list and how long that process would take and if there would ever be a list for Commission Recorder.

Ms. Bond said she didn't recall the discussion because the contract was for one year and there was no current process for promulgating such list, this process would take approximately three months. She said that if the Commission wanted the process to commence they would go forward with that.

Assistant City Attorney Lupe Cuellar asked if they wanted them to advertise for the position and have a list promulgated but still work under contract.

Chair Ellis said he knew the end of the contract was coming up and he didn't know if the Commission preferred that the position be perpetually contracted or that it should be like it used to be, an unclassified employee.

Commissioner Ruck didn't see any reason for a list, his intention was to renew the contract of the current Recorder. He asked if the current recorder would have to test for the position if they recruited for it.

Ms. Bond said yes.

Commissioner Schwartz said she didn't see any harm in getting a list put together just to have one in case it was needed.

Chair Ellis just wanted to make sure this was done with dispatch, he didn't want the end of the contract to come up and there not be an eligible list.

MOTION TO CREATE AN ELIGIBLE LIST MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Peña, Martinez, Boureslan, Schwartz, Scott  
Nays: Commissioner Graham, Ruck

19. Discussion and Action on availability of certain Commission back-up materials to City employees.

Chair Ellis said he placed this item on the agenda because there has previously been discussion about making CSC materials available to employees and the public. He stated that these items were available on the City Portal but believes they are no longer available.

Ms. Bond said they were available. She also advised that she has been in contact with Mr. Montoya, the IT Director, and he is in the process of trying to make all of these items easily available to the employees as well as the public.

MOTION TO DELETE ITEM 19 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER BOURESLAN SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 9:21 P.M.

  
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WILLIAM J. ELLIS, C.S.C. CHAIR

  
\_\_\_\_\_  
TERRY BOND, C.S.C. SECRETARY

**C.S.C**

DATE APPROVED JUN 23 2005