

**1. ROLL CALL AND GREETING OF VISITORS**

The meeting was called to order by Chair Ognyanovich at 3:33 p.m.

Commissioners Present: Chair Kathrina Ognyanovich, Jayanti Addleman, Billy DeBerry, Freda Escobar, Robert Greene, Kay Kirkland, Virgil Schwab

Commissioners Absent: Martha Chavarria, Maria Castillo, Alejandro Hogan, Fred Garcia, Betty Lusk; all were excused.

Guests and Staff Present: Lew Bauman, County Administrative Officer, Deputy County Counsel Stacy Saetta, Equal Opportunity Officer David Medrano, Administrative Secretary Elisa Cantu

**2. PUBLIC COMMENTS**

There were no public comments.

**3. REVIEW AND APPROVAL OF MINUTES**

Commissioner DeBerry moved to approve the draft minutes of the May 20, 2009 meeting; seconded by Commissioner Addleman. The minutes were approved.

**4. DEPARTMENT EQUAL EMPLOYMENT OPPORTUNITY PRESENTATION – LEW BAUMAN, COUNTY ADMINISTRATIVE OFFICER**

Lew Bauman, County Administrative Officer, was introduced. Mr. Bauman stated that the largest role in the Administrative Office is to provide assistance and advice to the Board of Supervisors through coordination of the county operations and response to county-wide issues requiring resolution. The Administrative Office prepares the County's annual budget document and represents the Board of Supervisors with other agencies, the state, and federal government. Divisions within the Administrative Office are responsible for areas such as budget/finance, intergovernmental relations, legislative coordination, human resources, risk management/benefits, employee development/training, emergency services, and contracts/purchasing. As the County Administrative Officer, Mr. Bauman is also responsible for those departments who are not directed by elected officials or appointees of the Board of Supervisors.

Mr. Bauman stated that the Administrative Office is committed to hire, retain, and employ a diverse workforce. The Administrative Office has exceeded the goals set forth in the Monterey Plan for Equal Access to Employment and Contracting Opportunities (the Plan) in all of their job categories. In the job category Management II, the goal as listed in the Plan is 30 percent whereas the Administrative Office is at 66.6 percent. In the category of Management I, the goal is 22 percent; the Administrative Office is at 50 percent. In Professional-Administration, the goal is 31 percent; the Administrative Office is at 34 percent. In Paraprofessional, the goal is 44.9; the Administrative Office is at 50 percent. In Office-Clerical, the goal is 45.8 percent; the Administrative Office is at 81.25 percent. The turnovers listed in the Administrative Office report were primarily due to promotions, transfers to other departments and retirements. Most of the promotions were in the category of Professional-Administration (six minorities, 27 women). There has been one discrimination complaint filed within the last five years. A goal of the Administrative Office is to ensure the Office maintains its very diverse workforce composition while focusing on internal growth and promotional opportunities.

In response to questions, Mr. Bauman stated that there are 98 full-time positions. Commissioner Kirkland asked about the large number of minorities in the Office-Clerical category. Mr. Bauman stated that the percentages can be attributed to demographics rather than the selection process. Mr. Bauman was asked about the Administrative Office's equal opportunity/nondiscrimination policy. Mr. Medrano confirmed that the Administrative Office has a policy (it was inadvertently omitted from the report). Commissioner DeBerry asked about a promotion (one white male) relative to the composition of the incumbents in the Management II category (66.6 percent minority). Mr. Medrano explained that the report submitted contained the actual workforce of the Administrative Office to include those positions which are exempt from reporting (appointed, division heads, etc), and the actual percentage of minorities in the job group is much lower. Commissioner Schwab stated it was a pleasure to see that the Administrative Office exceeded the goals set forth in the Plan. Chair Ognyanovich asked about contractors and bidders. Mr. Bauman responded that most of the larger contracts are handled through the County's Resource Management Agency. These federal contracts have standards (minority/disadvantage business enterprises) to which the county must adhere. Mr. Medrano also works with Mike Derr, the County Contracts and Purchasing Manager. Mr. Bauman was thanked for his presentation and commended for his commitment to equal opportunity. Mr. Bauman also thanked the Commission for their service to Monterey County.

**5. EQUAL OPPORTUNITY OFFICER'S COMMENTS - DAVID MEDRANO**

- Mr. Medrano stated that Commissioner Rosillo was recently honored by the Board of Supervisors for his many years of service to the Commission and community. Mr. Medrano suggested inviting Commissioner Rosillo's family to the next Commission meeting to accept the resolution from the Board of Supervisors. Mr. Medrano was thanked for ensuring that Commissioner Rosillo was recognized for his many contributions.
- Mr. Medrano stated that Sarah Mawhirter has resigned from the Commission.
- Mr. Medrano reminded Commissioners that parking was available in the visitor's parking lot adjacent to the Government Center as well as in designated slots (Planning Commission) in the employee lot across from the Government Center (corner of Capitol and West Alisal Street).

**6. ANNUAL REPORT**

Mr. Medrano submitted the draft annual report. Chair Ognyanovich asked Commissioners to provide Mr. Medrano with any necessary changes to the report. It was suggested that the changes be given to Mr. Medrano in advance so that the draft report can be approved at the next meeting. Mr. Medrano was thanked for preparing the draft report.

**7. COMMITTEE ASSIGNMENTS**

Chair Ognyanovich encouraged Commissioners, who represented the supervisorial districts to serve on one of the standing committees. Mr. Medrano stated that the standing committees cannot have more than a quorum of the Commissioners as members, which would be no more than six committee members. The members of the Departmental Review of Monterey Plan Compliance standing committee are Chair Ognyanovich (ex officio) Commissioners Addleman, Escobar, and DeBerry. The current members of the County Review of Monterey Plan Compliance are Chair Ognyanovich (ex officio), Commissioners Schwab, Chavarria, DeBerry, Garcia and Lusk. It was clarified that an ex officio member is a nonvoting member. There was discussion regarding an ex officio member causing a committee to have a quorum of the Commissioners. Mr. Medrano stated that because Chair Ognyanovich's presence does not result in a quorum at this time, there is not a problem with respect to committee size.

Chair Ognyanovich asked for other volunteers to serve on the Departmental Review Committee. Commissioner Kirkland responded that she is not interested in serving on a committee at this time; however would be interested in serving on the County Review Committee when a determination regarding the validity of Garza has been provided. Chair Ognyanovich asked if Commissioner Kirkland could obtain input from Supervisor Potter. Commissioner Kirkland declined and expressed concern regarding approaching the Supervisor during the budget period. Commissioner DeBerry stated that the Code of Ethics state that a Commissioner should serve actively on at least one committee. Commissioner Addleman stated that if everyone were to serve on a committee, there could be an issue with respect to a quorum. Commissioner Schwab reminded the Commissioners that at the time the Code of Ethics were established there were three committees. There was a celebration committee which recognized organizations and individuals that promulgated the Commission's mission and role. Commissioner Schwab suggested that rather than limiting the number of Commissioners who can participate on the current committees, additional committees can be activated. Chair Ognyanovich asked that Deputy Counsel Saetta provide an opinion as to whether or not an ex officio member counts toward a quorum.

## **8. REPORT FROM COMMITTEES**

### **A. Departmental Review of Monterey Plan Compliance**

Commissioner Addleman is reviewing dates for a future committee meeting.

### **B. County Review of Monterey Plan Compliance**

Commissioner Schwab stated a meeting was held on June 5. There were three committee members present: Commissioners Schwab, DeBerry, and Garcia. Since the committee lacked a quorum they were unable to elect a chair. The committee did discuss the revisions to the Plan. Commissioner Schwab stated that he discussed the Garza opinion with County Counsel and was informed that there were additional procedural steps that were in need of being taken before an opinion could be provided. Commissioner Schwab stated that he was advised to proceed with the work of the committee under the presumption that the selective certification portion of Garza would remain intact. The committee is on track to begin completing a narrative reversion of chapter 6 of The Plan. Commissioner Schwab hopes to have a draft in the fall.

## **9. RETREAT ITEMS**

### **1. Code of Ethics – Expectations/Implementation Items for Subsequent Meetings:**

#### **A. Attendance – Definitions and Criteria**

Commissioner DeBerry asked if the Commission is abiding by their approved Code of Ethics. Commissioner Schwab suggested that the current Code of Ethics not be modified, but instead reaffirmed. Chair Ognyanovich asked that a copy of the Code of Ethics be provided to all Commissioners. Mr. Medrano discussed the Code of Ethics and how the code does not address how to handle situations when Commissioners fail to abide by the code. Mr. Medrano added that the Code of Ethics is not part of the Commission's bylaws and a Commissioner could not be removed from the Commission for failure to abide by the Code of Ethics. There was discussion as to whether the Code of Ethics should be included in the bylaws. Commissioner Addleman expressed concern with the inclusions. For example, if the bylaws were to state that, based on the Code of Ethics, Commissioners must be members of a standing committee, in the future large numbers in the various committees could be problematic for the standing committee.

**10. ANNOUNCEMENTS AND EVENTS**

Commission Addleman invited the Commissioners to attend the launch of the adult summer reading program at McShane's nursery (6/18/09). The Greenfield Library will be hosting an event this Saturday which focuses on the indigenous Mexican worker. David Bacon, speaker and photo journalist, will be the guest speaker (6/20/09).

**11. FUTURE AGENDA ITEMS**

- Ethics Training, inclusion into the bylaws

**12. DATE AND TIME OF NEXT MEETING**

The next Commission meeting will be held on July 15, 2009.

**13. ADJOURNMENT**

The meeting was adjourned at 5:00 in honor of Commissioner Jose Rosillo.