

**RULES OF PROCEDURE
OF THE PERSONNEL COMMISSION
OF THE CITY OF WATSONVILLE**

1. **PURPOSE.** To establish rules under which the Commission may conduct its procedure and decorum with reasonable and fair treatment to all persons appearing before it.

2. **QUORUM.** For all meetings of the Commission, a quorum shall be a majority of the total authorized membership of the Commission. No action shall be taken in the absence of a quorum, except that a lesser number of members may continue a meeting from time to time until a quorum is present.

3. **AGENDA.**

(a) The Agenda for regular meetings shall normally include the following:

- (1) Roll Call
- (2) Approval of Minutes
- (3) Personnel Director's Report
- (4) Old Business, including items expressly carried over from prior meetings
- (5) New Business
- (6) Oral Communications
- (7) Adjournment

(b) The Chairperson may direct that the order of the Agenda may be altered for any particular meeting, or that any particular item on the Agenda be taken out of order, when in his opinion such change is desirable.

(c) Closed session may be called at the discretion of the Personnel

Director.

4. **MINUTES OF MEETINGS.** The Commission shall keep action minutes of its meetings and make them available to the public (City Council Resolution 41-92 (CM)). Minutes shall be signed by the Personnel Director and by the Chairperson, or by the person serving as Personnel Director or Chairperson at a particular meeting.

5. **CHAIRPERSON AND DUTIES.** A Chairperson shall be elected each November by the Commission from among its members, for a term to begin the following January. The Chairperson shall preside at all meetings of the Commission, shall execute for the Commission any documents requiring such execution, shall perform such other duties as the Commission shall from time to time provide.

6. **VICE-CHAIRPERSON.** The Vice-Chairperson shall be elected each November by the Commission from among its members, for a term to begin the following January. The Vice-Chairperson shall in the absence of the Chairperson perform any duties of the Chairperson.

7. **VACANCY.** Should a vacancy occur for any reason in the office of the Chair or Vice-Chair prior to the next annual election of officers, a special election shall be held to fill that office for the duration of the unexpired term.

8. **PERSONNEL DIRECTOR.** The Personnel Director shall act as secretary to the Commission. The Personnel Director shall prepare the Agenda and administer the affairs of the Commission.

9. **READING OF MINUTES.** Unless the reading of the minutes of a Commission meeting is requested by a majority of the Commission, such minutes may be approved without reading if the Personnel Director has previously furnished each member with a copy thereof.

10. **RULES OF DEBATE.** The Chairperson may second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on the Commission and shall not be deprived of any of the rights and privileges of a Commissioner by reason of their acting as Chairperson.

11. **ADDRESSING THE COMMISSION.** Any person desiring to address the Commission shall first secure the permission of the Chairperson so to do; provided, however, that under public hearing or oral communication, unless the Chairperson rules otherwise, any qualified and interested person shall have the right to address the Commission upon obtaining the recognition of the Chairperson.

12. **VOTING.** Any vote of the Commission may be by voice vote, except that upon demand of any member, either prior or subsequent to any vote, such vote of the Commission shall be by roll call.

13. **ORDER OF HEARING EMPLOYEE APPEALS.** To implement Section 2-4.12 of the Watsonville Municipal Code, the conduct of hearings by the Commission shall be:

- (a) The Department Head or their representative may make the first opening statement.
- (b) Appellant may elect to make an opening statement immediately after the Department Head's or their representative's opening statement or reserve the right to make an opening statement until after the presentation of the case in chief of the Department Head.
- (c) The Department Head or their representative shall present evidence and their witnesses upon conclusion of the opening statements or after waiver of opening statements.

- (d) The Appellant may then state their case by presenting their testimony, the testimony of witnesses and other evidence on their behalf.
- (e) If the Appellant does not testify on their own behalf, the Department Head may call and examine Appellant as an adverse hostile witness.
- (f) The Department Head or their representative may then offer rebuttal evidence.
- (g) The Appellant may then offer surrebuttal evidence.
- (h) At the conclusion of evidence, unless waived, the Department Head or their representative will present closing argument.
- (i) The Appellant may then present, unless waived, their closing argument.
- (j) The Department Head or their representative may then conclude, unless waived, the argument.
- (k) Upon conclusion of the evidence and argument, the matter will be taken under advisement for a decision by the Commission.

14. CONDUCT OF HEARINGS.

- (a) All documentary records shall be filed with the Commission as part of its record.
- (b) Pre-hearing statements may be filed with the Commission no later than seven (7) days prior to date set for a hearing.
- (c) The Commission may make, or cause to be made, such independent investigation of the matter as it may deem necessary, which result shall be made a part of the record of the proceeding and the employee shall be given the opportunity, at the hearing, to answer or present evidence in opposition to the findings of such independent investigation.

- (d) The employee shall appear personally unless physically unable to do so at the time and place of hearing, and such employee may be represented by any person or Attorney as they may select.
- (e) All witnesses shall first be sworn.
- (f) Examination of each witness shall proceed in the following phases: direct examination, cross-examination, redirect examination, recross-examination, and continuing thereafter by redirect and recross-examination.
- (g) Rebuttal matter not repetitive may be allowed at the discretion of the Chairperson of the Commission, whose decision may be overridden by a majority vote of the Commissioners present.
- (h) Hearings shall be closed to the public unless the Appellant in writing requests an open hearing.
- (i) The Appellant and the Department Head are entitled to call as many witnesses as they believe necessary to establish respective claims or defenses, subject to the power of the Commission to limit the number who may be heard on any one issue so as to avoid repetition and redundancy.
- (j) Strict rules of evidence that are obtained in Courts are not to be enforced and any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
- (k) Evidence in the form of affidavits shall serve only as hearsay, and affidavits may be admitted to evidence upon stipulation of the parties or

waiver by failure to object.

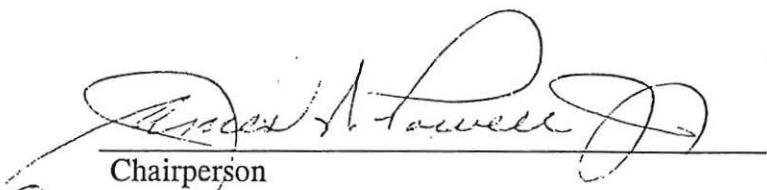
- (l) Hearsay may be received only to supplement or explain other direct or circumstantial evidence and no finding shall be made upon hearsay evidence alone. Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.
- (m) The Commission may at the outset limit the number of witnesses permitted by the Appellant and the Department Head to avoid repetitive evidence, or may set the time limit for the presentation of all evidence by each side.
- (n) The Commission shall, within ten (10) days after conclusion of the hearing prepare written findings and render its decision in writing to the Appellant and to the City Manager, as provided in Section 2-4.12(d) of the Watsonville Municipal Code.
- (o) The general form of finding and recommendations shall be as set forth in Exhibit "A" attached to these Rules of Procedure.
- (p) The Personnel Director shall not represent a City Department other than their own.
- (q) That all exhibits and documents used by witnesses be introduced into evidence and marked as Exhibits. All decisions of the Chairperson relating to evidentiary and procedural matters shall be final unless such decision is overruled by a majority of the Commissioners present.

PASSED AND ADOPTED this 25th day of August, 1994, by the
following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

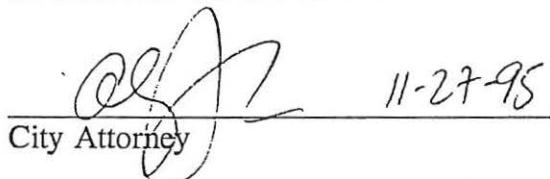


Michael J. Lawrence

Chairperson

ATTEST: Larry B. Smith
Personnel Director

APPROVED AS TO FORM:



11-27-95

City Attorney

Pertinent portions of Government Code sec 3254(b) and 3254.5

Cal. Gov't. Code sec. 3254(b). Punitive action or denial of promotion on grounds other than merit shall not be undertaken by any employing department or licensing or certifying agency against any firefighter who has successfully completed the probationary period without providing the firefighter with an opportunity for administrative appeal.

Cal. Gov't. Code sec. 3254.5. An administrative appeal instituted by a firefighter under this chapter shall be conducted in conformance with rules and procedures adopted by the employing department or licensing or certifying agency that are in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

