

**CITY OF SAN ANTONIO
OFFICE OF THE CITY MANAGER
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

TO: Mayor and City Council

FROM: Sharon De La Garza, Director, Human Resources Department

COPIES TO: Management Team Members; Andrew Martin, City Attorney

SUBJECT: Proposed Resolution for Municipal Civil Service Commission Resignation

DATE: September 23, 2004

SUMMARY AND RECOMMENDATIONS

A resolution requesting that each member of the Municipal Civil Service Commission (not including alternate members) submit a resignation, as requested by the Governance Committee.

BACKGROUND

The Municipal Civil Service Commission consists of a three (3) member board to include a designated chairperson. Each member serves a term of two (2) years and can be re-appointed up to a maximum of three (3) terms. In addition, there are three alternate Commissioners to serve in the absence of a regular Commissioner in the event that a quorum (which consists of two members) cannot be attained.

The Commission's purpose is to hear the appeals of City of San Antonio employees in the classified civil service who have been suspended, demoted or terminated from their positions. The Commission has the authority to make investigations, if necessary, and to report to the City Council and City Manager its findings, conclusions, and recommendations. The Commission can also issue subpoenas and subpoena *duces tecum* to witnesses where reasonably necessary to obtain pertinent evidence.

The Commission is supported by the Human Resources Department, with one Human Resources Analyst assigned as acting Executive Secretary responsible for preparation of minutes and providing interpretation of administrative directives and personnel policies, and one Administrative Assistant to schedule and coordinate hearings, including coordination of evidence disclosure materials and issuing of subpoenas to relevant witnesses. The City Attorney's Office is also responsible for providing counsel to the Commission, currently done through outside counsel, as well as an Assistant City Attorney to present cases to the Commission on behalf of City departments.

The current Commission is comprised of the following members:

1. Isidro Cardenas – Chairperson (Appointed 08-21-03 / Term Expired 06-06-04)
2. Davis Soto – Vice-chairperson (Appointed 08-21-03 / Term Expires 06-06-05)
3. Henrietta LaGrange (Appointed 02-12-04 / Term Expires 06-06-05)

Alternate members include the following:

4. Roman Peña – Alternate Member (Appointed 02-13-03 / Term Expires 06-06-05)
5. Grace Hernandez – Alternate Member (Appointed 02-13-03 / Term Expired 06-06-04)
6. Mary Ellen Rodriguez – Alternate Member (Appointed 04-17-03 / Term Expired 06-06-04)

Those commissioners and alternates whose terms expired on June 6, 2004 continue to serve until new appointments are made.

Over the past eleven months, concerns regarding the impartiality or objectivity of Commission members have arisen. On April 29, 2004, the City Council discussed these concerns in executive session, and asked for a thirty-day review of the Commissions' performance. On May 26, 2004, an external legal advisor was retained to provide the Commission legal guidance, and a training session was conducted to refresh members of the Commission's duties and responsibilities. Due to various hearing postponements and cancellations, the Commission met only seven times during the months of May and June 2004. On June 30, 2004, a letter was sent to the Commissioners from Mayor Garza, outlining the City Council's concerns about board impartiality and decorum, and advising the members of the thirty-day review. In response to that letter, Commissioners LaGrange and Soto sent a letter to the Mayor on July 15, 2004, requesting "...to be informed of the behavior and performance issues that you and the City Council have been informed about and which actions taken have caused you and the Council concerns."

Mayor Garza's response letter of August 5, 2004 reiterated concerns about impartiality and fairness in the hearing of cases and evidence presented, stating "Our concerns center on reliable sources of information that the Commission's apparent inability to remain impartial, the inappropriate questioning and the raising of issues on behalf of one party or another." The letter further stated that the Human Resources Department and the City Attorney's Office would be reporting on the Commission's performance and conduct to the Governance Committee. That Committee met on September 1, 2004, and asked staff to bring forward for discussion during executive session a resolution requesting the resignation of each member of the Municipal Civil Service Commission.

This resolution was first placed on the September 9, 2004 City Council agenda. At that meeting, the Mayor and City Council directed that the resolution be moved to the September 23, 2004 City Council Agenda, during which each commission member will be invited to discuss their performance with the Mayor and City Council in Executive Session, prior to the vote on the resolution.

POLICY ANALYSIS

The primary mission of the Municipal Civil Service Commission is to objectively hear classified civil service employee appeals regarding a disciplinary demotion, a suspension, or a removal and to report in writing to the City Manager its findings and recommendations. Therefore, it is vital that the appointed members remain impartial and objective when presented with facts and evidence in employee hearings, listen respectfully to both cases presented and render decisions on the facts available, and not demonstrate either pro-employee or pro-management tendencies.

FISCAL IMPACT

There are no additional resources allocated with this resolution.

COORDINATION

The resolution was coordinated with Human Resources Department, the City Attorney's Office, and members of the Governance Committee.

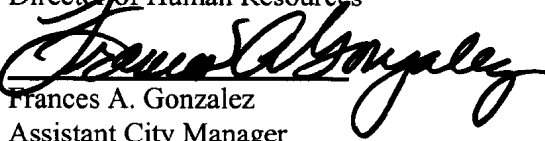
SUPPLEMENTAL COMMENTS

Currently, the Municipal Civil Service Commission's caseload is scheduled through October 15, 2004. As a result of moving the resolution to the September 23, 2004, all scheduled hearings for the weeks of September 13th and September 20th have been postponed.

SIGNATURES



Sharon De La Garza
Director of Human Resources



Frances A. Gonzalez
Assistant City Manager

APPROVED:



Terry M. Brechtel
City Manager