

CITY OF NEWPORT BEACH OFFICE OF THE CITY ATTORNEY

DATE: February 9, 2010

TO: Honorable Chair and Charter
Update Commission

FROM: Office of the City Attorney
David B. Hill, City Attorney

MATTER: Charter Update Matters: 2009/10;
A09-00673

RE: Civil Service System Background and Current Status



1. Civil Service Foundational Documents.

The City of Newport Beach's civil service system is founded upon the provisions of Article VIII of the City's Charter. It is then filled out by two other sets of regulations, Newport Beach Municipal Code ("NBMC") Chapter 2.24 and the Civil Service Rules and Regulations ("Rules"). Each set of regulations has a different role in carrying out the fundamental purpose of the civil service system.

The provisions of Article VIII of the Charter are not long. In essence they simply direct and enable the creation of a civil service system for the City by ordinance and require that all full time, regular and permanent positions within the Police and Fire departments be in that system. (Art. VII, sections 802 and 803.) They go on to exclude from the system elected officials, the City Manager and any Assistant City Managers, the City Attorney and any Assistant City Attorneys, the City Clerk, Director of Finance, City Engineer, all Department Heads, all employees of the Library Department, including the Librarian, and appointed board members and commissioners and temporary employees. (Art. VIII, section 802.) The membership of the civil service system has never been added to. Positions may only be removed from the system by a vote of the people. (Art. VIII, section 803.)

The balance of the system is created and defined by NBMC Chapter 2.24. This chapter of the Municipal Code was adopted by a vote of the people in 1958 as Ordinance No. 866. The Civil Service rules were then adopted by the Council in order to flesh out the system and provide a uniform means of addressing issues arising under the civil service system. The Rules may address issues not governed by the Civil Service Ordinance or the Charter, but may not be inconsistent with the Charter or the Ordinance. We have attached

for your convenience copies of the Charter provisions, the Civil Service Ordinance, and the Civil Service rules.

2. Purpose and Function of the Civil Service System.

The purpose of the Civil Service system is set forth in Municipal Code Section 2.24.030 as being "to establish an equitable and uniform procedure for dealing with personnel matters; to attract to the City service the most competent persons available; to assure that the appointment and promotion of employees will be based on merit and fitness; and to provide reasonable security for employees." The Civil Service Board ("Board") is created as the oversight body that administers the system and assures that the purpose of the system is carried out.

The Board achieves its mission by performing four functions. It:

- (1) Oversees the recruitment process for all civil service employees, as well as performing a role in the selection of the Police Chief and Fire Chief and acts as an appellate body for recruitment related issues as needed;
- (2) Acts as a discipline appeals board, reviewing any decision to discipline civil service employees and also for non-civil service employees under the City's Employee Policy Manual that are appealed to its level;
- (3) Conducts investigations as requested either by the City Council, the City Manager, or an organized employee's association within the system;
- (4) Oversees the system as a whole and makes recommendations to the City Council and any changes it believes are appropriate.

(NBMC section 2.24.030.)

The Board meets monthly to address and take action on the above issues as needed.

3. Current Status.

The Civil Service Ordinance has not been changed since its original adoption in 1958. The law governing public personnel matters, however, has changed dramatically within the state. This evolution is reflected in a staff report recently provided to the Board at its January 3, 2010 meeting. In addition, there are several recommendations for modification of the system pending. These pending modifications are set out in a staff report recapping the issues that was presented to the Board at its February 1, 2010 meeting. We have provided copies of these staff reports in the background materials presented with this memorandum.

These reports were presented to the Board in order to assist it in developing a consensus on a recommendation on how to proceed with respect to this Charter Update Commission's role. The Board is still in discussions on that issue. It is clear, however, the Board will recommend maintaining the civil service system. It is not clear what, if any, modifications it will recommend to the system beyond those it had previously proposed.

4. Conclusion.

Presently the civil service issues are scheduled to come before you in March. We are providing this information so you can "get a jump" on this rather large task. We are available to answer questions at any time if you have them. Please feel free to contact me or other staff at your convenience with any questions you may have.

DRA

Attachments - Folder of Background Materials

Cc: Civil Service Board (w/o Attachments)
Terri Cassidy, Human Resources Director and Secretary to the Civil Service Board
(w/o Attachments)
Cathy Standiford, Project Manager (w/ Attachments)
Leilani Brown, City Clerk (w/ Attachments)

[A09-00673] - Commission from Hunt re Civil Service Background