



City of Culver City

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Staff Report

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Item #: A-2.

CC - Discussion and Consideration to (1) Form an Equity and Human Relations Commission; (2) Introduce an Ordinance Amending Culver City Municipal Code Section 3.02.010 "City Manager" of Chapter 3.02, and Amending Chapter 3.03 Pertaining to City Commissions, to Create an Equity and Human Relations Commission and Discontinue the Civil Service Commission; (3) Direct the City Manager to Conclude the Civil Service Commission Activities By June 30, 2020; and (4) Provide Other Direction to Staff, as Appropriate.

Meeting Date: October 28, 2019

Contact Person/Dept: Serena Wright-Black/Administrative Services
Lisa Vidra /City Attorney's Office

Phone Number: (310) 253-5640

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Action Item:

Attachments: Yes No

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (10/23/19); Civil Service Commission (10/23/19); Cultural Affairs Commission (10/23/19); Parks, Recreation and Community Services Commission (10/23/19); Planning Commission (10/23/19)

Department Approval: Serena Wright-Black, Assistant City Manager (10/21/19)

RECOMMENDATION

The City Council Equity Subcommittee recommends the City Council discuss and consider (1) forming an Equity and Human Relations Commission; (2) introducing an Ordinance amending Culver City Municipal Code (CCMC) Section 3.02.010 "City Manager"; and amending CCMC Chapter 3.03 pertaining to City Commissions, creating an Equity and Human Relations Commission and discontinuing the Civil Service Commission; (3) directing the City Manager to conclude the Civil Service Commission activities by June 30, 2020; and (4) providing other direction to the City Manager, as deemed appropriate.

BACKGROUND

The City of Culver City first created a Human Relations Commission in 1969 as a response to the Los Angeles Watts Riot. In 1978, it was merged with the Parks and Recreation Commission to form the Human Services and Parks Commission (now "Parks, Recreation and Community Services (PRCS) Commission"). The PRCS Commission retained oversight related to human relations activities, in addition to its other responsibilities pertaining to public recreation, parks, recreation/community center facilities, open space and tree programs.

On November 12, 2018, the City Council received a request from a Culver City community work group ("Work Group") to consider forming a stand-alone Human Relations Committee ("Committee"). The Work Group recommended that a Committee be created and empowered to encourage and improve intergroup relations. In summary, the submitted proposal (Attachment 1) requested that the Committee's powers and duties include, but not be limited to:

- Improving intergroup relations regardless of race, religion, gender, ability, etc.;
- Promoting and celebrating diversity and inclusion;
- Preventing intercultural tension, bullying, incidents of hate, etc.;
- Reviewing and recommending related policies;
- Facilitating community dialogue and training pertaining to human relations;
- Providing alternative reporting options for complaints of discrimination.

On January 28, 2019, the City Council discussed the concept of forming a Human Relations Commission and directed the Council Equity Subcommittee ("Subcommittee") to further explore the creation of such commission, including the potential resources that would be needed. In addition, the Subcommittee was given the task to review the duties and responsibilities of current commissions, committees and boards to avoid duplication of efforts, ensure that staff and fiscal resources are utilized efficiently and that these other bodies are still relevant and necessary to City governance.

DISCUSSION

Since February 2019, staff and the Subcommittee have met regularly to study the concept of establishing a Human Relations Commission. As part of the research, staff and the Subcommittee reviewed various documents from other Southern California based Human Relations Commissions, spoke with the Executive Director of the Beverly Hills Human Relations Commission and met with representatives of the Los Angeles County Human Relations Commission as well as with the Work Group. Joint meetings were also held with ad hoc subcommittees from the City's Civil Service Commission, Disability Advisory Committee and PRCS Commission, to better understand each bodies' area of responsibility in relation to the potential function of a Human Relations Commission.

Many of the Human Relations Commissions from other cities that were reviewed focused on preventing, addressing and reducing discrimination, increasing cultural tolerance and understanding, and promoting civil and human rights. The Subcommittee reviewed those responsibilities in light of the proposal submitted by the Work Group. Also, as part of its review, the Subcommittee considered: 1) the structure and function of existing commissions, committees and boards; 2) the 2006 City Charter amendment changing the City to a City Manager/City Council form of government; and 3) the social environment and needs of the City. It should be noted that the Charter amendment was

intended to streamline the management of the City under the policy direction of the City Council and the operational management of a City Manager. The Charter does not mandate that specific Commissions be established; rather it allows the City Council to create Commissions by ordinance. With those points in mind, the Subcommittee is recommending the following:

Equity and Human Relations Commission

The Subcommittee recommends that the City Council approve the creation of an Equity and Human Relations Commission (EHRC), to be operative effective July 1, 2020. As detailed in the attached proposed Ordinance, the EHRC will be comprised of nine members and be responsible for advising the City Council and City Manager on policies, programs and activities which promote positive human relations and equitable outcomes for all community members and reduce discrimination and intercultural tension. Some specific tasks and responsibilities are likely to include:

- Hold community conversations, listening sessions and training on matters pertaining to discrimination, diversity and inclusion, cultural competency and racial equity
- Analyze and provide periodic updates to the City Manager on reported claims of discrimination related to City programs, facilities and services; and recommend related policies to City Council as appropriate
- Coordinate and promote activities related to the City's participation in the Government on Race and Equity (GARE), My Brother's Keeper (MBK) and other equity programs
- As an alternative for the public, receive and track complaints concerning perceived discriminatory interactions between City employees and the public.

Civil Service Commission

The Civil Service Commission's (CSC) powers and duties are codified in CCMC Section 3.03.100. Specific responsibilities have been delegated to the CSC in the Civil Service Rules, which are adopted by City Council Resolution. The CSC's powers and duties are as follows:

- A. Act in an advisory capacity to the City Council on matters pertaining to the Civil Service System;
- B. Hear appeals or grievances of any officer or employee under the Civil Service System who is suspended, demoted or removed and report in writing its findings and conclusions;
- C. Examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of the City and attested by the City Clerk; and
- D. Recommend new or amended Civil Service Rules consistent with the City Charter and Civil Service System, holding public hearings thereon before presentation to City Council for approval.
- E. Periodically, at the discretion of the City Council, make a study of salaries being paid by other public and private agencies, in order to ascertain whether the salaries being paid City employees for similar work are comparable, fair and reasonable and make recommendations with respect thereto

the City Council;

F. Perform such other duties with respect to the Civil Service System, not inconsistent with the City Charter or this Code, as may be prescribed by ordinance, resolution, City Council policy or other City Council action.

The Subcommittee is recommending that the Civil Service Commission be discontinued effective June 30, 2020, and its administrative duties be reassigned to the City Manager or designee. In other jurisdictions, administrative duties and responsibilities, as described below, are typically a delegated function of the City Manager in a Council-Manager form of government. The City Manager is authorized by Charter Section 700 with responsibility for the supervision and administration of all City departments.

If the Civil Service Commission were to be discontinued, the procedures below in relation to these administrative duties would be revised accordingly.

- Job Classifications (Class Specs) - The CSC currently has the authority to recommend and make final approval on Class Specs. This is done after Human Resources (HR) staff develops or amends the class spec, in coordination with the affected departments, and meets with the represented bargaining unit. The CSC is also authorized to hear employee appeals related to new or revised class specs.
- Job Bulletins - Job Bulletins are reflective of the class spec, and also includes examination components that have been discussed and agreed upon with bargaining unit representatives
- Eligibility Lists - The CSC approves the extension of an existing eligibility list for one additional year. However, the department head has the ability to terminate the list under certain conditions.
- Anti-Nepotism Policy - Employees adversely affected by the Anti-Nepotism Policy may appeal such decision to the CSC.
- Lay Off - The CSC approves Displacement and Seniority Lists and may also hear related grievances.
- Employee Recognition - The CSC provides public acknowledgement of outstanding awards and recognition approved by the City Manager.
- Civil Service Rule Amendments - The CSC conducts public hearings related to revisions of the Civil Service Rules and makes recommendation of changes to the City Council.

Staff conducted a survey of our established 13-city labor market. Of the 13 cities, five cities have a civil service commission or personnel board (collectively "Board"). The Boards of three of the five cities function as a hearing body for appeals in addition to having administrative authority to approve class specs and/or bulletins. The remaining two Boards function solely as a hearing body. The other eight cities do not have a commission or board. In those cities, the administrative duties described above are a function of the Human Resources Department or City Manager's office.

The CSC's most significant role and responsibility is that of a hearing body. They are empowered to hear employee disciplinary appeals, consisting of a one-day suspension or greater, and unresolved grievances. In accordance with the Civil Service Rules, the CSC can hear and make rulings on disciplinary appeals and grievances or delegate the hearing to a hearing officer. When the hearings are outsourced to a hearing officer, the CSC makes its ruling based upon the findings and recommended decision of the hearing officer. The CSC's decision is final and binding. The City or the employee may seek judicial review in Superior Court pursuant to California Code of Civil Procedure, Section 1094.5, which pertains to administrative hearings.

Over the last 10 years, the CSC has issued rulings on eight disciplinary appeals; two of which were heard by an outside hearing officer. There have been no grievance appeal hearings within the last 10 years.

Should the City Council determine to discontinue the Civil Service Commission, staff proposes that the City consider contracting with the Los Angeles (LA) Civil Service Commission or use an independent hearing officer through the California State Mediation and Conciliation Service (SMCS) to hear disciplinary appeals and grievances.

The cost of using the LA Civil Service Commission is \$4,035 per hearing. This includes administrative support services (e.g. equipment, facilities, logistics, etc.), and the Commission's review of the hearing officer's findings and recommendation. There is an additional \$150 per hour fee for the hearing officer, plus an additional fee to prepare the written report. The report fee can range from \$900 to 5400 depending upon the number of hearing days.

Hearing officers obtained through SMCS cost, on average, approximately \$2,000 per day. This is typically inclusive of preparation, research, hearing the appeal and writing the opinion.

It should be noted that with either option, LA Civil Service Commission or SMCS, the City would still obtain legal representation for the department. However, administrative and additional legal support for the LA Civil Service Commission or SMCS would not be required, unlike with the existing CSC. It is also anticipated that the number of hearing days would be reduced because both options include full 8-hour hearing days. Currently, the CSC hearings take place in the evenings for approximately 3 hours. Thus, hearings would be more expeditious and efficient, with fewer schedules to coordinate.

The Subcommittee is recommending that the CSC continue to meet on an as needed basis to perform limited duties (i.e. administrative functions, etc.) and assist with any issues related to the unwinding of the body, through June 30, 2020. Consistent with the winding down of the duties of the CSC, commencing on October 28, 2019, any disciplinary appeal or grievance that arises prior would be assigned to a hearing officer through the LA Civil Service Commission or the SMCS. In addition, the Subcommittee recommends that procedures be put in place where CSC members may be offered and given priority consideration to vacant seats on other City commissions, committees and boards. Any subsequent appointment would result in the CSC member being provided with a new term with the new body.

PRCS Commission

The Parks, Recreation, and Community Services Commission's powers and duties are codified in

CCMC Section 3.03.300 and are as follows:

- A. Act in an advisory capacity to the City Council and City Manager on matters pertaining to public recreation, parks, recreation/community center facilities, open space and tree programs, where such trees are located in parks and open space, playgrounds, and music and entertainment as may from time to time be performed in the City's parks;
- B. At the direction of the City Council or the City Manager, assist staff assigned to review the requirements of the City for facilities relating to the functions set forth in division A., and to make recommendations related to the adoption and updating of City master plans relating to parks, recreation, and open space;
- C. At the direction of the City Council or the City Manager, recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life, without regard to race, religion, gender, sexual orientation, age, or national origin;
- D. At the direction of the City Council or the City Manager, recommend and support program policies relating to various community service functions of the City, including, but not limited to, programs for youth, teens, seniors, and people with special needs;
- E. At the direction of the City Council or the City Manager, balance program and project recommendations by applying realistic expectations of budgetary and staffing resources, environmental sustainability, neighborhood compatibility, and other relevant factors; and
- F. Perform such other duties, not inconsistent with the City Charter or this Code, as may be prescribed by ordinance, resolution, City Council policy or other City Council action.

The Subcommittee is recommending that Section 3.03.300.C be removed from the purview of the PRCS Commission and that this responsibility be delegated to the proposed Equity and Human Relations Commission.

Other Proposed Duties/Responsibilities/Activities Pertaining to All City Bodies:

- Allow non-citizens and individuals age 16 and older, with parental consent, to be considered for appointment to City Commissions, Committees and Boards;
- Offer childcare at all Commission, Committee and Board meetings, as well as City Council meetings. This would require that children be toilet trained and registered at least 24 hours prior to the start of the meeting;
- All elected and appointed officials participate in ongoing training and development related to racial equity, harassment, and diversity and inclusion;
- All elected and appointed officials participate in training related to Ethics, Conflict of Interest, and Sexual Harassment.

FISCAL ANALYSIS

If the City Council determines to create an Equity and Human Relations Commission and elects to conclude the Civil Service Commission, the projected annual cost increase would be approximately \$7,500. This includes a stipend for four (4) additional commissioners, above what is already budgeted, and the anticipated expenses associated with equity and human relations related training,

events and outreach activities. No additional budget for personnel would be required. Staff support currently allocated to the Civil Service Commission would be reassigned to support the Equity and Human Relations Commission.

There would also need to be a budget established to account for childcare supervision. The rate ranges from \$15.96 to \$22.08 per hour.

A budget amendment is not required at this time. A budget request will be brought to City Council for consideration and approval during the normal annual budget cycle.

ATTACHMENTS

1. 2019-10-28_ATT 1 - Summary Proposal to Establish a Human Relations Committee
2. 2019-10-28_ATT 2 - Proposed Ordinance

MOTION

That the City Council:

1. Discuss and consider the recommendation from the Equity Subcommittee to create an Equity and Human Relations Commission;
2. Introduce an Ordinance amending Culver City Municipal Code Section 3.02.010 "City Manager" of Chapter 3.02, and amending Chapter 3.03 pertaining to City Commissions, to create an Equity and Human Relations Commission and Discontinue the Civil Service Commission;
3. Direct the City Manager to conclude the Civil Service Commission activities by June 30, 2020; and
4. Provide other direction to staff, as deemed appropriate.