



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Effective Date of Appointment of  
New Civil Service Commissioner

**DATE:** January 16, 2009

## BACKGROUND

At the Commission meeting of January 14, 2009, the Commissioners discussed future hearings of the Commission and the impact of any possible appointment of a new Commissioner for the Commission. The purpose of this memorandum is to forward a request by the Civil Service Commission that the Council make any appointment of a lawyer member to the Commission effective March 1, 2009 so that the current Commission may hear and determine cases that it has already scheduled in January and February, 2009.

## ANALYSIS

The Civil Service Commission consists of five members, one of which is required to be a lawyer. The lawyer member serves as the hearing officer in disciplinary appeals, conducting pre-hearing conferences and making all evidentiary determinations with regard to the hearings. The Council is considering the appointment of a new lawyer member to replace the current lawyer member whose term expired and was interim extended.

The Civil Service Commission had previously scheduled hearings in January and February 2009 before the Council received applications for the lawyer position. At its meeting yesterday, the Commission noted that it has a hearing the evenings of January 20 and 21, 2009, which the new Commissioner could not attend, and another three-day hearing during the third week of February, which is also already scheduled. With the understanding that the Council may appoint a new Commissioner on January 20, the Commission at its January 15 meeting tentatively set dates for three hearings in March, which the parties were notified could be changed at the Commission's March 5 meeting if the Council appoints a new Commissioner on January 20.

The Commission asked our office to request Council to make the effective date of the new Commissioner's appointment March 1, 2009, in order to provide a smooth transition between hearing officers and in consideration of the currently scheduled hearings in January and February. The current hearing officer, who has already

HONORABLE MAYOR AND CITY COUNCIL

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Page 2

engaged in pre-hearing matters with the parties, would continue to the conclusion of these matters. This would also insure due process because the hearings would occur in a timely manner with no changes in the membership of the Board during the conduct of any of the hearings.

### **CONCLUSION**

Civil Service Commission recommends that the Council's appointment of the new lawyer commissioner to the Civil Service Commission be made effective March 1, 2009, in order to allow the current Commission to complete hearings that have already been scheduled for January and February 2009. Hearings that have been tentatively scheduled for March 2009 may be rescheduled at the Civil Service Commission's March 5, 2009 meeting in order to accommodate the new Commissioner's calendar.

RICHARD DOYLE

City Attorney

By

  
Vera Todorov

Senior Deputy City Attorney

cc: Debra Figone  
Lee Price  
Civil Service Commission