

**RESOLUTION R16-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA AUTHORIZING THE IMPLEMENTATION OF THE PROCEDURE FOR APPEALS FROM WRITTEN REPRIMANDS BY PUBLIC SAFETY OFFICERS WHO ARE MEMBERS OF THE PALOS VERDES ESTATES POLICE OFFICERS' ASSOCIATION**

**WHEREAS**, the representatives of the City of Palos Verdes Estates (the "City") and the Palos Verdes Estates Police Officers' Association (the "Association") met and informally discussed modifying the City's Personnel Rules with regard to the appeals procedure for written reprimands;

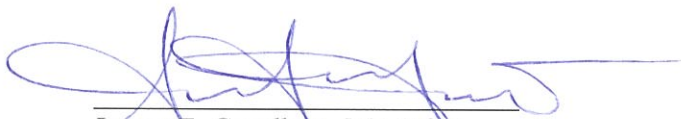
**WHEREAS**, the City and the Association agreed to enter into a Side Letter of Agreement to supplement the City's Personnel Rules, Rule XIV, regarding the appeal procedure for written reprimands; Exhibit A attached and incorporated herein by reference.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES DOES RESOLVE, DECLARE, AND DETERMINE AS FOLLOWS:**

**SECTION 1. CERTIFICATION**

The City Clerk shall certify to the passage and adoption of this resolution.


PASSED, APPROVED, AND ADOPTED on this 9<sup>th</sup> day of February, 2016.



James F. Goodhart, MAYOR

ATTEST:

APPROVED AS TO FORM:

  
Vickie Kroneberger, CITY CLERK  
Christi Hogin, CITY ATTORNEY

**EXHIBIT A**

R16-08

**SIDE LETTER OF AGREEMENT**

**BETWEEN**

**CITY OF PALOS VERDES ESTATES**

**AND**

**THE PALOS VERDES ESTATES POLICE OFFICERS' ASSOCIATION**

This Side Letter of Agreement ("Agreement") between the City of Palos Verdes Estates ("City") and the Palos Verdes Estates Police Officers' Association ("Association") (collectively "Parties") is entered into with respect to the following:

WHEREAS, the Parties have recently met and informally discussed modifying the City's Personnel Rules with regard to written reprimands;

WHEREAS, the Parties agreed to enter into a Side Letter of Agreement to supplement the City's Personnel Rules, Rule XIV, regarding the appeal procedure for written reprimands (see "Attachment A").

It is the understanding of the City and the Association that, pursuant to Rule II of the City's Personnel Rules, this Side Letter of Agreement is of no force or effect whatsoever, unless and until adopted by resolution of the City Council of the City.

**FOR THE CITY OF PALOS VERDES ESTATES**

  
\_\_\_\_\_  
Jeff Kepley, Chief of Police


12/16  
\_\_\_\_\_  
Date

**FOR THE PALOS VERDES POLICE OFFICERS' ASSOCIATION**

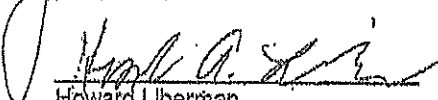
  
\_\_\_\_\_  
Charles Reed, President of Association

12-17-15  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
J. Scott Tiedemann

12.23.15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Howard Liberman

12/21/15  
\_\_\_\_\_  
Date

## Resolution R16-08

### **ADMINISTRATIVE APPEAL PROCEDURE FOR WRITTEN REPRIMANDS**

The following administrative appeal process is established pursuant to Government Code § 3304.5 and shall only apply to written reprimands. It shall supplement, though not replace, the disciplinary appeal process established pursuant to the City of Palos Verdes Estates Municipal Code (“Municipal Code”) and the City of Palos Verdes Estates Personnel Rules (“Personnel Rules”) regarding Corrective and Disciplinary Action.

#### **1. Right to Administrative Appeal**

- A. Any public safety officer as defined by Government Code § 3301, who receives a written reprimand is entitled to an administrative appeal pursuant to this procedure. An officer shall not be entitled to appeal a written reprimand prior to its imposition.
- B. Officers subjected to other types of punitive actions shall continue to be entitled to an appeal in accordance with existing procedures set forth in the Personnel Rules.
- C. An officer who appeals a written reprimand under this procedure shall bear his/her own costs associated with the appeal hearing, including but not limited to any and all attorney fees.
- D. If an officer is both the subject of a disciplinary action for which the officer is entitled to receive an appeal under the Personnel Rules and a written reprimand which would entitle the officer to an appeal under this procedure, the officer shall be entitled to appeal the disciplinary action pursuant to the Personnel Rules, but shall only be entitled to appeal the written reprimand pursuant to this procedure unless the officer and the City agree to process the appeal of the written reprimand in combination with the appeal from disciplinary action under the Personnel Rules.

#### **2. Notice of Appeal**

- A. Within ten (10) calendar days of receipt by an officer of notification of a written reprimand, the officer shall notify the Police Chief in writing of the officer’s intent to appeal the written reprimand.
- B. The notice of appeal shall specify the action being appealed and the substantive and procedural grounds for the appeal.

#### **3. Meeting with Police Chief**

- A. The Police Chief, or his/her designee, shall schedule a meeting with the appealing officer within twenty-one (21) calendar days of the issuance of the written reprimand. The meeting shall not be conducted as an evidentiary hearing, but rather

shall provide an informal opportunity for the appealing officer to discuss the reprimand. The Police Chief, or his/her designee, may adopt, modify, or reject the written reprimand.

- B. The Police Chief, or his/her designee, shall inform the officer in writing within ten (10) calendar days of the meeting of his/her decision.

#### **4. Meeting with City Manager**

- A. If the officer wishes to appeal the decision by the Police Chief, or his or her designee, the officer must notify the City Manager within ten (10) calendar days of the Police Chief's decision.

The City Manager shall schedule a meeting with the appealing officer within twenty-one (21) calendar days of the Police Chief, or his/her designee's decision to review the decision. The meeting shall not be conducted as an evidentiary hearing, but rather shall provide an informal opportunity for the appealing officer to discuss the reprimand. The City Manager may adopt, modify, or reject the decision. The City Manager's decision shall be final and binding. The City Manager must inform the officer in writing within ten (10) calendar days of his/her decision.

#### **5. Written Response**

If the officer does not appeal the reprimand, or if the written reprimand is upheld following an appeal, the officer shall have the right to submit a written response within thirty (30) days of receipt of the issuance of the reprimand, or the final decision, whichever is later. The officer's response will be attached to the written reprimand in the officer's personnel file.

#### **6. Representation**

The officer may be represented by a representative of his or her choice at each of the meetings described herein. All costs associated with such representation shall be borne by the officer.

The Department shall also be entitled to representation at all stages of the proceedings.

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

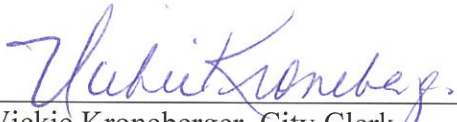
I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R16-08** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 9th day of February, 2016, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, King, Peterson, Rea, Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None

  
\_\_\_\_\_  
Vickie Kroneberger, City Clerk