



Consider Urgency Item VI. I

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MEMORANDUM

To: Fresno COG Policy Board

FROM: Barbara Goodwin, Executive Director *BG*
Kevin Briggs, Legal Counsel

SUBJECT: Personnel Action Appeal

Summary:

An appeal from a personnel action came to the attention of the Executive Director after the posting of the agenda. The COG Employee Manual specifies that an employee may appeal the Executive Director's decision to the COG Budget Committee. The Budget Committee is not presently constituted and there is a need to fill the positions on the Budget Committee to serve as the appellate body for the personnel action. Given the length of time before the next meeting, there is a need for immediate action. This item may be added to the agenda upon finding that (1) the matter came to the attention of the COG after the posting of the agenda, and (2) there is a need for immediate action. On a two-thirds vote, the matter may be added to the agenda. (Government Code § 54954.2 (b)(2))

The existence of a Budget Committee is not mandated by our Joint Powers Agreement or our By-Laws, but did exist in the past, primarily to review budget items, Overall Work Program items, and conduct direct negotiations with COG staff. It also served, if needed, as an appeal committee as specified in our Employee Manual. The Board no longer conducts direct negotiations with COG staff, having appointed the Executive Director as their agent in such matters. Also, in the late 1980's (when we were meeting at the EOC offices) attempts to hold a Budget Committee meeting prior to a Board meeting meant non-Budget Committee members were not allowed in the meeting room, in order to not violate our quorum requirement. We could research this further as to specifics (minutes, etc.) but the outcome was that instead of holding separate Budget Committee meetings, all budget issues were simply dealt with by the entire Policy Board during its regular meeting. The Budget Committee was only reconstituted if a personnel appeal issue arose, to comply with our Employee Manual. That is the case now.

Historically, our Budget Committee was 7 members, but actually no number of participants was specified, so the Policy Board has discretion as to the size of the Budget Committee to be formed.

Action Required: Form a Budget Committee to hear the personnel action appeal. A mutual date and time will then be set for the hearing.

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County