



**MUNICIPAL CIVIL SERVICE COMMISSION
MINUTES**

**SPECIAL CALLED MEETING
Friday, November 8, 2019**

The Municipal Civil Service Commission convened in a regularly scheduled meeting on Friday, November 8, 2019 at the HRD Learning and Research Center, 5202 E. Ben White Blvd., Suite 500, in Austin, Texas.

Vice-Chair Rogers called the Commission meeting to order at 9:56 a.m.

Commissioners in Attendance:

Pamela Lancaster, Chair
Melissa Rogers, Vice-Chair
Rebecca Eisenbrey
Teresa Perez-Wiseley

Commissioners Absent:

Lottie A. Dailey

Staff in Attendance:

April Shaw, Municipal Civil Service Coordinator
Matthew Chustz, Municipal Civil Service Coordinator
Ngoc Thai, IT Network Administrator, Sr.

1. CITIZENS COMMUNICATION: GENERAL

Carol Guthrie addressed the Commission regarding an item that she previously brought to the Commission during Citizens Communication on September 9, 2019, an appeal that was deemed ineligible. Ms. Guthrie stating everything has been resolved regarding this issue.

2. APPROVAL OF MINUTES

- a. Approve the minutes from the Municipal Civil Service Commission regular meetings on October 28, 2019.**

The minutes from the October 28, 2019 regular meeting were approved on Vice-Chair Rogers' motion, Commissioner Perez-Wiseley's second on a 3-0 vote, with Chair Lancaster off the dais.

3. HEARING

- a. Conduct a hearing on the appeal filed by Tim Jackson regarding their Denial of Promotion from the Watershed Protection Department.

A hearing was conducted on the appeal filed by Tim Jackson regarding their Denial of Promotion from the Watershed Protection Department.

- b. Deliberate in open session or closed session, pursuant to 551.074 of the Texas Government Code (personnel exception), on the appeal filed by Tim Jackson regarding their Denial of Promotion from the Watershed Protection Department.

Chair Lancaster recessed the Municipal Civil Service Commission meeting to go into closed session at 4:30 p.m.

The Commission deliberated in closed session on the appeal filed by Tim Jackson regarding their Denial of Promotion from the Watershed Protection Department.

Closed session ended and Chair Lancaster called the Municipal Civil Service Commission meeting back to order at 5:00 p.m.

- c. Possible action and decision on the appeal filed by Tim Jackson regarding their Denial of Promotion from the Watershed Protection Department.

The motion to deny Tim Jackson's appeal and uphold the decision made by the City of Austin in the Denial of Promotion of Tim Jackson was approved on Vice-Chair Rogers' motion; Chair Lancaster's second on a vote of 2-2, with Commissioners Eisenbrey and Perez-Wiseley voting nay.

Per Municipal Civil Service Rule 7.09.G., in the event of a tie vote, the party with the burden of proof, Tim Jackson, is deemed to have not met their burden and the Appeal is denied.

4. NEW BUSINESS

- a. Discussion and possible action regarding updates to the Texas Open Meetings Act and implications to the Municipal Civil Service Commission Meetings.

Discussion was held regarding updates to the Texas Open Meetings Act and implications to the Municipal Civil Service Commission Meetings. The Commission directed their attorney to draft revisions to the MCS Commission Bylaws and bring them to a future Commission meeting.

- b. Discussion and possible action on a recommendation to Council regarding decisions made by the Municipal Civil Service Commission where a Denial of Promotion or Discharge were granted or modified.

Carol Guthrie addressed the Commission regarding this item and sought clarification on its intent.

Discussion was held on a recommendation to Council regarding decisions made by the Municipal Civil Service Commission where a denial of promotion or discharge were granted or modified.

The motion recommending City Council direct the appropriate City official to review granted denial of promotion and discharge appeals, gather data, and report the findings of the review back to the Commission, was approved on Chair Lancaster's motion, Commissioner Eisenbrey's second, on a 4-0 vote. Those members voting aye were: Chair Lancaster, Vice-Chair Rogers, Commissioners Eisenbrey and Perez-Wiseley. Commissioner Dailey was absent.

- c. Discussion and possible action regarding the process to address attendance issues on the Municipal Civil Service Commission.

Discussion was held regarding the process to address attendance issues on the Municipal Civil Service Commission.

The motion recommending City Council remove Municipal Civil Service Commissioner Lottie A. Dailey from the Commission for Cause was approved on Chair Lancaster's motion, Commissioner Eisenbrey's second, on a 4-0 vote. Those members voting aye were: Chair Lancaster, Vice-Chair Rogers, Commissioners Eisenbrey and Perez-Wiseley. Commissioner Dailey was absent.

5. OLD BUSINESS

- a. Discussion regarding potential edits to the Municipal Civil Service Rules

Discussion was held regarding potential edits to the Municipal Civil Service Rules. The Commission requested this item remain on their agenda.

- b. Discussion and possible action on future meeting dates, times, and locations.

Discussion was held regarding future meeting dates, times, and locations.

The December 13, 2019 Special Called meeting of the Municipal Civil Service Commission was cancelled on Commissioner Perez-Wiseley's motion, Vice-Chair Rogers' second, on a vote of 3-1, with Chair Lancaster voting nay.

6. EXECUTIVE SESSION

The Municipal Civil Service Commission did not go into Executive Session, pursuant to Chapter 551.071 of the Texas Government Code, to receive advice from Legal Counsel.

- a. Discuss legal issues related to item 4.a., discussion and possible action regarding updates to the Texas Open Meetings Act and implications to the Municipal Civil Service Commission Meetings. (Private consultation with legal counsel – Section 551.071 of the Government Code).
- b. Discuss legal issues related to item 4.b., discussion and possible action on a recommendation to Council regarding decisions made by the Municipal Civil Service Commission where a Denial of Promotion or Discharge were granted or modified. (Private consultation with legal counsel – Section 551.071 of the Government Code).

7. FUTURE AGENDA ITEMS

The Commission requested potential edits to the Municipal Civil Service Rules return on the next agenda.

ADJOURNMENT

Chair Lancaster adjourned the meeting at 5:52 p.m. with no objections.