

SUMMARY OF PROCEEDINGS

CIVIL SERVICE COMMISSION – COUNTY OF KERN
1115 Truxtun Avenue
Bakersfield, California 93301

Special Meeting
Tuesday, October 27, 2020
4:00 p.m.

THIS MEETING WAS CONDUCTED TELEPHONICALLY AND IN-PERSON

PRESENT: Commissioners Agbalog, Holt, Oliver, Price, and Rose

ABSENT: None

OTHERS: Maria Murbach, Eric Nesbitt, Brian Van Wyk, and others.

NOTE: Ag, Ho, Ol, Pri, and Ro are abbreviations for Commissioners Agbalog, Holt, Oliver, Price, and Rose. For example, Ho/Pri denotes Commissioner Holt made the motion and Commissioner Price seconded the motion. The abbreviations “ab” means absent and “abd” abstained.

COMMISSIONER ACTION IS SHOWN IN CAPS AFTER EACH ITEM

President Agbalog called the meeting to order at 4:02 p.m. Commissioner Secretary took roll call and stated that President Agbalog and Commissioner Rose were participating in the meeting virtually and Vice President Holt, Commissioners Oliver and Price were participating in person.

President Agbalog announced about Governor Newsom’s Executive Order N-29-20 issued on March 18, 2020. He asked Commission Secretary Maria Murbach if any public emails or comments had been received and she stated none had been received.

PUBLIC SESSION

1. **Public Presentations**

None

2. **Grand Jury Response and Associated Rule 1800 Revisions: APPROVED GRAND JURY RESPONSE; Pri/Ol – all ayes**

DIRECTED STAFF TO CIRCULATE PROPOSED CS RULE 1800 REVISIONS TO DEPARTMENT HEADS AND TO UNION REPRESENTATIVES; Pri/Ro – all ayes

Brian Van Wyk, Deputy County Counsel, provided an overview of the Grand Jury Response. Mr. Van Wyk provided an overview of the proposed Civil Service Rule 1800 Revisions.

Mr. Van Wyk explained that a concern was brought to his attention about the second portion of the requested action for this item which stated to direct staff to meet and confer with employee representatives re Rule 1800. He would ask only that the Grand Jury response be approved this evening, that the portion about directing staff to meet and confer with employee union representatives be tabled to a later date, and any discussions that your Commission has about the associated Rule 1800 remain.

President Agbalog thanked Mr. Van Wyk and asked the Rule 1800 ad hoc committee members to provide information relating to this matter.

Vice President Holt stated that Mr. Van Wyk provided a good explanation of the way the ad hoc committee discussed the points on the Grand Jury response and the proposed CS Rule 1800 revisions. He stated that the burden of proof is on the complainant and at the end of the 75 days the investigation timeline should have some sort of either a resolution or agreement of extension.

Commissioner Price stated that he agreed and while he appreciates the Grand Jury stating that CS Rule 1800 needs to be changed a certain way, there are several things that need to be considered along with California law requirements. He stated he appreciated Commission staff's work on this and knows that some of the title language on the CS Rule 1800 also needs some revisions.

President Agbalog stated that the action items are compounded and would like to divide the action question. Commissioner Price made the motion to divide the action request and Commissioner Rose seconded the motion. Motion approved. President Agbalog stated that the Commission did not any take action on the item, but only divided the question and opened to the public for comment. No public comment.

President Agbalog asked for a motion to approve the Grand Jury Report. Commissioner Price motioned to approve, and Commissioner Oliver seconded the motion. The motion was approved.

President Agbalog stated he would like to circulate the proposed changes to CS Rule 1800 to the department heads and the union representatives and receive their feedback. He would like the ad hoc Committee to meet once the feedback is received by the Commission Secretary. Commissioner Price agreed and motioned to circulate the proposed CS Rule 1800 draft to department heads and union representatives for feedback due by November 13, 2020 at which time the feedback to be shared with Vice President Holt to share with the ad hoc committee to determine if they will be added to the proposed changes. Motion seconded by Commissioner Rose. The motion was approved.

3. Commission Member Presentations or Announcements

None

President Agbalog announced he would be disconnecting from the public session portion of the meeting and Vice President Holt would then preside over the Closed Session portion of the meeting.

Adjourn to Closed Session: at 4:28 p.m., the Commission adjourned to closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of public employees and/or to hear complaints or charges brought against employees by another person or employee.

CLOSED SESSION (Government Code § 54957)

4. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's Office) – Case No. 2019-0013; **NO REPORTABLE ACTION**
5. Reconvened from Closed Session; Vice President Holt adjourned the meeting at 8:37 p.m. to Regular Meeting to be held on Monday, November 9, 2020 at 5:30 p.m.